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## Detailed Statement of Compliance With the Applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan (Revised October 11, 2013)

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**Property Owner:** Miller Investments Inc.  
**Applicant:** Miller Investments Inc.  
**Location:** 2535-2551 W. Market St. Louisville, KY 40212  
**Engineer:** Prism Engineering & Design Group, LLC.  
**Proposed Use:** Commercial- Department/Discount Store (Family Dollar)  
**Requests:** Rezoning required from OR-2 to C-1 for a portion of the planned development area;  
Lot Consolidation; LDC Waivers

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### Introductory Statement

Miller Investments Inc., proposes to develop seven parcels of land situated contiguously on the south side of Pirtle Alley at the northeast corner of the intersection of W. Market St. and S. 26<sup>th</sup> St., and being located in the Portland Neighborhood of Louisville. Intent of development is a commercial facility for Family Dollar Stores, Inc. ("Family Dollar"). Family Dollar is a discount department store retailer, operating over 8,000 store locations across the country and has numerous stores in the Louisville/Southern Indiana area.

Family Dollar requires their facility and supporting parking areas to be designed to maximize customer safety and convenience. The typical hours of operation (8:00 am – 9 or 10:00 pm) and the proposed parking and building location will have minimal impact on the adjacent properties.

The three westernmost parcels of the planned development area are zoned C-1, Commercial, while the remaining parcels are zoned OR-2, Office/Residential. Rezoning of the four easternmost parcels from OR-2 to C-1 is proposed, and Consolidation of the seven parcels is proposed.

### Guideline 1- Community Form

The seven parcels involved in the planned development area are located at the western end of a Traditional Marketplace Corridor Form District (TMCDFD) being approximately one block wide and centered on W. Market St. from 18<sup>th</sup> to 26<sup>th</sup>, and primarily bounded by Pirtle Alley on the north and Congress St. on the south. In accordance with the Portland Neighborhood Plan (February 28<sup>th</sup>, 2008), the intersection of W. Market St. and S. 26<sup>th</sup> St. was identified as a gateway to the neighborhood. It is recommended though, that any streetscape improvements to be performed in the street rights-of-way be provided in conjunction with a separate Metro Public Works project that produces a consistent theme for the desired enhancement.

This TMCDFD abuts a Traditional Neighborhood Form District along a portion of the north edge of the planned development therefore, the development area is at the edge of a Form District and subject to Form District Transition Zone requirements. The Form District boundary line is presumed to be the centerline of Pirtle Alley which has a 20' minimum right-of-way.

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Although the north edge (i.e. Pirtle Alley south right-of-way line) of the seven parcels that comprise the development area do not create a consistent right-of-way width for Pirtle Alley, Louisville Metro Public Works have verified that a consistent width for Pirtle Alley right-of-way is not to be provided during the lot Consolidation process, and that a license agreement will have to be entered into if the property user plans to use the excess right-of-way area for typical daily or weekly services, such as delivery (loading/unloading) and trash collection (dumpsters). At this time, the Applicant anticipates that all typical delivery and trash collection services will take place within the boundaries of the property.

The TMCFD is characterized by older, pedestrian-scale development along major roadways adjacent to traditional neighborhoods. The corridors typically contain a wide variety of land uses (retail, restaurants, office, institutional and residential) that range from low to medium intensity.

### **Guideline 2- Centers**

A Family Dollar retail store is a permitted use in the C-1 Commercial zoning district and is an appropriate/functional use at this location, as it offers a wide variety of staple goods used by all age groups of the general public. The TMCFD in which it is located, is a key travel corridor for the existing adjacent residential and other commercial lots, connecting directly with the downtown workplace. Being located at the edge of a neighborhood district, the Family Dollar facility encourages vitality of the area, bringing investment into the neighborhood and this improves the overall quality of place.

