

Variance Application

Louisville Metro Planning & Design Services

Case No.: 15VARIANCE 10 Z I Intake Staff: Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit http://www.louisvilleky.gov/PlanningDesign. **Project Information:** This is a variance from Section 5.3.1.B.5-Table 5.3.2 & 5.3.2.C.2.a of the Land Development Code, to allow as noted on plan encroachments into setback and exceed the maximum setback. Primary Project Address: 4915 Dixie Hwy Additional Address(es): APR 06 2015_____ Primary Parcel ID: 10260497 OESIGN SERVICES Additional Parcel ID(s): Proposed Use: Grocery / Retail Existing Use: Retail Existing Zoning District: C-1 & C-2 Existing Form District: SMC Deed Book(s) / Page Numbers²: 4030/517 The subject property contains +/- 8.82 acres. Number of Adjoining Property Owners: 40 Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? This information can be found in the Land Development Report (Related Cases)¹ ☐ Yes If yes, please list the docket/case numbers: Docket/Case #: _____ Docket/Case #: ____ Docket/Case #: _____ Docket/Case #: ____

Contact Information:

Owner:	☐ Check if primary contact	Applicant:
Name:		Name: Todd Metzmeier
Company: Dixi		Company: The Kroger Company
Address: PO Bo	ox 6706	Address: 1600 Ormsby Station Road
City: Louisville	State: <u>KY</u> Zip: <u>40206</u>	City: Louisville State: KY Zip: 40223
Primary Phone:		Primary Phone: 502 423-4934
Alternate Phone:		Alternate Phone:
Email:		Email: todd.metzmeier@kroger.com
Owner Signatur	e (required): Sold He	Tuleu'
	☐ Check if primary contact	Plan prepared by: ⊠ Check if primary contact
Name:		Name: John Campbell
Company:		Company: Heritage Engineering, LLC.
Address:		Address: 642 South 4th Street, Suite 100
		City: Louisville State: KY Zip: 40202
Primary Phone:	RECEIVE	Primary Phone: <u>502 562-1412</u>
Alternate Phone:	APR 06 2015	Alternate Phone:
Email:	ALU OD CO10	Email: jcampbell@heritageeng.com
	DESIGN SERVICES	
Certification Statement: A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application. I, TODD METZMETER, in my capacity as REAL ESTATE MANAGER, hereby representative/authorized agent/other certify that DIXIE ASSOCIATES is (are) the owner(s) of the property which name of LLC / corporation / partnership / association / etc. is the subject of this application and that I am authorized to sign this application on behalf of the owner(s). Signature: Date: 3-30-2015		
void. I further understand	that pursuant to KRS 523.010, et seg. know	ation may result in any action taken hereon being declared null and ringly making a material false statement, or otherwise providing false noe of his/her duty is punishable as a Class B misdemeanor.

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

See letter of explanation included with submittal. Splain how the variance will not alter the essential character of the see letter of explanation included with submittal. Splain how the variance will not cause a hazard or a nuisance to the see letter of explanation included with submittal.	
See letter of explanation included with submittal. plain how the variance will not cause a hazard or a nuisance to the	
plain how the variance will not cause a hazard or a nuisance to th	e public.
	e public.
ee letter of explanation included with submittal.	
plain how the variance will not allow an unreasonable circumvent	ion of the requirements of
ee letter of explanation included with submittal.	
onal consideration: plain how the variance arises from special circumstances, which o	do not danamally apply to
d in the general vicinity (please specify/identify).	KECEWE
ee letter of explanation included with submittal.	APR 06 2015
	End the transform and the same fact
	——DESIGN SERVIC
plain how the strict application of the provisions of the regulation the reasonable use of the land or would create unnecessary hards	would deprive the applica
ee letter of explanation included with submittal.	
e the circumstances are the result of actions of the applicant taker option of the regulation which relief is sought?	n subsequent to the
ee letter of explanation included with submittal.	

