

Louisville Metro Planning Commission – April 20, 2017

City of Forest Hills meeting – April 10, 2017

Louisville Metro Land Development & Transportation Committee – March 23, 2017

Neighborhood Meeting - October 25, 2016

Docket No. 16ZONE1071

Proposed zone change from OR-3 to C-1 with waivers to allow a martial arts studio and office space on property located at 9017 Taylorsville Road



Attorneys: Bardenwerper Talbott & Roberts, PLLC
Land Planners, Landscape Architects and Engineers: Miller Wihry

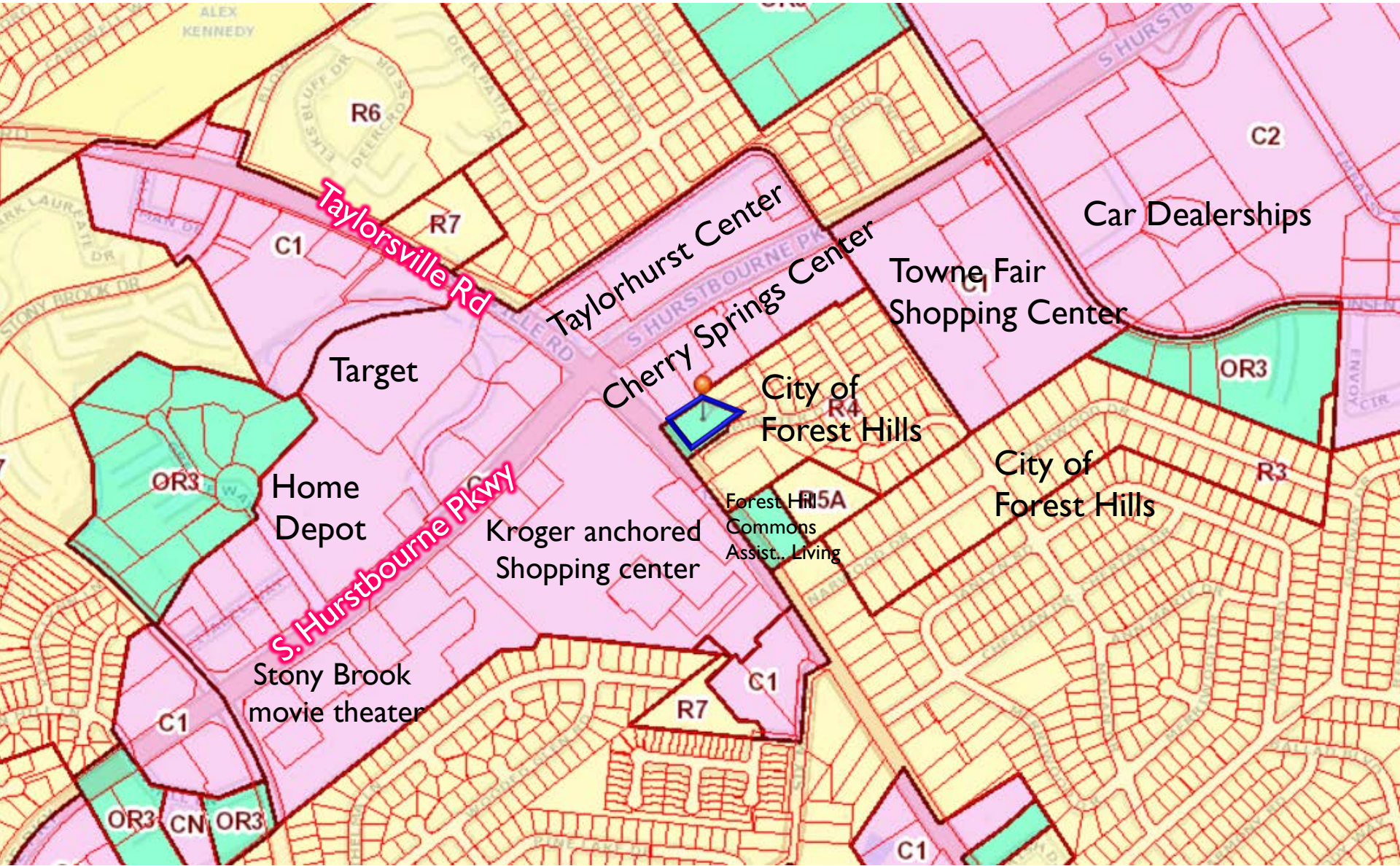
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Tab I

