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**Applicant's
Proposed Findings of Fact for 14ZONE1058
EK Offices
4011 Fern Valley Road
Louisville, KY 40219**

<u>Proposed Use:</u>	Office Use
<u>Land Planners</u>	Cardinal Planning & Design, Inc.
<u>Request:</u>	Change in Zoning from R-4 to OR-1 with one waiver and Detailed District Development plan.

The public hearing was held on this request on July 20, 2017.

An ad ran in the Courier Journal on July 12, 2017 advertising this public hearing per KRS Chapter 100.

Subsequent to discussions during business session, on a motion by _____, the following resolutions were adopted:

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone the subject property at 4011 Fern Valley Road from R-4 to OR-1, is appropriate and conforms with the intent and policies of Guidelines 1 and 2 because the site's use is a reuse of an existing structure on a large lot with proper buffering and the use is compatible with the changing area and major arterial road on which the property sits.

WHEREAS, the Commissions finds that in Cornerstone 2020 Comprehensive Land Use Plan, the property is in the Neighborhood Form District, a designation given to it in the core graphics adopted in June of 2000, however the property is located on a major arterial and is adjacent to Suburban Workplace across the street, the Preston Highway Suburban Marketplace Corridor Form District is a block and the half to the west, and the Jefferson Boulevard connector has been constructed since 2000 and is located two major intersections to the east, thus making this section of Fern Valley Road located between several centers of activities which is appropriate and compatible with this low intensity office use.

WHEREAS, the Commissions finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application allows the

existing structure to remain on a large lot and operate as an office which will serve the area, capture passing by traffic, is buffered with the existing mature trees and proposed new privacy fences thus minimizing nuisances to the existing neighbors, and that the use should have minimal effect on the area, thus making the requested zoning change appropriate under KRS 100.213 and consistent with the Guidelines and Policies of the current Comprehensive Plan.

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WHEREAS, the Commission finds the proposed use complies with the intent of Cornerstone 2020 Guideline 2, Policy 2 which states that mixed uses in the Neighborhood section are appropriate in "Older or redeveloping areas where non-residential use does not create nuisance and is compatible with the surroundings" in that this is an older area and an older structure in a large lot neighborhood pattern and the proposed office use in an existing residential structure is compatible with this mixed use area and will not create any nuisances in that it is a daytime use. Further the Commission finds it is an appropriate neighborhood use because it provides services in a convenient location which reduces commuting time and related air pollution, it is in an area served by sidewalks and although not directly on a TARC transit route, it is a well travelled and easily accessible street, thus making the use consistent with Guideline 2, Policies 2, 4, 7, 8 and 16.

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WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to OR-1 is compatible with the area because the proposal uses an existing structure on a large lot compatible with the other lots on the block and there will no discernible changes to the appearance of the neighborhood. The Commission further finds the issue of appropriate size and shape of the structure, setbacks, transitions and visual impact to the neighborhood are basically non-existent because this home is existing and the streetscape will remain the same, the office use will create minimal additional traffic in the area, an office use creates no odors or other offensive nuisances, and the parking is configured in such a manner to prevent light intrusion into the few neighboring homeowner's yards as well as being screened by existing landscaping and proposed rear and side fencing and that existing vegetation and a new privacy fence provides the necessary buffering of this use from the neighboring homes thus protecting neighboring landowners' privacy. For all these reasons, the Commission finds the proposal is consistent with Guideline 3, Policies 1, 2, 4, 5, 6, 7, 8, 9, 22 and 23.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to OR-1 Zoning complies with the Open Space requirements because no Open Space is required, however the site has large open green areas because of its size relative to the developed area making the use compliant with the intent of Guideline 4.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to OR-1 zoning complies with the intent and the policies of Guideline 5 because neither the subject property nor the area has been identified as a natural or historic

