

DOCKET NO. 18ZONE1010
CHANGE IN ZONING FROM C-1 TO C-2
TO ALLOW A NEW CAR SALES AUTO
DEALERSHIP ON THE FORMER
KROGER'S GROCERY STORE SITE AT
5244 DIXIE HIGHWAY



1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Building elevations
7. Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan
8. Proposed findings of fact pertaining to compliance with the Comprehensive Plan

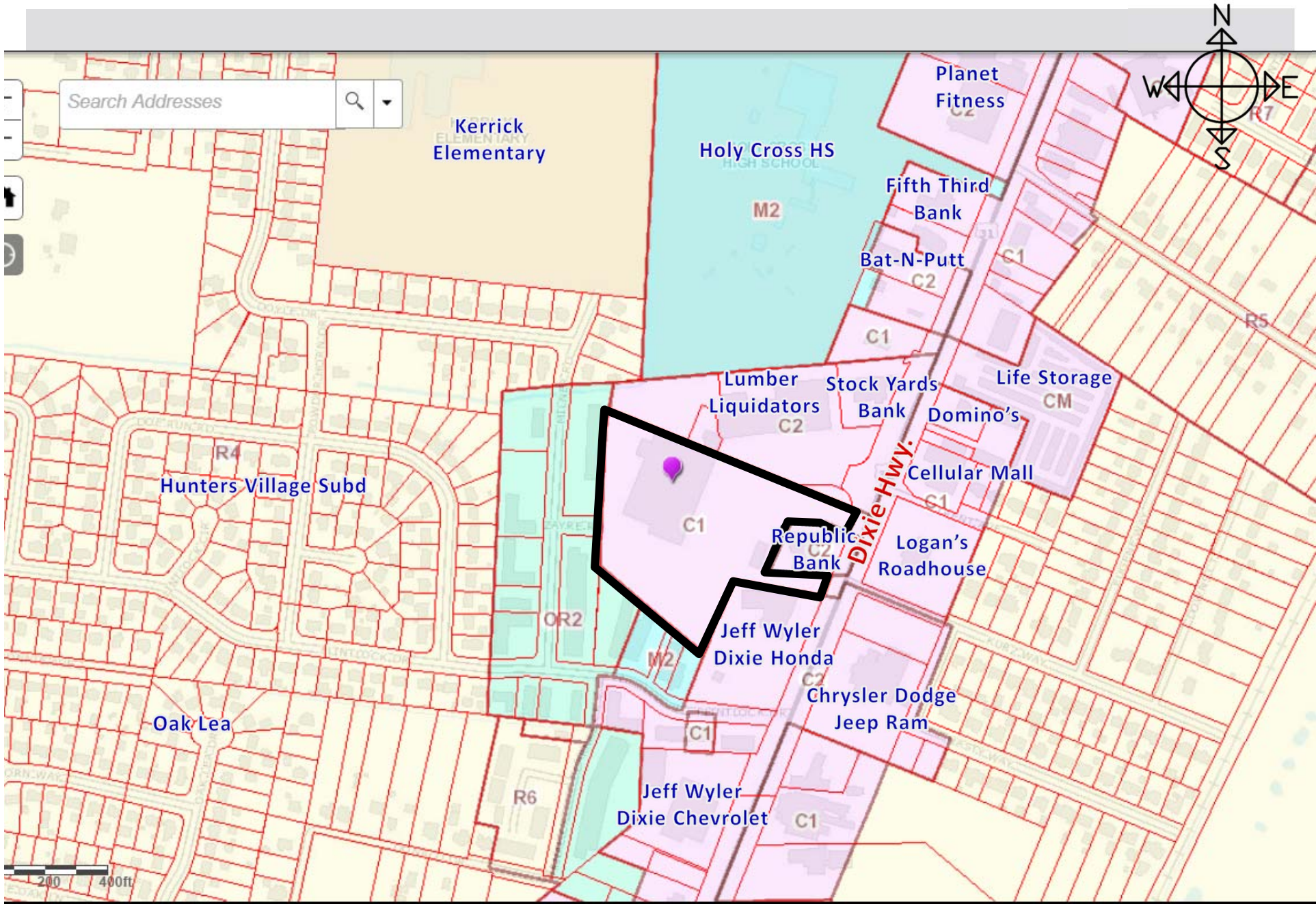
Attorneys:
Bardenwerper,
Talbot & Roberts,
PLLC

Land Planners,
Landscape
Architects and
Engineers:
McGill Smith
Punshon, Inc.

Architect:
Mark Dierkers
Architecture

TAB 1

LOJIC ZONING MAP



TAB 2

AERIAL PHOTOGRAPH OF THE SITE AND SURROUNDING AREA



Search Addresses



Holy Cross HS

Dixie Hwy.