15VARIANCE 1021

April 6, 2015

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

Re: Variance Request - Letter of Explanation

RECEIVED

APR 06 2015 DESIGN SERVICES

Dear Staff:

On behalf of the Kroger Company we are submitting the attached variance request for a proposed Kroger Marketplace Grocery with Fuel Center on an 8.82 acre parcel located at 4913 Dixie Hwy.

Site improvements include demolition of a vacant former K-Mart Department Store and Auto Service Center with new construction of a modern Kroger Marketplace Grocery with Fuel Center. Construction of the grocery is subject to approval of variances from Chapter 5, Part 3, Sections 5.3.1.B.5, Table 5.3.2 and Section 5.3.2.C.2.a of the Land Development Code. The requested variances will allow the proposed structure (Kroger Marketplace Grocery) to be located within the non-residential to residential setback as noted on the plan with variance request #1 and #2. In addition a variance is also requested to allow a greater maximum setback than permitted per code as noted in variance request #3. Landscape plantings will be provided to comply with code.

Justifications for the requested variances are:

- The requested variance will not adversely affect the public health, safety or welfare because granting of the variance will allow for reconstruction of a vacant K-Mart Department Store into a clean and modern grocery with fuel center to be operated be Kroger, a recognized grocery chain that will both operate and maintain the property to ensure the use is a community asset.
- The variance requested will not alter the essential character of the general vicinity as the proposed building encroachments and setback will be compatible with nearby businesses while implementing the high standards of design associated with the Kroger grocery chain. In addition to being an anchor use for the nearby community, the property will be enhanced with landscape plantings as required for the subject property.
- Granting of the variance will not cause a hazard or a nuisance to the public as the proposed Kroger Marketplace grocery will update a currently vacant former K-Mart building while enhancing Dixie Highway with a modern, clean and well maintained facility and providing a service to grocery customers within the community.

642 S. 4TH STREET, SUITE 100 LOUISVILLE, KENTUCKY 40202 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

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• The development as proposed with the requested variance will not allow for an unreasonable circumvention of the zoning regulations as it will allow for the property to be rebuilt with a modern new facility that would otherwise not occur with the existing facility operating in the same manor with similar setbacks and encroachments at the former K-Mart building.

In addition to the justification as defined, please also take into consideration:

- The subject property is impacted by special circumstances such as the rebuilt center being similar in location and sizing of the former K-Mart building with similar encroachments as the existing K-Mart that was constructed prior to adoption of the current Land Development Code.
- Strict application of the provisions would limit the reuse of the property and not allow for a modern Kroger Marketplace Grocery to be constructed.
- The proposed redevelopment of the property and need for the variance is not a result of actions taken by the applicant as the existing property was developed prior to the adoption of the Land Development Code and limits potential reuse of the property to a community serving establishment.

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

Sincerely,

John Campbell

Encl. Application

Category 3 Development Plan

RECEIVED

APR 08 2015

DESIGN SERVICES

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General Waiver ApplicationLouisville Metro Planning & Design Services

Case No.: 15 DEWLN 1050 Intake Staff: _

Date	: 4/le/15	Fee: \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	
Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5 th Street, Suite 300. For more information, call (502) 574-6230 or visit http://www.louisvilleky.gov/PlanningDesign .			
Project Information:			
Application is hereby made for one or more of the following waivers of the Land Development Code:			
□ Landscape Waiver of Chapter 10, Part 2			
☐ Other: Waiver of Section 10.2.4.A & 10.2.10			
A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.			
Explanation of Waiver: Waiver to reduce the 35' Property Perimemter and 15' VUA Landscape Buffers Areas to allow the existing parking and drive aisle to remain within 5' of the existing property line.			
Primary Project Address	: _4913 Dixie Hwy		
Additional Address(es):	1		
Primary Parcel ID:	10260497		
Additional Parcel ID(s):			
Proposed Use:	Grocery / Retail	Existing Use:	Retail
Existing Zoning District:	C-1 & C-2	_ Existing Form District:	SMC
Deed Book(s) / Page Numbers ² : 4030/517			
The subject property cor	ntains <u>+/- 8.82</u> acres. N	lumber of Adjoining Proper	ty Owners: 40
	inor plat, etc.)? <i>This inform</i> Yes ⊠ No	elopment proposal (e.g., re ation can be found in the La	
Docket/Case #:		Docket/Case #:	
		Docket/Case #:	

