

Brown Family Enterprises

18ZONE1030

Findings of Fact

Following are the applicant's analysis and proposed Findings of Fact against the Guidelines and Policies of the *Cornerstone 2020 Comprehensive Plan*. Also included are the applicant's proposed Findings of Fact relative to the waiver requested in connection with this rezoning.

Introduction

The applicant, Brown Family Enterprises, proposes to rezone the subject parcels from **C-1** (Commercial District) and **R-4** (Residential Single Family District) to **C-2** (Commercial District) in order to allow the sale of automobiles in connection with the current pawn shop operations. This adaptive reuse project will allow a more efficient and effective commercial use of these parcels in a manner that is entirely consistent with the established land use patterns in the area. The applicant also seeks a waiver of the Vehicular Use Area Landscape Buffer Area (VUA LBA) requirements of Section 10.2.10 of the *Land Development Code* (LDC).

Findings of Fact for Rezoning

1. *WHEREAS*, the Louisville Metro Planning Commission finds that the subject parcels are located within the Suburban Marketplace Corridor form district. This form district is addressed by Guideline 1.B.8 of the *Cornerstone 2020 Comprehensive Plan*. These form districts are generally located along major roadways, such as Dixie Highway, and generally have well-defined beginning and ending points with established depths along the length of each corridor; and
2. *WHEREAS*, the Louisville Metro Planning Commission finds further that the pattern of development in Suburban Marketplace Corridor form districts is intended to include a mixture of medium to high intensity uses. New commercial uses in these form districts are encouraged to locate within the boundaries of existing corridors, and reuse of commercial locations within such corridors is preferred over expansion of the corridor; and
3. *WHEREAS*, the Louisville Metro Planning Commission finds further that the proposal is in agreement with the Goals and Objectives of the *Cornerstone 2020 Comprehensive Plan*, as reflected in the Guidelines and Policies of the Plan (which, per page 3 of the Plan, "are to be used for the assessment of proposed amendments to the Zoning District Map"), in the following ways:
 - (a) Guideline 1 – Community Form – all portions of both parcels to be rezoned for commercial use are located entirely within the Suburban Marketplace Corridor form district – including the rear portions of the parcels, which are currently zoned R-4. This redevelopment is compatible with the scale, rhythm, form and function of the existing commercial neighborhood because no significant physical changes are proposed. The proposed new use of these parcels is appropriate and compatible with existing land uses in the area, including the automobile sales lots across Dixie Highway. (Guideline 1.A.2). The established depth of commercial activity on the parcels will not increase, and there will be no further encroachment toward the residential properties abutting to the rear.

(Guideline 1.B.8). This proposal increases the density of use on the parcels by introducing a new commercial use (automobile sales) onto an underutilized commercial property without expanding the boundaries of marketplace corridor. "Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor." (Guideline 1.B.8).

- (b) Guideline 2 - Centers – this redevelopment satisfies the policies of encouraging mixed land uses in a compact activity center, resulting in a more efficient use of land. (Guidelines 2.A.4, 5). Rehabilitation of commercial buildings such as this, and increased utilization of the underutilized parking lot on these parcels, will also be accomplished by this proposal. (Guidelines 2.A.7, 10).
- (c) Guideline 3 – Compatibility – the area along Dixie Highway is strictly commercial, and includes automobile sales directly across the street. This proposal is entirely compatible with the existing development pattern along the highway, and with the scale and design of existing development. (Guideline 3.A.1). Additionally, the subject parcels abut a residential area to the rear. The proposal does not include introduction of a new commercial use (automobile sales) in a manner that will impact or otherwise adversely affect these residents. (Guidelines 3.A.4 – 7, 9). Site lighting will meet all standards of the LDC, and any possible adverse impacts will be mitigated. (Guideline 3.A.8). The continuing non-use of the rear yard of these commercial parcels will ensure an appropriate transition and buffer between commercial uses along the highway and the residential area to the rear. (Guideline 3.A.21, 22). The repurposing of an existing parking lot for automobile sales will not negatively impact the nearby residents. (Guideline 3.A.24).
- (d) Guideline 4 – Open Space – quality of life is enhanced by the applicant's commitment to maintain the rear portions of these parcels as open space, for the protection of residents to the rear, all in a manner that is consistent with the pattern of development in the neighborhood. (Guideline 4.A.1, 4).
- (e) Guideline 6 – Economic Growth and Sustainability – this redevelopment constitutes an investment in the rehabilitation and revitalization of the Dixie Highway commercial corridor, all in a manner that is consistent with, and sensitive to, the established form patterns in the district. (Guideline 6.A.3). It complements and enhances the existing activity center by providing a mixture of uses on a major arterial corridor in a manner that will not adversely affect the adjacent residential area. (Guideline 6.A.6).
- (f) Guideline 7 – Circulation – this redevelopment will not put a strain on existing transportation networks and facilities. (Guideline 7.A.1).
- (g) Guideline 8 – Transportation Facility Design – access to the parcels is through an existing public right-of-way, thus no nuisance will be created for new access through other incompatible areas. (Guideline 8.A.9).
- (h) Guideline 10 – Flooding and Stormwater – drainage plans for this proposal have been approved by MSD. Any potential negative impacts from stormwater runoff will be mitigated, and impervious areas will be minimized. (Guideline 10.A.2, 3, 7, 11).

- (i) Guideline 11 – Water Quality – this small redevelopment will not degrade the water quality due to water pollution or erosion; regional water resources are protected. (Guideline 11.A.1).
- (j) Guideline 12 – Air Quality – this small redevelopment, considered in the context of the substantial development already surrounding the site, is not expected to trigger changes to air quality. (Guideline 12.A.9).
- (k) Guideline 13 – Landscape Character – the applicant will comply with the landscaping requirements of the LDC, except to the extent that non-compliance is permitted by an approved waiver.
- (l) Guideline 14 – Infrastructure – the subject parcels are located in an area that is served by adequate existing utilities, including potable water, water for fire suppression, and sanitary sewers. (Guideline 14.A.2. - 4).

Findings of Fact for Waiver

1. *WHEREAS*, the Louisville Metro Planning Commission finds that the requested full waiver of the ten foot (10') VUA LBA requirement from Section 10.2.10 of the LDC will have no adverse effects on neighboring uses or on the motoring public along Dixie Highway. No such buffer exists now on the subject properties, despite their current commercial use, with no current adverse effects. Moreover, the applicant will still be able to provide the required plantings within the reduced buffer area; and
2. *WHEREAS*, the Louisville Metro Planning Commission finds further that the waiver will not violate the comprehensive plan. The development and redevelopment made possible by this waiver are compliant with the comprehensive plan for the same reasons set forth in the Findings of Fact for Case No. 18ZONE1030 regarding the rezoning of the subject parcels; and
3. *WHEREAS*, the Louisville Metro Planning Commission finds further that the extent of the waiver is the minimum necessary to afford relief to the applicant because although the buffer area is being reduced, the required plantings can still be placed within the buffer area; and
4. *WHEREAS*, the Louisville Metro Planning Commission finds further the strict application of the VUA LBA requirements along Dixie Highway would deprive the applicant of the reasonable use of these parcels and would create an unnecessary hardship on the applicant. It is unreasonable to prevent required parking to encroach into the buffer area in this location when the required plantings can still be accommodated within the buffer area.