

Case No. 14ZONE1029 Findings of Fact

WHEREAS, the Louisville Metro Planning Commission finds that SC Development, LLC is applying for a change in zoning for two parcels of property currently zoned R-7 along Oak Street, just to the East of Dixie Highway. The overall development site includes commercially zoned (C-1) property at the southeast corner of Oak Street and Dixie Highway. The overall development also includes the proposed closure of an unnamed alley that runs north/south between the currently-zoned commercial section of the overall development and the property proposed to be rezoned. The applicant will maintain a public access between Oak Street and the alley to the south of the subject property and will use some of the R-7 property for a landscaped buffer. Due to the compact nature of the site, the applicant is seeking a landscape waiver along the southern property line. The applicant is also seeking two design waivers: (a) to allow the corner entrance to be at the southwest corner of the building as opposed to the northwest corner and (b) to reduce the amount of clear doors and windows required.

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with Guideline 1, Form Districts. The subject property is in the Traditional Marketplace Corridor and the Traditional Neighborhood Form Districts. Both of these form districts suggest the maintenance of alleys, rear or side parking, buildings oriented and pulled up to the street and commercial uses that serve the surrounding neighborhood. The proposed development is for a 9,000 square foot Dollar General store. Dollar General stores carry a variety of products used on a regular basis, clearly a neighborhood serving use. The proposed development plan includes a building on the right of way line of Oak Street and Dixie Highway, with side parking and a relocated and improved public access in place of the proposed closed alley. For these reasons, the proposed development complies with Guideline 1.

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with Guideline 2, Centers. The proposed development complies with the intent of Guideline 2 and its Policies. The subject property is in an activity center, with abundant commercial property nearby. The property proposed to be rezoned is just to the east of the existing alley but has been partially vacant for many, many years. The eastern portion of the subject property will be used for access and buffering, not new building. The proposed development is compact in nature, is at the intersection of two collector or greater streets and blends the requirements of the Land Development Code and the development pattern in the area. The proposed Dollar General store will serve the needs of nearby residents and will add a retail choice to the California neighborhood that doesn't currently exist.

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with Guideline 3, Compatibility. The proposed development complies with the intent of Guideline 3 and its Policies. The proposed building will be similar in size to other neighborhood shops in the area, and will be oriented toward the street. The proposed development should not have any adverse impact on surrounding residential properties, including those related to noise, light or traffic. The applicant's proposed

building will use building materials that can be found in surrounding properties, including block, brick and accent materials. The proposed development will provide a 15' buffer to the east including an 8' tall fence. The landscape buffer to the south adjacent to the church will be 5' wide but trees will be provided in this area as well as in the interior landscape areas directly adjacent to it.

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with Guideline 4, Open Space. The proposed development complies with the intent of Guideline 4 and its Policies. The subject property is mostly vacant and contains one home that will be removed as part of the proposed development. The property contains few trees and no useful open space. When developed, the property will contain a landscape buffer almost as wide as many residential lots adjacent to the residence to the east and will contain tree canopy that exceeds the requirement by one-third.

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with Guideline 5, Natural Areas and Scenic and Historic Resources. The proposed development complies with the intent of Guideline 5 and its Policies. There are not any natural areas or historic or scenic resources on the subject property. But the redevelopment of properties in the urban core of the city helps to preserve the broader neighborhood by providing a service not currently available in the immediate area.

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with Guideline 6, Economic Growth and Sustainability. The proposed development complies with the intent of Guideline 6 and its Policies. The proposed development will redevelop three vacant lots in the California neighborhood, will provide trees where there are none and will provide an area for a TARC stop to be located along Dixie Highway. The proposed Dollar General store is generally in line with both the Traditional Marketplace and Traditional Neighborhood form district guidelines for site and building design in that it is a single story building pulled up to the right of way at the corner.

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with Guideline 7, Circulation and Guideline 9, Bicycle, Pedestrian and Transit. The proposed development complies with the intent of both of these Guidelines and their respective Policies. The subject property is at the corner of two busy roads, West Oak Street and Dixie Highway. West Oak Street is one-way westbound, while Dixie Highway carries traffic north and south. Dixie Highway is also a busy transit corridor. The proposed development will provide a small right of way dedication for a new TARC stop near the corner. The proposed development will also provide a 24' wide public access easement just to the east of the current 15' alley location, providing better access for those using the alley system in the area. The proposed development will also provide sidewalks to allow for pedestrian access to the site from surrounding properties. The parking lot has been designed to allow for safe truck maneuvering and unloading, as well.

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with Guideline 10, Flooding and Stormwater and Guideline 11, Water Quality. The proposed development complies with the intent of both of these Guidelines and their respective Policies. The subject property is in an older part of the city that is almost completely developed. The subject property will use green infrastructure in the form of pervious pavement for some of its parking to handle surface water and allow it to infiltrate the ground on-site, instead of using the combined sewer system. The infiltration should also help with water quality.

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with Guideline 12, Air Quality. The proposed development complies with the intent of Guideline 12 and its Policies. The subject property is in an urban setting, where transit is heavily used. The proposed development contains a right of way dedication for a new TARC stop (where TARC will supply a shelter) and improvements to sidewalks along Oak Street and Dixie Highway to encourage pedestrians to visit the planned store. The proposed development is also planned with tree canopy that exceeds the requirement of the Land Development Code by one-third, addressing both heat island and air quality concerns.

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with Guideline 13, Landscape Character. The proposed development complies with the intent of Guideline 13 and its Policies. The proposed development will include approximately 27% tree canopy, as opposed to 20% required. And the landscape buffer area to the east will be significant compared to the current condition.

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with all other applicable Guidelines and Policies of the Comprehensive Plan.

Therefore, be it **RESOLVED**, that the Louisville Metro Planning Commission does hereby recommend to the legislative body of Louisville Metro Government that the requested Change in zoning from R-7, Multi-Family Residential, to C-1, Commercial, on property described in the attached legal description be **APPROVED**.