

FINDINGS OF FACT FOR DENIAL

Case Number 21-ZONE-0095

2612 S. English Station Road

The applicant proposes to re-zone the above property from R-R rural residential to C-2 commercial, add a 25,000 sq. ft. commercial building to the existing 49,000 sq. ft. building. Waiver of two Code sections is also proposed. For the reasons below, this proposal does not comply with the applicable Plan Elements of the Plan 2040 Comprehensive Plan. The existing zoning classification given to the property is appropriate. The proposed zoning classification is inappropriate and not in agreement with the 2040 Comprehensive Plan. There have been no major changes of an economic, physical or social nature which have altered the basic character of the area of the property. In addition, the proposal does not comply with the South Floyds Fork Vision Plan (adopted by the Metro Council on August 6, 2020) or the Floyds Fork Development Review Overlay.

South Floyds Fork Vision Plan

The Plan Vision Statement reads:

Floyds Fork watershed is a natural treasure. The area is defined by rich natural resources, rural landscapes, open spaces, a robust tree canopy, agricultural lands, stream health, parks and recreational areas, dark skies, wildlife habitat, healthy ecosystems, scenic roads and parkways. Protecting, preserving and enhancing these natural resources while providing sustainable, low-impact and mixed-use developments will reduce environmental impacts. The preservation of Floyds Fork as a healthy living creek is paramount.

This proposal meets none of the goals of that Vision Statement.

Specifically, the Community Form section states: "Park edges should be tree lined and transition to the neighborhoods abutting the Parklands." This proposal is on the edge of the Parklands and does not provide such a transition. To the contrary, it adds a "big box" commercial use directly abutting the edge of the Parklands.

The Mobility section provides: "A guiding principle for new development is preserving this recreational mobility infrastructure and enhancing connectivity to it." This proposal interferes with and detracts from that infrastructure, specifically the Louisville Loop.

The Economic Development section looks for: "Small-scale recreational retailers, such as kayak rentals, bike shops, and fishing and outdoor stores located in close proximity to the Parklands" This proposal is far from that type of recreational business asset. The current use of the existing building is an agricultural use. It could easily be converted to a series of small shops fitting the goals of the Vision Plan, with no need for a large expansion. The Plan also calls for

small urban agricultural operations, something that could be done on this property, even including a farmer's market. In its Guiding Principles, the Vision Plan emphasizes the "Authentic" and "Equitable" principles of supporting local businesses such as markets, workshops, studios, galleries, restaurants, recreational businesses and other local, small businesses. This proposal provides none of those.

The Livability section emphasizes the importance of Floyds Fork and the protection of the riparian areas abutting the creek. This proposal violates that goal. The "Healthy" principle emphasizes the integration of "neighborhood parks, recreational opportunities and trail connections." This proposal does not accomplish that.

In conclusion, a "big box" retail store of almost 75,000 sq. ft., which would possibly attract customers from a large consumer area, is not the type of use anticipated in the Floyds Fork Vision Plan.

Floyds Fork Development Review Overlay

As summarized in the Vision Plan: "The intent of the overlay is to ensure that new development within the Floyds Fork Corridor is designed to aid in restoring and maintaining the excellent quality of land and water resources. It is intended to complement the natural landscape to obtain an aesthetically pleasing, rural atmosphere." This proposal does none of that. A 75,000 sq. ft. "big box" salvage and building materials outlet has no place in the DRO. This property was included in the DRO and zoned R-R rural residential for a reason. To change that would be a reversal of an important protection for Floyds Fork, the Parklands and the entire South Floyds Fork area.

Comprehensive Plan 2040

Community Form

The proposal does not comply with the intent and applicable policies of the Community Form Plan Elements of the 2040 Comprehensive Plan. The new development is not compatible with the scale and site design of nearby existing development. The proposal constitutes a commercial invasion and expansion into an existing residential and recreational area. It will have negative impacts such as increased traffic on a local road, and increased lighting and noise in a residential and park area. There is no adequate buffer or transition between lower density residential and recreational uses and the proposed heavy commercial usage.

Plan 2040 defines an "activity center" as: "An area of concentrated, mixed-use activity that often has a residential component." Plan 2040 also defines a "neighborhood center" as "Mixture of neighborhood- serving land uses such as offices, shops, restaurants and services ...". This single commercial building cannot be considered an activity center or a neighborhood center. It is merely an isolated commercial use, an example, if allowed, of spot zoning. It is not located in or near an activity center. It is not compatible with adjacent uses. There is no

proposal for any residential on the site (even though C-1 zoning would permit that), thus the proposal is not a mixed-use proposal. The plan proposes to demolish the existing residential structures instead of any possible rehabilitation or continued use.