Stock Yards Bank

Life Storage

Lumber Liquidators

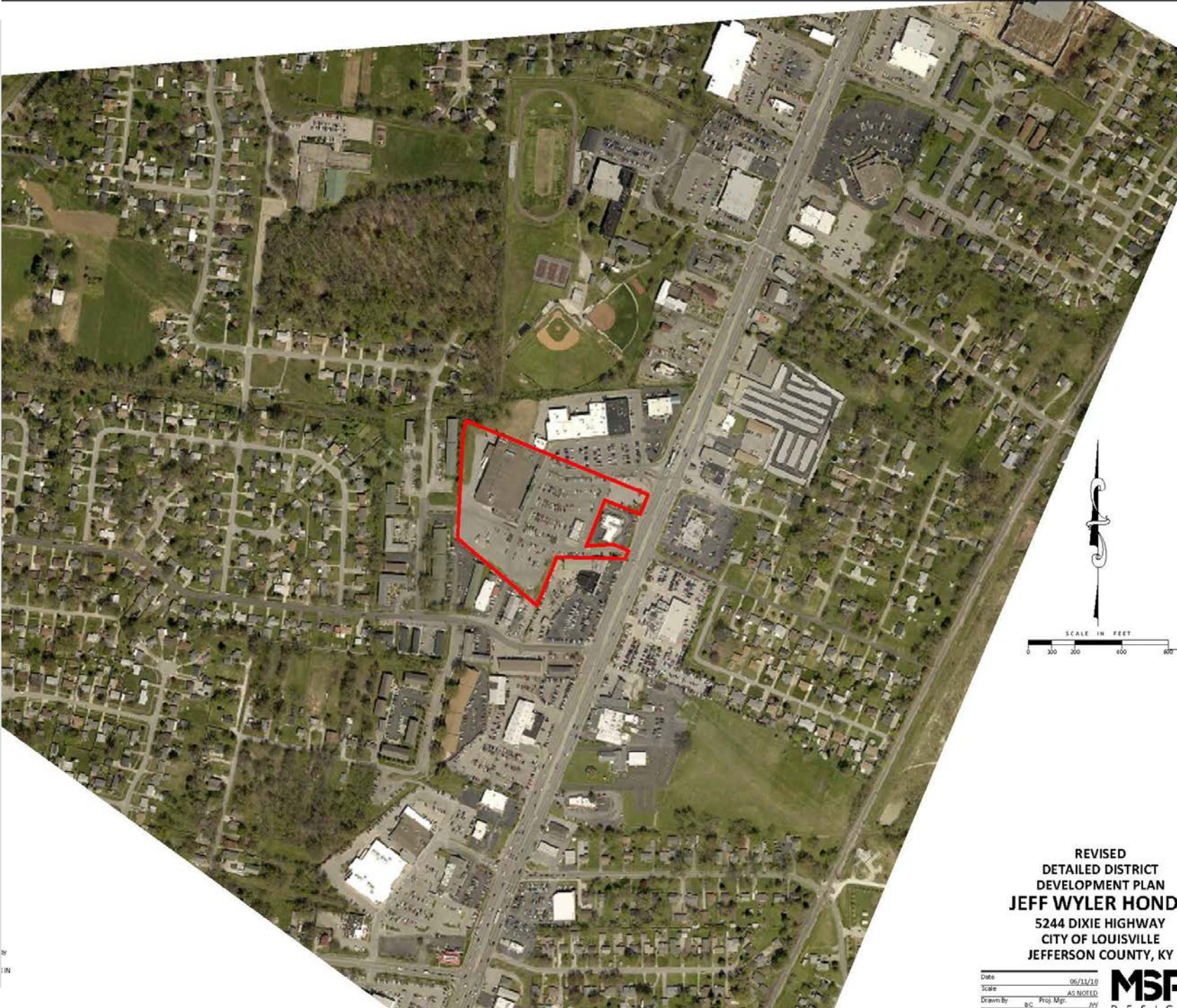
Logan's Roadhouse

Jeff Wyler Dixie Honda

Chrysler Dodge Jeep Ram

Jeff Wyler Dixie Chevrolet





SCALE IN FEET
0 300 600 900

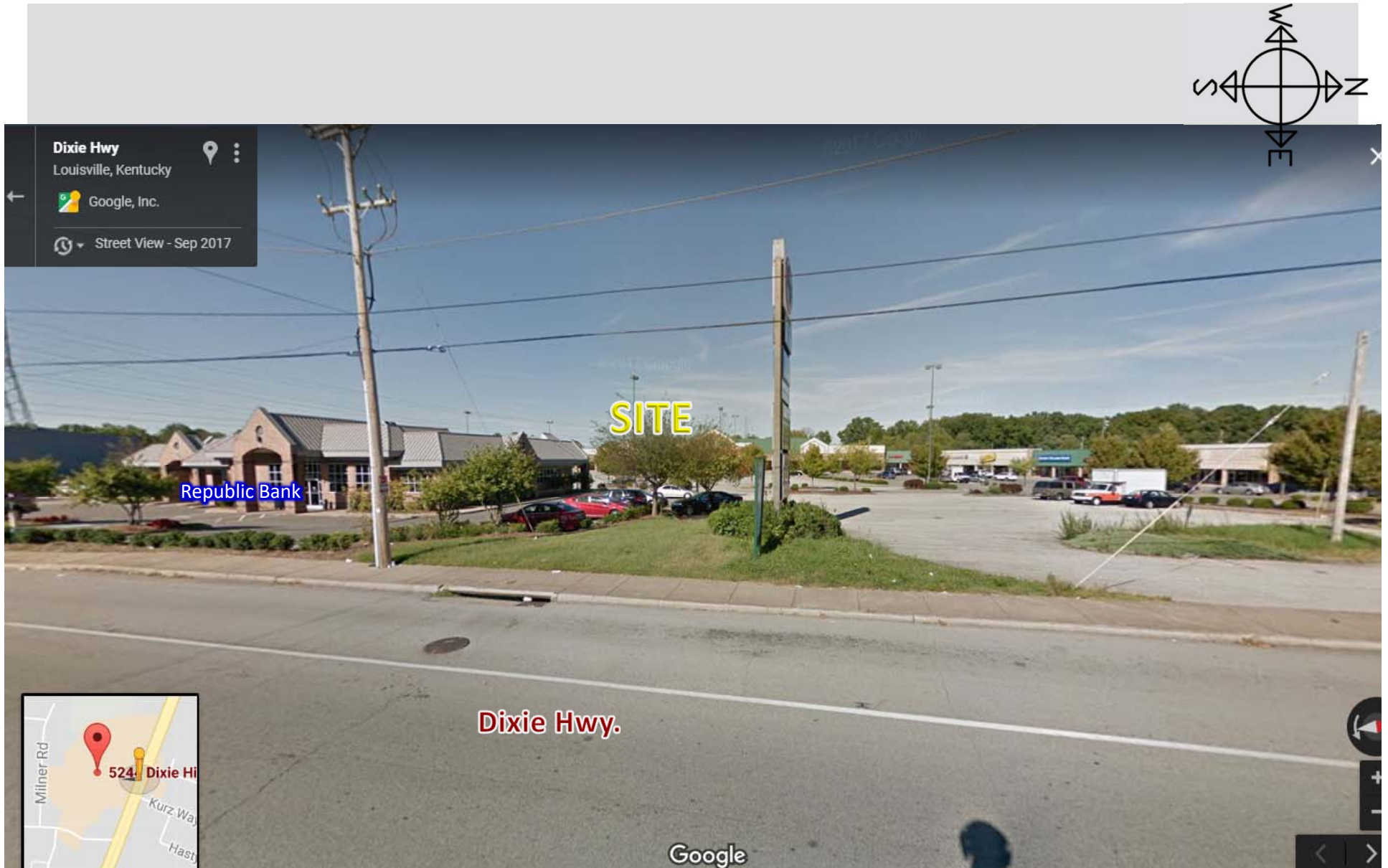
REVISED
DETAILED DISTRICT
DEVELOPMENT PLAN
JEFF WYLER HOND
5244 DIXIE HIGHWAY
CITY OF LOUISVILLE
JEFFERSON COUNTY, KY

Date: 06/11/10
Scale: AS NOTED
Drawn by: bc, Proj Mgr: jvj

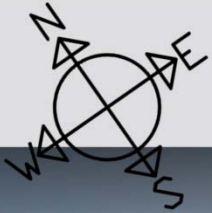


TAB 3

GROUND LEVEL PHOTOGRAPHS OF THE SITE AND SURROUNDING AREA



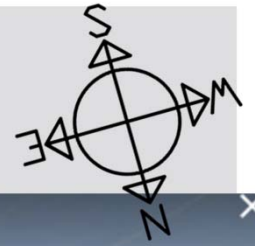
View of existing Republic Bank with former Kroger in rear.



