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February 27, 2015

Louisville Metro Planning & Design Services  
444 South 5<sup>th</sup> St.  
Louisville, KY 40202

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RE: **14ZONE1055**

**Berry Auto Sales**  
**1506 Berry Blvd.**

**Proposed Rezoning from C1 to C2**

**Statement of Compliance with the Cornerstone 2020 Comprehensive Plan**  
**Proposed Findings of Fact relating to the Cornerstone 2020 Comprehensive Plan**

The proposed Berry Auto Sales facility will be located on 3 existing lots that are part of the originally platted Jacob's Addition. The applicant proposes to use the existing building for the sales office. The building is currently used for a grocery store and restaurant. There are no additional buildings proposed. The applicant plans to use the existing parking lot, adding striping, landscape islands, screening and buffering to improve the site and mitigate adverse impacts to neighboring properties.

The proposal is compliant with **Guideline 1 (Community Form), Guideline 2 (Centers) & Guideline 3 (Compatibility)** because the property has been zoned and used for commercial use for some time. The characteristics of the existing building are residential in nature, maintaining the neighborhood feel. The site is a corner lot and bordered on 3 sides by public Right-of-Way. There are existing commercial and office zoning districts at the intersection, including a daycare across the street. This pattern of commercial use exists at every intersection along Berry Blvd. between Taylor Blvd. and Manslick Rd.

The proposal complies with **Guideline 4 (Open Space)** because there are no open space requirements and there are no existing natural features that need to be preserved.

The proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)** because there aren't any existing natural features, wildlife habitats or historic landmarks at this site.

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The proposal complies with **Guideline 6 (Economic Growth and Sustainability)** as the property will continue to be used for commercial purposes as it historically has and the site will be improved with landscaped screening and buffering.

The proposal complies with **Guideline 7 (Circulation), Guideline 8 (Transportation Facility Design) & Guideline 9 (Bicycle, Pedestrian and Transit)** because it is bordered on 3 sides by public Right-of-Way and has historically had 3 access points. The applicant is proposing to close the Wheeler Ave. vehicular access point that would allow for a North-South circulation pattern through the site and prevent drivers from having to negotiate a 3<sup>rd</sup> access point from Wheeler Ave. Pedestrian connections will be provided from the existing sidewalks. Cross connectivity with the adjoining property is not logical since it is a residence.

The proposal complies with **Guideline 10 (Flooding & Stormwater), Guideline 11 (Water Quality) and Guideline 12 (Air Quality)** because the site's existing impervious area will be reduced by the addition of landscaped areas, there have not been any prior stormwater problems identified with this site and the applicant plans to comply with the soil erosion and sediment control standards.

The proposal complies with **Guideline 13 (Landscape Character)** because the applicant plans to provide all of the required landscaping, screening and buffering as shown on the District Development Plan.

The proposal complies with **Guideline 14 (Infrastructure)** as the existing roadways and utilities will be maintained.

A waiver of the requirements in Section 10.2 as it relates to encroachments into the VUA and LBA have been requested and are justified based upon the following findings:

1. The waiver will not adversely affect adjacent property owners because the building has historically existed in its current location with a more intensive use of restaurant and grocery store uses compared to the less intensive proposed use of a small auto sales office. Added landscaping, screening and buffering will also help mitigate any potential adverse impacts.
2. The waiver will not violate the Comprehensive Plan as explained in all of the foregoing statements of compliance and most notably as it will maintain its commercial use and neighborhood feel.
3. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant due to the existing location of the building and parking lot.
4. The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the existing building and parking area would need to be demolished and remodeled in order to meet the requirement.

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**PROPOSED FINDINGS OF FACT PERTAINING TO COMPLIANCE WITH  
THE COMPREHENSIVE PLAN AND WAIVER CRITERIA**

**WHEREAS**, the applicant has proposed to change the use of the existing building from a restaurant and grocery store to an auto sales office and use the existing parking lot as an automobile display and parking area and

**WHEREAS**, the proposal complies with **Guideline 1 (Community Form), Guideline 2 (Centers) & Guideline 3 (Compatibility)** because the property has been zoned and used for commercial use for some time. The characteristics of the existing building are residential in nature, maintaining the neighborhood feel. The site is a corner lot and bordered on 3 sides by public Right-of-Way. There are existing commercial and office zoning districts at the intersection, including a daycare across the street. This pattern of commercial use exists at every intersection along Berry Blvd. between Taylor Blvd. and Manslick Rd. and

**WHEREAS**, the proposal complies with **Guideline 4 (Open Space)** because there are no open space requirements and there are no existing natural features that need to be preserved and

**WHEREAS**, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)** because there aren't any existing natural features, wildlife habitats or historic landmarks at this site and

**WHEREAS**, the proposal complies with **Guideline 6 (Economic Growth and Sustainability)** as the property will continue to be used for commercial purposes as it historically has and the site will be improved with landscaped screening and buffering and

**WHEREAS**, the proposal complies with **Guideline 7 (Circulation), Guideline 8 (Transportation Facility Design) & Guideline 9 (Bicycle, Pedestrian and Transit)** because it is bordered on 3 sides by public Right-of-Way and has historically had 3 access points. The applicant is proposing to close the Wheeler Ave. vehicular access point that would allow for a North-South circulation pattern through the site and prevent drivers from having to negotiate a 3<sup>rd</sup> access point from Wheeler Ave. Pedestrian connections will be provided from the existing sidewalks. Cross connectivity with the adjoining property is not logical since it is a residence and

**WHEREAS**, the proposal complies with **Guideline 10 (Flooding & Stormwater), Guideline 11 (Water Quality) and Guideline 12 (Air Quality)** because the site's existing impervious area will be reduced by the addition of landscaped areas, there have not been any prior stormwater problems identified with this site and the applicant plans to comply with the soil erosion and sediment control standards and

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**WHEREAS**, the proposal complies with **Guideline 13 (Landscape Character)** because the applicant plans to provide all of the required landscaping, screening and buffering as shown on the District Development Plan and

**WHEREAS**, the proposal complies with **Guideline 14 (Infrastructure)** as the existing roadways and utilities will be maintained;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-1 to R-2.

**WAIVER FINDINGS OF FACT:**

**WHEREAS**, the applicant has applied for a waiver from the requirements in Section 10.2 as it relates to encroachment into the VUA and LBA and

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the building has historically existed in its current location with a more intensive use of restaurant and grocery store uses compared to the less intensive proposed use of a small auto sales office. Added landscaping, screening and buffering will also help mitigate any potential adverse impacts and

**WHEREAS**, the waiver will not violate the Comprehensive Plan as explained in all of the foregoing statements of compliance and most notably as it will maintain its commercial use and neighborhood feel and

**WHEREAS**, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant due to the existing location of the building and parking lot and

**WHEREAS**, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the existing building and parking area would need to be demolished and remodeled in order to meet the requirement;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves the requested waivers.

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