

**PROPOSED FINDINGS OF FACT**  
**Submitted by:**  
**JDA Properties, LLC**  
**1741 Frankfort Avenue**  
**Request for Change in Zone from R-5B to CR**

**WHEREAS,** The Planning Commission Finds That the proposal conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan for Louisville and Jefferson County, Kentucky as detailed in these Findings; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 7 because the site lies within the Traditional Marketplace Corridor Form District and is compliant therewith; because the proposed land use is an office and a retail coffee shop or other shop and this new development will respect the predominant rhythm, massing, spacing and design of the existing building; because the building will be easily accessible by pedestrians on foot, bicyclists due to bicycle storage facilities on the Site (southwest corner of the Site as shown on the development plan), and by transit service because Frankfort Avenue is a transit route; and because the development is an adaptive re-use of the James Lees Memorial Presbyterian Church and the existing Church building and existing setbacks will be maintained; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 5, 7, 8 and 15 and 16 because the proposal will re-use the existing historic Church building for office and commercial uses; because the proposed retail commercial component is located in the Clifton Neighborhood, which has an existing population to support it; because the proposal is a mixed-use proposal but is not a large development; because no garage is proposed to be located within the building, and parking facilities are not part of this proposal except that on-street parking bordering the Subject Property exists; because the site and the building will be made accessible for persons with disabilities; and because the proposal will be supported by existing utilities and existing Church building materials will be maintained; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5, 6, 7, 11, 21, 22, 23, 24, 25 and 28 because the proposal is compatible with the scale and site design of nearby existing development because the Church building will be retained and will continue to be utilized; because building materials will remain unchanged from its historic materials except for the addition of the William Street elevator entrance which will comply with the requirements of the Clifton Architectural Review Guidelines; because the proposal will cause no adverse impact to existing residential uses in the immediate vicinity; because the proposal will not be a source of odor or adverse air quality emissions, significant traffic, noise, excessive lighting or nuisance visual impacts; because the existing historic signage will be

restored and used by the new occupants; because no new signage is proposed; and because setbacks, building height and building location will remain unchanged; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Open Space Guideline 4 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 5 and 7 because open space is not required for the site and there are no natural features in existence on the site; 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 1, 2, 3, 4 and 6 and 7, Social and Cultural Resources Goal D1 and Objective D1.1 because there are no steep or severe slopes on site; because on site soils drain well and are highly permeable; because no soils on site are classified as wet soils; because the proposal will incorporate an adaptive re-use of the historic Church for the proposed office and commercial uses and the Site has no archaeological features thereon; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 6, 9, 13 and 16 because although there is no motor vehicle parking or access on the Subject Property, the Louisville Department of Public Works has approved the proposal; because the Department of Public Works' approval indicates, among other things, that the development provides adequate access for motorists and pedestrians and meets the minimum parking requirements of the Land Development Code; because the Transit Authority of River City ("TARC") provides public transit service along this segment of Frankfort Avenue via TARC Routes 15 and 31; because existing transportation facilities will be maintained with this proposal; because the Department of Public Works required no dedication of right-of-way for this proposal; because cross or joint access is not appropriate for the Subject Property because it is located adjacent to residential property; because the proposal maintains the existing street grid; because the proposal provides for the movement of pedestrians, bicyclists and persons with disabilities; because although no off-street parking is required pursuant to Land Development Code requirements the owners of the Site will provide surplus parking in the vicinity for employees working at the Subject Property; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Transportation Facility Guideline 8 and all applicable Policies adopted thereunder, including Policies 7, 9 and 10 because adequate measures have been taken to minimize glare, vibration, air pollution and visual intrusion due to on-site buffering and screening; because the landscaping business does not produce odors and because the approval from the Department of Public Works indicates that the development has adequate sight distance and appropriate on-site access for pedestrians and vehicles; 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 1, 2, 3 and 4 because the site is bordered by sidewalks providing easy pedestrian access to and through the Subject Property; because bicycle storage facilities are shown on the development plan (southwest corner of the Site) to encourage the use of bicycles; and because transit service is provided along this segment of Frankfort Avenue via TARC Routes 15 and 31; 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 1, 2, 3, 4, 7, 10 and 11; because the development of the site will minimize the potential for the impacts of flooding and effectively manages stormwater runoff; because there is no impact to the regulatory floodplain because all structures will be located above the floodplain; because no buildings are proposed to be located within the 100-year FEMA regulatory floodplain; because the proposal has been approved by the Metropolitan Sewer District ("MSD") which indicates, among other things, that the on-site drainage system will accommodate the "through" drainage system of water flows on-site and off-site and peak stormwater runoff rates post-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 1, 2, 6 and 8; because the Louisville Air Pollution Control District ("APCD") has approved the proposal which indicates, among other things, that the proposal conforms to Air Quality Guideline 12 and related all Policies because no adverse air quality impacts will be generated by the proposal; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5 and 6 because landscaping – native plant species -- will be provided in accordance with Chapter 10 wherever possible and because planting and buffering plans, wherever required, will be implemented except where one waiver has been granted; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 14.7 because the proposal has adequate service for all necessary utilities and a common utility corridor exists in the development that includes gas, electric, water, telephone, cable and telecommunications; because an adequate water supply for domestic and fire-fighting purposes will serve the site and utilities will be located underground and will be situated where recommended by each utility for appropriate maintenance and repair access; 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 adequate fire fighting services will be provided by the Louisville Fire Protection District No. 2; and

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

WHEREAS, The Planning Commission Further Finds That all necessary utilities, including gas, electric, water, telephone, cable and telecommunications, are either presently exist on-site or will be constructed and essential public services, including sidewalks, presently exist to serve the site as shown on the development plan; and

WHEREAS, The Planning Commission Further Finds that implementation of proposed use is anticipated to begin upon final approval;

NOW, THEREFORE, BE IT RESOLVED, THAT THE PLANNING COMMISSION DOES HEREBY RECOMMEND APPROVAL OF THE ZONE CHANGE FROM R-5b TO CR.