

Development Review Committee

Staff Report

January 8, 2020



Case No:	19-DDP-0061
Project Name:	Dollar General Store
Location:	7701 Smyrna Parkway
Owner(s):	Kennie and Patricia Combs
Applicant:	SC Development LLC
Jurisdiction:	Louisville Metro
Council District:	23-James Peden
Case Manager:	Julia Williams, AICP, Planning Supervisor

REQUEST(S)

- Waivers:
 1. 5.5.2.A.1 to permit the building to have an entrance along 1 roadway instead of a corner entrance or entrances along both roadways (19-WAIVER-0110)
 2. Waiver from 10.3.5 to permit encroachments into the Outer Loop and Smyrna Parkway buffers as shown on the development plan (19-WAIVER-0079)
 3. Parking Waiver from 9.1.3 to reduce the required parking from 21 spaces to 20 (19-PARKWAIVER-0008)
- Revised Detailed District Development plan

CASE SUMMARY/BACKGROUND

The proposal is for a 9,100 SF retail store at the corner of Outer Loop and Smyrna Parkway. 20 parking spaces are proposed. The site was previously used as a gas station and convenient store. The existing access to the site from Smyrna Parkway will remain.

9-6-86- Change in zoning from R-4 to C-1.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

TECHNICAL REVIEW

Plan 2040
Land Development Code

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (Building Entrances)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since there will be windows on the Smyrna façade and it will look similar to the front façade along Outer Loop.

- (b) The waiver will not violate specific guidelines of Plan 2040.

STAFF: 2040 Community Form Goal 1, Policy 4 encourages new development and redevelopment be compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. The proposal meets the comprehensive plan since there will be windows on the Smyrna façade and it will look similar to the front façade along Outer Loop.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there will be windows on the Smyrna façade and it will look similar to the front façade along Outer Loop.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since there will be windows on the Smyrna façade and it will look similar to the front façade along Outer Loop.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (Parkway Buffer)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the screening and plantings requirements will still be met within the buffers.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: 2040 Community Form Goal 1, Policy 12 encourages the design of parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. Mobility Goal 2, Policy 9

Develop, preserve, and maintain an interconnected system of scenic corridors and parkways. Encourage the preservation of important cultural resources, landscapes and scenic vistas in the design, maintenance and development of major thoroughfares and parkways. The proposal meets Plan 2040 since the screening and plantings requirements will still be met within the buffers.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the screening and plantings requirements will still be met within the buffers.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the screening and plantings requirements will still be met within the buffers.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING REDUCTION WAIVER

- (a) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: 2040 Community Form Goal 1, Policy 12 encourages parking, loading and delivery to be adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians; encourages elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 15 Parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The proposal meets Plan 2040 since the request is to further reduce parking on the site from the minimum required.

- (b) The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

STAFF: The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions since there are other waivers affecting the site but the site is also providing all landscape requirements. The reduction is for one space.

- (c) The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

STAFF: The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use because the proposal has indicated that there is not a need for more than 20 spaces.

- (d) Adjacent or nearby properties will not be adversely affected; and

STAFF: Adjacent or nearby properties will not be adversely affected because all parking will be available on the site.

- (e) The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use; and

STAFF: The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use because the proposal has indicated that there is not a need for more than 20 spaces.

- (f) That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand;

STAFF: There is a surplus of off-street parking in the area that can accommodate additional parking demand if necessary, however the applicant has indicated there will not be a need.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO BINDING ELEMENTS

- 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: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject 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, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current 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 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.

- 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 site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- 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 conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waivers**
- **APPROVED** or **DENY** the **Revised Detailed District Development Plan**

