

### **Case No. 18ZONE1005 Findings of Fact**

**WHEREAS**, the Louisville Metro Planning Commission finds that that the proposal meets the intents of Guideline 1: Community Form because the proposal does not affect the existing street pattern; while the proposal is not a new neighborhood center, it is introducing an additional neighborhood serving use; this proposal includes no new construction and is utilizing and restoring an existing building, therefore is not impacting any open space. It is also located along the entry path to the Portland Wharf Park; and the proposal is for the reuse of an existing building for commercial and residential purposes; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 2: Centers because the proposal will not create a new center but it involves the repurposing of an existing building; the Portland neighborhood is a historic urban neighborhood with more than sufficient population to support a small commercial use; the proposal is efficient and cost effective because it is utilizing an existing building; this proposal is not a center but does provide a service which will serve the neighborhood. It is also a mixed-use proposal; this proposal includes residential above commercial; the proposal is not a larger development within a center; the proposal does not include any additional curb cuts; utilities for the site are existing; the site has sidewalks and transit located in close proximity; and TARC routes run along Portland Ave and Bank Street, blocks away from the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 3: Compatibility because no new construction is proposed; the existing building was historically non-residential and is being returned to a corner commercial use therefore it is not a non-residential expansion into a residential area; APCD has no issues with the proposal; traffic impacts for this proposal will be minimal and the applicant has provided all requirements regarding transportation; all lighting will comply with Land Development Code standards; the proposal is located on a corner in an urban residential neighborhood with local streets. There are nearby mixed uses and a transit route; the proposal will not be able to provide the required 15' landscape buffer area along the western property line but screening is in place that provides an appropriate transition to the neighboring use; the proposal will not be able to provide the required 15' landscape buffer area along the western property line but screening is in place that provides an appropriate transition to the neighboring use; the building is existing with no new construction proposed and is compatible with nearby development; there is no parking or loading areas proposed on site; street parking will be used; a parking garage is not proposed; and any proposed attached signage will be in compliance with LDC standards; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 4: Open Space because the provision of open space for this proposal is not required by the LDC and is not appropriate for this site; open space is not required; and as there is no new construction, any natural features of the site are being left intact; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 5: Natural Areas and Scenic and Historic Resources because as there is no new construction, any natural features of the site are being left intact; the proposal is for the adaptive reuse of an existing structure; and soils are not an issue for the site; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 6: Economic Growth and Sustainability because this site is within an established neighborhood with existing vehicular, pedestrian and transit infrastructure; the proposal is not located in a downtown; the proposal is not for industrial; this proposal is a commercial and residential use

and is located near other non-residential uses, as well as approximately two blocks from Portland Ave/ Northwestern Pkwy, a minor arterial; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 7: Circulation because Transportation staff has reviewed the plan and determined that no roadway improvements are warranted; there is an existing sidewalk network and nearby transit stops; this proposal does not constitute additional transportation facilities, as it is a small site; no dedication of right of way is required for this proposal; parking requirements have been met with street parking along N 32nd Street; and cross access is not appropriate in this situation; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 8: Transportation Facility Design because a stub street is not necessary because the site is within an existing developed neighborhood; access to the development is through public rights of way; while the existing roadways are not connected at the corner due to the berm for the railway that cut through the neighborhood, this has been in place for many years and the site can be accessed from both Rudd Ave and N 32<sup>nd</sup> Street; and

**WHEREAS**, the proposal meets the intents of Guideline 9: Bicycle, Pedestrian and Transit because sidewalks are provided for transit users and pedestrians. Existing sidewalks are located along the street frontage and the structure is set close to the road; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 10: Flooding and Stormwater because MSD has reviewed the plan to ensure adequate drainage. No new impervious area is proposed and no streams are impacted by the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 12: Air Quality because APCD has no issues with the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 13: Landscape Character because Natural corridors are not evident in or around the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 14: Infrastructure because existing utilities serve the site and water is available to the site; also, Health department has no issues with the proposal and has determined adequate means of sewage treatment is in place; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Change in Zoning from U-N, Urban Neighborhood to C-R, Commercial Residential on 0.09 acres be **APPROVED**.