

# Land Development & Transportation Committee

## Staff Report

May 14, 2015



|                                  |                                          |
|----------------------------------|------------------------------------------|
| <b>Case No:</b>                  | 15Waiver1012                             |
| <b>Project Name:</b>             | Holiday Manor Kroger Expansion           |
| <b>Location:</b>                 | 2219 Holiday Manor Center                |
| <b>Owner(s):</b>                 | Mark Blieden, Holiday Manor Association  |
| <b>Applicant:</b>                | Danny Lethco, Kroger Company             |
| <b>Representative(s):</b>        | John Campbell, Heritage Engineering, LLC |
| <b>Existing Zoning District:</b> | C-1                                      |
| <b>Existing Form District:</b>   | Town Center                              |
| <b>Jurisdiction:</b>             | City of Northfield                       |
| <b>Council District:</b>         | 7 – Angela Leet                          |
| <b>Case Manager:</b>             | Sherie' Long, Landscape Architect        |

### REQUEST

Waiver from Chapter 5 and 6, Section 5.8.1.B and Table 6.2.1, to not provide the required sidewalks along a portion of the Brownsboro Road frontage.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property, zoned C-1 in the Town Center Form District, is located on the north side of Brownsboro Road in the Holiday Manor shopping center. Brownsboro Road is a designed Parkway however; the percentage of site improvements does not require the applicant to provide the Parkway Buffer Area or plantings. The applicant, Kroger, is proposing a complete store remodel with a total expansion of 14,760 square feet, for the relocation of the pharmacy and drive-thru from the southeast corner to the northwest corner of the building. An additional, 1,560 square foot garden center is proposed at the front of the existing store. Existing parking on site meets the minimum requirements for this proposed expansion. A sidewalk is required to be provided along the Brownsboro Road frontage. This additional sidewalk section will connect and continue the existing sidewalk along the north side of Brownsboro Road.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

|                               | Land Use                               | Zoning         | Form District |
|-------------------------------|----------------------------------------|----------------|---------------|
| <b>Subject Property</b>       |                                        |                |               |
| <b>Existing/ Proposed</b>     | Commercial                             | C-1            | TC            |
| <b>Surrounding Properties</b> |                                        |                |               |
| <b>North</b>                  | Commercial & Multifamily               | C-1, C-2 & R-7 | TC            |
| <b>South</b>                  | Commercial & Single Family Residential | C-1 & R-4      | TC & N        |
| <b>East</b>                   | Commercial & Single Family Residential | C-1 & R-4      | TC & N        |
| <b>West</b>                   | Commercial                             | C-1            | TC            |

## PREVIOUS CASES ON SITE

Case # 2-15-15 - Category 2B Development Plan - Pending approval.

Greenspring Section 2 – Plat Book 26 Page 93

## INTERESTED PARTY COMMENTS

Staff received a phone call from an unidentified adjacent property owner requesting information about the request.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

**Waiver from Chapter 5 and 6, Section 5.8.1.B and Table 6.2.1, to not provide the required sidewalks along a portion of the Brownsboro Road frontage.**

- (a) The waiver will adversely affect adjacent property owners; and

STAFF: The waiver will adversely affect adjacent property owners since there are existing sidewalks to the northeast (NE) and southwest (SW) of the area. The location of the request is the missing section needed to connect and continue the sidewalk along Brownsboro Road. However, the construction of the sidewalk will impact the existing parking for the businesses located adjacent to and within the development site. By modifying these existing parking spaces to a one-way angled parking configuration, the sidewalk could be constructed along this portion of Brownsboro Road. However, there are topographical conditions which could require retaining walls which could make the construction of the sidewalk costly. Nevertheless, the applicant has provided a connection to the existing sidewalks to the NE and SW by proposing to add some new sidewalk along the street frontage; by providing designated cross-walks within the development; and by using the existing walk located along the building frontage.

- (b) The waiver will violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The request does not meet this guideline or policy, because the required sidewalk could be constructed.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the necessary modifications of the existing parking to a one-way configuration and the topography of the area may make it impractical and costly to construct sidewalks along the street frontage.

