

# Development Review Committee

## Staff Report

May 18, 2016



<b>Case No:</b>	16DEVPLAN1037
<b>Request:</b>	Landscape Waivers for a Cat 2B for a proposed Kroger expansion.
<b>Project Name:</b>	Central Station
<b>Location:</b>	3151 & 3165 South Second Street
<b>Project Size:</b>	+/- 6.661 acres (both parcels)
<b>Owner:</b>	Central Station LLC
<b>Applicant:</b>	Danny Lethco – The Kroger Company
<b>Representative:</b>	John Campbell – Heritage Engineering
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	15 – Marianne Butler
<b>Case Manager:</b>	Ross Allen – Planner I

### REQUEST

- Landscape Waiver #1: from LDC section 10.2.10 to waive the 15' foot Landscape Buffer Area (LBA) along the southern property line and the alley running parallel to Grant Ave.
- Landscape Waiver #2: from LDC section 10.2.11 to waive the provision of 1 tree per 50' linear feet along the southern property line and the alley running parallel to Grant Ave.
- Landscape Waiver #3: from LDC section 10.2.12 to waive the allowance of Interior Landscaping Areas (ILA's) to be spaced more than 120' feet apart.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Central Station Kentucky, LLC., has applied to allow the Central Station Kroger Grocery Store, located at 3165 South Second Street (lot 3 as shown on the Development Plan) on a parcel +/- 5.386 acres, to expand the existing Kroger Grocery Store by approximately 42, 624 sf. and to add a 7,337 sf. retail building (lot 2 on the Development Plan) on +/- 1.275 acres. There are four additions to the existing Kroger building. First, Kroger is expanding their building by 18,019 sf. on the southwestern side and continued along to the rear of the structure. In the 18,019 sf. addition there will be a Pharmacy Drive-thru, with a Clicklist Pick-up Area. Second, on Northeastern side of the Kroger there will be a 24,109 sf. addition which continues to the rear of the building. Third, a proposed 1,400 sf. concrete outdoor seating area provided north of and abutting the northeastern expansion to the Kroger building. Fourth, a 496 sf. addition to the front entrance is proposed (northwestern side). The lot 3 containing the proposed expansion of Kroger will have a reduction of 42, 551 sf. of Vehicular Use Area, while lot 2 will see the addition of 14,499 sf. of Vehicular Use Area.

The applicant is requesting landscaping waivers from section 10.2.10, 10.2.11, and 10.2.12 all relating to the rear (southern property line) and west side (southwestern property line parallel to Grant Ave. There is 15' ft. wide alley abutting the Kroger along the aforementioned property lines limiting space for parking, the Pharmacy Drive-thru, and the Clicklist pick-up area.

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

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Commercial – Grocery Store	EZ-1	Suburban Workplace
<b>Proposed</b>	Commercial – Grocery Store	EZ-1	Suburban Workplace
<b>Surrounding Properties</b>			
<b>North</b>	Commercial – Various Retail; Public and Semi-Public – UofL Baseball Stadium and Facilities	EZ-1	Suburban Workplace
<b>South</b>	Single Family Home	R-5	Traditional Neighborhood
<b>East</b>	Public and Semi Public – UofL Papa John’s Cardinal Stadium Parking	EZ-1	Campus
<b>West</b>	Commercial – Planet Fitness \ Single Family	EZ-1; R-4	Traditional Neighborhood;

### PREVIOUS CASES ON SITE

No known related cases associated with the subject site.

### INTERESTED PARTY COMMENTS

No comments have been received by staff concerning the Category 3 Development at 1407 Moser Road.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER #1: from section 10.2.10 to waive the 15’ foot Landscape Buffer Area (LBA) along the southern property line and along the alley running parallel to Grant Ave.**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the existing sodded area, vegetation and wooded fencing will remain to provide buffering.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The intent of the landscape buffer areas are to provide a visual aesthetic from the paved areas which are currently screened by a 6’ foot solid wood fence and vegetation along the area where the waiver is being requested (southern and southwestern property line abutting the alley which is perpendicular to Harlan Ave. and parallel to Grant Ave.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since vehicle maneuvering and parking is required to meet the parking requirements that would be within the Landscape buffer area.

- (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 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 since parking requirements for the rear of Kroger preventing access to needed vehicular use area for pharmacy and Clicklist services to be provided. Furthermore, the landscape buffer area would result in the reduction of on-site parking resulting in a parking waiver.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER**

### **#2: from section 10.2.11 to waive the provision of 1 tree per 50' linear feet along the southern property line and the alley running parallel to Grant Ave.**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since existing trees and 6' foot wood fencing will remain and are adequate to provide a screening from the adjacent residential properties.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. As stated earlier, the intent of the planting trees from this provision of the LDC is for screening purposes. The 6' foot solid wood fence and vegetation along the southern and southwestern property lines abutting the alley which is perpendicular to Harlan Ave. and parallel to Grant Ave. provide screening for the adjacent residents.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the vehicle maneuvering and parking are situated along the west and rear of the building to have adequate space for the pharmacy and Clicklist pick-up area there is not sufficient space for tree plantings. Trees if planted on the opposite side of the fence along the alley could be hazardous to traffic.