### **Guideline 3- Compatibility**

The TMCFD is typically identified with the buildings often being narrow, closely spaced or attached, and built out to or near the street with display windows and wide sidewalks in front, and having parking provided on the street or in parking lots located at the rear of the lots. The planned development area is comprised of an existing commercial use building on the westernmost parcel (on the corner) which is built out to the sidewalk on both abutting streets, five vacant parcels, and an existing vacant residential-use structure on the easternmost parcel.

The Family Dollar project requires removing all existing structures, with the exception of the Cavalier Building at the northeast corner of the intersection of W. Market Street and S. 26<sup>th</sup> Street. Placement of the proposed building is planned to be at the W. Market Street right of way. The new building and site improvements will give a fresh, clean look to these primarily unused commercial tracts. Additionally, an 8' high screen fence is to be installed along the common property line with the OR-2 zoned lot located adjacent to and east of the project, in order to shield on-site activities that will occur between the building and the street.

In conjunction with the Rezoning of the four easternmost parcels as previously mentioned, two LDC waivers are requested relative to (1) exterior façade treatment along W. Market Street and (2) placement of a freestanding sign along W. Market Street. Allowing these waiver requests will not adversely affect adjacent owners, or the public health, safety and welfare, and will allow a reasonable use of the property.

The exterior treatment of the front of the building (W. Market St.) is brick construction and windows to ceiling height, with a brick parapet above. The parapet wall is extended higher in the front area

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of the building, with attached signage and a brick cornice provided along the entire building face for continuity with the existing Cavalier Building. Exterior treatment of the side and rear walls is brick construction along the east and west sides of the building and painted CMU construction along the north side of the building facing Pirtle Alley. Service doors are located in the Pirtle Alley wall (north wall) and the east wall facing the proposed parking area. A LDC waiver is requested for the façade treatment of the building wall facing W. Market St. and is based on providing safety and security for Family Dollar employees and customers inside the building, as well as accommodating the required floor layout and interior fixtures. The roof system is metal panel, with appropriate slopes to drain.

Building signage and site lighting will be provided in accordance with applicable LDC regulations. However, freestanding signage is proposed along W. Market Street at the southeast corner of the property, which requires an LDC waiver for placement of the sign in this location. Installation of the freestanding sign as proposed will not adversely affect adjacent property owners, but it will promote visibility of the site entrance, improving safety among vehicles and pedestrians.

#### **Guideline 4- Open Space**

An open space area dedicated for community use is not to be provided due to insufficient area to do so, as well as to avoid encouraging congregation of non-customers on the property. The proposed on-site vehicular use areas (drive aisles and parking spaces) are required to have perimeter landscaping buffer areas and interior landscape areas. The installation of landscaping features along the perimeter of the property and at the internal areas on site, will provide a more overall open feel for the property.

#### **Guideline 5- Natural Area and Scenic and Historic Resources**

On January 16<sup>th</sup>, 2013, the Louisville Metro Historic Landmarks and Preservation Districts Commission conducted a public hearing regarding the existing Cavalier Building at the northeast corner of the intersection of W. Market Street and N. 26<sup>th</sup> Street. The Commission voted in support of designating the Cavalier Building located at 2551 W. Market St. as a local landmark. As a result, the Cavalier Building will remain and the proposed construction will occur on the east side of the existing building.

No development problems are anticipated in regards to soil type or steep slopes.

#### **Guideline 6- Economic Growth and Sustainability**

Family Dollar's new building and site improvements will give a fresh, clean look to the planned development area, while sufficiently shielding the adjacent OR-2 zoned lot from commercial activities. Being a permitted use in the C-1 Commercial zoning district it is an appropriate/functional use at this location, as it offers a wide variety of staple goods used by all age groups of the general public encouraging vitality of the area, bringing investment into the neighborhood and thereby improving the overall quality of place.