- (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 applicant has incorporated other design measures by proposing an alternate route for the pedestrian connection to the existing sidewalks by proposing to add some new sidewalk along the street frontage; by providing designated cross-walks within the development; and by using the existing walk located along the building frontage. However, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant considering the construction of the sidewalk would require the existing parking to be reconfigured to one-way.

#### TECHNICAL REVIEW

All technical review comments have been addressed.

#### STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development Transportation Committee must determine if the proposal meets the standards for granting a sidewalk waiver established in the Land Development Code.

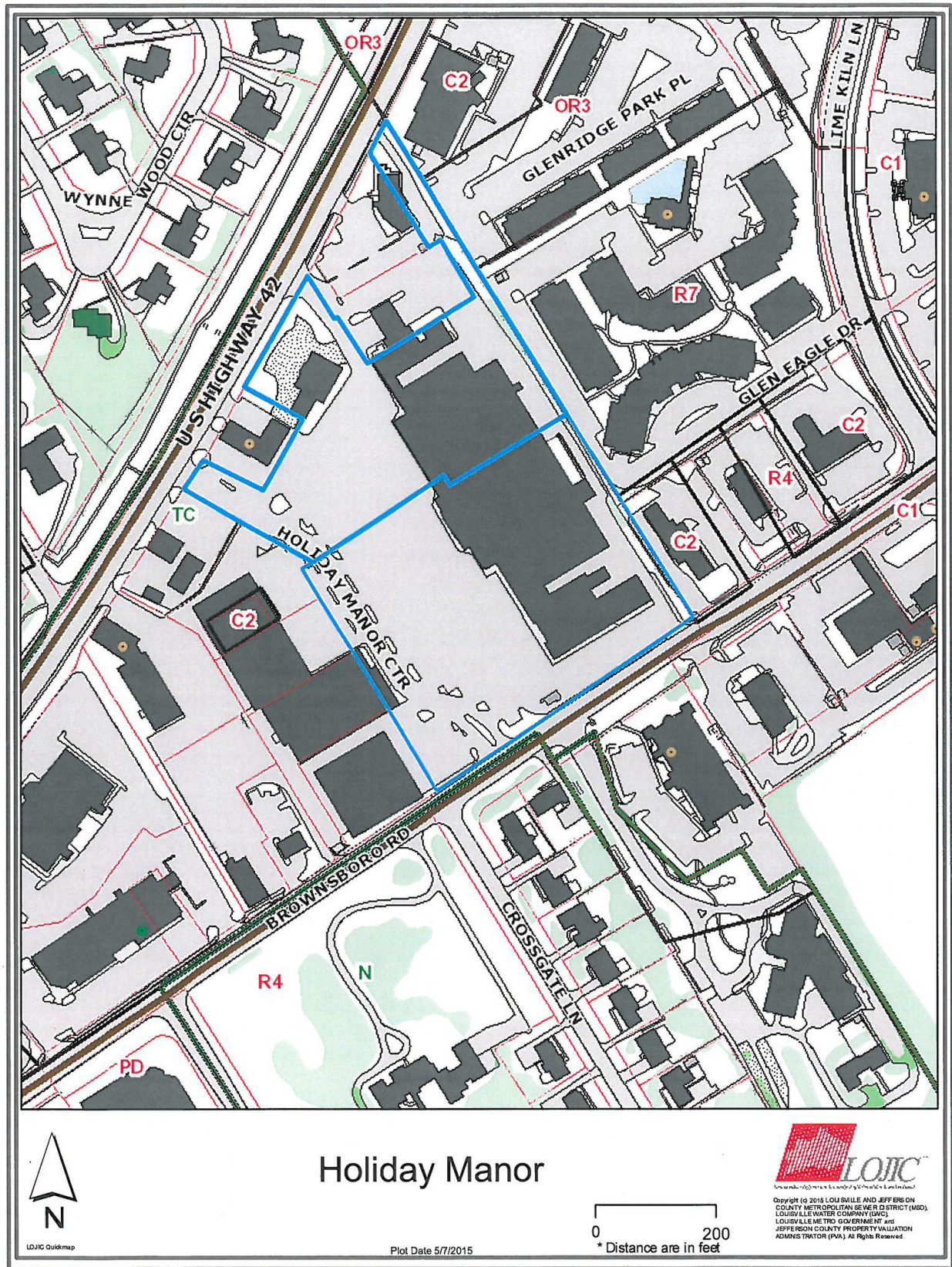
#### NOTIFICATION

| Date       | Purpose of Notice                 | Recipients                                                               |
|------------|-----------------------------------|--------------------------------------------------------------------------|
| 05/01/2015 | Hearing before LD&T on 05/14/2015 | Subscribers of Council District 7 Notification of Development Proposals. |
| 05/04/2015 | Hearing before LD&T on 05/14/2015 | 1 <sup>st</sup> tier adjoining property owners.                          |

#### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph – Overall Area
3. Aerial Photograph - Site
4. Cornerstone 2020 Staff Checklist
5. Site Plan
6. Applicant's Justification
7. Site Photographs

