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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Hwang's Martial Arts, Inc.  
Owner: Dr. Mohammad & Asia Mian  
Location: 9017 Taylorsville Road  
Proposed Use: Martial Arts Studio and Medical Office  
Engineers, Land Planners and Landscape Architects: Miller Wihry  
Request: Zone Change from OR-3 to C-1

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on April 20, 2017 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **INTRODUCTORY STATEMENT**

**WHEREAS**, Hwang's Martial Arts is an established family owned business with three locations, one in St. Matthews, one on North Hurstbourne Parkway, and a third location on South Hurstbourne Parkway; Hwang's has outgrown this South Hurstbourne Parkway location and is looking to rezone the current property to replace that location with the martial arts studio on the first floor; Grandmaster Jung Hwang is a well-respected martial arts expert winning a Silver medal in the 1980 Olympics and trained for the 1984 Olympics up until the United States boycotted same; most of his classes are geared toward teaching children with an emphasis on manners, including picking up trash along Hurstbourne Parkway on a weekly basis; while two of the Hwang's locations have the studio on the second floor, allowing retail opportunities on the first floor, this location will have the studio on the first floor only allowing office/medical office on the second floor; and

### **GUIDELINE 1 - COMMUNITY FORM**

**WHEREAS**, the proposed zone change complies with all of the applicable Intents and Policies of Suburban Marketplace Form District of Guideline 1 because the community form for this area is Suburban Marketplace which is a suburban shopping retail/office corridor usually located along a major thoroughfare, such as Taylorsville Road and Hurstbourne Parkway; the Suburban Marketplace Corridor Form Area form typically encourages marketplace corridors for businesses such as this one with a compact mixture of a variety of medium to high intensity uses, with buildings generally located near the primary street; this application complies with this Guideline

as this is an extension of the retail center at the corner, with which it will share access; this martial arts studio and medical office will be a less intense use than the neighboring Tire Discounters and Panera Bread serving as a transition to the residential to the east; sidewalks will be installed along Taylorsville Road providing pedestrian connectivity; a sidewalk waiver is requested as a result of a meeting with City of Forest Hills prior to filing as the City does not want a sidewalk on Axminster Drive; no access will be provided off of Axminster Drive per a prior binding element and a request of Forest Hills; no new access will be included, instead sharing the existing Taylorsville Road access; the applicant has worked with the adjoining City of Forest Hills to address other potential impacts as well; and the limited impact on the adjacent overall low density residential community of Forest Hills will be further discussed in the following sections of this Compliance Statement; and

### **GUIDELINE 2 – CENTERS**

**WHEREAS**, the proposed zone change complies with all of the applicable Intents and Policies 1, 3, 4, 5, 7, 9, and 11-15 of Guideline 2 because the subject property is located within the Suburban Marketplace Form District and will continue the center at the corner of Hurstbourne Lane and Taylorsville Road, which this was designed as a part of a common development with access easements, etc. for common use; however, this use will be less intense and provide better buffering to adjacent residential than these in the center; this retail/office use will clearly be supported and successful this use as the location is to replace the nearby location due to the business outgrowing the space; this use will be compact and share access off of Taylorsville Road and be compatible with the adjacent uses as the property is already zoned OR-3, and will have half of the building as medical office; the applicant has designed the site to provide as much buffering as possible to the adjacent residences with additional landscaping provided, as well as a binding element to fix and maintain the four board fence; this will be a logical extension of the existing center with which it will share access and utility access; and the parking is designed to be shielded from the residences and Taylorsville Road; and

