

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: DWSB Louisville, LLC

Location: 5244 Dixie Highway

Proposed Use: Automotive Dealership

Engineers, Land Planners and Landscape Architects: McGill Smith Pushon

Request: Change in Zoning from C-1 to C-2

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on July 5, 2018 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, this rezoning involves repurposing the existing vacant former Kroger store building to allow a Jeff Wyler new car auto dealership; and the applicant is proposing to remodel the interior of the existing 64,845 sf building to include 20 service bays, with indoor display and sales areas; and

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the proposed automobile dealership on this site is appropriate because Suburban Marketplace “often contain a single large-scale use or a cluster of uses within a master plan development”; also, Suburban Marketplace is a form characterized by predominantly industrial and office uses, meaning not entirely; and given that there are several nearby car dealerships, together they represent a large-scale use, and they are large employers requiring significant sized properties such as available at this abandoned and no longer viable large box retail use as a Kroger store; and

GUIDELINE 2: CENTERS

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 11, 13, 14, 15, and 16 of Guideline 2 because this site is next to an adjacent already properly zoned retail site next to a previously utilized Kroger retail center; this proposal for a new car dealership with very extensive investment in the dilapidated building

involves an efficient use of land similarly used next door to the south and an investment in existing infrastructure; car buyers already visiting the existing nearby new car auto dealerships will have travel times and distances reduced when shopping for another similar brand next door; since this change of use from a Kroger retail center to a new auto dealership, with the adjoining retail businesses does not involve an isolated commercial use expansion; rather this proposal is an adaptive reuse of an existing large box retail building for which there is and have been, no demand, just like the other many vacant large box retail uses that end up being divided up for fitness centers and other uses; the activity center established by the new Honda dealership and other commercial facilities nearby is a revitalization of the existing activity center and not the creation of a new activity center; the addition of another automobile dealership enhances the mix of commercial uses already existing at this location; existing utilities will be utilized; and almost no changes are being made to the previously approved DDDP further reduces impacts; and

GUIDELINE 3: COMPATIBILITY

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 21, 22, 23, 24, 28 and 29 of Guideline 3 because the proposed new automobile dealership replacing the existing vacant large box Kroger retail center is a compatible use in an area of large employment activities and other automobile dealerships reducing vehicle miles traveled; the proposed dealership building will include a very substantial renovation of the existing vacant Kroger building with almost no changes to the building or parking areas, reducing almost all potential impacts; the new Honda building will be highly attractive and a vast improvement for the area; high quality building materials will be used; odors and air quality emissions, traffic, noise, lighting and visual impacts are addressed by virtue of the fact there are almost no changes proposed to the existing site as shown on the DDDP and thus very low impact to the adjoining retail or residential uses; the accompanying DDDP and concept landscape plan on the colored-up site plan shown at the neighborhood meeting illustrates the appropriate setbacks with good screening and buffering with no waivers or variances requested; and lighting will be addressed and be fully Land Development Code compliant; and

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, and 6 of Guideline 6 because this site is no longer viable as a large box retail center, as demonstrated by the time it has been vacant, and one of very few that has significant available land at a high-traffic location to accommodate a new car dealership in an already existing activity center; this reduces costs of land development and further promotes an existing employment center with good access to a support population that will visit this new proposed auto dealership; and

GUIDELINES 7, 8 AND 9 – CIRCULATION; TRANSPORTATION FACILITY DESIGN; AND BICYCLE, PEDESTRIAN AND TRANSIT

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, 4, 10, 11, 13, 14, 15 and 18 of Guideline 7, Policies 1, 3, 5, 6, 7, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 because Dixie Highway has adequate traffic-carrying capacity for business growth, and a car dealership generates significantly less traffic than the prior Kroger retail center, particularly during peak hours, thus less customers than many retail uses of similar acreage; since roads systems are adequate, the issues to address, as

addressed on the DDDP accompanying this application involve the issues of parking adequacy, alternative transportation modes, and whether internal traffic movements, internal parking arrangements and access from Dixie Highway as well as between adjoining sites are appropriately designed; the DDDP accompanying this application satisfies all of the design requirements of Metro Public Works and Transportation planning which are inherent in all three of these Guidelines; the DDDP received the preliminary stamp of approval from these agencies prior to public review; and almost no changes are proposed from the previously approved DDDP with no waivers or variances requested; and

GUIDELINES 10, 11 AND 12 – FLOODING AND STORMWATER; WATER QUALITY; AND AIR QUALITY

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10, Policies 3 and 5 of Guideline 11 and Policies 1, 4, 7, 8 and 9 of Guideline 12 because MSD requires that post development peak rates of runoff do not exceed pre-development conditions and that adjacent properties are not adversely affected by the subject site's new and through drainage from storm water run-off; the proposed DDDP received MSD's preliminary stamp of approval prior to public review; MSD has also established soil erosion and sediment control as well as water quality standards which must be met with this development's construction plans; as to all of the Policies associated with air quality, they are always addressed when commuting times and distances are reduced when new activities congregate as here in an existing activity center; and because almost no changes to the currently approved DDDP and site layout are proposed, very few of these issues will be applicable; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5 and 7 of Guideline 13 because, as the concept landscape plan produced at the neighborhood meeting and accompanying this application demonstrate, and as will be included in the eventual landscape plan filed with DPDS post zoning approval, this site will comply with LDC landscape requirements; and

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books 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 C-1 to C-2 and approves the Detailed District Development Plan.