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**Guideline 7 & 8- Circulation & Transportation Facility Design**

The planned development area is situated at the end of the TMCFD with a TARC bus stop located along the W. Market St. curb line in front of the building, and is at a very convenient location for people to visit throughout the day. Route 15 operates past the site every 15 minutes from 6:30 am to 11:30 pm. Direct, ADA compliant connections from the street sidewalks to the front door of the building will be provided for pedestrian and bicycle oriented customers. Existing on-street parking (along S. 26<sup>th</sup> St. curb line) is available and on-site parking spaces will be provided for vehicular traffic. Access to the 2-way drive aisles serving the on-site parking areas will be from drive entrances located on W. Market St. and S. 26<sup>th</sup> St. via Pirtle Alley; both of which have 2-way traffic flow.

An existing site entrance (ie curb cut) along W. Market St. is to be modified and to be ADA compliant. The existing connection to Pirtle Alley is to be modified in conjunction with modifying the existing entrance located along S. 26<sup>th</sup> St., to produce a wider entrance area adjacent to Pirtle Alley's existing pavement. The improvements adjacent to Pirtle Alley are required in order to accommodate delivery truck turning radius requirements.

The size of the proposed Family Dollar facility (8,320 sf) with the proposed on-site parking spaces, is not a substantial traffic generator and has irregular peak hour occurrences so it does not impact peak hour traffic movement on the adjacent minor arterial street significantly.

Product delivery to the facility occurs every 2-3 days and loading/unloading operations, as well as weekly dumpster service, will take place at the rear of the building within the property alongside the north end of the building. This is the appropriate location for these activities as they will be out of sight of the general public and will not create vehicular flow problems for traffic movement on-site or in Pirtle Alley.

**Guideline 9- Bicycle, Pedestrian and Transit**

The planned development area is located in the TMCFD, containing a wide variety of land uses (retail, restaurants, office, institutional and residential) and located along major roadways adjacent to traditional neighborhoods. Family Dollar offers a wide range of goods and is frequented by all age groups. Both W. Market St. and S. 26<sup>th</sup> St. are key travel corridors for the existing adjacent residential, bringing all modes of transportation through the commercial lots in the TMCFD.

As mentioned, the proposed development is situated at the western end of the TMCFD and consequently located at the edge of a neighborhood district. An existing TARC bus stop is located along the W. Market St. curb line in front of the building, and direct, (ADA compliant) connections from the street sidewalks to the front door of the building will be provided for pedestrian traffic. A bicycle rack will be provided at the sidewalk at the front of the building, to accommodate bicycle oriented customers.

**Guideline 10- Flooding and Stormwater**

A portion of the planned development area is subject to flooding due to back up of the existing combined sanitary and storm drainage sewer system during the 100 year storm event. The building finished floor will be set an elevation at least 1'-0" above the flooding elevation as established by Metropolitan Sewer District (MSD).

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MSD has indicated that even though five of the seven parcels involved with the planned development area are vacant tracts, post developed run-off from the proposed improvements will be limited to existing fully developed rates. Storm water run-off will enter the existing MSD combined sewer system in accordance with MSD regulations and connection requirements.

**Guideline 12- Air Quality**

It is not expected that the Family Dollar facility and/or the associated parking area will have any adverse impacts on the air quality. Mitigation measures for dust control will be provided during construction though, to prevent fugitive particulate emissions from reaching roads and neighboring properties.

**Guideline 14- Infrastructure**

There are no improvements required for the public roadways for the Family Dollar project. Modification of existing site entrances, as indicated prior, is required. Any sidewalk/streetscape enhancement to existing features located in the street rights-of-way that may be requested by the Portland Neighborhood or other agency, is recommended to be performed by a separate project. There is an adequate water supply at the planned development area, for both domestic use and fire protection purposes.

The existing combined sanitary and storm drainage sewer system located in the street rights-of-way adjacent to the property, as well as the Morris Forman Water Quality Treatment Center, have sufficient capacity for handling the anticipated sanitary sewer discharge.

**Summary Statement**

For all the above reasons and others identified on the Detailed District Development Plan submitted with this application, including conditions of approval that may need to be addressed with neighbors and presented by the time of Planning Commission review, this application complies with all relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

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