US-60
Louisville, Kentucky
Google, Inc.
Street View - Sep 2017



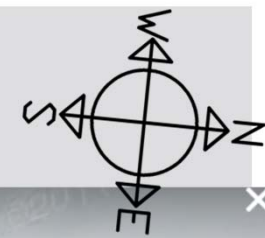
Looking northeast down Dixie Hwy. at existing car dealerships just south of site.



5220 Dixie Hwy
Louisville, Kentucky
Google, Inc.
Street View - Sep 2017



Looking southwest down Dixie Hwy. just north of site.



Trent Ave
Louisville, Kentucky
Google, Inc.
Street View - Jan 2017



Looking west at site.

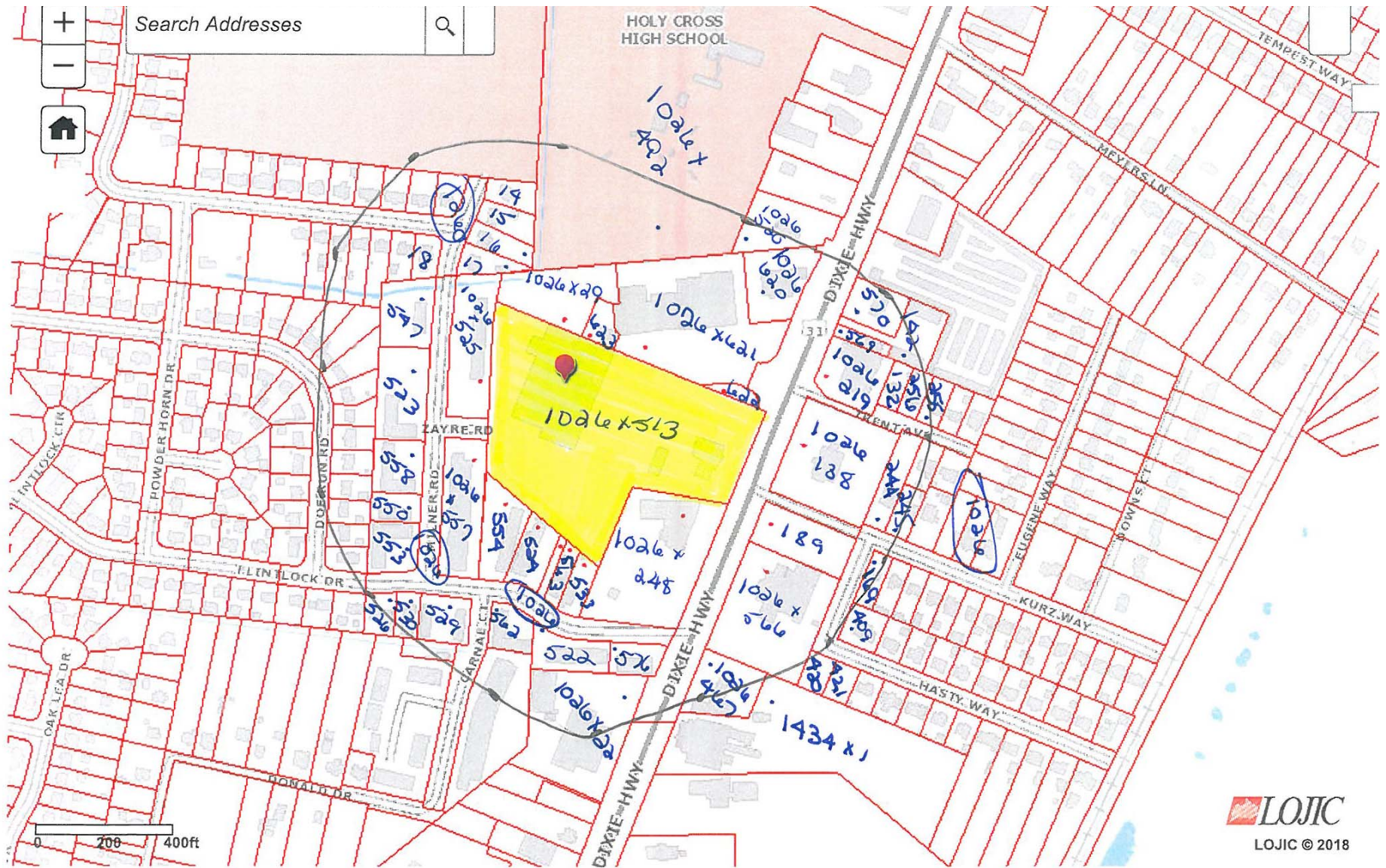


View of existing former Kroger building.

TAB 4

NEIGHBORHOOD MEETING NOTICE LIST
MAP, LETTER TO NEIGHBORS INVITING
THEM TO THE MEETING AND SUMMARY
OF MEETING

Adjoining property owner notice list map wherein 47 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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Nicholas R. Pregliasco
Direct dial: 426-0388, ext. 139
Email: NRP@BARDLAW.NET

February 5, 2018

RE: Proposed change in zoning from C-1 to C-2 to allow an auto dealership on the former Kroger's grocery store property located at 5244 Dixie Highway

Dear Neighbor,

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning plan to allow an auto dealership on the property with the address set forth above. The existing building will remain and there will be no changes to the parking lot. This project consists only of a remodel of the existing building and a change of use to an automobile dealership.

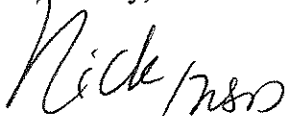
Accordingly, we will soon file a plan for pre-application review with the Division of Planning and Design Services (DPDS) that will be assigned a case manager and case number. We will provide the name of the case manager and the case number at the neighbor meeting.

In that regard, a meeting will be held on **Monday, February 19th at 7:00 p.m. at Hillview Baptist Church in the Fellowship Hall** located at **5319 Dixie Highway**.