- (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 strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant since there is no landscape space on the interior side of the southern property boundary for which to allow tree plantings and the landscape area to the interior of the property line along the southwestern side has four existing trees planted at a spacing of roughly 36 feet apart for the entire length both sides have the 6' foot high solid wood fencing to help screen the VUA.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER  
#3: from section 10.2.12 to allow more than 120 feet between Interior  
Landscape Areas, a total of 125 feet, as shown on the plan.**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the Interior Landscape Areas are interior to the site in question which has no impact upon adjacent residents.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. Trees will be maintained and provided in the interior landscape areas per 10.2.12 to shade the paved areas and adequate drainage will be provided for impervious areas.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the current layout of the vehicular use area provides adequate parking and maneuvering space for Kroger customers and interior landscape areas are proposed in areas where new construction is occurring.

- (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 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 since additional construction cost would be incurred resulting in the redesign of the vehicular use area. The spacing distance between the ILA's, if required to be 120' distance, may be hazardous to pedestrians and vehicular traffic for the proposed drive-thru of the Kroger pharmacy and Clicklist pick-up area.

**TECHNICAL REVIEW**

- No Technical review was undertaken for the subject site.

**STAFF CONCLUSIONS**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting the Landscape waivers from section 10.2.10, 10.2.11, and 10.2.12 from the Land Development Code.

