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Brown Family Enterprises
18ZONE1030

Demonstration of Appropriateness

Pursuant to Chapter 11, Part 4, Section 1.4.4(A) of the *Land Development Code for All of Jefferson County, Kentucky*, the applicant hereby submits its Demonstration of Appropriateness.

The applicant, Brown Family Enterprises, proposes to rezone the subject parcels from C-1 and R-4 to C-2 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.

1. How the proposed amendment conforms to the Comprehensive Plan.

This application conforms to the Goals and Objectives of the *Cornerstone 2020 Comprehensive Plan*, as reflected in the Guidelines and Policies (which “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 are located in the Suburban Marketplace Corridor form district – including the rear portions of the parcels, which are currently zoned R-4. The proposed redevelopment, upon approval of the map amendment, will be 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 lands 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 proposed 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 neighborhood 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, these parcels abut a residential area to the rear. The proposal does not include expansion of the 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 5 – Natural Areas and Scenic and Historic Resources – There are no concerns from this redevelopment vis-à-vis the natural environment, or scenic and historic resources.

F. 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).

G. Guideline 7 – Circulation – it is not anticipated that a redevelopment of this size and scope will put a strain on existing transportation networks and facilities. (Guideline 7.A.1). The parcels are well-situated to take full advantage of mass transit opportunities and of existing roadway and pedestrian infrastructure. (Guideline 7.A.3, 4). Parking and access will be coordinated as between the subject parcels. (Guideline 7.A.16).

H. 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).

I. Guideline 10 – Flooding and Stormwater – MSD will approve the drainage plans of this proposal. Any potential negative impacts from stormwater runoff will be mitigated, and impervious areas will be minimized. (Guideline 10.A.2, 3, 7, 11).

J. Guideline 11 – Water Quality – it is not anticipated that this relatively small development will degrade the water quality due to water pollution or erosion; regional water resources are protected. (Guideline 11.A.1).

K. Guideline 12 – Air Quality – given the modest scale of the proposed change in use and the substantial development already surrounding the site, the redevelopment is not expected to trigger any changes to air quality. Nevertheless, the APCD will review the proposed development for any negative impacts on air quality. (Guideline 12.A.9).

L. Guideline 13 – Landscape Character – the applicant will comply with the landscaping requirements of the LDC.

M. 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).

N. Guideline 15 – Community Facilities – not applicable to this private development.

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2. **How utilities and essential public services will be provided to the properties in question.**

All utilities and essential public services are currently in place to serve the parcels in question, and the intended uses.

3. **The anticipated time period in which implementation of the proposed uses will be initiated provided the amendment is approved.**

The applicant anticipates implementing the proposed use as soon as possible following approval of this zoning map amendment.

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

No. This is an existing condition. In fact, many of the neighbors have this same condition.

2. Will the waiver violate the Comprehensive Plan?

No. This is an existing condition. Plant material will still be provided if allowed by KYTC.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes. This is an existing condition. No new parking will be located in the buffer.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The strict application of the regulation would cause the applicant to remove a portion of the existing parking lot which would create an unnessecary hardship on the applicant.

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