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688.

We look forward to seeing you.

Sincerely,



Nicholas R. Pregliasco

Cc: Hon. Rick Blackwell, Louisville Metro Councilman, District 12
Brian Davis, Planning Manager, Louisville Metro Planning & Design Services
Brian McNair & Paul Rini, applicant, Jeff Wyler Automotive Family
Jim Watson, engineer, McGill Smith Punshon
Mark Dierkers, architect

Neighborhood Meeting Summary

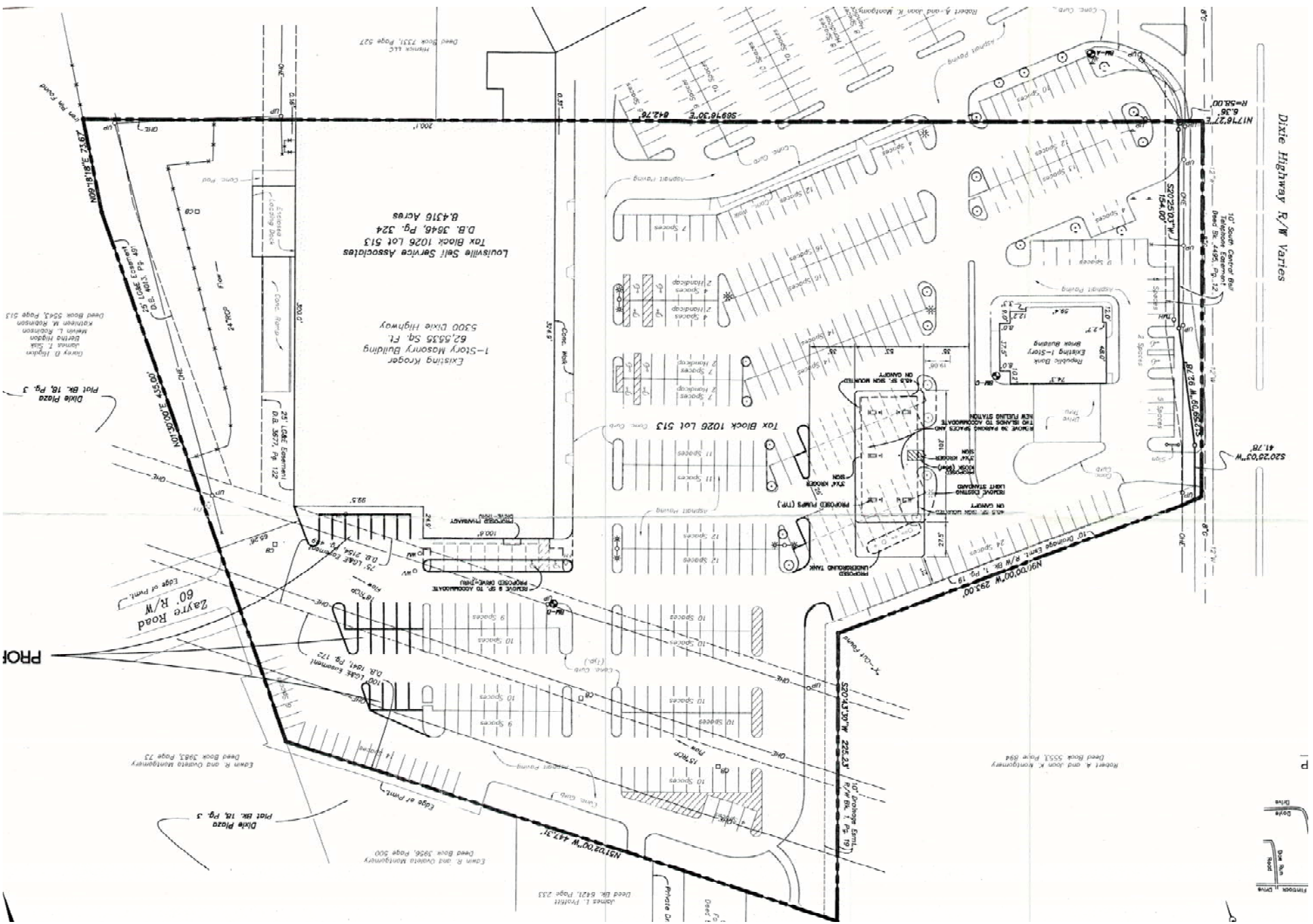
A neighborhood meeting was held on Monday, February 19th at 7:00 p.m. at Hillview Baptist Church located at 5319 Dixie Highway. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney with Bardenwerper Talbott & Roberts, and multiple client representatives.

Mr. Pregliasco presented a powerpoint presentation of the proposal, showing current site photographs, the current development plan, and the proposed new development plan to change the existing Kroger building and existing parking lot into a new auto dealership. Pregliasco explained that virtually no changes will be made to the site with the exception of striping of additional parking in the rear. The building will remain with its existing footprint and just be renovated. The elevations of the proposed new auto dealership were shown as well. Pregliasco explained that the existing entrances to the property will not change.