Attachment 1: Zoning Map



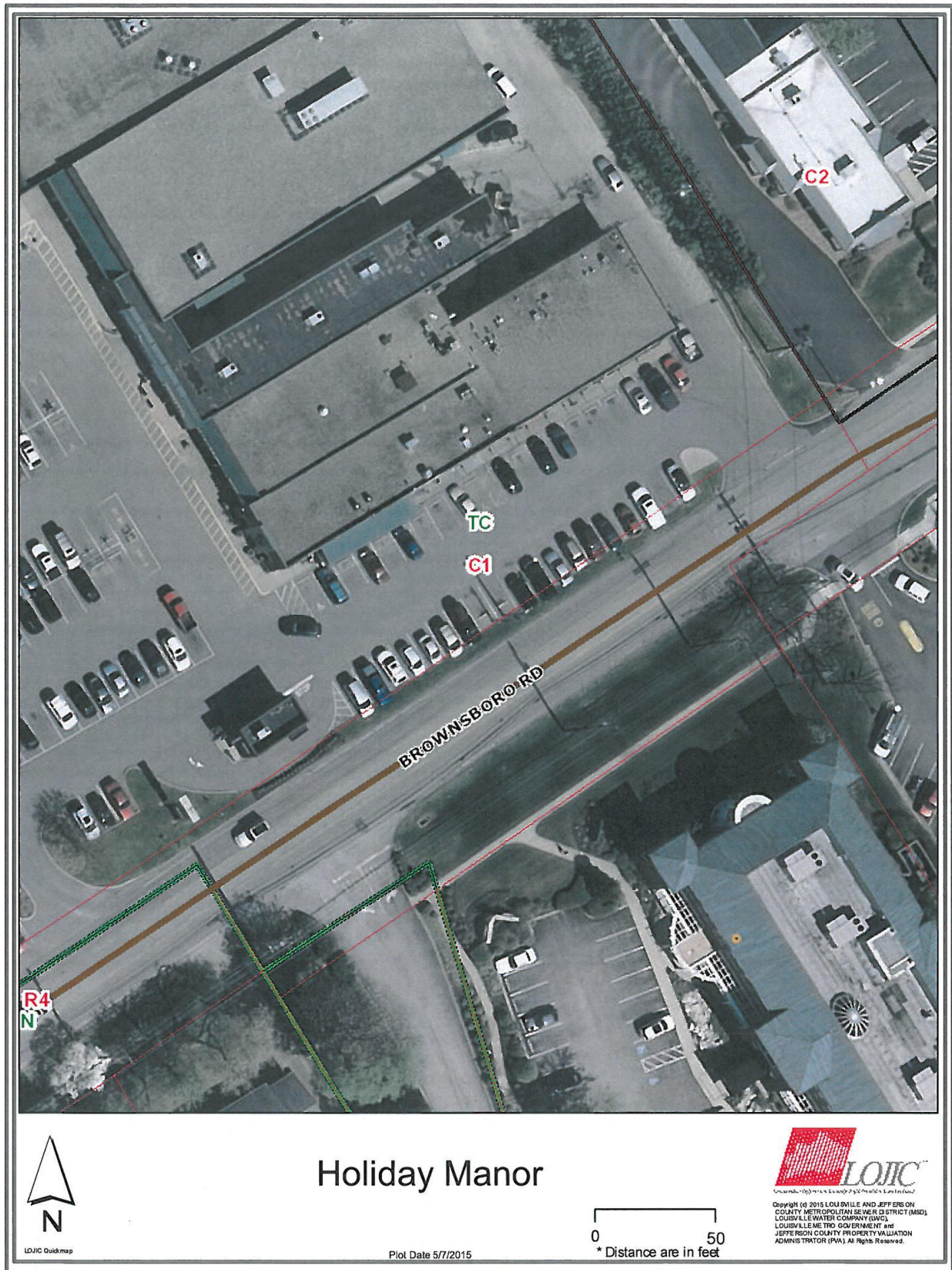


Attachment 2: Aerial Photograph – Overall Area

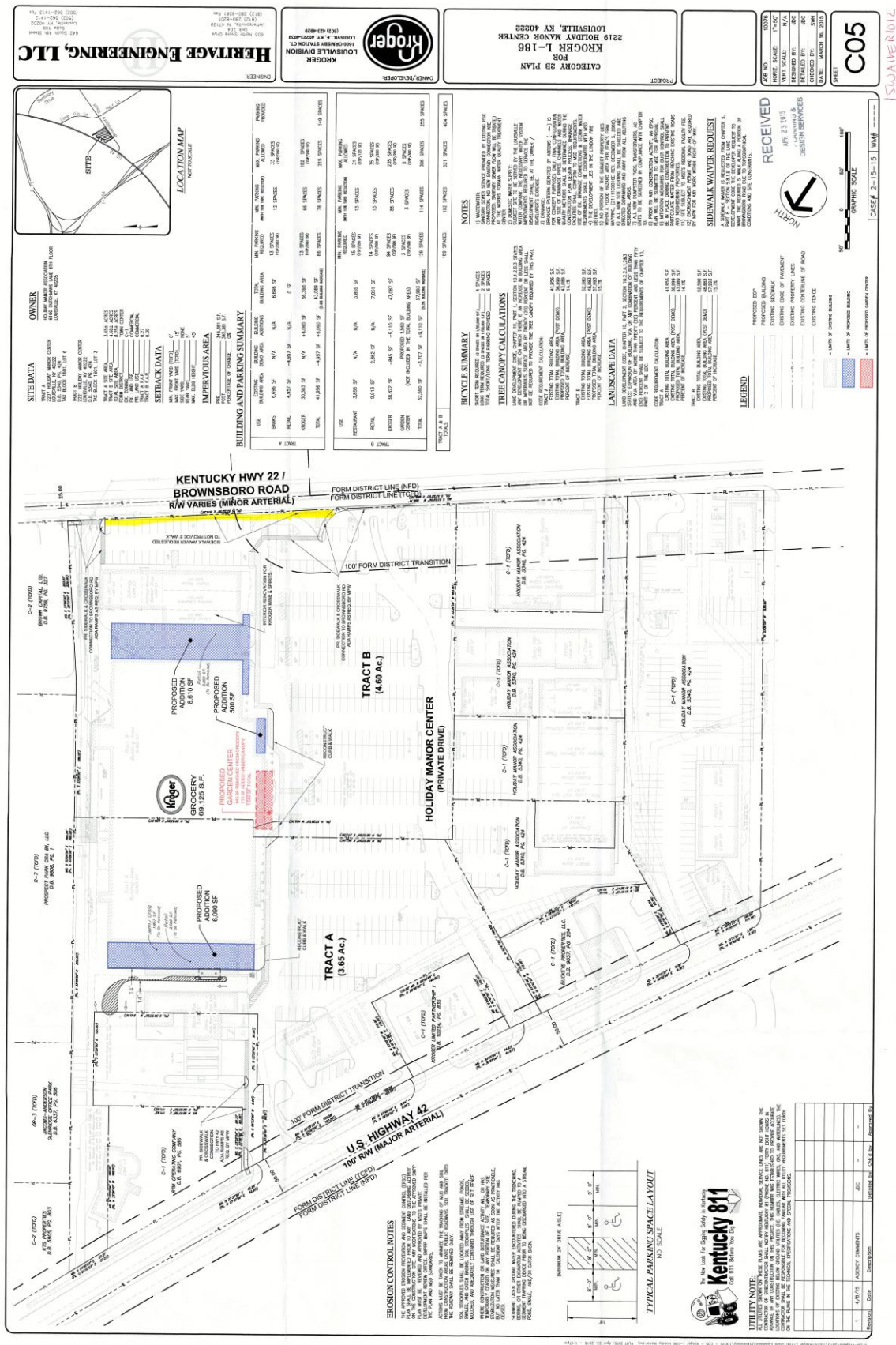




Attachment 3: Aerial Photograph - Site







## HERITAGE ENGINEERING, LLC

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April 20, 2015

Planning and Design Services  
Metro Government  
444 South Fourth Street  
Louisville, Kentucky 40202

**Re: Sidewalk Waiver Request – Letter of Explanation**

Dear Staff:

On behalf of the Kroger Company we are submitting the attached sidewalk waiver request as part of a proposed Category 2B Development Plan for revisions to an existing grocery located at 2207 and 2221 Holiday Manor Center.

Improvements to site includes a complete store remodel with a total expansion of 14,760 sf for the relocation of the pharmacy and drive-thru from the southeast corner of the building to the northwest corner of the building. A 1,560 sf garden center is proposed at the front of the existing store. Existing parking onsite meets the minimum requirements after proposed expansion. A sidewalk waiver is requested for a portion of the frontage along Brownsboro Road.

Improvements to the site is subject to a sidewalk waiver request from Chapter 5, Part 8 - Section 5.8.1.B of the Land Development Code. The requested sidewalk waiver will allow the proposed enhancements to the existing Kroger Grocery while having an adverse impact on the remaining tenants within the Holiday Manor shopping center.