The proposal violates Goal 1, Policy 2.1 because it is incompatible with surrounding uses. It violates Goal 1, Policy 3.1.3 because it is in the neighborhood form district which is characterized by predominantly residential uses and limits high density uses to areas that have limited impact. It violates Goal 1, Policy 6 because it would allow a high intensity commercial use into an area of primarily and recreational uses. The nearby M-2 industrial district has existed for many years and is within the neighborhood form district, which indicates it should not be expanded. It violates Goal 1, Policy 7 because it is not located near major transportation facilities or transit corridors and is not located near employment or activity centers.

It violates Goal 1, Policy 9 because it does not provide an appropriate transition between uses that are substantially different in scale and intensity. It violates Goal 1, Policy 10 because it does not provide an adequate buffer between uses substantially different in intensity. It violates Goal 1, Policy 12 because it does not minimize adverse impacts from noise, lights and other potential impacts. It violates Goal 1, Policy 16 because it does not protect air and water quality. It violates Goal 1, Policy 17 because it does not protect S. English Station Rd. from heavy truck and customer traffic. It violates Goal 1, Policy 19 because it does not mitigate adverse impacts of lighting on nearby park land and on the night sky.

It violates Goal 2, Policy 2 because it does not locate a retail development in an activity center. It violates Goal 2, Policy 4 because it is not located where there is appropriate access and connectivity. It violates Goal 2, Policy 6 because it is not in an activity center. It violates Goal 2, Policy 7 because its isolated location would encourage unnecessary trips. It violates Goal 2, Policy 16 because it is not easily accessible by persons with disabilities.

It violates Goal 3, Policy 4 because it would have a heavy impact on the park land nearby. It violates Goal 3, Policy 9 because it allows an expansion of impervious surfaces and building footprint in a low-density area. It would degrade the nearby Floyds Fork and the intermittent stream which feeds the Fork. It violates Goal 3, Policy 12 because of its proximity to the floodplain and Floyds Fork.

It violates Goal 4, Policy 1 because the expanded building (25,000 sq. ft.) would not be compatible with the area. It violates Goal 4, Policy 2 because it would change the existing landscape and built features.

Mobility

The proposal does not comply with Goal 1, Policy 4 because it is not located in a commercial activity center or near existing marketplace corridors. It violates Goal 2, Policy 4 because a major access from the north and west would be through an area of significantly lower intensity and would create significant nuisances.

It violates Goal 3, Policy 1 because it would allow for regional oriented goods and services at a scale not consistent with the area. It would increase long trips from a greater area. It violates Goal 3, Policy 2 because it would not reduce vehicle miles traveled and congestion. It violates Goal 3, Policy 3 because there is no public transit service to the site or nearby and would be inaccessible to most pedestrians. It violates Goal 3, Policy 5 because it would have a negative impact on the transportation network and air quality.

Community Facilities

The proposal violates Goal 2, Policy 1 because it is not fully served by utilities, especially sewage disposal. It violates Goal 2, Policy 3 because the proposed septic system would be a potential danger to Floyds Fork and the intermittent stream on the property.

Economic Development

The proposal does not comply with the intent and applicable policies of the Economic Development Plan Elements of the 2040 Comprehensive Plan. It violates Goal 1, Policy 3 because the proposed commercial use is located on a secondary collector and the activity and traffic would adversely affect adjacent areas.

Livability

The proposal does not comply with the intent and applicable policies of the Livability Plan Elements of the 2040 Comprehensive Plan. The proposal does not consider the impact of the proposed development on air quality, especially because of the noise, odors and fumes from the increased truck and commercial traffic. It violates Goal 1, Policy 8 because it endangers water quality and streambanks. It violates Goal 1, Policy 12 because it does not minimize impervious surfaces. It violates Goal 1, Policy 19 because it does not provide an adequate buffer area around Floyds Fork and the intermittent stream that feeds the Fork. It violates Goal 1, Policy 31 because the increased truck and consumer traffic would negatively affect air quality.

Housing

The proposal does not comply with the policies of the Housing Plan Elements described in Goal 1, Policy 1 because it does not propose any housing. While C-2 zoning does permit higher density housing options, this proposal does not propose any such housing. The plan does not propose any housing which includes affordable housing. It does not encourage the use of vacant property for new housing.