

Case No. 17ZONE1054 Findings of Fact

WHEREAS, the Louisville Metro Planning Commission finds that the Proposal to change the applicable zoning district on the Subject Properties from R-2 and R-5 to OR-3 Office/Residential District to allow for two medical office buildings conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan, as detailed in these Findings of Fact; and

WHEREAS, The Commission further finds that the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1.B.3. because the site lies within the Neighborhood Form District and the Proposal is consistent therewith; because the proposal is adjacent to a large activity center and directly abuts office uses and multi-family uses and zones; because the proposed scale of the development is appropriate for the area in that the activity center contains a mixture of scales supporting large and small retail uses; and because Breckenridge Lane is a minor arterial roadway; and

WHEREAS, The Commission further finds that the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 5, 6, 13, 15 and 16 because the Proposal is adjacent to a large activity center, and it abuts an office development and multi-family uses and zones; because the Subject Properties are in the Neighborhood Form District and an adjacent activity center is in the Regional Center Form District; because the vicinity of this Proposal has a sufficient population base for the development; because residential neighborhoods surround the existing activity center; because the proposed land uses are compact, and they utilize most of the land for parking, structures and detention; because appropriate landscape buffers will be provided; and because the proposed parking facilities will be shared; and

WHEREAS, The Commission further finds that the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 21, 22, 23, 24 and 28 because building materials for the medical office building will be brick, glass and EIFS; because these building materials will be compatible with other buildings on Breckenridge Lane and will be compatible with residential areas generally to the west of the Subject Properties; because the Proposal will have a minimal impact on abutting residential areas and the residential area across Breckenridge Lane behind the Old K-Mart building; because landscaping will be employed as required by Land Development Code Chapter 10; because; because all site lighting will conform to Land Development Code (“LDC”) Part 4 and will be directed away from adjacent residential areas; because Breckenridge Lane is a transit corridor and is served by Transit Authority of River City (“TARC”) Route 53 Express and Route 62; because landscaping will be provided as required by LDC Article 10; because except for the variance requests, the Proposal conforms to all setback requirements; and because free-standing signs will be monument in style and there will be no changing-image signs; and

WHEREAS, The Planning Commission Further Finds That the Proposal conforms to Open Space Guideline 4 because the Proposal does not require open space; and

WHEREAS, The Commission further finds that the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, and 6, because the site is not located in an area with natural, cultural or historic features and it has no soils or slopes that would make development difficult or otherwise be prone to soil erosion; and

WHEREAS, The Commission further finds that the proposal conforms to Economic Growth and Sustainability Guideline 6 and all applicable Policies adopted thereunder, including Policy 6

because the development will provide medical services in office buildings in or adjacent to an activity center; and

WHEREAS, The Commission further finds that the Proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policy 1, 2, 3, 6, 9, 10, 13 and 16 because the site can accommodate traffic generated to and from the site; because pedestrian facilities are provided to accommodate walkers and transit riders; because bicycle storage facilities will be provided on-site; and because a pedestrian connection is proposed through the parking lot to connect the office buildings; and

WHEREAS, The Commission further finds that the Proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policy 1, 2, 3 and 4 because sidewalks are located along Breckenridge Lane and are proposed to connect the office buildings; because bicycle storage facilities will be provided on both Tract 1 and Tract 2; and because Breckenridge Lane is a transit route, on which TARC provides service for Route 53 Express and Route 62; and

WHEREAS, The Commission further finds that the Proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 3, 6, 7, 10 and 11 because surface water management has been analyzed using a watershed-wide model; because impervious surfaces have been minimized wherever possible; because a large detention area to the rear of the site has been provided; because the Metropolitan Sewer District has approved the development, which indicates, among other things, that stormwater run-off has been adequately accommodated, that “through” drainage systems have been accommodated, and that peak stormwater run-off rates or volumes after development will be consistent with regional or watershed plans or are being mitigated on-site; and

WHEREAS, The Commission further finds that the Proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 2, 3 and 8 because the Louisville Air Pollution Control District has approved the Proposal, which indicates that sufficient measures have been taken to reduce the impacts of air pollution, including the use of alternate modes of transportation such as walking and biking; and

WHEREAS, The Commission further finds that the Proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 2, 5 and 6 because the site will be landscaped pursuant to the requirements of LDC Article 10; because native plant species will be utilized for buffering and screening; and because an adequate tree canopy will be provided; and

