

## **Case No. 15ZONE1064 Findings of Fact**

03:27:36 On a motion by Commissioner Jarboe, seconded by Commissioner Tomes, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1 – Community Form**. The applicant proposes to rezone approximately .55 acres of the site, i.e. the northeastern 2 of the three lots comprising the site, from M-2 to C-1. The applicant will then construct two buildings, one a single story restaurant facility and one a single story retail building. This downzoning would render the entire Site zoned C-1, which is the same as the lot immediately to the south (more accurately, the southwest) of the Site. As the Pre-Application Staff Report ("Pre-App Report"), dated January 8, states, "The subject sites are located along the 7th Street Road corridor leading south to Dixie Highway. The parcels are at the edge of the Traditional Workplace and the Town Center form districts. The railroad line is located to the rear of the subject to the east. The surrounding area is a mix of industrial and commercial zoning." The Pre-App Report, at page 5 of 13, shows that the land to the immediate north of the Site is vacant and zoned M-2, while lands continuing on to the north of that are generally zoned M-2; that the land to the immediate south of the Site and on the same side of 7th Street Road is zoned C-1, while lands continuing on to the south and on the same side of 7th Street Road are generally zoned C-1; and that lands across 7th Street Road from the Site, both to the north and south, are zoned C-2. That land to the immediate south of the Site contains an office building. Finally, the land to the immediate east of the Site, which by orientation would be the back of the development, contains a railroad right of way easement and rail line. In response to the Pre-App Report Cornerstone 2020 checklist, items 2 and 3, at Pre-App Report page 7 of 13, the applicant states that the fronts of the proposed buildings are being reconfigured so that they parallel the setback line; that front entrances are being added; and that a bike rack is being added to provide for additional parking; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 2 – Centers**. The Site is bordered to the north by M-2 zoned properties (Traditional Workplace), to the south by C-1 zoned properties (Town Center), to the east by a rail line, and to the west by C-2 properties (Town Center). The properties to the north, south, and west of the Site border a major arterial roadway (7th Street Road). Further to the north, on the other side of 7th Street Road and sandwiched in between the C-2 and M-2 properties, is an R-6 subdivision, a natural constituency for both the restaurant and retail space planned by the applicant. In response to the Pre-App Report Cornerstone 2020 checklist, items 9 and 13, at Pre-App Report page 8 of 13, the applicant states that, though the proposed buildings are single story rather than multiple story, mixed use, single story buildings are consistent with the use in the area, while multiple story, mixed use buildings would likely require more parking that could be provided for on the site. As stated above, the applicant is adding a bike rack to accommodate bike parking; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 3 – Compatibility**. The rezoning of the properties within the site to C-1, and the construction of a retail building and a restaurant on the Site, renders the Site compatible with the uses of the surrounding M-2, C-1 and C-2 properties for those reasons cited above. In response to the Pre-App Report Cornerstone 2020 checklist, items 14, 17, 20-22, and 26, at pages 9-10 of 13, the applicant states that the Detailed District Development Plan, General Notes, #9, provides that "Building Architecture to comply with Chapter 5.6 of the LDC". That building architecture is still being determined. The additional traffic impacts on nearby communities from the restaurant and retail building should be minimal. The applicant expects that the retail building will be utilized primarily by persons who come in, park, and stay for the bulk of the workday, with 3rd party visitations sporadic at best. The restaurant will have sit down facilities, but it is primarily a drive through and carry out facility, and the drive through lane will serve to regulate the flow and frequency. of customers leaving the lot. Based on historic use at other applicant sites, the applicant also believes that the bulk of the traffic from the restaurant will come later in the day and evening, when traffic is less congested. The size and intensity of the Site use is similar to, and not more intensive or dense than, existing improvements in the immediate area, including the buildings immediately adjacent to, or across the road from, the Site. The fronts of the proposed buildings are being reconfigured so that they parallel the setback line, and front entrances are being added. Signage will be located as shown on the Detailed District Development Plan attached to the Final Application, as that DDDP may be modified subsequently with approval of Planning and Design. The Detailed District Development Plan, General Notes, #5, provides that "Identification sign shall be submitted to and approved by the planning staff prior to construction plan approval and shall meet the requirements of Chapter 8 of the LDC". Further, the Detailed District Development Plan, Public Works and KTC Note, #1, provides that "No landscaping and commercial signs shall be permitted in state and metro works R/W."; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 4 – Open Space**. Open space is not required for this use, and the Site is not located in an area where there are natural features evident; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 5 – Natural Areas and Scenic and Historic Resources**. There is nothing of cultural or historic value on the Site, and the proposed use will not affect the soils on the Site; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 6 – Economic Growth and Sustainability**. Access to the rezoned Site will be via a major arterial roadway (7th Street Road). The Site is not located downtown, and the use is not industrial in nature; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 7 – Circulation**. Roadway, bikeway and walkway facilities serving the

property already exist (see Pre-App Report, Cornerstone 2020 checklist, item #38). The Site sits adjacent to a major arterial, such that no further improvements to the facilities are needed. The applicant has agreed to provide further setback from 7th Street Road to allow for the future widening of that road. The applicant will connect walkways from the two buildings to these existing facilities, and will install a bike rack to better serve bike parking. In response to the Pre-App Report Cornerstone 2020 checklist, items 37, 38, and 40, at page 11 of 13, the applicant states that, as stated in the Detailed District Development Plan, Public Works and KTC Notes, #3, 4, 6, and 10, the applicant will insure that all roadway and entrance intersections meet the landing requirements imposed by public works, that all utilities be located in a single trench unless otherwise required by Metro Works, that all utilities be relocated at the applicant's expense, and that the applicant agrees to enter into an agreement for cross access to the property to its immediate south-whenver the owner of that southern property will provide equivalent cross access-all as a way of providing better off road circulation between the properties. The applicant is providing a bike rack to accommodate bike parking. As stated in the Detailed District Development Plan, Public Works and KTC Note #9, the applicant is requesting a waiver on the 7th street right of way setback requirement so that the setback required of this property is the same as the setback required of adjacent, already developed properties; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 8 – Transportation Facility Design**. No new roads are proposed or needed. Access will by the existing public roads. However, the applicant agrees to enter into an agreement for cross access to the property to its immediate south-whenver the owner of that southern property will provide equivalent cross access-all as a way of providing better off road circulation between the properties; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 9 – Bicycle, Pedestrian and Transit** because the applicant is providing a bike rack to accommodate bike parking; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 10 – Flooding and Stormwater**. The applicant believes that its proposed use should have no material adverse effect on the existing drainage systems for the Site and not increase the existing stormwater runoff. In response to the Pre-App Report Cornerstone 2020 checklist, item 47, at page 12 of 13, the applicant states that the applicant's revised Detailed District Development Plan has incorporated and addressed MSD's comments; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 12 – Air Quality**. The applicant believes that its proposed use should have no material adverse effect on the existing air quality for the Site. APCD has preliminarily approved the applicant's proposal; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 13 – Landscape Character**. Staff has determined that applicant's proposed

rezoning proposal "does not have any existing natural features and is not located in an area where natural corridors are evident."; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 14 – Infrastructure** because the site has available utilities, adequate sewage treatment and disposal service, and adequate water; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in form district from Traditional Workplace to Town Center and change in zoning from M-2 to C-1 on property located in the attached legal description be **APPROVED**.