Justifications for the requested waivers are:

- The proposed sidewalk waiver will conform to the Comprehensive Plan and the intent of the Land Development Code by allowing for a waiver along a portion of the property that has severe grade change and limited space that makes a walk within the public right-of-way unfeasible. Construction of the walk will result in elimination of 18 parking spaces that currently serves a section of the Holiday Manor shopping center with smaller neighborhood shops. The resultant loss of the parking along this portion of the shopping center would negatively affect a retail section that provides for neighborhood services while providing a façade that better complies with the Town Center requirements of the Comprehensive Plan and Land Development Code verses vacant retail space or a blank wall along an arterial roadway.
- Compliance with the regulations is not appropriate because it would result in loss of parking that not only serves a section of the Holiday Manor shopping center that has smaller neighborhood shops but would most likely contribute to a vacant retail space leading to a blank wall along an arterial roadway within a Town Center Form District.

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PHONE: 502-562-1412 FAX: 502-562-1413

603 N. SHORE DR., UNIT 204  
JEFFERSONVILLE, INDIANA 47130  
PHONE: 812-280-8201 FAX: 812-280-8281



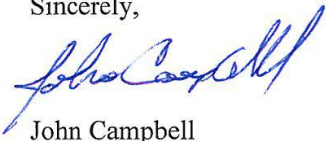
# HERITAGE ENGINEERING, LLC

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- Granting of the waiver will not negatively impact adjacent property owners as we are proposing to construct sidewalks with crosswalks that connect the internal Holiday Manor walks directly to the existing sidewalks at each end of the sidewalk waiver area. This will allow pedestrians wishing to access the shopping center direct access while strengthening the Town Center requirements. In addition, pedestrians wishing to pass through this area can also use the internal Holiday Manor walks to pass through the area of step grade change without walking within the Brownsboro Road (Hwy 22) roadway.
- Strict application of the provisions would limit the ability to lease the section of the Holiday Manor shopping center that currently has smaller neighborhood shops and would most likely contribute to a vacant retail space with a negative impact of the intent of the Town Center Form District.

Thank you for your consideration; please advise us immediately if any additional information is needed.

Sincerely,



John Campbell

Encl. Application  
Category 2B Development Plan

RECEIVED

APR 23 2015  
PLANNING &  
DESIGN SERVICES

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