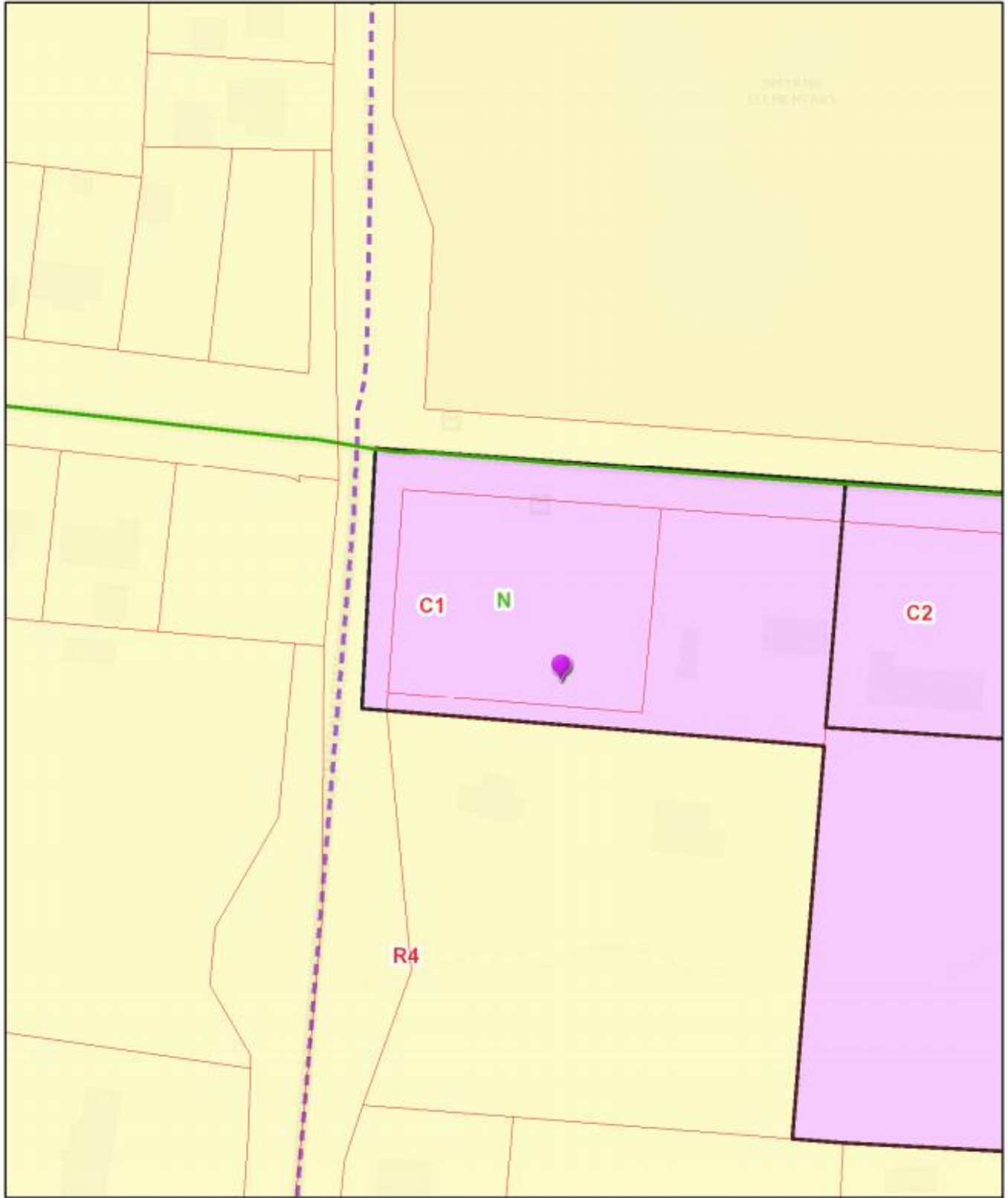
NOTIFICATION

Date	Purpose of Notice	Recipients
12/23/19	Hearing before DRC on 1/8/20	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 23.

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements (9-6-86)

- ~~1. The development will be in accordance with the approved district development plan. No further development will occur.~~
- ~~2. The development shall not exceed 5,765 square feet of gross floor area. (Food Mart 4,125 square feet and proposed building 1,640 square feet).~~
- ~~3. There shall be no access from Tract 1 to Outer Loop.~~
- ~~4. Before a building permit is issued:
 - ~~a. The development plan must be reapproved by the Jefferson county Department of Public Works and Transportation and the Metropolitan Sewer District.~~
 - ~~b. A six foot western red cedar fence shall be erected along the south boundary of the site from a point 30 feet east of Smyrna Road for a distance of 338 feet. The fence shall be erected before occupancy and maintained thereafter.~~
 - ~~c. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
 - ~~d. A minor subdivision plat will be recorded dedicating additional right-of-way to Smyrna Road to provide a total of 35 feet from the centerline. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.~~
 - ~~e. The developer must obtain approval of a landscape plan pursuant to Article 12. Such plan shall be implemented prior to occupancy and maintained thereafter.~~~~
- ~~5. The only permitted signs shall be located as shown on the approved district development plan. The free standing sign shall not exceed 64 square feet in area and 20 feet in height.~~
- ~~6. If a building permit is not issued within one year or 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.~~
- ~~7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure of land for the proposed use, and all binding elements must be implemented prior to requesting issuance of the certificate.~~
- ~~8. The above binding elements may be amended as provided for in the Zoning District Regulations.~~

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. A six foot western red cedar fence shall be erected along the south boundary of the site from a point 30 feet east of Smyrna Road for a distance of 338 feet. The fence shall be erected before occupancy and maintained thereafter.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 8, 2020 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.
8. No idling of trucks shall take place within 200 feet of residential development. No overnight idling of trucks shall be permitted on-site.
9. The property owner shall provide a cross over access easement if the property to the south is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.