LOJIC Zoning Map





Tab 2

Aerial photograph of the site and surrounding area





Car Dealerships

Towne Fair Shopping Center

City of Forest Hills

Forest Hill Commons Assist. Living

Kroger anchored Shopping center

Taylorhurst Center

Cherry Springs Center

Target

Home Depot

Stony Brook movie theater

Taylorsville Rd

S. Hurstbourne Pkwy

OR3

R6

R7

C1

C2

R4

R7

C1

C1

OR3

5A

C1

MERRIW

ANN MARIE

CHERIAN DR

MAHAN DR

NARWOOD DR

CON RIDGE GT

TILE LN

THELMA LN

BIGGIN HILL

WINGS LYNN LN

STONY BROOK DR

CTADEL WAY

STONE GREEN WAY

MURRATE DR

POINTE CT

DEERCROSS DR

DEER PATH CIR

WESLEY AVE

WOODFIELD RD

INGTON AVE

SUNSET PKY

HURSTBOURNE CIR

S HURSTBOURNE PKY

BLUE





Tab 3

Ground level photographs of the site and surrounding area





SITE



View of site from Taylorville Road.





View of Taylorsville Road looking northwest. Site is to the right.





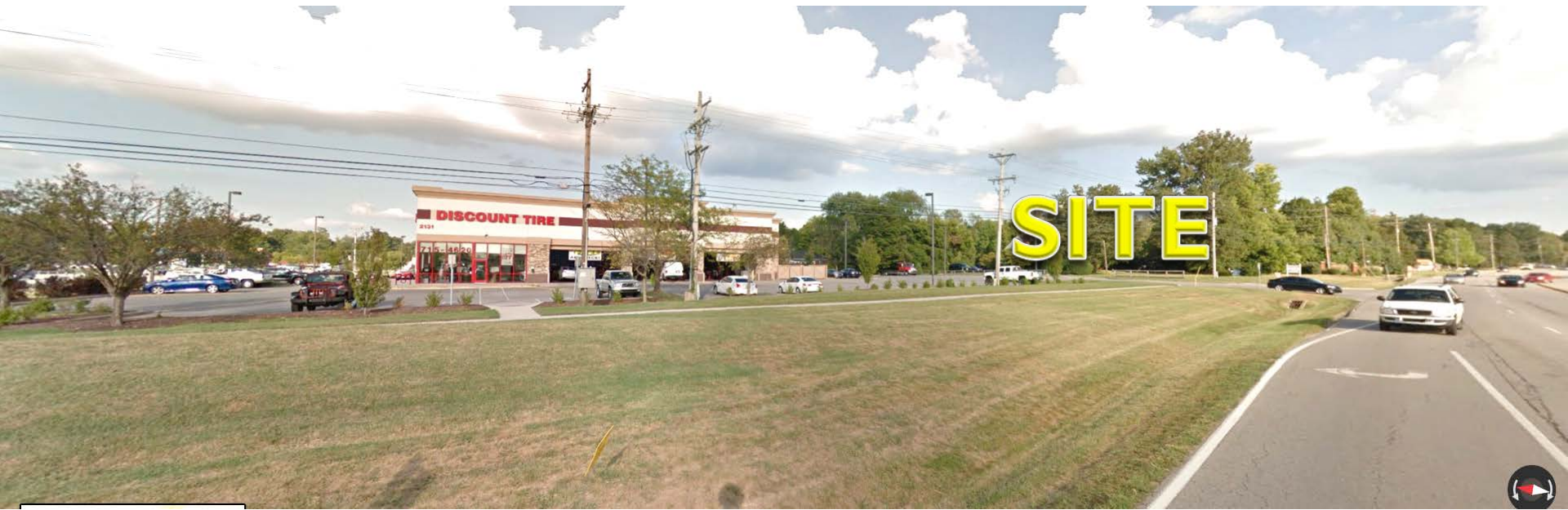
View of Taylorsville Road looking southeast. Site is to the left.





View of Stony Brook shopping center directly across Taylorsville Road from site.





View of Discount Tire store, north of site.





View of nearby retail shops on S. Hurstbourne Parkway near site.