### **GUIDELINE 3 - COMPATIBILITY**

**WHEREAS**, the proposed zone change complies with all of the applicable Intents and Policies 1, 2, 4-9, 11, 12, 20, 21, 22, 23, 24, and 28 of Guideline 3 because the planned development complies with the Intents of Guideline 3 and specifically with Policies 1, 2, 4-9, 11, 12, 20, 21, 22, 23, 24, and 28 thereof for all the reasons described above and because the layout respects the pattern of development in the area and builds upon good design practices, while ensuring good screening and buffering from adjacent residential properties; the development will not create any odor impacts due to the use and lighting will be mitigated by facing the building toward the adjacent center and not Taylorsville Road and not towards the residential neighborhood along with directing lighting down and away from adjoining properties in accordance with LDC regulations; hours of operation and traffic are also minimal considering the planned uses compared to many others, and the applicant has proposed a binding element limiting the hours of operation from 6 a.m. to 10 p.m. while almost all of the martial arts studio is in the afternoons; building scale, materials and designs are suitable for the size and location of this property and so will be compatible with both nearby residential and commercial uses; like many infill sites, utilities are available at the site, thus reducing public cost for infrastructure; the martial arts studio will only have classes in the afternoons and thus no impact on the morning peak hour with morning classes only on weekends; and

**GUIDELINES – 4 and 5 OPEN SPACE /  
NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES**

**WHEREAS**, the proposed zone change complies with all of the applicable Intents and Policies 1, 2, 4, and 7 of Guideline 4 and all of the applicable Intents and Policies of Guideline 5 because the planned development complies with the overall Intents of Guideline 4 and specifically with Policies 1, 2, 4, and 7 thereof and with the Intents of Guideline 5 because it will provide open space in the form of landscape buffer areas and the referenced additional landscaping as well as maintaining the large treed area to the rear of the property containing a drainage swale; a small outdoor recreation area is designed in the front to allow outdoor martial arts training; and no portion of the site has been designated as a natural, scenic or historic resource; and

**GUIDELINE 6-ECONOMIC GROWTH AND SUSTAINABILITY**

**WHEREAS**, the proposed zone change complies with all of the applicable Intents and Policies 2 and 6, of Guideline 6 because the planned development complies with the overall Intents of Guideline 6 and specifically with Policies 2 and 6 thereof because it will provide a mix of new neighborhood-serving uses as both a medical office and martial arts studio and an investment into an infill parcel that, due to the rapid redevelopment of this corridor is no longer appropriate for residential use; this project is on property already zoned OR-3, but will serve the community better, rather than rezoning a new residential property resulting in adaptive re-use of a vacant building; this proposed development will be very compatible with the neighboring center; and this development will have access from the existing Taylorsville Road access, with no new access created and has access through the adjoining center through an existing access easement; and

**GUIDELINES – 7 CIRCULATION, 8 TRANSPORTATION FACILITY DESIGN, and 9  
BICYCLE, PEDESTRIAN AND TRANSIT**

**WHEREAS**, the proposed zone change complies with all of the applicable Intents and Policies 1, 2, 3, 4, 6, 9, 10, 13, 14, and 16 of Guideline 7 the planned development complies with the overall Intents and specifically with Policies 1, 2, 3, 4, 6, 9, 10, 13, 14, and 16 of Guideline 7 thereof because it is located as described hereinabove, along Taylorsville Road near Hurstbourne Lane near a significant support population and adjoining and near other commercial and institutional uses; sidewalks will be installed along Taylorsville Road allow area residents to walk or bike to the subject property, which is served by TARC service; the development provides the full parking needed for the two uses which will have somewhat different hours of operation and access through the existing shared Access does not encourage or force customers of this neighborhood center to pass through residential areas to access the center; while there is a raised median on Taylorsville Road, the development has full access through the adjoining retail center by a recorded access easement; and

**WHEREAS**, traffic flow will be efficient to and through the planned center and will reduce adverse impacts on Taylorsville Road and Hurstbourne Lane; sidewalks are provided as shown on the plan, supporting pedestrian and bicycle access; and

**WHEREAS**, the DDDP has obtained the preliminary stamp of approval from Louisville Metro Public Works prior to being docketed for LD&T or Planning Commission Public Hearing; and

