

**PROPOSED FINDINGS OF FACT**  
**Submitted by Applicant**  
**The Whipps Mill Road Land Trust**  
**9801 Whipps Mill Road**  
**Request for Change in Zone from R-4 to C-2**

**WHEREAS**, The Planning Commission Finds That the proposed zone change from R-4 Single Family District to C-2 Commercial District should be granted because it conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan for Louisville and Jefferson County, Kentucky as further set forth 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 3 because the site lies within the Neighborhood Form District and is compliant therewith because the existing and proposed land use is a landscaping business; because in this landscaping business trucks and equipment depart the site generally simultaneously in the morning and return generally simultaneously in the evening, thereby causing very little impact to the area; because customers do not come to the site; because the proposed landscaping business is a low intensity use and will have only limited impact on the adjacent low density residential areas; because the house at 9801 Whipps Mill Road will continue to be used as a residence; because other than a proposed monument sign the Property will have no appearance from the street [i.e., Whipps Mill Road] that would indicate the use is other than residential; because the abutting property to the west is a vacant, single family lot owned by United Rehab Properties, LLC which is a business entity related to the next property to the west: New Meadowview Health & Rehabilitation Center, LLC; because land uses across Whipps Mill Road from the Subject Site are higher intensity residential uses, commercial and service uses: (1) A shopping center which contains, among other things, Circle K Gas and a restaurant at 10000 Whipps Mill Road, Champs Skating Rink at 9705 Whipps Mill Road, Whipps Mill Road Condominiums at 9800 Whipps Mill Road, and Harrods Creek Auto Service at 9705 Whipps Mill Road (the corner of Whipps Mill Road and La Grange Road); because even though the five (5) properties to the east of the Subject Site are single-family lots, the remainder of the block face – on both sides of Whipps Mill Road – are commercial, service and health & rehabilitation uses, rather than single-family residential so that the proposed use is located in a “Neighborhood Center” as defined by the Comprehensive Plan; 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, 8 and 15 because this type of land use is best located where it can serve its customer base; because this site has good access to La Grange Road, Hurstbourne Parkway and the interstate system making it a good site (i.e., a “special location”) for access to most of the customer base of the business; because the general vicinity constitutes an older or redeveloping residential area where the non-residential use (i.e., the landscaping business) will not create nuisances and will be compatible with its

surroundings; because the business maintains a sufficient support population for its continued existence at this location; because the proposal is compact and results in an efficient land use pattern with no required public infrastructure investment; because mixed use is part of the proposal because it contains a residential component; because parking is located to the rear of the site; and because bicycle storage facilities will be located within the house; 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, 8, 9, 21, 22, 23, 24 and 28 because it is compatible with the scale and site design of nearby existing development because the single-family house will be retained and will continue to be utilized; because the proposal will cause no adverse impact to existing residential uses; because existing and proposed landscaping will sufficiently buffer the Proposal from adjacent uses; because landscape buffer areas are provided where the site is adjacent to single-family uses; because the proposal will not be a source of odor, air quality emissions, excessive traffic, noise, lighting or visual impacts; because the proposal will conform to all lighting requirements of the Land Development Code; because all setbacks will be observed; and because one monument sign is proposed pursuant to Land Development Code restrictions; 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, 4 and 6 because open space is not required for the site and because existing buildings on the site are being re-used; 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 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; and because there are no historic or cultural resources or features on site; 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, 6, 9, 10, 13 and 16 because the Louisville Department of Public Works will approve the proposal indicating, among other things, that the development provides adequate access for motorists and pedestrians, to, from and through the development; because there is no transit service on this section of Whipps Mill Road but the proposed land use does not generate trips to the site; because right-of-way dedication is provided where required; because adequate parking is provided pursuant to the Land Development Code; because cross access is provided via the Meadow Road; because this segment of Meadow Road provides access only to United Rehab Properties, LLC and the Applicant's property due to a barricade; 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; because the approval from the Department of Public Works indicates, among other things, 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, 3 and 4 because no customers come to the site of the business and because all employees arrive via motor vehicle, the site does not generate a need for sidewalks; because bicycle parking and storage will be accommodated within the buildings on site; and because Whipps Mill Road at this location is not a transit route; 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 received the approval of the Metropolitan Sewer District ("MSD") which, among other things, indicates that the on-site detention basin will adequately accommodate stormwater from the site, based on a fully developed watershed; because 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 has approved the proposal, which indicates, among other things, that the proposal conforms to Air Quality Guideline 12 and related Policies; 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 will be provided as shown on the development plan; because native plant species will be installed; because planting and buffering plans, wherever required, will be implemented; and because an adequate tree canopy will be provided for the Subject Site; 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 it has adequate service for all necessary utilities; because 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 because 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 Lyndon Fire Protection District; and

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

**NOW, THEREFORE, BE IT RESOLVED...**