

Case No. 17ZONE1048 Findings of Fact

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Guideline 1: Community Form because the subject property lies within the Campus Form Area as identified by Core Graphic 1 of the Cornerstone 2020 Comprehensive Plan. In the graphic, the form is described as a master planned area(s) with a mix of uses, support services and a common square plaza. Guideline I.B.II discusses a mixture of uses being encouraged that may include residential or commercial that would primarily serve the people whom work or live on the Campus. The particular Campus form area along Bullitt Lane and Oxmoor Court encompasses the mix of land uses surrounding the Oxmoor Center Mall and the properties that back up to the Watterson Expressway and 1-64. There is an existing mixture of uses that range from office and residential to restaurants and retail. Cornerstone 2020 also discussed that the form should be compact and walkable, with multiple buildings, central gathering areas, extensive open space, internal shared parking, private walkways and roadways, and shared utilities and signage; and

WHEREAS, the Commission further finds that the proposal complies with Guideline 1, Community Form, since it adds to the mixture of nonresidential uses that serve the residents and individuals working within the offices of the existing Campus form district. The development will include the elements discussed within the form such as full pedestrian connectivity, a central gathering area shared between the two buildings, shared parking for the lot and a compact layout meeting the minimum parking needs. The proposal connects to the existing road system and network along Bullitt Lane; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 2: Centers. The proposed rezoning complies with Guideline 2, Centers, as specifically stated in Policy A.1& 3 since it is located in a Campus center with new construction to provide a commercial use to the area that has sufficient population to support it. The site of the proposed development is along the commercial corridor of Bullitt Lane adjacent to the Watterson Expressway. There is a nearby multi-family residential complex and office which both have populations that would be served by the new commercial property. The development has a compact pattern focused around a central shared plaza/patio space that allows for easy access by bicycle, car and pedestrians. The sidewalk network throughout the development will encourage appropriate pedestrian activity and promote accessibility by alternative modes of transportations. These elements of the development are in accordance with Policies A.4, 5, 13, 15 & 16; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guideline 3 – Compatibility of the Cornerstone 2020 Compressive Plan because the Campus Form District identifies its intent to allow a mixture of land uses as long as they are designed to be compatible with each other and any impacts are appropriately mitigated. The subject property is a proposed non-residential use along a corridor of other non-residential uses specifically adjacent to it. The buildings will be providing a variety of materials and architectural animating features which will serve as a point of compatibility with the campus area. All of these building elements will be in accordance with the Land Development Code. Appropriate setbacks and landscape buffer areas will be provided along the property boundaries adjacent to the roadway/expressway. The setbacks, buffers and screening will allow for appropriate transition from the proposed non-residential uses to the roadway network in accordance with Policy A.4, 21, 22 & 23. The single story height of the development is compatible with the scale of the existing properties located within the larger Campus Form District. Lighting will be compliant with the Land Development

Code to mitigate any adverse impacts of lighting from the proposed development on nearby properties. All site signage will be compatible with the form district pattern; and

WHEREAS, the Commission further finds that the proposed rezoning and new development will be located within an existing activity center adjacent to the Oxmoor Mall property. It will have full accessibility to people with disabilities consistent with federal, state and local regulations. The parking areas for the development are not located adjacent to any residential uses the internal and perimeter landscaping will result in diminished impact of the parking, loading and delivery areas around the development. The parking is designed to be safe and allow multi-modal access to the site. For the aforementioned reasons, the proposed development complies with Guideline 3 of the Comprehensive Plan; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guidelines 4 & 5: Open Space, Natural Areas and Scenic & Historic Resources. Open space and an outdoor amenity area are being provided as part of the development to provide meet the needs of the community as a component of development. The open space design is compliant with the Land Development Code which follows from Policy A.4 to create open space design consistent with the pattern of development in the form district. The proposal integrates natural features as highlighted in Guideline 5, Policy A.I into the pattern of development by preserving the southern portion of the site within the local regulatory floodplain and any protect waterway buffers along this portion of the property. There are no identified hydric soils, severe, steep or unstable slopes that would create an impediment to the proposed rezoning and associated development. Accordingly, the proposed development meets Guidelines 4 & 5 of the Cornerstone 2020 Comprehensive Plan; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guidelines 7, 8 & 9: Circulation, Transportation Facility Design and Bicycle, Pedestrian & Transit. The rezoning is located along a local level road with the rear of the property against Watterson Expressway ROW. Bullitt Lane connects to another local level roadway at Oxmoor Lane which continues on to Shelbyville Road, a major arterial. The access points to the site are from Bullitt Lane near unimproved ROW at Bunsen Parkway. There are only two curb cuts to facilitate safe vehicular access to the site. The proposal will contribute its proportional share of roadway improvements with sidewalk improvements within the Bullitt Lane ROW. The external and internal sidewalk network promotes bicycle and pedestrian use around and throughout the development. Appropriate access and adequate parking will be provided to further promote safe vehicular access and support the proposed commercial uses. Bicycle amenities will be provided at front entrance to the development in accordance with the Land Development Code. Therefore, the proposed rezoning and development comply with Guidelines 7, 8 and 9 of the Cornerstone 2020 Comprehensive Plan; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guidelines 10 & 11: Flooding, Stormwater & Water Quality. The subject site is located with the southern portion of the property within the 100 year floodplain and local regulatory floodplain; therefore, the proposed development has been placed outside of the identified floodplain to mitigate any negative impacts. The site does not contain steep slopes, unstable or hydric soils. The proposed development is located on a site that will enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties. There will be no increase in velocity at point of discharge at property line and no increase in drainage run-off to the right of way. The storm water detention design will receive approval from MSD prior to construction. In addition, an Erosion Prevention and Sediment Control Plan utilizing best management practices will be implemented prior to construction. The project will meet all MS4

