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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE2020 COMPREHENSIVE PLAN

Project: Outer Loop Restaurant/ Retail/ Residential
Location: 5103 Outer Loop
Applicant: DFWM Outer Loop, LLC
Engineer: Blomquist Design Group, LLC
Request: Zone Change from R-4 to C-1 with Detailed District Development Plan

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearings held on October 17, 2016 and January 18, 2017 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

Introductory Statement

WHEREAS, the proposed restaurant/retail building is located on approximately 1 acre of vacant land located along Outer Loop, a major arterial and commercial corridor; several years ago, this site was part of the proposed commercial center now called Jefferson Commons and was approved for a Conditional Use Permit for parking associated with the center; since that time, the center has changed ownership and was developed without utilizing this site in its overall development plan; consequently, the owners have been maintaining a vacant piece of potentially valuable land waiting for the economic conditions to turn positive to warrant rezoning the property; the owners are now requesting a zone change from R-4 to C-1 to allow for a 4,900 SF restaurant/retail building and associated parking; the proposed building is located closest to the Chick-Fil-A Restaurant at Jefferson Commons and as far from the adjacent residential structure as possible; the proposed parking is located in front of the building with access to both Outer Loop and Buena Vista Court; and a proposed drive-thru window is also located behind the building, shielding it from the adjacent residential property with what is now proposed as a masonry screening wall; and

WHEREAS, a concern of neighbors has been the traffic currently along Outer Loop and Buena Vista Court and the traffic impacts of this proposed development; a traffic impact study (TIS) with trip generation was performed by Dianne Zimmerman, Traffic Engineer with CDM Smith, Inc. and was included in the formal filing of this application and presented and discussed at the Public Hearings; another concern of the neighbors was the request for outdoor alcohol consumption; based on hearing this concern and reconsidering the need, the owners decided not to request a Conditional Use Permit (CUP) for outdoor alcohol consumption; and

Guideline 1: Community Form

WHEREAS, the proposed development is located in the Neighborhood Form District and the surrounding area is primarily residential to the east and across Outer Loop; Jefferson Commons is located adjacent/west of this proposed development and is a major Regional Commercial Center located in the Regional Center Form District; this proposed development is proposed to be rezoned to C-1 and is located to serve as a transition between the two Form Districts and as such, this proposed development complies with Guideline 1; and

Guideline 2: Centers

WHEREAS, the application complies with applicable Intents and Policies 1, 2, 3, 4, 5, 7, 8, 9, 11, 13, 14 and 15 of the Comprehensive Plan because this small retail center is connected to a large Regional Center shopping center which is connected to another one which together include a mix of uses which are made compatible through design and which have mitigated their impacts on adjoining residential neighborhoods based on limitation of uses, setbacks, landscaping, screening, buffering, location of parking and limited lighting; and the issue of access to Buena Vista Court has been resolved by eliminating that connectivity; and

WHEREAS, the application is also proposing elimination/reconstruction of the raised median in Outer Loop to allow east bound left turns into this site and a pedestrian sidewalk connection and proposed bicycle facilities are shown on the proposed development plan; and

Guideline 3: Compatibility

WHEREAS, the application complies with applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 12, 20, 21, 22, 23, 24 and 28 of the Comprehensive Plan because this center includes a desirable mix of uses which are made compatible through design and use of building materials whose potentially negative impacts are mitigated through the C-1 limitation of potential uses, by including good setbacks, landscaping, screening and buffering, by locating parking away from and screening it from residential properties and by limiting lighting through compliance with the new LDC, while limiting noise and odor impacts through building location plus screening and buffering; further the proposed building is located at the far western section of the property to provide the maximum distance to the adjacent residence; the drive-thru window and dumpster are also located on the western side of the proposed building away from the adjacent residence; the proposed parking is being screened from the adjacent residence by a proposed 25 ft. landscape buffer area to include trees and an 8-foot screen; and a 30 foot wide parkway buffer area with an earthen berm, except where the drive line is located, is also provided along Outer Loop to shield the parking lot and building; and

WHEREAS, parking lot lighting will comply with the required foot candles at the adjacent property lines and will be directed away from the residential properties, while still providing adequate light for security purposes; and

WHEREAS, the proposed building as stated will be located along the western property line; to do so would require a variance from the setback requirements for the Neighborhood Form District; to comply with the requirements would place the building at the southeast corner of the property at the intersection of Buena Vista and Outer Loop; this would place the building in front of the adjacent residential structure and would not be similar to other buildings located along Outer Loop

to the west of this site; and a monument style sign is proposed near the entrance to the parking lot from Outer Loop; and

Guideline 6: Economic Growth and Sustainability

WHEREAS, the application complies with applicable Intents and Policies 1, 2 and 6 of the Comprehensive Plan because this is an addition to the existing retail workplace center located from this location west to Jefferson Blvd.; and

Guidelines 7: Circulation; Guideline 8: Transportation Facility Design; and Guideline 9: Bicycle, Pedestrian and Transit

WHEREAS, the application complies with applicable Intents and Policies 1, 2, 3, 4, 10, 11, 12, 14 and 15 of Guideline 7, Policies 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3, and 4 of Guideline 9 of the Comprehensive Plan because the pedestrian sidewalks are proposed to connect the proposed building with the existing Outer Loop sidewalk and bicycle facilities are also proposed as shown on the Detailed District Development Plan; the Detailed District Development Plan was prepared in accordance with all Metro Public Works and Transportation Planning design criteria such that these agencies were able to stamp the plan for preliminary approval prior to these public hearings; and since the October 17, 2016 Public Hearing access was eliminated to Buena Vista Court; and

Guideline 10: Stormwater; Guideline 11: Water Quality; and Guideline 12: Air Quality

WHEREAS, the application complies with applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10, Policies 3 and 5 of Guideline 11, and Policies 1, 2, 3, 5, 6, 7, 8 and 9 of Guideline 12 of the Comprehensive Plan because the existing storm water pipe that discharges onto this site from Outer Loop will be extended through the site to discharge into the existing ditch line along the west property line; the on-site drainage system will also direct storm water to this same extended pipe; Redwing Ecological Services, Inc. has been engaged by the applicant to provide consultation and permitting for the existing ditchline and environmental issues relative to same; required approvals and permits from MSD and the US Army Corps of Engineers, as necessary, will be obtained prior to construction; and at time of construction the development will comply with MSDs Water Quality and Soil Erosion/Sedimentation Control regulations;

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WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books and on the approved Detailed District Development Plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to C-1 and approves the Detailed District Development Plan.