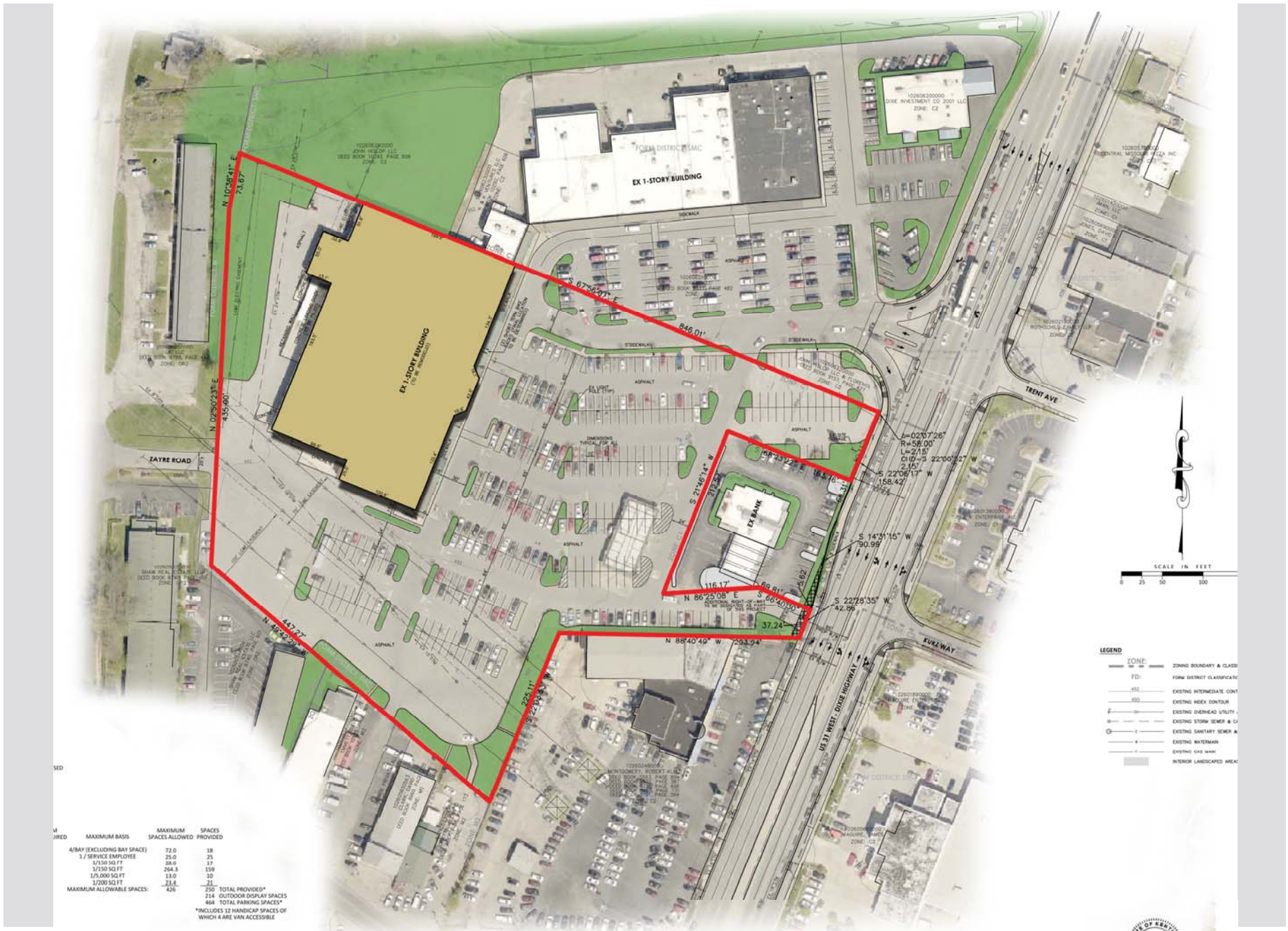
There were four persons in attendance, who mostly were just interested in the proposal. Most of the questions centered around the new dealership, which is proposed for a new Honda dealership, and that of the other Jeff Wyler dealerships in the area. One of the concerns raised was the current vacant parking lot is used as a cut through and people speed through the vacant parking lot. Pregliasco explained that once the lot was full of new cars for sale, this property will no longer be an attractive cut through and would keep from cars driving fast. Most of the other concerns related to the graffiti and vandalism of the vacant Kroger building with people breaking into the building etc. Pregliasco and the client representatives explained the very large amount of money being invested into the property and that would no longer be an issue, particularly because of additional security personnel, etc.

TAB 5

DEVELOPMENT PLAN



Approved development plan under docket no. 9-43-01



MAXIMUM BASIS	MAXIMUM SPACES ALLOWED	SPACES PROVIDED
4/BAY (EXCLUDING BAY SPACE)	72.0	18
1 / SERVICE EMPLOYEE	25.0	25
1/150 SQ FT	28.0	17
1/150 SQ FT	364.5	159
1/10,000 SQ FT	13.0	10
1/700 SQ FT	23.8	21
MAXIMUM ALLOWABLE SPACES:	426	

250 TOTAL PROVIDED*
 214 OUTDOOR DISPLAY SPACES
 464 TOTAL PARKING SPACES*
 *INCLUDES 32 HANDICAP SPACES OF WHICH 4 ARE VAN ACCESSIBLE

Proposed development plan

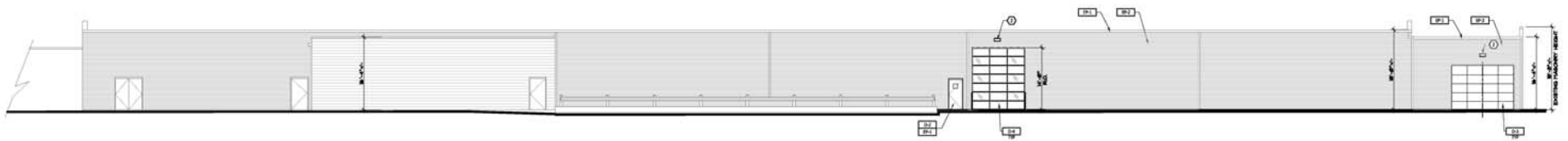
TAB 6

BUILDING ELEVATIONS



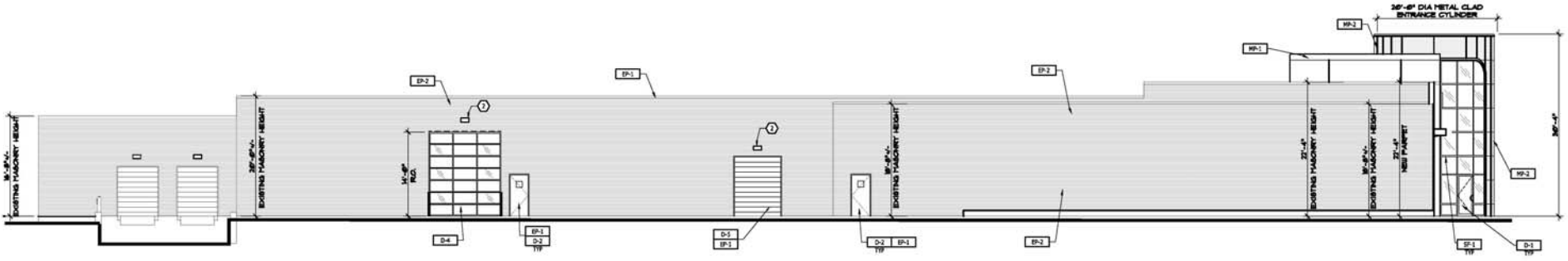
NEW FRONT ELEVATION
SCALE: 3/32" = 1'-0"

(East side)



NEW REAR SIDE ELEVATION
SCALE: 3/32" = 1'-0"

(West side)



NEW LEFT SIDE ELEVATION

SCALE: 3/32" = 1'-0"

