

Findings of Fact

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intent of **Guideline 1- Community Form**. The six parcels involved in the planned development area are located at the western end of a Traditional Marketplace Corridor Form District (TMCFD) being approximately one block wide and centered on W. Market St. from 18th to 26th, and primarily bounded by Pirtle Alley on the north and Congress St. on the south. In accordance with the Portland Neighborhood Plan (February 28th, 2008), the intersection of W. Market St. and S. 26th St. was identified as a gateway to the neighborhood. It is recommended though, that any streetscape improvements to be performed in the street rights-of-way be provided in conjunction with a separate Metro Public Works project that produces a consistent theme for the desired enhancement; and

WHEREAS, the Commission further finds that this TMCFD abuts a Traditional Neighborhood Form District along a portion of the north edge of the planned development therefore, the development area is at the edge of a Form District and subject to Form District Transition Zone requirements. The Form District boundary line is presumed to be the centerline of Pirtle Alley which has a 20' minimum right-of-way; and

WHEREAS, the Commission further finds that, although the north edge (i.e. Pirtle Alley south right-of-way line) of the six parcels that comprise the development area do not create a consistent right-of-way width for Pirtle Alley, Louisville Metro Public Works have verified that a consistent width for Pirtle Alley right-of-way is not to be provided during the lot Consolidation process, and that a license agreement will have to be entered into if the property user plans to use the excess right-of-way area for typical daily or weekly services, such as delivery (loading/unloading) and trash collection (dumpsters); and

WHEREAS, the Commission further finds that the TMCFD is characterized by older, pedestrian-scale development along major roadways adjacent to traditional neighborhoods. The corridors typically contain a wide variety of land uses (retail, restaurants, office, institutional and residential) that range from low to medium intensity; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 2- Centers**. A Family Dollar retail store is a permitted Use in the C-1 Commercial zoning district and is an appropriate/functional use at this location, as it offers a wide variety of staple goods used by all age groups of the general public. The TMCFD in which it is located, is a key travel corridor for the existing adjacent residential and other commercial lots, connecting directly with the downtown workplace. Being located at the edge of a neighborhood district, the Family Dollar facility encourages vitality of the area, bringing investment into the neighborhood and this improves the overall quality of place; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 3- Compatibility**. The TMCFD is typically identified with the buildings often being narrow, closely spaced or attached, and built out to or near the street with display windows and wide sidewalks in front, and having parking provided on the street or in parking lots located at the rear of the lots. The planned development area is comprised of an existing commercial use building on the westernmost parcel (on the corner) which is built out to the sidewalk on both abutting streets, four vacant parcels, and an existing vacant residential-use structure on the easternmost parcel; and

WHEREAS, the Commission further finds that the Family Dollar project requires removing all existing structures, and placement of the proposed building away from the street rights-of-way. Although this deviates from the TMCFD's typical development condition, the new building and site improvements will give a fresh, clean look to these primarily unused commercial tracts. Family Dollar's main intent is to provide building and on-site parking areas in a location that insures a safer and convenient condition for its customers than what would be provided if constructed per Louisville Development Code (LDC) regulations, which do not address these critical factors. Additionally, an 8' high screen fence is to be installed along the common property line with the OR-2 zoned (residential use) lot located adjacent to and east of the project, in order to shield on-site activities that will occur between the building and the street; and

WHEREAS, the Commission further finds that, in conjunction with the Rezoning of the three easternmost parcels as previously mentioned, a Variance from the LDC is required in order to set the building back from the street rights-of-way, as well as Waivers relative to: front door location; exterior façade treatment; parking area location; and a 3' high wall between parking areas and the street rights-of-way. Allowing these requests will not adversely affect adjacent owners, or the public health, safety and welfare, and will allow a reasonable use of the property. Although Family Dollar's proposed layout may not be in line with the TMCFD typical development condition, there are existing corner lot commercial developments in the immediate vicinity of the planned development area, that have similar conditions to Family Dollar's proposed layout; and