**GUIDELINE 10 – FLOODING AND STORMWATER, and GUIDELINE 11 - WATER QUALITY**

**WHEREAS**, the proposed zone change complies with all of the applicable Intents and Policies 1, 3, 6, 9, 10, and 11 of Guideline 10 because the planned development complies with the Intents of these Guidelines for reasons evident on the accompanying detailed district development plan and because surface water drainage is addressed through on-site detention and water quality standards as shown on the development plan accompanying this application, as well as through the MSD drainage ditch and easement to the rear of the property which will be cleaned up in the process of development; no portion of the site lies within the 100-year floodplain; the planned center will connect to existing sewer and water lines available to the site at the applicant's expense, which will eliminate public costs for such infrastructure; and the DDDP has received the preliminary stamp of approval from MSD prior to docketing for LD&T or Planning Commission Public Hearing; and

**GUIDELINE 12 – AIR QUALITY**

**WHEREAS**, the proposed zone change complies with all of the applicable Intents and Policies 1, 2, 3, 5, 8, and 9 of Guideline 12 because the planned development complies with the Intents and Policies of Guideline 12 for all the reasons explained above and because a neighborhood center helps reduce travel time from home to shopping and service; the martial arts studio uses buses to transport students; the martial arts studio only has classes from 3 p.m. to 7 p.m. on weekdays, resulting in no morning peak hour impact; traffic flow to and through the site will be efficient and controlled through good access and internal traffic circulation design; and workers within the center or those picking up a vehicle may choose to walk to it or use transit service, which will help to eliminate adverse air quality impacts; and

**GUIDELINE 13 – LANDSCAPE CHARACTER**

**WHEREAS**, the proposed zone change complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5, and 6 Guideline 13 because the planned development complies with the Intents of this Guideline and specifically with Policies 1, 2, 3, 4, 5, and 6 thereof because LDC landscaping requirements are fully met, along with a binding element to provide substantial additional landscaping as shown at the public hearing; the applicant is proposing to repair and maintain the four board fence along Axminster Drive with the additional landscaping as an effective screen for the residences to the rear; and

\* \* \* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from OR-3 to C-1 and approves the Detailed District Development Plan.

**Waiver Findings of Fact**

Waiver of Section 5.6.1 to omit the building design standards as they relate to Axminster Drive frontage.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the waiver is being requested in order to comply with the desires of the adjacent property owners and City of Forest Hills to provide the building design standards as the City of Forest Hills wants to not have any access off of Axminster and for the building to appear not to be part of the City of Forest Hills and the waiver will allow this side, with buffering, to meet these desires; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the waiver is only being requested along the Axminster Drive frontage, and the City and adjoining property owners want the development to appear on Taylorsville and not connected to the City; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant is proposing additional landscaping along the Axminster Drive frontage to buffer the building as requested; and

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this Waiver.

**Waiver Findings of Fact**

Waiver of Section 5.5.2 to omit the building orientation standards as they relate to Axminster Drive frontage

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the waiver is being requested in order to comply with the desires of the adjacent property owners and City of Forest Hills to not orient the building along the Axminster Drive frontage which allows providing the desired buffers to the adjacent properties in City of Forrest Hills and along Axminster; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the waiver is only being requested along the Axminster Drive frontage as requested by the City of Forrest Hills for buffering; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant is proposing additional landscaping along the Axminster Drive frontage to buffer the building; and

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this Waiver.

**Waiver Findings of Fact**

Waiver of Section 5.7.1 to omit the 200 ft Form District Transition Zone

**WHEREAS**, the waiver will not adversely affect adjacent property owners because sufficient buffer of adjacent properties has been provided through the detention easement and buffering to the rear and through the additional buffering and landscaping provided along Axminister; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because without relief a 200' transition zone would consume virtually the entirety of a lot that is only 204' on one side and 181' across the front such that the site could never be developed for non-residential use; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the transition zone requirement was created after the lot was approved and being used for non-residential uses; and

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this Waiver.



**Sidewalk Waiver Findings of Fact**

Waiver of to not provide the sidewalk along Axminster Drive.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the City of Forest Hills and the neighbors in attendance at the neighborhood meeting do not want a sidewalk along Axminster which would have the effect of tying this development into the City; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the sidewalk would result in loss of trees and buffering which is critically important to the neighbors and the City of Forest Hills; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because providing the sidewalk would result in a Development Plan that doesn't provide the requested buffering along Axminster on a small site; and

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this Waiver.