

Case #13ZONE1012 Findings of Fact

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intent of Guideline 1 – Community Form. The current Community Form for some of this property is Traditional Neighborhood, which Division of Planning and Development Services (DPDS) staff asked this applicant to change to Suburban Workplace; as such, a Suburban Workplace Form District is characterized by predominantly industrial and office users where buildings are set back from the streets in a landscaped setting; and adequate transportation access, connected roads, public transportation and pedestrian facilities should be provided; and

WHEREAS, the Commission further finds that this application complies with this Guideline because the development plan accompanying this application shows that it is designed in accordance with these recommendations. The overall workplace development has buildings set back from the streets, it is landscaped, there are internal walkways and good connectivity to Southside Drive and National Turnpike; Southside Drive provides places for employees to enjoy lunch; having two points of access helps disperse traffic in all directions; and, although some nearby residents prefer only one access, generally speaking more connectivity is better, especially so in this case given that the directions of traffic flow are not entirely known but are likely to involve businesses headed in all directions; and

WHEREAS, the Commission further finds that the proposal meets the intent of Guideline 2 – Centers. The intents of this Guideline are to promote the efficient use of land and investment in existing infrastructure; to lower utility costs by reducing the need for extensions; to reduce commuting time and transportation-related air pollution; to encourage vitality and a sense of place; to restrict isolated commercial uses from developing along streets and noncommercial areas; and to encourage commercial revitalization in redeveloping areas; and

WHEREAS, the Commission further finds that the application complies with all of these Intents of this Guideline of the Comprehensive Plan because infrastructure already exists in the area, because this is an area of fairly dense residential population, commuting distances should be easier for many people; with retail and restaurant facilities located close by, it is even possible for people to walk to lunch during their breaks; the old Kenwood Drive-In is a now unused facility that is appropriate for redevelopment; given that nearly two-thirds of the site is already zoned M-2, rezoning the balance of the site for the same purpose and having the good internal circulation and connectivity that is provided to the two major road systems (National Turnpike and Southside Drive) makes sense; this proposal involves a revitalization of an unused facility that will likely not be reutilized for its prior use as a drive-in theater; and the proposed business park use is the best use possible for this site, given the multiplicity of factors mentioned; and

WHEREAS, the Commission further finds that Policies 1, 2, 4, 5, 7, 11, 13, 14, 15 and 16 of Guideline 2 are applicable to this application in the following ways; activity centers are to be located at the intersections of arterial and collector streets that are not predominantly residentially utilized; they should be planned expansions of or within already existing activity centers; and they should be generally compact, include a mixture of compatible uses that are desirable to the area, that try to share parking, access and utilities, and parking should be safe and convenient with alternative forms of transportation encouraged or provided, as applicable; and

WHEREAS, the Commission further finds that this application complies with these applicable Policies of this Guideline because this whole area of Southside Drive and National Turnpike is full of highly active mixed land uses, some of an industrial/business park nature as this, others

of a variety of commercial kinds and all compact and located along arterial roadways; this particular business park will also have good internal circulation between these two arterial roadways (National Turnpike and Southside Drive), include parking that can be shared as well as utilities that will be extended from existing locations throughout the site in a convenient, cost effective manner; parking is accessed off a main internal road connecting National Turnpike and Southside Drive; mass transit is available in the area; and other forms of transportation, including pedestrians by virtue of sidewalk connectivity, are provided; and

WHEREAS, the Commission further finds that the proposal meets the intent of Guideline 3 – Compatibility. The intents of this Guideline are to allow a mixture of land uses near each other as long as they are designed to be compatible; to prohibit the location of sensitive land uses where accepted standards for noise, lighting, odors or similar nuisances might be violated or visual quality significantly diminished; and to preserve the character of existing neighborhoods; and

WHEREAS, the Commission further finds that this application complies with these Intents of this Guideline of the Comprehensive Plan because this is a highly intense area with a large mixture of diverse uses; elements of the current Land Development Code (LDC) already address issues like noise and lighting, as well as aesthetics through landscaping, screening and buffering, which will be provided; and the neighborhood, containing a diverse mixture of uses from industrial to commercial to residential, will be preserved through the high level of design and adaptive reuse of this unused property; and