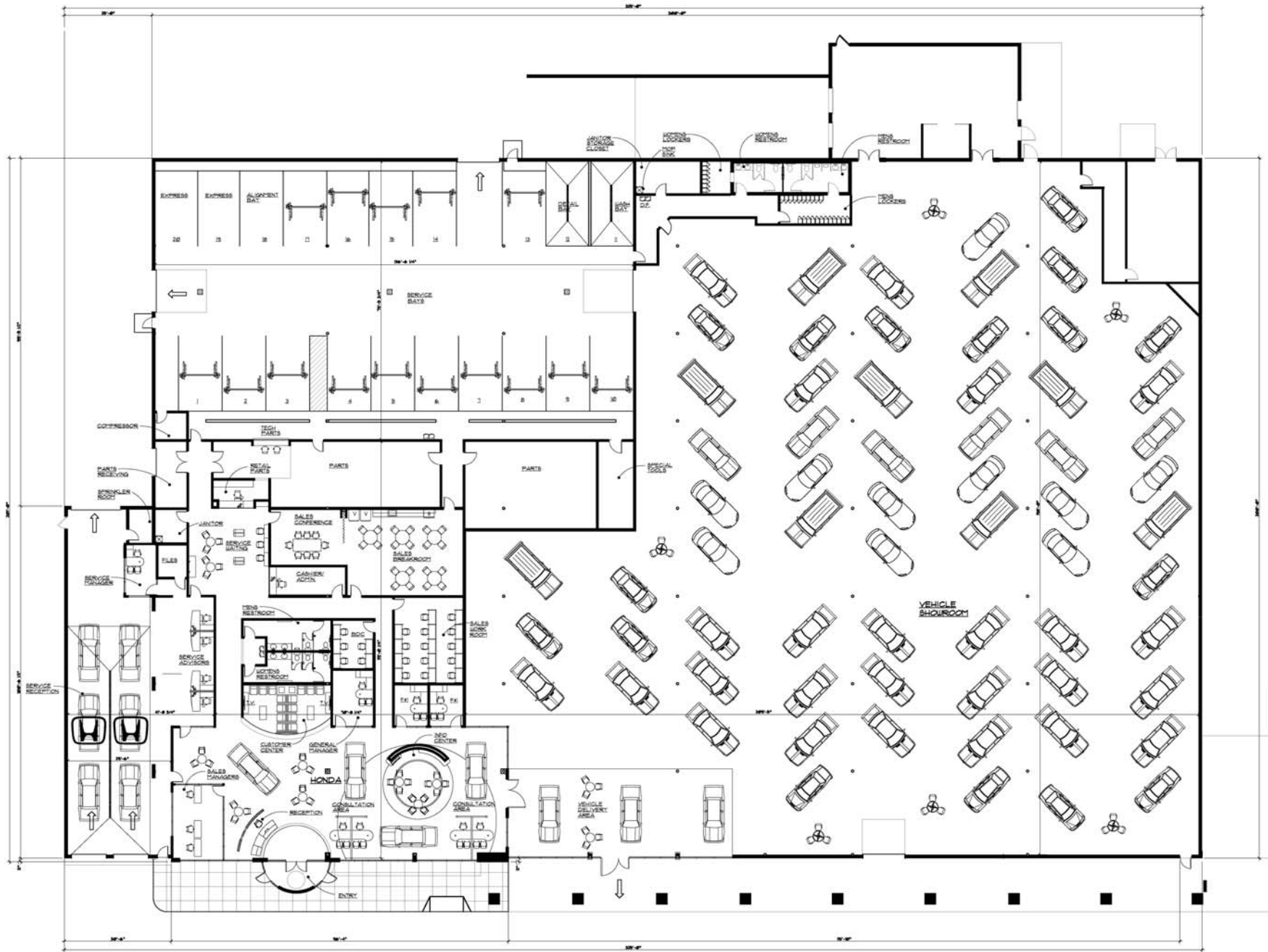
(South side)



NEW RIGHT SIDE ELEVATION

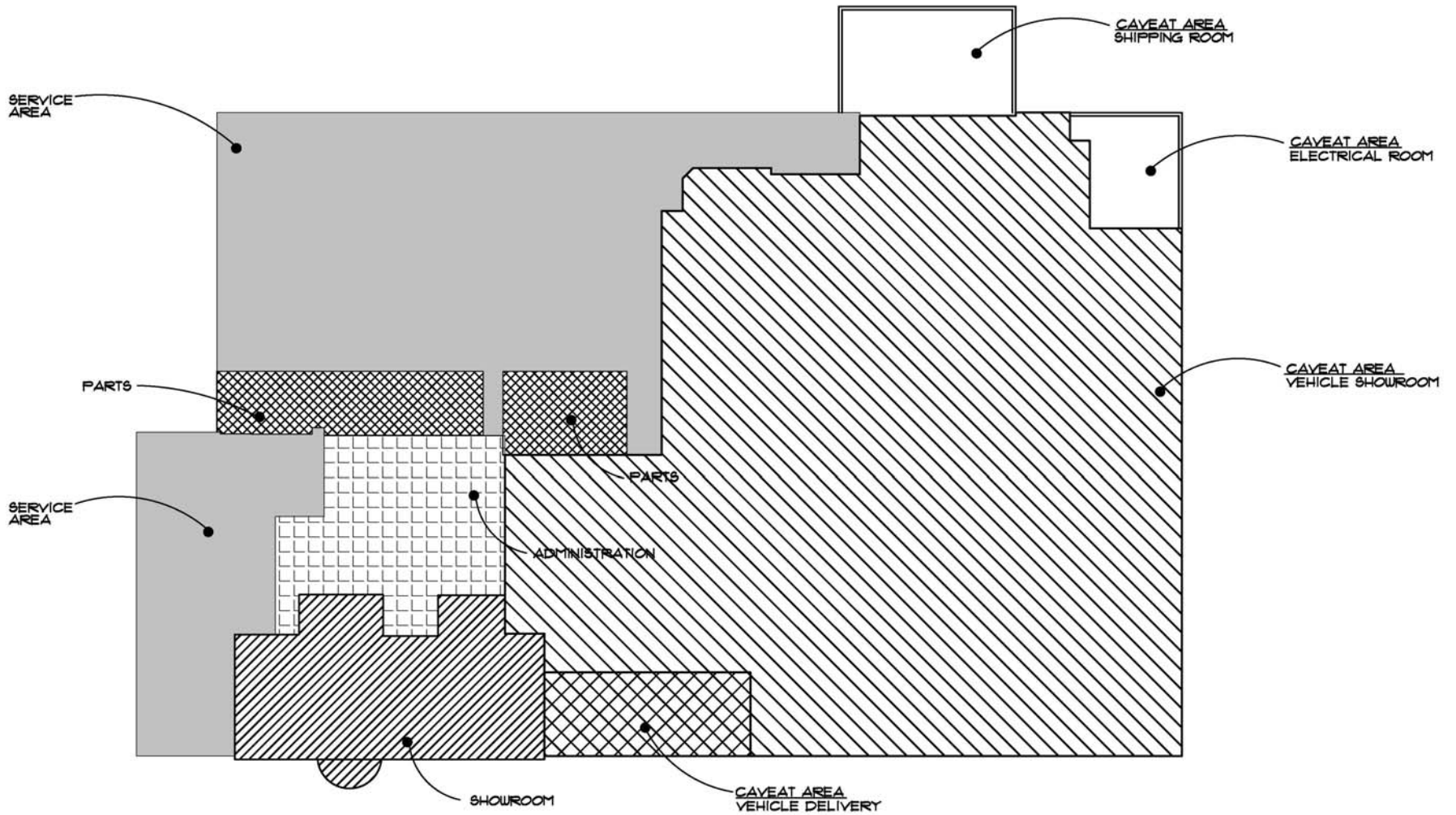
SCALE: 3/32" = 1'-0"

