

**PROPOSED FINDINGS OF FACT
McMahan Group Ventures, Owner**

**9840 and 9850 Von Allmen Court
Louisville, Kentucky**

**Proposal for Zone Change from Commercial District C-1 to
Commercial District C-2**

WHEREAS, The Planning Commission Finds That the site lies on the north side of Old Brownsboro Road, having a street address of 9640 and 9850 Von Allmen Court. The site consists of 3.464 acres and the proposed C-2 zoning category is intended to accommodate a tavern, World of Beer, within the building; and that other uses within the building are retail, medical office, general office together with an outdoor dining area; and

WHEREAS, The Planning Commission Further Finds That the site lies within the Regional Center Form District, as does all of Old Brownsboro Crossing, and that the proposed zone change from Commercial District C-1 to Commercial District C-2 is appropriate because it conforms to KRS 100.312 in that it is in agreement with the Comprehensive Plan in effect for Louisville, Jefferson County, Kentucky; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to all applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan, as detailed below; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1.B.6 because it lies within the Regional Center Form District; and because the Regional Center Form District is “characterized by a mixture of high intensity uses including regional shopping, office, [and] services,....” The site will be appropriately landscaped; and

WHEREAS, The Planning Commission Further Finds That the design of the building, which was previously approved by the Planning Commission’s Development Review Committee on July 16, 2014, remains and is consistent with Binding Element No. 10 of the original Binding Elements approved by the Planning Commission on April 18, 2002; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2.1, 2.3 and 2.7 because the proposed use will provide a consistent entertainment, food and beer establishment consistent with other development in the center; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.21, 3.22, 3.23, 3.24 and 3.28 because the design of the building was previously approved by the DRC Committee and this previous approval indicates that the building materials and building design are appropriate; because the proposal will cause no odor or adverse air quality emissions, and no adverse traffic, noise lighting or visual impacts; because the development, as previously approved, provides for adequate buffers and has minimized the impact of parking, loading and delivery, and no additional free-standing signs are proposed; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2, 5.3, and 5.6 because site topography will be observed, because there are no historic resources or distinctive cultural features located on site, and the soils on site are not wet or highly permeable; and

WHEREAS, The Planning Commission Further Finds That the the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 7.1, 7.2 and 7.10 because the development plan, which was previously approved by the DRC Committee, does not require dedication of right-of-way; because sidewalks are proposed throughout the development as shown on the development plan; and because adequate parking facilities pursuant to Land Development Code requirements are proposed; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1 and 9.2 because short term bicycle parking will be provided on-site within the building and because sidewalks will be provided throughout the development; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.3, 10.7, 10.10, and 10.11 because the Metropolitan Sewer District (“MSD”) has approved the development plan; because MSD’s approval indicates that the development will not have an adverse impact on the watershed as a whole, reflecting the development potential of the entire watershed; that the drainage design will accommodate on-site and upstream run-off water; that the drainage system will preserve the “through” drainage system, and that peak stormwater runoff rates after development will not exceed pre-development rates; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1 and 12.8 because it is anticipated that the Louisville Air Pollution Control District (“APCD”) will approve the development plan; because APCD’s approval will indicate that activities at the site will not be a source of ambient air pollution exceedance due to

the low intensity of the proposal; and because traffic to and from the site will be insubstantial; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 13.2, 13.4, 13.5, and 13.6 because proposed landscaping will be native plant species; because the development will conform to the requirements of LDC Chapter 10 regarding landscaping and tree canopy; and because landscape buffers will be employed to provide an appropriate buffer for the building; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7 because adequate utility service is located within Old Brownsboro Crossing to serve the proposed development; because the site is served by MSD sewage facilities; because an adequate supply of potable water and water for fire-fighting purposes is supplied by the Louisville Water Company; because utilities will be located underground wherever possible and will be placed in easements as prescribed by the applicable utility; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9 because the site will be adequately served by the Worthington Fire Protection District; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to these and all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED....