

Planning Commission
Staff Report
May 21, 2020



Case No:	20-DDP-0010
Project Name:	Houchens Industries
Location:	7941 Smyrna Parkway
Owner(s):	Tim Rich, Jr. Food Stores, Inc.
Applicant:	Tim Rich, Jr. Food Stores, Inc.
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **District Development Plan**

CASE SUMMARY/BACKGROUND

The subject site is zoned C-1 Commercial, with a small sliver of R-4 Residential on the south property line which appears to be a mapping error. It is located on the east side of Smyrna Parkway, across from the Applegate Lane terminus and south of Oak Village Drive. It is located in the Highview neighborhood.

The applicant is proposing to construct a 10,526 square foot grocery store with a fuel station and a drive-thru restaurant. There is no change from the previously approved plan, 17DEVPLAN1134, which has expired.

Previous cases:

- 15ZONE1065: Change in zoning from R-4 Residential Single Family to C-1 Commercial
- 17DEVPLAN1134: Revised Detailed District Development Plan

STAFF FINDINGS

The district development plan is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this proposal.

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 has 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. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- (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 **Revised Development Plan**

NOTIFICATION

Date	Purpose of Notice	Recipients
5-21-2020	Hearing before Planning Commission	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**



7941 SMYRNA PARKWAY

feet



240

Map Created: 5/12/2020



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2. Aerial Photograph



7941 SMYRNA PARKWAY

feet



200

Map Created: 5/12/2020



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3. Existing 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. The development shall not exceed 10,526 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, 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 this 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.

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.

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- 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.
- d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 21, 2020 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

4. 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.

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