

Justification.

The subject property was originally zoned C-2 and M-2 for a proposed automobile dealership. However, the dealership was never constructed and this property, together with two adjoining tracts was subsequently conveyed to the applicant in 2007 by Hook Family Holdings, LLC.

Thereafter, a portion of the property that was acquired from Hook was conveyed to Tire Discounters and a portion was conveyed to Family Dollar General Stores. The portion that was conveyed to Family Dollar General was down zoned in 2012 to C-1.¹ Based upon the finding of the Planning and Zoning Commission in the Family Dollar rezoning action, the rezoning request of Salt River Investment, LLC in this action is justified based upon the following Guidelines:

Guideline 1 – Community Form.

The proposal appears to conform to Traditional and Suburban Marketplace Corridor Form Districts Goal F2 and Objectives F2.1, F2.3, Goal F3, Objectives F3.1 and F3.2, Goal F4, Objectives F4.1, F4.2, F4.4 and F4.5 and Community Form Guideline 1 and all applicable Policies adopted under thereunder, including Policy 1.B.8 because it is located in the Suburban Corridor marketplace Form District which is distinguished by medium and high intensity land uses. This form also encourages unified entry ways. The proposed development will share a common entry point with adjacent businesses: Tire Discounters and Family Dollar. Retail customers will have a choice of utilizing vehicular travel, bicycles or sidewalks to come to the site. This commercial area along Bardstown Road has a vibrant mixture of uses and sense of identity. The proposed uses are medium intensity land uses located between higher intensity nodes. The scale of all structures, its design and mass are consistent with other commercial uses in the vicinity. No setback encroachments are requested. Parking is sufficient for the proposed uses and will not adversely impact pedestrian use of the aesthetic quality of Bardstown Road corridor;

¹ See Family Dollar, 4401 Bardstown Road; Case No. 16397; Applicant The Hutton Company

Guideline 2 – Centers.

The proposal conforms to Guideline 2 – Centers and all applicable Policies adopted thereunder, including Policies 2.2, 2.3, 2.4 and 2.15. The proposed uses will serve residents living in the general vicinity of the store. The uses are similar in character and intensity to other developments in the immediate area. The proposal is located in an area with a sufficient support population. The Development is compact and utilizes land in an economical way, and will use existing public infrastructure. Parking is situated so as to balance safety, traffic, transit pedestrian environmental and aesthetic considerations: it is anticipated that the proposal will receive the approval of the Louisville Department of Public Works and Assets (“Metro Works”), indicating the appropriateness of the proposed parking;

Guideline 3 – Compatibility.

The proposal conforms to Transportation and 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, 3.22, 3.24 and 3.28. The development will be compatible with existing commercial and residential development. Residential development is located on Carey Avenue to the rear of the site. The development will not result in odor or air quality nuisances. The traffic-carrying capacity of Bardstown Road will not be adversely affected as a result of this development; no visual nuisances relating to noise or lighting will result from the development; no visual nuisances will be caused. Adequate landscape buffers will be installed pursuant to land Development Code (“LDC”) Article 10. Parking, loading and delivery are situated to cause minimal impact to adjacent residences. Signs will be proposed in accordance with LDC; and

Guideline 5 – Natural Areas and Scenic and Historic Resources.

The proposal conforms to Transportation and the Environmental Goal C1 and Objectives C1.4 and C1.5, Social and Cultural Resources Goal D1, and Objective D1.1, Land Goal E1, E2 and E4 and Objective E4.1, and Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Polices adopted thereunder, including Policies 5.1, 5.2, 5.3, 5.6 and 5.7. Site development will respect the natural features of the land. There are no historic resources or distinctive cultural features on site. There are no archaeological resources on the site. Soils and slopes are adequate for the proposed development; and

Circulation Guideline 9 – Bicycle, Pedestrian and Transit. The proposal conforms to Site Design Standards for Alternative Transportation Modes Goal 11 and Objective 11.1, Goal 12 and Goal 15, and Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1, 9.2 and 9.4. An existing public sidewalk serves the site along its northern frontage at Bardstown Road. The sidewalk will be extended across the entire Bardstown Road frontage of the site. The site is served by TARC Routes 17 and 62. Bicycle “parking” facilities are located on the site as shown on the development plan;

Guideline 10 – Flooding and Stormwater.

The Proposal conforms to Water Goal B1 and Objectives B1.1, B1.3 and B1.4, and Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Polices 10.1, 10.2, 10.3, 10.4, 10.6, 10.7, 10.10 and 10.11. This site features an existing detention basin in a large easement area at the rear of the property. Impact to the watershed has been minimized as a

result of the detention basin. Floodplain management standards reflect the full development potential of the watershed. The detention basin ensures adequate compensatory storage and accommodation of stormwater runoff volumes as a result of the development. The on-site drainage system will preserve "through" drainage systems in a manner acceptable to the Metropolitan Sewer District ("*MSD*"): it is anticipated that the development will receive the approval of MSD;

Guideline 12 – Air Quality.

The Proposal conforms to Air Goal C1 and Objective C1.2 and Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1, 12.2, 12.3 and 12.8. It is anticipated that the Air Pollution Control District will approve the proposal. The proposed uses will not result in a significant generator of vehicular traffic. Bardstown Road, as stated above, is a transit route. Sidewalks and bicycle movement are encouraged by on-site public sidewalks and bicycle storage facilities;

Guideline 14 – Infrastructure.

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. The proposal has adequate service for all necessary utilities. An adequate water supply for domestic and fire-fighting purposes serves the site. New utilities will be located underground wherever possible and will be situated where recommended by each utility for appropriate possible maintenance and repair access;

Guideline 15 – Community Facilities.

The proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9. Fire fighting services will be provided by the Buechel Fire Department.