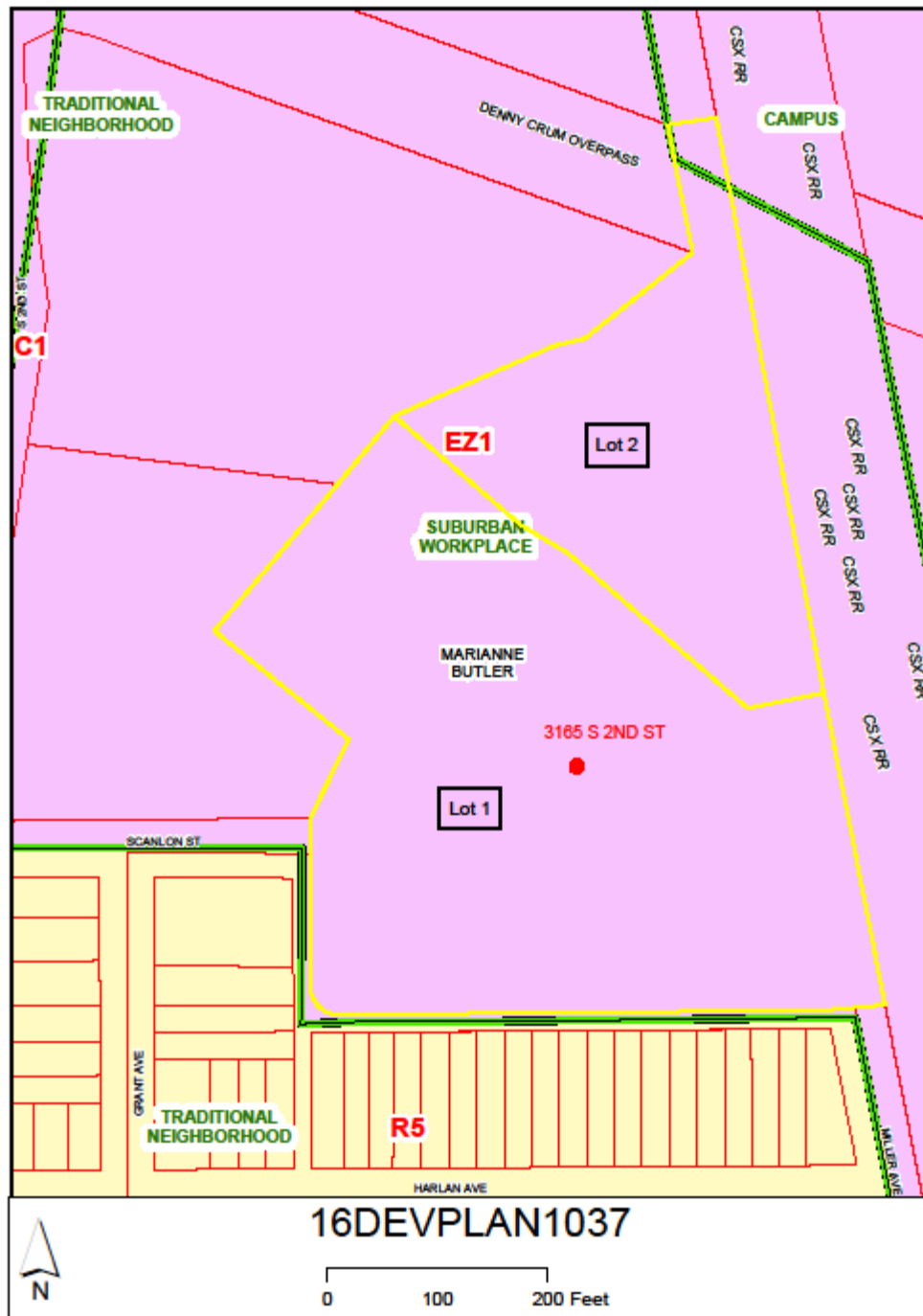
### NOTIFICATION

Date	Purpose of Notice	Recipients
May 18, 2016	Hearing before PC / BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District ____ Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Exterior Elevation South/West/North
5. Exterior Elevation North and Northeast

1. Zoning Map

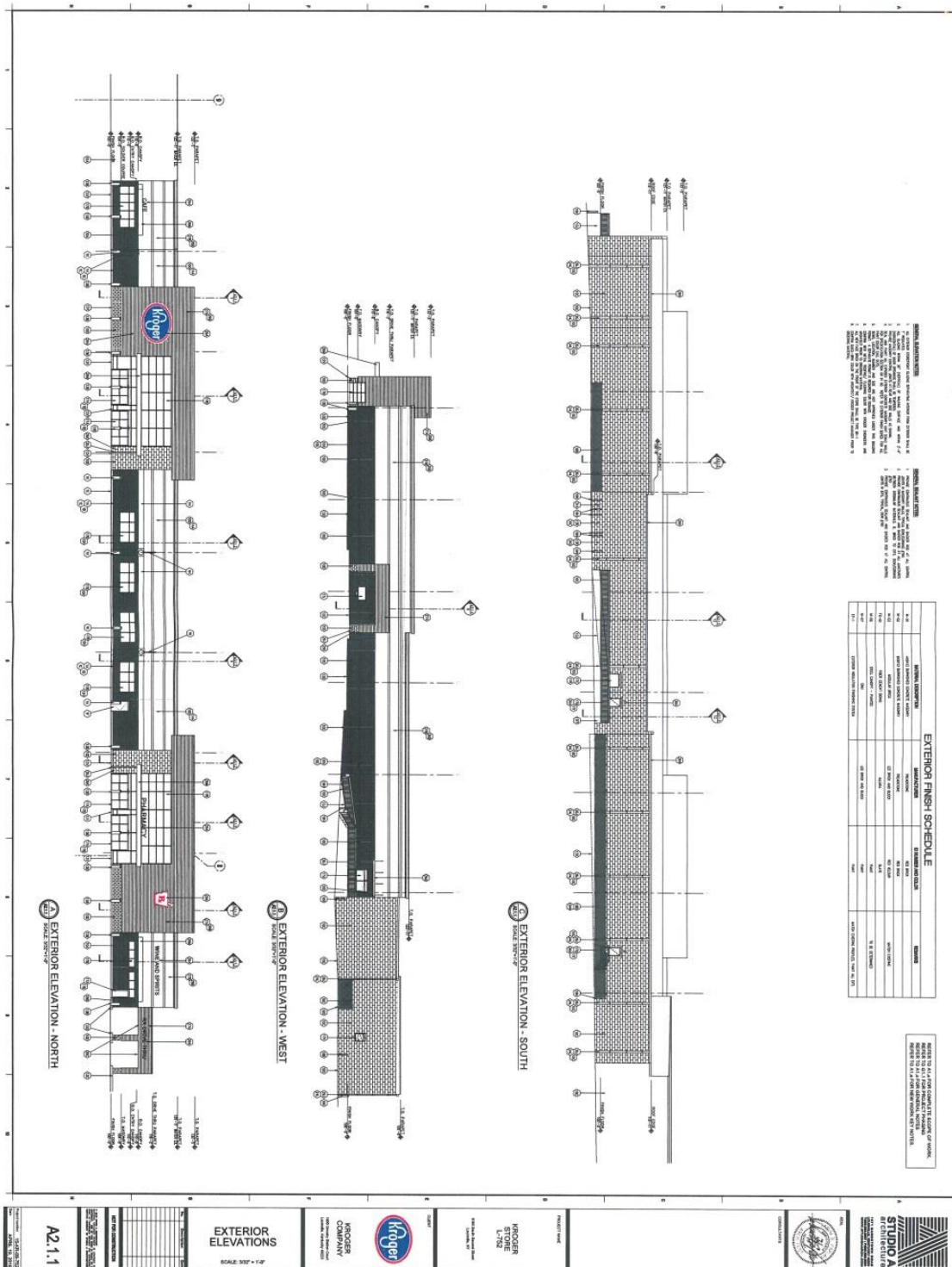


2. Aerial Photograph





#### 4. Exterior Elevation South/West/North



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## Published Date: May 12, 2013

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