WHEREAS, The Commission further finds that the Proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 7 because an adequate supply of potable water and water for fire-fighting purposes will be provided; because sewer service will be provided by the Metropolitan Sewer District; and because utilities and utility service will be provided for in easements as designated by each utility; and

WHEREAS, The Commission further finds that the Proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 9, because the Subject Properties will be adequately served by fire-fighting services of the McMahan Fire Department; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 1 – Community Form because The proposal is adjacent to a large activity center, and directly abutting office, commercial, and multi-family uses and zones. The scale is appropriate for the area as the center contains a mixture of scales supporting large and small retail uses; grocery; professional offices that stand-alone or are contained in strip centers; restaurants with or without drive-thru; and a variety other services; and Breckenridge lane is a minor-arterial roadway; and

WHEREAS, the Commission further finds that the request meets the intents of Guideline 2 – Centers because the proposal is adjacent to a large activity center, and directly abutting office, commercial, and multi-family uses and zones; the subject site is in the NFD, while the adjacent center is in the RCFD; the proposed use provides for medical offices; the area has sufficient permanent population and population in transit to support the use; residential neighborhoods surround the existing activity center; the land uses are relatively compact and utilize the majority of the land for parking, structures, and detention, while maintaining appropriate landscape buffers; the inclusion of medical offices on the subject site adds to the diversity of uses in surrounding areas; the inclusion of medical offices on the subject site adds to the diversity of uses in surrounding areas; the land uses are relatively compact and utilize the majority of the land for parking, structures, and detention, while maintaining appropriate landscape buffers; parking facilities are being shared and access for both pedestrians and vehicles are provided between the two sites to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns; utilities will be located to serve the development; pedestrian access to the site is provided along with vehicular access. Public sidewalk provides for access from TARC stop. TARC stop improvements will be made at the time of construction of Tract 1; and

WHEREAS, the Commission further finds that the request meets the intents of Guideline 3 – Compatibility because the proposed building materials increase the new development's compatibility as the building poses architectural creativity in a manner consistent with materials in the area; the proposal does not constitute a non- residential expansion into an existing residential area as the prior use was non- residential and the subject site is located along a minor arterial directing abutting a large regional center; the proposal does not appear to create any additional odor or emissions beyond that which is normally expected; Breckenridge Lane is a minor arterial roadway which is intended to serve non-residential development. There will inherently be traffic.; lighting will be in compliance with the LDC ; Breckenridge lane is a transit corridor served by TARC route 53X and 62; landscaping appears to be appropriate for the development and abutting uses; setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards; landscaping and setbacks are provided; landscaping appears to be appropriate for the development and abutting uses; and signs will be in compliance with the LDC; and

WHEREAS, the Commission further finds that the request meets the intents of Guideline 4 – Open Space because the front entrance to the facility provides a landscaped amenity for aesthetic purposes; open space not required for this development; and there do not appear to be any natural resources on the subject site; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 5 - Natural Areas and Scenic and Historic Resources because there do not appear to be any natural resources on the subject site; there are no structures of historical significance on the subject site; and the site does not appear to contain wetlands, floodplain or other hydric features; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 6 - Economic Growth and Sustainability because the site is located along a minor arterial adjacent to a large regional center; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 7: Circulation because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means; TARC improvements will be made along the frontage, public walks will be provided and interconnectivity between the uses will be made available; the proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; pedestrian facilities are provided to accommodate walkers and transit riders; sufficient parking is being provided; and the proposal provides for joint and cross access through the development; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 8: Transportation Facility Design because stub streets are not required; access is provided from an arterial roadway intersecting an interstate and an activity center; and no streets are proposed or required; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 9: Bicycle, Pedestrian and Transit because TARC improvements will be made along the frontage, public walks will be provided and interconnectivity between the uses will be made available; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 10: Flooding and Stormwater because the proposal's drainage plans have been approved by MSD; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 12: Air Quality because The proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 13: Landscape Character because no natural corridors are present; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 14 - Infrastructure because existing utilities would appear to be available; the proposal has access to an adequate supply of potable water and water for fire- fighting purposes; and the proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Change-in-Zoning from R-2/R-5, Single-Family Residential to OR-3, Office-Residential on property described in the attached legal description be **APPROVED**.