

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

**01:33:45**

Request: Change in Zoning from R-4 to C-1 on 2.5 acres and Detailed District Development Plan for a 14,780 square foot Neighborhood Market

Project Name: Crossroads IGA

Location: 8001 Smyrna Parkway

Owner: Highview Fire Protection District

Applicant: Houchens Industries, Inc.

Representative: Bardenwerper, Talbott and Roberts PLLC  
Bill Bardenwerper  
1000 North Hurstbourne Parkway  
Louisville, Ky. 40223

Arnold Consulting Engineering Services, Inc.  
Brian Shirley  
1136 South Park Drive  
Bowling Green, Ky. 42103

Jurisdiction: Louisville Metro

Council District: 23 – James Peden

**Case Manager: Brian Davis, AICP, Planning Manager**

**Presented by: Julia Williams, RLA, AICP, Planning Supervisor**

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

01:35:34 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Bill Bardenwerper, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

Diane Zimmerman, 9420 Bunsen Parkway, #225, Louisville, Ky. 40220  
Brian Shirley, 1136 South Park Drive, Bowling Green, Ky. 42103

**Summary of testimony of those in favor:**

01:42:49 Mr. Bardenwerper said there is no waiver request; however traffic is a major concern. The traffic analysis shows a signal light is needed at Applegate.

Mr. Bardenwerper read his proposed binding element into the record.

1:51:27 Ms. Zimmerman explained the traffic study. If the applicant builds the development and doesn't put in a traffic light, the delay on Applegate would be 213 seconds.

01:53:27 Mr. Shirley explained how the drainage will flow on site. There will be no impact on adjacent properties. Also, there will be a drive-through window.

**Deliberation**

01:57:00 Planning Commission deliberation.

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Zoning Change from R-4 to C-1**

On a motion by Commissioner Lewis, seconded by Commissioner Tomes, the following resolution was adopted.

**WHEREAS**, The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas; and

**WHEREAS**, The Neighborhood Form will contain diverse housing types in order to provide housing choices for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs,

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing; and

**WHEREAS**, The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit; and

**WHEREAS**, the Louisville Metro Planning Commission finds, neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposal to rezone the subject site from R-4 to C-1 would create a higher intensity commercially zoned site in an area of low intensity residential zoning along this portion of the Smyrna Parkway corridor. The Neighborhood form district encourages predominantly residential uses with a variety of density and contemplates office, commercial and civic uses that complement the surrounding residential. The site is an existing residentially zoned property (though not residentially used) that would be expanding a higher intensity non-residential zoning district into the larger residential portion of this corridor.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 15ZONE1065, a change in zoning from R-4 to C-1 based on the staff report, the applicant's finding of facts and the testimony heard today.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson and Tomes**  
**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Smith and Turner**

**Development Plan and Binding Elements**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

On a motion by Commissioner Lewis, seconded by Commissioner Peterson, the following resolution was adopted.

**WHEREAS**, There are no existing natural resources, scenic views or historic items on the site. The applicant is proposing to plant new trees on the site that will provide a 35% tree canopy percentage, which is greater than the 20% required by the Land Development Code; and

**WHEREAS**, The applicant proposes to install a traffic signal at the northern intersection of Smyrna Parkway and Applegate Lane to help with traffic movement in the area. There is also a proposal to provide sidewalks along Smyrna Parkway and the applicant has agreed to a binding element to provide a pedestrian connection to the R-5A zoned property to the east if/when it develops; and

**WHEREAS**, There are no open space requirements with the current proposal; and

**WHEREAS**, 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; and

**WHEREAS**, the Louisville Metro Planning Commission finds, The overall site design and land uses are compatible with the existing and future development of the area; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 15ZONE1065, the Detailed District Development Plan and associated binding elements based on the staff report, applicant's justification and the testimony heard today, **SUBJECT** to the following Binding Elements:

**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

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall not exceed 14,790 square feet of gross floor area.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3 feet 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, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening, buffering and 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.
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,

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 4, 2016 Planning Commission public hearing.
9. Applicant agrees to coordinate a pedestrian connection to the residential development to the east at such time the property is developed.
10. Applicant agrees to provide a connection to the firehouse property to the south upon redevelopment into a non-residential use.
11. Funding for the design and installation of a traffic signal and right turn lane (eastbound) shall be provided by the Owner/Developer at the Applegate Lane and Smyrna Parkway intersection. Traffic Signal installation shall be performed by Louisville Metro. Construction plans for the traffic signal and right turn lane, a bond and encroachment permit from Transportation Planning will be required prior to construction approval for the site. The traffic signal installation and right turn lane construction shall be completed before the issuance of the certificate of occupancy. Additional intersection improvements may be required after construction plan review by Transportation Planning, Traffic Engineering and Metro Public Works.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson and Tomes**  
**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Smith and Turner**