(North side)



FIRST FLOOR PLAN

SCALE: 3/32" = 1'-0"



FIRST FLOOR KEY PLAN

SCALE:

1" = 20'-0"

TAB 7

STATEMENT OF COMPLIANCE FILED WITH
THE ORIGINAL ZONE CHANGE
APPLICATION WITH ALL APPLICABLE
GUIDELINES AND POLICIES OF THE
CORNERSTONE 2020 COMPREHENSIVE
PLAN

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: DWSB Louisville, LLC

Location: 5244 Dixie Highway

Proposed Use: Automotive Dealership

Engineers, Land Planners and
Landscape Architects: McGill Smith Pushon

Request: Change in Zoning from C-1 to C-2

INTRODUCTION

This rezoning involves repurposing the existing vacant former Kroger store to allow a Jeff Wyler new car auto dealership. The applicant is proposing to remodel the interior of the existing 64,845 sf building to include 14 service bays, with indoor display and sales areas.

GUIDELINE 1 – COMMUNITY FORM

The proposed automobile dealership on this site is appropriate because Suburban Marketplace “often contain a single large-scale use or a cluster of uses within a master plan development.” Also, Suburban Marketplace is a form characterized by predominantly industrial and office uses, meaning not entirely. Given that there are several nearby car dealerships, together they represent a large-scale use, and they are large employers requiring significant sized properties such as available at this abandoned and no longer viable large box retail use as a Kroger store.

GUIDELINE 2: CENTERS

The proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 11, 13, 14, 15, and 16 of Guideline 2. This is because this site is next to an adjacent already properly zoned retail site next to a previously utilized Kroger retail center. This proposal for a new car dealership with very extensive investment in the dilapidated building involves an efficient use of land similarly used next door and an investment in existing infrastructure. Car buyers already visiting the existing nearby new car auto dealerships will have travel times and distances reduced when shopping for another similar brand next door. Since this change of use from a Kroger retail center to a new auto dealership, with the adjoining retail businesses does not involve an isolated commercial use expansion. Rather this proposal is an adaptive reuse of an existing large box retail building for which there is no demand, just like the other many vacant large box retail uses that end up being divided up for fitness centers and other uses. The activity center established by the new Honda dealership and other commercial facilities nearby is a

revitalization of the existing activity center and not the creation of a new activity center. The addition of another automobile dealership enhances the mix of commercial uses already existing at this location. Existing utilities will be utilized. Almost no changes are being made to the previously approved DDDP further reduces impacts.

GUIDELINE 3: COMPATIBILITY

The proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 21, 22, 23, 24, 28 and 29 of Guideline 3. This is because the proposed new automobile dealership replacing the existing vacant large box Kroger retail center is a compatible use in an area of large employment activities and other automobile dealerships reducing vehicle miles traveled. The proposed dealership building will include a very substantial renovation of the existing vacant Kroger building with almost no changes to the building or parking areas, reducing almost all potential impacts. The new Honda building will be highly attractive and a vast improvement for the area. High quality building materials will be used. Odors and air quality emissions, traffic, noise, lighting and visual impacts are addressed by virtue of the fact there are almost no changes proposed to the existing site as shown on the DDDP and thus very low impact to the adjoining retail or residential uses. The accompanying DDDP and concept landscape plan on the colored-up site plan shown at the neighborhood meeting illustrates the appropriate setbacks with good screening and buffering with no waivers or variances requested. Lighting will be addressed and be fully Land Development Code compliant.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

The proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, and 6 of Guideline 6. This is because this site is no longer viable as a large box retail center, as demonstrated by the time it has been vacant, and one of very few that has significant available land at a high-traffic location to accommodate a new car dealership in an already existing activity center. This reduces costs of land development and further promotes an existing employment center with good access to a support population that will visit this new proposed auto dealership.

GUIDELINES 7, 8 AND 9 – CIRCULATION; TRANSPORTATION FACILITY DESIGN; AND BICYCLE, PEDESTRIAN AND TRANSIT

The proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, 4, 10, 11, 13, 14, 15 and 18 of Guideline 7, Policies 1, 3, 5, 6, 7, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9. This is because Dixie Highway has adequate traffic-carrying capacity for business growth, and a car dealership generates significantly less traffic than the prior Kroger retail center, particularly during peak hours, thus less customers than many retail uses of similar acreage. Since roads systems are adequate, the issues to address, as addressed on the DDDP accompanying this application involve the issues of parking adequacy, alternative transportation modes, and whether internal traffic movements, internal parking arrangements and access from Dixie Highway as well as between adjoining sites are appropriately designed. The DDDP accompanying this application satisfies all of the design requirements of Metro Public Works and Transportation planning which are inherent in all three of these Guidelines. The DDDP will receive the preliminary stamp of approval from these

agencies prior to public review. Almost no changes are proposed from the previously approved DDDP with no waivers or variances requested.