resource requiring preservation. Additionally, there are no special districts or soil and slope issues facing this proposal.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone a this tract to OR-1 zoning promotes and is consistent with the policies of Guideline 6 because the proposal is an investment in an older neighborhood and is located in an area served by existing public infrastructure and utility connections of water, and electric services thus reducing the cost of land development and preventing sprawl as desired by Guideline 6, Policy 10.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this Tract OR-1 provides adequate parking and connections and the site is in an area with access to mass transit a few blocks away which promotes pedestrian and bike travel all being factors in compliance Guideline 7, Policy 10.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to OR-1 zoning complies with the intent and the policies of Guidelines 8 and 9 because the Development Plan is consistent with the requirements of the Kentucky Department of Transportation and one existing entrance is being closed per their request. Further, the Commission finds the proposal does not impact any environmentally sensitive areas, scenic corridors or streetscape issues.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to OR-1 zoning complies with the intent and the policies of Guidelines 10 and 11 because appropriate construction practices will be employed in constructing the buildings and driving areas to protect water quality by the use of effective sediment and erosion practices in accordance with applicable regulations and by using best management practices. Additionally, the Commission finds no portion of the property to be developed is designated as floodplain or a blue line stream.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone a this tract to OR-1 zoning complies with the intent and the policies of Guideline 12 because the proposal is in a developed area which works to decrease vehicular miles traveled between home and trips to neighboring businesses.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to OR-1 zoning complies with the intent of Guideline 13 by maintaining the existing residential look of the area and complying with the required landscaping buffers.

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WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to OR-1 zoning complies with the intent and the policies of Guideline 14 because all necessary utilities are available.

WHEREAS, based on all of the foregoing, the Commission finds that the proposal to rezone this tract to OR-1 zoning is compatible with this Neighborhood Form District and in conformance with all applicable guidelines of the Cornerstone 2020 Comprehensive Plan and is consistent with KRS Chapter 100;

NOW, THEREFORE, BE IT RESOLVED that the Louisville Metro Planning Commission does hereby RECOMMEND to the Metro Louisville Council that the change in zoning from R-4 to OR-1 on the property described in the legal description attached hereto in Docket No.14ZONE1058, BE APPROVED, SUBJECT to the accompanying binding elements.

The vote was as follows:

YES:

NO:

NOT PRESENT FOR THIS CASE:

ABSTAINING:

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Waiver of

On a motion by Commissioner _____ finds that in Case No. 14ZONE1058 the following resolution was adopted:

WHEREAS, the Commission finds that a waiver is requested from Section 10.2.4 of the Land Development Code for the required 25 foot LBA between OR-1 and R4 in Neighborhood Form district along a 20 foot section of the west side yard as indicated on the Detailed District Development Plan to accommodate an existing accessory structure- a garage.

WHEREAS, the Commission finds that the waiver should be granted because waiving the LBA requirement will not adversely affect adjacent property owners because the area is small and the condition is existing, currently, the use next door is vacant and a large lot of approximately .688 acres, there will be no changes to current conditions and this 247 foot long fence line currently has mature trees.

WHEREAS, the Commission finds that the waiver should be granted because the waiver will not violate Cornerstone 2020, the Comprehensive Plan for Louisville and Jefferson County because the requested LBA waiver will not detract from the visual look of the neighborhood. The subject area is a very small and is to accommodate an existing

structure. There is no loss in the number of trees or landscaping in this area just buffer green area because of an existing building.

WHEREAS, the Commission finds that the extent of the waiver of the regulation is the minimum needed to afford the applicant relief because the building is existing.

WHEREAS, the Commission finds that The waiver should be granted because the strict application of the requirements of Section 10.2.4 of the Code will create an unnecessary hardship on the applicant in removing a viable current building which is used to store lawn equipment. There is no need for landscaping buffer in this 20 foot area because of existing conditions.

BE IT FURTHER RESOLVED, that the Louisville Metro Planning Commission does hereby **GRANT** the waiver from LDC 10.2.4 to permit encroachment of an existing building into the LBA on the west property line in a 20 foot areas as shown on the Detailed District Development Plan.

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The vote was as follows:

YES:

NO:

NOT PRESENT FOR THIS CASE:

ABSTAINING:

DEVELOPMENT PLAN

On a motion by Commissioner _____ the following resolution was adopted:

WHEREAS, the Commission finds that in Case No. 14ZONE1058 that the Detailed District Development Plan be approved.

The vote was as follows:

YES:

NO:

NOT PRESENT FOR THIS CASE:

ABSTAINING:

Respectfully submitted

Kathryn R. Matheny
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