Contact Information:

Owner: Check if primary	contact Applicant: ☐ Check if primary contact
Name:	Name: Todd Metzmeier
Company: Dixie Associates	Company: The Kroger Company
Address: PO Box 6706	Address: 1600 Ormsby Station Road
City: Louisville State: KY Z	p: 40206 City: Louisville State: KY Zip: 40223
Primary Phone:	Primary Phone: 502 423-4934
Alternate Phone:	Alternate Phone:
Email:	Email: todd.metzmeier@kroger.com
Owner Signature (required):	de Metmur
Attorney: ☐ Check if primary	,
Name:	Name: John Campbell
Company:	Company: Heritage Engineering, LLC.
Address:	Address: 642 South 4th Street, Suite 100
City: State: Zi	o: City: Louisville State: KY Zip: 40202
Primary Phone:	Primary Phone: 502 562-1412
Alternate Phone:	Alternate Phone:
Email:	Email: jcampbell@heritageeng.com
owner(s) of record sign(s) the application.	atement must be submitted with any application in which the owner(s) of the corporation, partnership, association, trustee, etc., or if someone other than the
I, 1000 METZMETER	, in my capacity as REAL ESTATE MGR., hereby representative/authorized agent/other
certify that DIXIE ASSOCIA	is (are) the owner(s) of the property which
is the subject of this application and that I	am authorized to sign this application on behalf of the owner(s).
Signature: Tall Refineur	Date: 3-30-2015
I understand that knowingly providing false information void. I further understand that pursuant to KRS 523.01	on this application may result in any action taken hereon being declared null and 0, et seq. knowingly making a material false statement, or otherwise providing false in the performance of his/her duty is punishable as a Class B misdemeanor.

General Waiver Application - Planning & Design Services

Page 3 of 4

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer <u>all</u> of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

Will the waiver adversely affect adjacent property owners?
See letter of explanation included with submittal.
Will the waiver violate the Comprehensive Plan?
See letter of explanation included with submittal.
ls extent of waiver of the regulation the minimum necessary to afford relief to the applicant?
See letter of explanation included with submittal.
Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive th
applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?
See letter of explanation included with submittal.

15DEMLAN/USO

April 6, 2015

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

Re: Waiver Request – Letter of Explanation

Dear Staff:

On behalf of the Kroger Company we are submitting the attached variance request for a proposed Kroger Marketplace Grocery with Fuel Center on an 8.82 acre parcel located at 4915 Dixie Hwy.

Site improvements include demolition of a vacant former K-Mart Department Store and Auto Service Center with new construction of a modern Kroger Marketplace Grocery with Fuel Center. Construction of the grocery is subject to a waiver request from Chapter 10, Part 2, Section 10.2.4.A and 10.2.10 of the Land Development Code.

The requested waivers will allow the existing vehicle maneuvering areas to be located as currently constructed within the 35-ft Property Perimeter Landscape Buffer Area and the 15-ft Vehicle Use Area Landscape Buffer Area.

Justifications for the requested waivers are:

- The requested waivers will not adversely affect adjacent property owners because granting of the waiver will allow for reconstruction of a vacant former K-Mart Department Store into a clean and modern grocery with vehicle maneuvering occurring within the area of existing pavement that already encroaches into the existing Landscape Buffer Areas.
- The waiver requested will not violate the Comprehensive Plan as it will not alter the essential character of the general vicinity as the proposed building will be compatible with nearby businesses while implementing the high standards of design associated with the Kroger grocery chain. In addition to being an anchor use for the nearby community who will use the proposed Kroger Marketplace Grocery, the property will be enhanced with landscape plantings as required for the subject property.
- Granting of the waiver is the minimum necessary to afford relief to the applicant as the existing pavement encroachment will still allow for the property to be enhanced with landscape planting as required for the subject property while improving a currently outdated and vacant fromer K-Mart Department Store with modern retail enhancements to the Dixie Highway corridor with a clean and well maintained facility.