WHEREAS, the Commission further finds that Policies 1, 2, 5, 7, 8 and 9 of this Guideline pertain to the issues of adverse potential impacts that can be mitigated through design measures, conditions of approval (i.e., binding elements) and specific application of and compliance with the LDC. This application complies with all of these Policies of this Guideline because, located as this property is along two arterial roadways, mixed among a variety of equally or more intensive uses, most of which are older and thus not compliant with contemporary LDC provisions, potentially adverse consequences either do not exist or are fully mitigated; and to the extent that the Planning Commission is concerned that some potential uses could cause nuisances that are not otherwise addressed on the development plan filed with this application, conditions of approval are considered; and

WHEREAS, the Commission further finds that Policies 17, 18 and 19 of this Guideline pertain to industrial uses, especially those that might utilize or produce hazardous substances; this application complies with these Policies of this Guideline because it is not anticipated that the uses will be of the kinds that would involve the manufacture and/or use or production of hazardous substances; and

WHEREAS, the Commission further finds that Policies 21, 22, 23, 24 and 29 of this Guideline pertain to screening, buffering, setbacks and impacts of parking and other transportation facilities; the development plan accompanying this application demonstrates how this application complies with these Policies of this Guideline because adequate setbacks and good screening, through landscaping and appropriate placement of fencing, as well as location of parking, mostly internal to the site, evidence that these factors will also assure compatibility; and

WHEREAS, the Commission further finds that the proposal meets the intent of Guidelines 4 and 13 – Open Space and Landscape Character. The Intents of these two Guidelines and specifically Policies 1, 2, 4 and 6 of Guideline 13 are designed to enhance the quality of aesthetics and to provide for good screening and buffering; and

WHEREAS, the Commission further finds that this application complies with these Intents and applicable Policies of these Guidelines of the Comprehensive Plan because the development plan accompanying this application demonstrates compliance with the LDC in terms of setbacks and the screening and landscaping within those buffer areas and also the landscaping within internal parking lot areas; and

WHEREAS, the Commission further finds that the proposal meets the intent of Guideline 6 – Economic Growth and Sustainability. The Intents of this Guideline are to assure the availability of necessary land to facilitate commercial and industrial development, to reduce public and private cost for land development, and to ensure regional scale workplaces and industrial land uses with good access to people, goods and services at appropriate locations; and

WHEREAS, the Commission further finds that this application complies with these Intents of this Guideline of the Comprehensive Plan because this already approximately two-thirds zoned M-2 business park is located in an area partially surrounded by other industrial and workplace uses with access to roads that have access to all parts of Metro Louisville and to interstate highways I-265, I-65 and the Watterson Expressway; by completing development of an already approximately two-thirds completed business park, this serves to reduce public and private costs for land development and greenfields areas; and located as this is in a densely populated area, this is a workplace center with good access to a workforce located nearby with easy access to transportation facilities to move goods and services throughout the community and to the UPS World Air Hub; and

WHEREAS, the Commission further finds that Policies 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11 of this Guideline all pertain to these issues of preserving workplaces, investing in older industrial areas, locating industry near industry and with easy access to good transportation facilities and, of course, near the UPS World Air Hub; and

WHEREAS, the Commission further finds that this application complies with all of these applicable Policies of this Guideline because this is an already largely developed business park, and an older site at that may also help rejuvenate and support area small businesses, particularly restaurants because of more employees working in the area; it has good access to all of the major interstates through access points to both National Turnpike and Southside Drive; and

WHEREAS, the Commission further finds that the proposal meets the intent of Guidelines 7 and 8 – Circulation and Transportation Facility Design. The intents of these Guidelines are to provide for safe and proper functioning street networks; to ensure that developments do not exceed the traffic-carrying capacity of these streets; to ensure that there is good internal and external circulation to, from and throughout the proposed development; to assure that congestion and air quality are addressed in positive ways; and to make sure that transportation facilities internal and external to the development are safe and efficient for the movement of all forms of transportation; and

