

Case No. 13ZONE1031 Findings of Fact

WHEREAS, the Louisville Metro Planning Commission finds, that the proposal conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan for Jefferson County, Kentucky, as further detailed in these Findings; and

WHEREAS, the Louisville Metro Planning Commission further finds that the site lies on the north side Collins Lane, and is bordered on the southeast by property owned by IAN, LLC which was approved for 78,400 square feet of office/warehouse use {see Nicklies Chamberlain Crossings Revised Development Plan, approved May 19, 2014, Case Nos. 14VAR1028 and 14DEVPLAN1043} and that except for this property and the property immediately north there are no properties along this segment of the east side of Collins Lane which remain zoned for residential purposes; and the abutting use to the rear of the site is the CSX railroad; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal conforms to all applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan as further detailed in these Findings; and that the only applicable Goals, Objectives, Guidelines and Policies which are applicable to this request are found in these Findings of Fact; and

WHEREAS, the Louisville Metro Planning Commission further finds That the proposal conforms to Goals G1, G3, G4, and Objectives G4.1 and G4.2 and G4.3, Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1.B.10 because it lies within the Suburban Workplace Form District; because the Suburban Workplace Form District is “characterized by predominantly industrial and office uses where the buildings are set back from the street in a landscaped setting” which is a characterization met by the proposal; and because the site will be appropriately landscaped; and

WHEREAS, The Louisville Metro Planning Commission further finds That the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policy 2.2, because the development is consistent with the adjacent use proposed by IAN, LLC and conforms to the Suburban Workplace Form District which prevails in this geographic area; and

WHEREAS, The Louisville Metro Planning Commission further finds That the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.21, 3.22, 3.23, 3.24 and 3.28 because the proposed two-story building designed by Lichtefeld Incorporated is a 14,200 square foot structure, with space for a future addition behind the building and six (6) vehicle entry doors which will be situated at the side of the building for service entry; because building materials are proposed to be scored masonry, split faced masonry together with metal wall panels and translucent wall panels, which are appropriate for a high quality industrial building; because the proposed use is a low intensity use; because the proposal will not generate odor or excessive carbon monoxide pollution;

because Tony's Wrecker's existing location is at 12203 Westport Road – at the intersection of Collins Lane and Westport Road – there will be no additional traffic on Collins Lane due to the approval of the use at this location; because there will be no adverse visual impacts due to the Lichtefeld Incorporated design of the building and building materials; because a 78,400 square foot office/warehouse building was recently approved on the immediately abutting parcel for IAN, LLC; because all on-site lighting will conform to Land Development Code (“LDC”) limitations, and outdoor lighting will be directed down and away from adjacent residential areas; because appropriate landscape buffers are proposed on either side of the property; and because one free-standing sign monument sign, 6-feet tall and 60 square feet in area, is proposed; and

WHEREAS, The Louisville Metro 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 5.1, 5.2, 5.3, and 5.6 because site topography will be observed; because there are no historic resources or distinctive cultural features located on site, and the soils on site are not wet or highly permeable; and

WHEREAS, The Louisville Metro Planning Commission further finds That the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 7.1, 7.2, 7.9 and 7.10 because the development plan shows a forty (40') foot dedication of frontage to right-of way; because a proposed 5-foot sidewalk is proposed along the Collins Lane frontage; and because adequate parking pursuant to Land Development Code requirements is proposed; and

WHEREAS, The Louisville Metro Planning Commission further finds That the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1 and 9.2 because bicycle parking facilities will be located within the building; because a 5-foot wide public sidewalk is proposed along the Collins Lane frontage of the site; because although no transit service serves Collins Lane (a secondary collector roadway), transit service is available on nearby La Grange Road to the south of the site; and

WHEREAS, The Louisville Metro Planning Commission further finds That the proposal conforms to Flood Control and Stormwater Management Goal B1 and Objective B1.1 and B1.8, Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.3, 10.7, 10.10, and 10.11 because the Metropolitan Sewer District (“MSD”) approved the development plan; because MSD's approval indicates that the development will not have an adverse impact on the watershed as a whole, reflecting the development potential of the entire watershed; that the drainage design will accommodate on-site and upstream run-off water; that the drainage system will preserve the “through” drainage system, and that peak stormwater runoff rates after development will not exceed pre-development rates; and

WHEREAS, The Louisville Metro Planning Commission further finds That the proposal conforms to Air Goal C1, Air Quality Guideline 12 and all applicable Policies adopted

thereunder, including Policies 12.1 and 12.8 because the Louisville Air Pollution Control District (“APCD”) has approved the development plan; because APCD’s approval indicates that activities at the site will not be a source of ambient air pollution due to the low intensity of the proposal; because traffic to and from the site will be minimal; because no additional traffic will occur on Collins Lane than that which presently exists because Tony’s existing location is at the intersection of Collins Lane and Westport Road and no additional traffic is anticipated; and

WHEREAS, The Louisville Metro Planning Commission further finds That the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 13.2, 13.4, 13.5, and 13.6 because proposed landscaping will be native plant species; because the development will conform to the requirements of Land Development Code Chapter 10 regarding landscaping and tree canopy except where waivers have been granted by the Planning Commission; because landscape buffers will be employed to protect the abutting single-family residence to the northeast; and

WHEREAS, The Louisville Metro Planning Commission further finds That the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7 because adequate utility service is located on Collins Lane to serve the proposed development; because the site is served by MSD sewage facilities; because an adequate supply of potable water and water for fire-fighting purposes is supplied by the Louisville Water Company; and because utilities will be located underground wherever possible and will be placed in easements as prescribed by the applicable utility; and

WHEREAS, The Louisville Metro Planning Commission further finds That the proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9, because the site will be adequately served by the Worthington Fire Protection District; and

WHEREAS, The Louisville Metro Planning 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; therefore be it

RESOLVED, that the Louisville Metro Planning Commission, does hereby recommends to the legislative body of Louisville Metro Government that the requested Change in zoning from R-4 to PEC on property described in the attached legal description be **APPROVED**.