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• The development as proposed with the requested waivers will allow for the property to be rebuilt with a modern new facility that would otherwise not occur due to the existing layout of the property and limited uses that could occur on the subject property. In addition strict application of the provisions would limit the reuse of the property and not allow for a modern Kroger Marketplace grocery to be constructed.

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

Sincerely,

John Campbell

Encl. Application

Category 3 Development Plan

642 S. 4TH STREET, SUITE 100 LOUISVILLE, KENTUCKY 40202 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

15DEWLANIOTO

June 4, 2015

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

Re: Waiver Request - Letter of Explanation

Dear Staff:

On behalf of the Kroger Company Louisville Division we are submitting the attached waiver request for a proposed Kroger Marketplace Grocery with Fuel Center on an 8.82 acre parcel located at 4913 Dixie Hwy.

Site improvements include demolition of a vacant former K-Mart Department Store and Auto Service Center with new construction of a modern Kroger Marketplace Grocery with Fuel Center. Construction of the grocery is subject to a waiver request from Chapter 5, Part 5 - Section 2.B.1.a of the Land Development Code.

The requested waivers will maintain the existing parking lot configuration between the commercial uses.

Justifications for the requested waiver:

- The requested waiver will not adversely affect adjacent property owners because granting of the waiver will allow the existing site separation to remain as it exists today. In addition to maintaining the existing site separation, a secondary indirect access is already provided from Brick Kiln Lane which serves the small neighborhood located directly behind the existing shopping center.
- The waiver requested will not violate the Comprehensive Plan as it will not alter the essential character of the general vicinity as the proposed site design will be compatible with nearby businesses while implementing the high standards of design associated with the Kroger grocery chain. In addition to being an anchor use for the nearby community, the proposed Kroger Marketplace Grocery will enhance pedestrian uses along the corridor by enlarging the sidewalk along Dixie Highway and providing a new TARC stop.
- Granting of the waiver is the minimum necessary to afford relief to the applicant by allowing this existing condition to reamin which will still allow for the property to be enhanced with a landscape planting buffer between the uses while allowing for the secondary indirect access to existing from Brick Kiln Lane.

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 The development as proposed with the requested waiver will allow for the property to be rebuilt with a modern new facility that would otherwise may not occur if this connection is required.

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

Sincerely,

John D. Campbell

642 S. 4TH STREET, SUITE 100 LOUISVILLE, KENTUCKY 40202 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



Category 3 Plan Application

Louisville Metro Planning & Design Services

	A	
Case No.: BDEVPLAN 1050	Intake Staff:	
Date: 4/16/15	Fee:	

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit http://www.louisvilleky.gov/PlanningDesign.

Project Information:

Project Description (e.g., retail center and office development, etc.):	Retail Center/Redevel	opment RECEIVED	
Project Name:	Kroger L-785 Dixie	Hammer Beesey	
Primary Project Address:	4915 Dixie Hwy	APR 06 2015	
Additional Address(es):		DESIGN SERVICES	
Primary Parcel ID:	10260497		
Additional Parcel ID(s):		·	
# of Residential Units:	N/A	Commercial Square Footage: 182,893 SF	
Proposed Use:	Grocery / Retail	Existing Use: Retail	
Existing Zoning District:	C-1 & C-2	Existing Form District: SMC	
Deed Book(s) / Page Numbers ² : 4030/517			
The subject property contains _+/- 8.82 _ acres. Number of Adjoining Property Owners: _40			
Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? <i>This information can be found in the Land Development Report</i> (<i>Related Cases</i>) ¹ □ Yes ⊠ No			
If yes, please list the dock	et/case numbers:		
Docket/Case #:		Docket/Case #:	
Docket/Case #:		Docket/Case #:	

Contact Information:

