

Development Review Committee

Staff Report

July 20, 2016



Case No:	16WAIVER1023
Project Name:	Dixie Kroger
Location:	4915 Dixie Hwy
Owner:	Dixie Associates
Applicant:	Todd Metzmeier, The Kroger Company
Representative:	Jeffrey Lamb, Commonwealth Sign Company
Jurisdiction:	Louisville Metro
Council District:	3 – Mary C. Woolridge
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Waiver of Chapter 8.3, Table 8.3.2 of the Land Development Code (LDC) to allow the number of façade signs as proposed.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is approximately 10 acres in size and located in the Pleasure Ridge Park neighborhood, east of Dixie Hwy. The site was once a similar retail establishment which has since been demolished. The proposal is for a new Kroger store and fuel station with accessory retail within the building.

The Dixie Kroger is proposing a sign package that includes three attached signs on the street facing façade pertaining to the Kroger grocery. There are also five other businesses within the building that have one sign each along the front façade. The total square footage of the signage is under the maximum square footage allowed.

For a multi-tenant building, each tenant is allowed one sign. If any of these businesses elect to have more than one sign, making the total number of signs over the maximum of 3, then a waiver of table 8.3.2 is required.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-1, C-2	SMC
Proposed	Retail	C-1, C-2	SMC
<i>Surrounding Properties</i>			
North	Restaurant, Commercial Retail	C-1, C-2	SMC
South	Multi-Family Residential, Retail	R-7, C-2	N
East	Single-Family Residential	R-4	N
West	Restaurant, Commercial Retail	C-2	SMC

PREVIOUS CASES ON SITE

15VARIANCE1021: Variances to allow new construction of grocery and fuel station to exceed maximum setback and to encroach into residential to non-residential setbacks.

15WAIVER1007: Landscape waiver to allow easement to overlap a required Landscape Buffer Area by more than 50%.

15DEVPLAN1050: Category 3 Development plan for proposed new construction of 123,000 square foot Kroger and fuel center.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or interested party comments to date.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Chapter 8.3, Table 8.3.2 of the LDC to allow the number of façade signs as proposed.

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

STAFF: The waiver will not adversely affect adjacent property owners as the majority of the adjacent property owners are commercial properties and the residential properties to the south do not face the property.

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

STAFF: Guideline 3, policy 28 calls for signs that are compatible with the form district pattern and contribute to the visual quality of their surroundings. The waiver will not violate the comprehensive plan as the proposed signage is consistent to the type of signage seen throughout the Suburban Marketplace Corridor form district.

(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 as the additional signage is necessary to identify the location of services offered within the building.

(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 land or create an unnecessary hardship as the proposed signage is similar to proposals of other large retail stores of this type; and is necessary to identify the location of services offered within the building.

TECHNICAL REVIEW

There are no technical review issues.

STAFF CONCLUSIONS

The proposed waiver appears to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the waiver.

REQUIRED ACTION

- **APPROVE** or **DENY** the waiver.

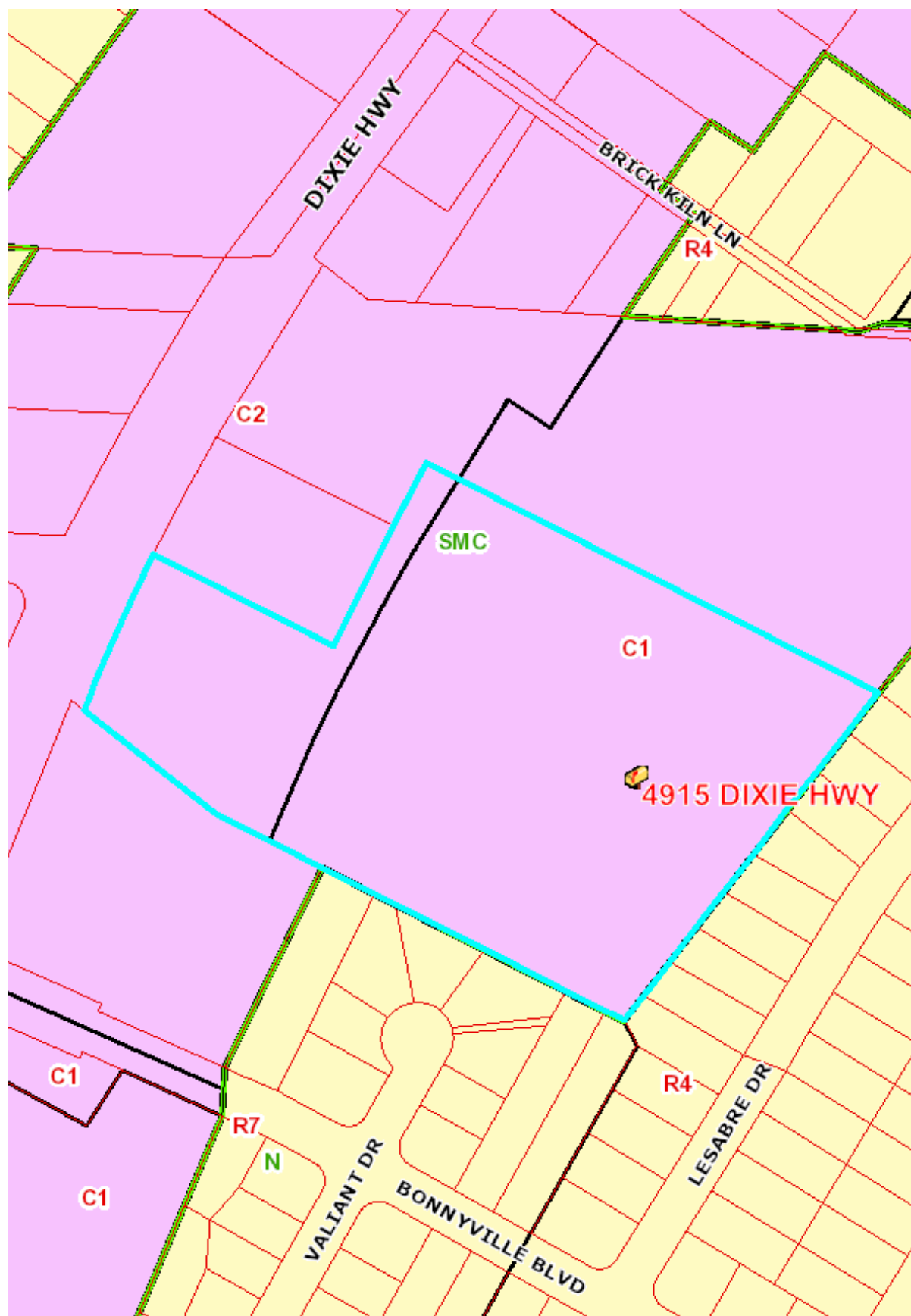
NOTIFICATION

Date	Purpose of Notice	Recipients
July 7 th , 2016	Hearing before DRC	1 st tier adjoining property owners
July 6 th , 2016	Hearing before DRC	Registered neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

Attachment 1: Zoning Map



Attachment 2: Aerial Map