WHEREAS, the Commission further finds that this application complies with these Intents of these Guidelines of the Comprehensive Plan because the development plan accompanying this application has been laid out in compliance with applicable Metro Public Works and Transportation Planning policies and standards; in that regard, the external street systems were previously examined when the Phase I development of approximately two-thirds of this site was developed; at that time, the traffic study demonstrated that National Turnpike and Southside

Drive had adequate traffic-carrying capacity; the type of development that is proposed here and the small addition that is involved to that already existing business park is not anticipated to yield such amounts of traffic that the carrying capacity of these two streets (National Turnpike and Southside Drive) will be diminished; air quality is largely addressed by reducing commuting distances, since this workplace is near a large support population; and traffic congestion will be better addressed once the new access points are constructed, especially the one at Southside Drive where the current access is at an odd angle to Southside Drive and will be straightened out; and

WHEREAS, the Commission further finds that Policies 1, 2, 3, 9, 10, 11, 12, 13 and 14 of Guideline 7 and Policies 4, 5, 7, 9, 10 and 11 of Guideline 8 are those very specific transportation Policies that are specifically reviewed in the context of the development plan submitted with this application by Metro Transportation Planning and Public Works; this application received approval from those agencies demonstrating compliance with all of these Policies of these Guidelines as well as the LWC and in particular Metro Public Works and Transportation Planning's design standards; and

WHEREAS, the Commission further finds that the proposal meets the intent of Guideline 9 – Bicycle, Pedestrian and Transit. The intents and Policies 1, 2, 3 and 4 of this Guideline all pertain to ensuring that alternate forms of transportation are accommodated; in this case, Southside Drive is a transit route, and so employees can access this facility via transit; sidewalks are always provided in all new developments; and bicycles must be accommodated as well and will be as required; and

WHEREAS, the Commission further finds that the proposal meets the intent of Guideline 10 – Stormwater Management. The Intents and Policies 1, 3, 6, 7, 10 and 11 of this Guideline are intended to assure that stormwater is managed to the maximum extent practicable; and

WHEREAS, the Commission further finds that this application complies with these Intents and applicable Policies of this Guideline of the Comprehensive Plan because stormwater detention is provided on site; that is in addition to storm pipes that already exist along the perimeters that will connect into the new internal drainage system; although there will be more impervious surface in this development as a consequence thereof than in the property that presently exists, it will be engineered drainage flows instead of haphazard drainage flows which will assure that drainage enters into MSD approved drainage systems; the oversized detention basin near the National Turnpike side of the property assures that drainage flow will be slowed down during all applicable storm events before entering the drainage system, which ultimately flows into existing downstream facilities that the applicant has been told are operating at over-capacity; the applicant's engineers, by being more fully informed at the neighborhood meeting of these downstream issues, will do everything possible to assure that not only post-development rates of runoff do not exceed predevelopment conditions but that downstream facilities are not adversely impacted; and

WHEREAS, the Commission further finds that the proposal meets the intent of Guideline 12 – Air Quality. The Intents and Policies 1, 2, 3, 4, 6, 7, 8 and 9 of this Guideline are all intended to assure that new developments such as this do not have adverse impacts on air quality; and

WHEREAS, the Commission further finds that this application will comply with these Intents and applicable Policies of this Guideline of the Comprehensive Plan because, as stated, it is proposed for an area that has a significant support population; as a consequence, that can help

reduce vehicle miles traveled for employees to these new places of employment; because it has great access to all of the major interstates through multiple routes, and as a consequence of the two major points of ingress and egress to and from this development to this development, traffic can and will be dispersed in multiple directions ultimately to several major road and interstate systems; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, portions of the staff report, and the applicant's justification and findings of fact 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 legislative council of Louisville Metro Government that the change in form district from Traditional Neighborhood to Suburban Workplace, and a change in zoning from C-1, M-2 and R-4 to M-2 on property located at 7001 Southside Drive as described in the attached legal description, be **APPROVED**.