Owner: Check if primary contact	Applicant: Check if primary contact	
Name:	Name: Todd Metzmeier	
Company: _Dixie Associates	Company: The Kroger Company	
Address: PO Box 6706	Address: 1600 Ormsby Station Road	
City: Louisville State: KY Zip: 40206	City: Louisville State: KY Zip: 40223	
Primary Phone:	Primary Phone:502 423-4934	
Alternate Phone:	Alternate Phone:	
Email:	Email: todd.metzmeier@kroger.com	
Owner Signature (required):	ului	
Attorney: Check if primary contact RECEVED	Plan prepared by: ⊠ Check if primary contact	
Name:	Name: John Campbell	
Company:	Company: Heritage Engineering, LLC.	
Address: DESIGN SERVICES	Address: 642 South 4th Street, Suite 100	
City: State: Zip:	City: Louisville State: KY Zip: 40202	
Primary Phone:	Primary Phone:502 562-1412	
Alternate Phone:	Alternate Phone:	
Email:	Email: jcampbell@heritageeng.com	
owner(s) of record sign(s) the application.	partnership, association, trustee, etc., or if someone other than the	
I, \underline{Todd} $\underline{METZMEIER}$, in my capacity as \underline{REAL} \underline{ESTATE} $\underline{MANALEL}$, hereby representative/authorized agent/other certify that \underline{PIXIE} $\underline{ASSOCIATES}$ is (are) the owner(s) of the property which name of LLC / corporation / partnership / association / etc.		
is the subject of this application and that I am authorize	• •	
Signature: Todd Atefmein	Date: 3-30-2015	
I understand that knowingly providing false information on this applic	ation may result in any action taken hereon being declared null and wingly making a material false statement, or otherwise providing false	

Category 3 Plan Application - Planning & Design Services

April 6, 2015

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

Re: Category 3 Development Plan – Letter of Explanation

Dear Staff:

On behalf of the Kroger Company we are submitting the attached Category 3 Development Plan for a proposed Kroger Marketplace Grocery with Fuel Center on an 8.82 acre parcel located at 4913 Dixie Hwy.

Site improvements include demolition of a vacant former K-Mart Department Store and Auto Service Center with new construction of a modern Kroger Marketplace Grocery with Fuel Center. Construction of the grocery is subject to approval of variances from Chapter 5, Part 3, Sections 5.3.1.B.5, Table 5.3.2 and Section 5.3.2.C.2.a of the Land Development Code. As well as approval of waiver requests from Chapter 10, Part 2, Sections 10.2.4.A and 10.2.10 of the Land Development Code.

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

Sincerely,

John Campbell

Encl. Application

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Category 3 Development Plan

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APR 06 2015

DESIGN SERVICES

15DENLAN/USO

LOUISVILLE, KENTUCKY 40202 PHONE: 502-562-1412 FAX: 502-562-1413

642 S. 4TH STREET, SUITE 100



Land Development Report

December 30, 2014 11:12 AM

About LDC

Location

102604970000 Parcel ID: Parcel LRSN: 8104346

MULTIPLE ADDRESSES Address:

Zoning

C1, C2 Zoning:

SUBURBAN MARKETPLACE CORRIDOR Form District:

Plan Certain #: NONE **Proposed Subdivision Name:** NONE NONE Proposed Subdivision Docket #: NONE **Current Subdivision Name:** Plat Book - Page: NONE **Related Cases:** NONE

Special Review Districts

NO **Overlay District:** NONE **Historic Preservation District:** National Register District: NONE NO Urban Renewal: **Enterprise Zone:** NO System Development District: NO Historic Site: NO

Environmental Constraints

Flood Prone Area

NO FEMA Floodplain Review Zone: **FEMA Floodway Review Zone:** NO Floodplain Ordinance Review Zone: NO Conveyance Zone Review Zone: NO

21111C0072E **FEMA FIRM Panel:**

Protected Waterways

NO Potential Wetland (Hydric Soil): NO Streams (Approximate):

Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO NO

Unstable Soil:

Geology

NO Karst Terrain:

Sewer & Drainage

YES **MSD Property Service Connection:** NO Sewer Recapture Fee Area:

Drainage Credit Program: MS4 (outside of incentive area)

Services

LOUISVILLE Municipality:

Council District:

Fire Protection District: PLEASURE RIDGE PARK

Urban Service District: NO RECEIVED

APR 06 2015

· MINIMING & DESIGN SERVICES

ISVARIANCE1021