

**Applicant's
Proposed Findings of Fact for 17ZONE1063
9212 Preston Highway
Louisville, KY 40219**

Request: Change in Zoning from R-4 to CN
and Detailed District Development
Plan.

Land Planners Mindel Scott

Attorney Kathryn R Matheny

The public hearing was held on this request on May 24, 2018

An ad ran in the Courier Journal on May 11, 2018 advertising this public hearing per KRS Chapter 100.

Subsequent to discussions during business session, on a motion by _____, the following resolutions were adopted:

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone the subject property at 9212 Preston Highway from R-4 to CN is appropriate and conforms with the intent and policies of Guidelines 1 and 3 because the site's use is a reuse of an existing structure on a lot with proper buffering and the use is compatible with the changing area and major arterial road on which the property sits.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the area has changed since this home was constructed in 1952 along a then two lane Preston Highway, wherein Preston Highway now has 4 lanes with a center turning lane, Meijer superstore is located less than a block away containing out lots, Gene Snyder Freeway 2 blocks to the south and that several single family dwellings in this Neighborhood Form District have transitioned into small commercial or office uses to suit the busy area and to serve the people living and commuting through this area.

WHEREAS, the Commissions finds that in Cornerstone 2020 Comprehensive Land Use Plan, the property is in the Neighborhood Form District, a designation given to it in the core graphics adopted in June of 2000, however the property is located on a major arterial and is adjacent to Suburban Market Place Corridor to the south (Meijer's area), and that the Neighborhood Form District allows a mixture of uses such as "offices, retail shops, restaurant and services" and this use is appropriately scaled for the area and located along a major road with sidewalks and bus route.

WHEREAS, the Commissions finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application allows the existing structure to remain and operate as an office or business which will serve the area, capture passing by traffic, is buffered with the existing trees minimizing nuisances to the existing neighbors, and that the use should have minimal effect on the area, thus making the requested zoning change appropriate under KRS 100.213 and consistent with the Guidelines and Policies of the current Comprehensive Plan.

WHEREAS, the Commissions finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application for an existing structure with the only improvements being to the entrance way and for a few parking spots in the rear and the streetscape is not altered making the requested zoning designation appropriate under Guideline 1, Policy B.3.

WHEREAS, the Commissions finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the requested rezoning designation is compatible because no discernible changes to the appearance of the neighborhood will occur by this project and the issue of appropriate size and shape of the structure, setbacks, transitions and visual impact to the neighborhood are basically non-existent because the structure is existing and the streetscape will remain the same making the proposal is consistent with Guideline 3, Policies 1, 4, 9, 22 and 23.

WHEREAS, the Commissions finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application complies with the intent and the policies of Guideline 5, Policy 2 because there are no historic features or special districts or soil or slope issues facing this proposal.

WHEREAS, the Commissions finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application promotes and is consistent with the policies of Guideline 6, Policy 3 because the project is an investment in an older neighborhood using existing infrastructure.

WHEREAS, the Commissions finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application complies with the intent and the policies of Guideline 7, Policy 10 because its site plan provides adequate parking and connections for the size and location of the lot and is an area with access to mass transit and in an area served by sidewalks.

WHEREAS, the Commissions finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application complies with the intent and the policies of Guidelines 8 and 9 because it provides for appropriate circulation and safe and efficient ingress to and egress in rear parking area, and does not impact any environmentally sensitive areas, scenic corridors or streetscape issues. consistent with Guideline 9.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application complies with the intent and the policies of Guidelines 10 and 11 because it uses an existing structure so land disturbance is minimized, and further no portion of the property to be developed is designated as floodplain or a blue line stream.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application complies with the intent and the policies of Guideline 12 because this type of infill project will work to decrease vehicular miles traveled between home and trips to neighboring businesses, a TARC stop is in the area and sidewalks are available.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the intent of this Guideline 13 is to protect and enhance landscape character and that this application has minimal site disturbance and maintains the existing residential look of the area and is compatible with the lot pattern of the block.

WHEREAS, the Commission finds based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application complies with the intent and the policies of Guideline 14 because all necessary utilities are available nearby and will be connected via existing facilities.

WHEREAS, based on all of the foregoing, the Commission finds that the proposal to rezone this tract to CN zoning is compatible with this Neighborhood Form District and in conformance with all applicable guidelines of the Cornerstone 2020 Comprehensive Plan and is consistent with KRS Chapter 100;

NOW, THEREFORE, BE IT RESOLVED that the Louisville Metro Planning Commission does hereby RECOMMEND to the Metro Louisville Council that the change in zoning from R-4 to CN on the property described in the legal description attached hereto in Docket No.17ZONE1063, BE APPROVED, SUBJECT to the accompanying binding elements.

The vote was as follows:

YES:

NO:

NOT PRESENT FOR THIS CASE:

ABSTAINING:

DEVELOPMENT PLAN

On a motion by Commissioner _____ the following resolution was adopted:

WHEREAS, the Commission finds that in Case No. 17ZONE1063 that the Detailed District Development Plan be approved.

The vote was as follows:

YES:

NO:

NOT PRESENT FOR THIS CASE:

ABSTAINING:

Respectfully submitted

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