WHEREAS, the Commission further finds that the exterior treatment of the front of the building (W. Market St.) is split faced concrete masonry unit construction and windows to ceiling height, with metal wall panels extended to form a parapet above. The metal wall panels are extended higher in the area of the main building (attached) signage and horizontal accent bands provided along the entire building face for additional visual diversity. Exterior treatment of the side and rear walls is metal panel construction with service doors located in the S. 26th St. wall (west wall) and the Pirtle Alley wall (north wall). A Waiver is requested for the façade treatment of the building walls facing W. Market St. and S. 26th St. and is based on providing safety and security for Family Dollar employees and customers inside the building, as well as accommodating the required floor layout. The roof system is metal panel having a ridge line at the center of the front and rear wall lines. Building signage, freestanding signage and site lighting will be provided in accordance with applicable LDC regulations; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 4- Open Space**. An open space area dedicated for community use is not to be provided due to insufficient area to do so, as well as to avoid encouraging congregation of non-customers on the property. The proposed on-site vehicular use areas (drive aisles and parking spaces) located between the building and the street rights-of-way, are required to have perimeter landscaping buffer areas; these landscaped areas will occur adjacent to the sidewalks along the street rights-of-way. The proposed building and parking locations, coupled with the installation of landscaping features along the perimeter of the property and at other areas on site, will provide a more overall open feel for the property though; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 5- Natural Area and Scenic and Historic Resources**. It has been recommended by the Historic Preservation staff that the two existing structures located in the planned development area be protected/preserved. These structures do not appear on the National Register of Historic Places, the Kentucky Historic Resources Inventory, the Louisville KY Register of Historic Places, or specifically identified as such in the Portland Neighborhood Plan, nor are the properties involved with the project in a defined Preservation District. These structures are to be removed for the planned development. No development problems are anticipated in regards to soil type or steep slopes; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 6- Economic Growth and Sustainability**. Family Dollar's new building and site improvements will give a fresh, clean look to the planned development area, while sufficiently shielding the adjacent OR-2 zoned (residential use) lot from commercial activities. Being a permitted Use in the C-1 Commercial zoning district it is an appropriate/functional use at this location, as it offers a wide variety of staple goods used by all age groups of the general public encouraging vitality of the area, bringing investment into the neighborhood and thereby improving the overall quality of place; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 7 & 8- Circulation & Transportation Facility Design**. The planned development area is situated at the end of the TMCFD with a TARC bus stop located along the W. Market St. curb line in front of the building, and is at a very convenient location for people to visit throughout the day. Route 15 operates past the site every 15 minutes from 6:30 am to 11:30 pm. Direct, ADA compliant connections from the street sidewalks to the front door of the building will be provided for pedestrian and bicycle oriented customers. On-street (along S. 26th St. curb line) and on-site parking spaces will be provided for vehicular traffic. Access to the 2-way drive aisles serving the on-site parking areas will be from drive entrances located on W. Market St. and S. 26th St.; both of which have 2-way traffic flow; and

WHEREAS, the Commission further finds that an existing site entrance (ie curb cut) along W. Market St. is to be modified and to be ADA compliant. The existing connection

to Pirtle Alley is to be modified in conjunction with modifying the existing entrance located along S. 26th St., to produce a wider entrance area adjacent to Pirtle Alley's existing pavement. The improvements adjacent to Pirtle Alley are required in order to accommodate delivery truck turning radius requirements; and

WHEREAS, the Commission further finds that the size of the proposed Family Dollar facility (8,320 sf) with approximately 25 parking spaces, is not a big traffic generator and has irregular peak hour occurrence so it does not impact peak hour traffic movement on the adjacent minor arterial street significantly; and

WHEREAS, the Commission further finds that product delivery to the facility occurs every 2-3 days and loading/unloading operations, as well as weekly dumpster service, will take place in the excess right-of-way area of Pirtle Alley alongside the north end of the building. This is a good location for these activities as they will be out of sight of the general public and will not create vehicular flow problems for traffic movement on-site or in Pirtle Alley; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 9- Bicycle, Pedestrian and Transit**. The planned development area is located in the TMCFD, containing a wide variety of land uses (retail, restaurants, office, institutional and residential) and located along major roadways adjacent to traditional neighborhoods. Family Dollar offers a wide range of goods and is frequented by all age groups. Both W. Market St. and S. 26th St. are key travel corridors for the existing adjacent residential, bringing all modes of transportation through the commercial lots in the TMCFD; and

WHEREAS, the Commission further finds that, as mentioned, the proposed development is situated at the western end of the TMCFD and consequently located at the edge of a neighborhood district. An existing TARC bus stop is located along the W. Market St. curb line in front of the building, and direct, (ADA compliant) connections from the street sidewalks to the front door of the building will be provided for pedestrian traffic. Bicycle racks will be provided at the sidewalk at the front of the building, to accommodate bicycle oriented customers; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 10- Flooding and Stormwater**. A portion of the planned development area is subject to flooding due to back up of the existing combined sanitary and storm drainage sewer system during the 100 year storm event. Building finished floor will be set an elevation at least 1'-0" above the base flood elevation as established by Metropolitan Sewer District (MSD); certification of constructed floor elevation will be provided. MSD has indicated that even though four of the six parcels involved with the planned development area are vacant tracts, post developed run-off from the proposed improvements will be limited to existing fully developed rates. Storm water run-off will enter the existing MSD combined sewer system in accordance with their regulations and connection requirements; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 12- Air Quality**. It is not expected that the Family Dollar facility and/or the supporting parking area will have any adverse impacts on the air quality. Mitigation measures for dust control will be provided during construction though, to prevent fugitive particulate emissions from reaching roads and neighboring properties; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 14- Infrastructure**. There are no improvements required for the public roadways for the Family Dollar project. Modification of existing site entrances, as indicated prior, is required. Any sidewalk/streetscape enhancement to existing features located in the street rights-of-way that may be requested by the Portland Neighborhood or other agency, is recommended to be performed by a separate project. There is an adequate water supply at the planned development area, for both domestic use and fire protection purposes. The existing combined sanitary and storm drainage sewer system located in the street rights-of-way adjacent to the property, as well as the Morris Forman Water Quality Treatment Center, have sufficient capacity for handling Family Dollar's sanitary sewer discharge; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, 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 zoning from OR-2 Office/Residential to C-1 Commercial, on property described in the attached legal description, be **APPROVED**.