Water Quality Regulations established by MSD with proper use of green best management practices. For above mentioned reasons, the proposed rezoning and development comply with Guidelines 10 & 11 of the Cornerstone 2020 Comprehensive Plan; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 12: Air Quality. As previously demonstrated, the proposal represents a compact and efficient land use pattern. It utilizes the existing roadway network within the Campus Form. The proposed development is a commercial use with proper circulation and connectivity that will promote multi-modal connectivity to and on the site with an effort to increase pedestrian use. These combined efforts will aid in reducing the air quality impacts of the development. The campus area serving use proposed on the subject property complies with Guideline 12 of the Cornerstone 2020 Comprehensive Plan; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 13: Landscape Character. The proposed rezoning and development complies with Guideline 13 of Cornerstone 2020 of the Comprehensive Plan by meeting the majority of all landscape requirements of the Land Development Code. Sufficient landscape buffers will be provided along the property perimeters adjacent to the roadway networks to ensure compatibility of the site. Tree preservation practices will be followed within the identified tree canopy credit area to the south of the proposed uses that incorporate the native plant communities of the property. The overall tree canopy requirement for the lot will be exceeded. Interior landscaping will be installed within the vehicular use area to break up the parking areas and enhance the overall aesthetics of the site; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guidelines 14 & 15: Infrastructure and Community Facilities. The proposal complies with Guidelines 14 & 15 of the Cornerstone 2020 Comprehensive Plan because the subject property will be served by existing utilities and infrastructure which have adequate carrying capacity to accommodate the proposed development. All necessary utilities are available to the site. Fire hydrants will be provided to comply with Kentucky Building Code requirements. The subject property is served by the Louisville Fire Protection District #4 and Louisville Metro Police Department; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 1: Community Form because the zoning district and proposed use provide supportive services to the nearby regional center form district, office uses within the Campus form, and nearby residential uses; the proposal provides for continued connection to existing pedestrian infrastructure. Outdoor dining allows for amenity and gathering spaces; connection to the street network is provided; and no additional streets or connected to streets is needed; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 2: Centers because a new center is not being created. Rather the uses are being incorporated into an existing campus center of mixed uses; the proposal is not for retail purposes, but the specific use requested has sufficient permanent and future population, as well as consumer and employee traffic to support the use; the proposal is compact and appears to use only the land that is necessary to accommodate the needed infrastructure; while the use or zoning district does not create a new center, it incorporates appropriately within an existing center and continues the development of the center. Sidewalks and vehicular connection are provided to serve the use; the proposal is located in a mixed-use area of varying intensities; the proposal is relatively small compared to nearby regional center footprints; each individual parking lot has the ability to serve the other user as the restaurants are interconnected through pedestrian facilities; the proposal is designed to share utility hookups and service entrances with adjacent

developments, and utility lines are placed underground in common easements; and the proposal provides ease of access by all modes of transportation; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 3: Compatibility because the proposed design of the structures is consistent with development in the area; the proposal continues the non-residential progression of development along the frontage roadway; no adverse odor or emissions are typically associated with the proposed uses; traffic would not appear to be a major concern of this development as the regional Malls nearby present a much greater traffic concern and surrounding facilities provide supportive services for those in the area for interaction with the regional Mall; lighting will be in compliance with LDC 4.1.3; the use is not a higher intensity than surrounding uses as a restaurant is compatible and supportive to surrounding uses; the proposal provides appropriate transitions as surrounding uses are similar in intensity and landscaping is being provided; the proposed land use is compatible with the surrounding area; setbacks, lot dimensions and building heights are compatible with those of nearby development; parking loading and delivery areas are not adjacent to residential areas; landscaping is provided along roadways and within parking areas; no parking garages are proposed; and signage will be in compliance with Ch.8 of the LDC; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 4: Open Space because open space is provided in the form of outdoor dining space. Open space is not required for a development of this size; the site is in the Campus Form district; and minimum tree canopy standards will be met; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 5: Natural Areas and Scenic and Historic Resources because the proposal is sensitive to the natural features of the site as much of the land is contained in regulatory floodplain and persevered as TCCA; the applicant has agreed to work with historic resources staff persons to identify any artifacts that may be present on the site; and the proposal is sensitive to the natural features of the site as much of the land is contained in regulatory floodplain and persevered as TCCA; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 6: Economic Growth and Sustainability because the project is located in a Campus form district and is a non-industrial development; and Bullitt Lane is an interior roadway serving multiple non-residential establishments and having immediate access to an arterial roadway and interstate; 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. The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as pedestrian connections and bicycle parking has been provided; facilities are compatible with adjacent developments connection to the roadway; no dedications to public ways are required; parking is sufficient to support the use; and parking lots serve each restaurant through pedestrian connections; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 8: Transportation Facility Design because parking lots serve each restaurant through pedestrian connections; access to the site is through similar and/or compatible development; and Bullitt Lane serves as a local access road for non-residential development; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 9: Bicycle, Pedestrian and Transit because the proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as pedestrian connections and bicycle parking has been provided; 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 apparent on-site; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 14: Infrastructure because the proposal is located in an area served by existing utilities or planned for utilities; 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, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Change-in-Zoning from R-4, Single-Family Residential to C-2 , Commercial on property described in the attached legal description be **APPROVED**.