

Development Review Committee

Staff Report

November 16, 2016



Case No:	16DEVPLAN1169
Request:	Revised Detailed District Development Plan
Project Name:	ALDI #39
Location:	4301 Bardstwon Road
Owner:	ALDI (INDIANA) L.P.
Applicant:	Adam Kastl, ALDI Inc. Greenwood Division
Representative:	John Campbell, Heritage Engineering, LLC
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 3,287 square foot expansion on an existing 15,150 square foot grocery store, located along Bardstown Road, near the intersection of Bardstown Road and Fegenbush Lane. The site has existing sidewalks along Bardstown Road and a pedestrian connection along the northwestern access from Bardstown Road. Vehicular connections to adjacent sites already exist through shared access. The addition will be at the front of the building and reduce the parking by 4 spaces. The applicant is also proposing relocation of ADA spaces and 8 new spaces within the existing parking lot. The proposal meets the requirements for parking.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Grocery	C-1/OR-1	SMC
Proposed	Grocery	C-1/OR-1	SMC
<i>Surrounding Properties</i>			
North	Office Condos	OR-1	SMC
South	Restaurant/Single Family Residential	C-1/R-4	SMC/N
East	Office	OR-1	SMC
West	Office Condos	OR-1/C-1	SMC

PREVIOUS CASES ON SITE

9-69-00: Change in zoning from OR-1, Office Residential, to C-1, Commercial and Detailed District Development Plan to allow a proposed grocery store (Approved November 2, 2000 by Planning Commission).

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: LOJIC has not identified any natural resources on site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided with an existing 5' walk along Bardstown Road and a pedestrian connection from the existing sidewalk to the entrance of the building. There is an existing shared access from Bardstown Road on both the north and south sides of the development.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There is no open space requirement with this proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall land use and building design are compatible with the existing and future development of the area. This area is an established commercial corridor with nearby housing and the expansion of this existing commercial use continues to be compatible with surrounding development.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan as it is improving an already needed service for this area.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for approving of the RDDDP established in the Land Development Code.

ACTIONS

- **APPROVE or DENY** the revised detailed district development plan

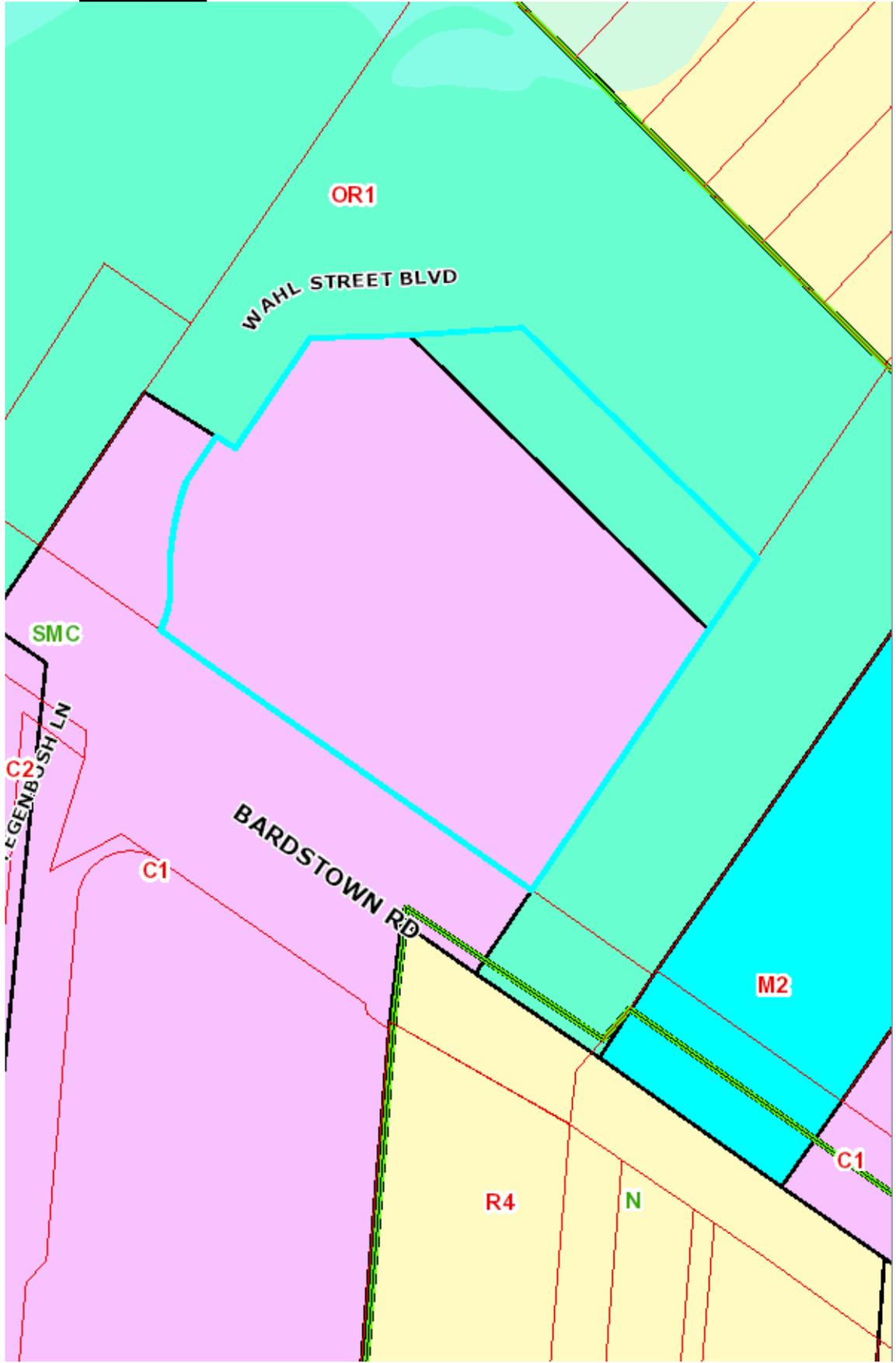
NOTIFICATION

Date	Purpose of Notice	Recipients
11/2/2016	Public Meeting – DRC	Neighborhood notification recipients
11/4/2016	Public Meeting – DRC	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Amended Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 15,150 square feet of gross floor area for the grocery and 3,288 square feet of space for the office.
3. The only permitted freestanding sign shall be a monument style sign located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 30 feet to front property line. The sign shall not exceed 100 square feet in area per side and 10 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible offsite.
7. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
10. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
11. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding

elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

12. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 2, 2000 Planning Commission meeting.

4. Proposed Amended Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission ~~and to the City of Middletown~~ for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed ~~15,150~~ **18,437** square feet of gross floor area. ~~for the grocery and 3,288 square feet of space for the office.~~
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from ~~the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~ **Develop Louisville and the Metropolitan Sewer District.**
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12~~ **Chapter 10** prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. If a building permit is not issued within ~~one year~~ **two years** of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~November 2, 2000 Planning Commission~~ **November 16, 2016 Development Reivew Committee** meeting.