GUIDELINES 10, 11 AND 12 – FLOODING AND STORMWATER; WATER QUALITY; AND AIR QUALITY

The proposed automobile dealership complies with all of the applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10, Policies 3 and 5 of Guideline 11 and Policies 1, 4, 7, 8 and 9 of Guideline 12. This is because MSD requires that post development peak rates of runoff do not exceed pre-development conditions and that adjacent properties are not adversely affected by the subject site's new and through drainage from storm water run-off. MSD's preliminary stamp of approval will be required on the DDDP prior to public review. MSD has also established soil erosion and sediment control as well as water quality standards which must be met with this development's construction plans. As to all of the Policies associated with air quality, they are always addressed when commuting times and distances are reduced when new activities congregate as here in an existing activity center. Because almost no changes to the currently approved DDDP and site layout are proposed, very few of these issues will be applicable.

GUIDELINE 13 – LANDSCAPE CHARACTER

The proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5 and 7 of Guideline 13. This is because, as the concept landscape plan produced at the neighborhood meeting and accompanying this application demonstrate, and as will be included in the eventual landscape plan filed with DPDS post zoning approval, this site will comply with LDC landscape requirements.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

TAB 8

PROPOSED FINDINGS OF FACT PERTAINING
TO COMPLIANCE WITH THE
COMPREHENSIVE PLAN

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: DWSB Louisville, LLC

Location: 5244 Dixie Highway

Proposed Use: Automotive Dealership

Engineers, Land Planners and
Landscape Architects: McGill Smith Pushon

Request: Change in Zoning from C-1 to C-2

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on July 5, 2018 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, this rezoning involves repurposing the existing vacant former Kroger store building to allow a Jeff Wyler new car auto dealership; and the applicant is proposing to remodel the interior of the existing 64,845 sf building to include 20 service bays, with indoor display and sales areas; and

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the proposed automobile dealership on this site is appropriate because Suburban Marketplace “often contain a single large-scale use or a cluster of uses within a master plan development”; also, Suburban Marketplace is a form characterized by predominantly industrial and office uses, meaning not entirely; and given that there are several nearby car dealerships, together they represent a large-scale use, and they are large employers requiring significant sized properties such as available at this abandoned and no longer viable large box retail use as a Kroger store; and

GUIDELINE 2: CENTERS

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 11, 13, 14, 15, and 16 of Guideline 2 because this site is next to an adjacent already properly zoned retail site next to a previously utilized Kroger retail center; this proposal for a new car dealership with very extensive investment in the dilapidated building

involves an efficient use of land similarly used next door to the south and an investment in existing infrastructure; car buyers already visiting the existing nearby new car auto dealerships will have travel times and distances reduced when shopping for another similar brand next door; since this change of use from a Kroger retail center to a new auto dealership, with the adjoining retail businesses does not involve an isolated commercial use expansion; rather this proposal is an adaptive reuse of an existing large box retail building for which there is and have been, no demand, just like the other many vacant large box retail uses that end up being divided up for fitness centers and other uses; the activity center established by the new Honda dealership and other commercial facilities nearby is a revitalization of the existing activity center and not the creation of a new activity center; the addition of another automobile dealership enhances the mix of commercial uses already existing at this location; existing utilities will be utilized; and almost no changes are being made to the previously approved DDDP further reduces impacts; and

GUIDELINE 3: COMPATIBILITY

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 21, 22, 23, 24, 28 and 29 of Guideline 3 because the proposed new automobile dealership replacing the existing vacant large box Kroger retail center is a compatible use in an area of large employment activities and other automobile dealerships reducing vehicle miles traveled; the proposed dealership building will include a very substantial renovation of the existing vacant Kroger building with almost no changes to the building or parking areas, reducing almost all potential impacts; the new Honda building will be highly attractive and a vast improvement for the area; high quality building materials will be used; odors and air quality emissions, traffic, noise, lighting and visual impacts are addressed by virtue of the fact there are almost no changes proposed to the existing site as shown on the DDDP and thus very low impact to the adjoining retail or residential uses; the accompanying DDDP and concept landscape plan on the colored-up site plan shown at the neighborhood meeting illustrates the appropriate setbacks with good screening and buffering with no waivers or variances requested; and lighting will be addressed and be fully Land Development Code compliant; and

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, and 6 of Guideline 6 because this site is no longer viable as a large box retail center, as demonstrated by the time it has been vacant, and one of very few that has significant available land at a high-traffic location to accommodate a new car dealership in an already existing activity center; this reduces costs of land development and further promotes an existing employment center with good access to a support population that will visit this new proposed auto dealership; and

GUIDELINES 7, 8 AND 9 – CIRCULATION; TRANSPORTATION FACILITY DESIGN; AND BICYCLE, PEDESTRIAN AND TRANSIT

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, 4, 10, 11, 13, 14, 15 and 18 of Guideline 7, Policies 1, 3, 5, 6, 7, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 because Dixie Highway has adequate traffic-carrying capacity for business growth, and a car dealership generates significantly less traffic than the prior Kroger retail center, particularly during peak hours, thus less customers than many retail uses of similar acreage; since roads systems are adequate, the issues to address, as

addressed on the DDDP accompanying this application involve the issues of parking adequacy, alternative transportation modes, and whether internal traffic movements, internal parking arrangements and access from Dixie Highway as well as between adjoining sites are appropriately designed; the DDDP accompanying this application satisfies all of the design requirements of Metro Public Works and Transportation planning which are inherent in all three of these Guidelines; the DDDP received the preliminary stamp of approval from these agencies prior to public review; and almost no changes are proposed from the previously approved DDDP with no waivers or variances requested; and

GUIDELINES 10, 11 AND 12 – FLOODING AND STORMWATER; WATER QUALITY; AND AIR QUALITY

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10, Policies 3 and 5 of Guideline 11 and Policies 1, 4, 7, 8 and 9 of Guideline 12 because MSD requires that post development peak rates of runoff do not exceed pre-development conditions and that adjacent properties are not adversely affected by the subject site's new and through drainage from storm water run-off; the proposed DDDP received MSD's preliminary stamp of approval prior to public review; MSD has also established soil erosion and sediment control as well as water quality standards which must be met with this development's construction plans; as to all of the Policies associated with air quality, they are always addressed when commuting times and distances are reduced when new activities congregate as here in an existing activity center; and because almost no changes to the currently approved DDDP and site layout are proposed, very few of these issues will be applicable; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5 and 7 of Guideline 13 because, as the concept landscape plan produced at the neighborhood meeting and accompanying this application demonstrate, and as will be included in the eventual landscape plan filed with DPDS post zoning approval, this site will comply with LDC landscape requirements; and

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from C-1 to C-2 and approves the Detailed District Development Plan.