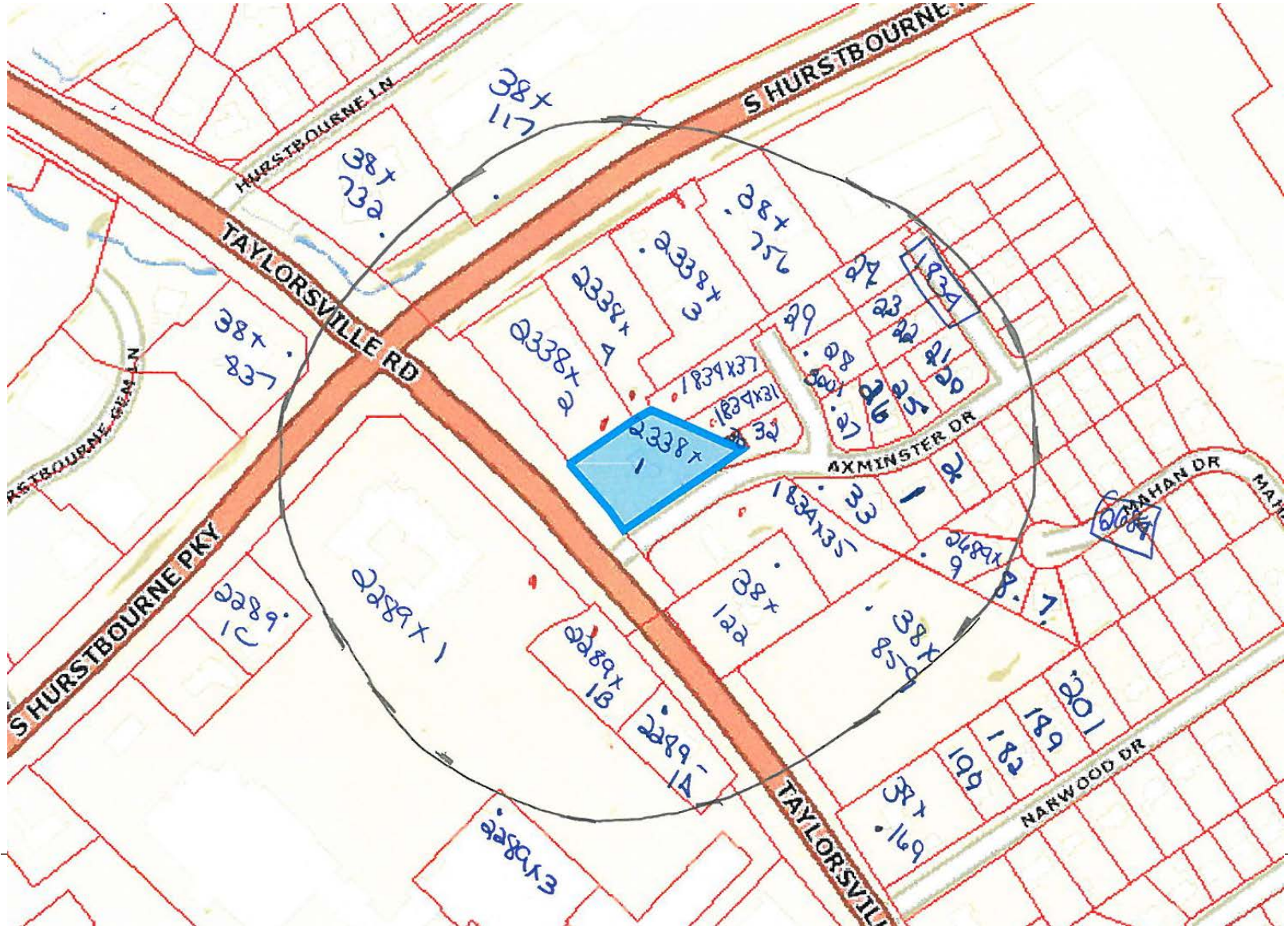


Tab 4

Neighborhood Meeting notice list map,
letter to neighbors inviting them to the
meeting and summary of meeting



Adjoining property owner notice list map wherein 49 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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Nicholas R. Pregliasco
Direct dial: 426-0388, ext. 139
Email: NRP@BARDLAW.NET

October 10, 2016

Dear Neighbor,

RE: Proposed change in zoning from OR-3 to C-1 to allow a martial arts studio and office located on approximately 1.11 acres at the northwest corner of Taylorsville Road and Axminster Dr. at 9017 Taylorsville Road

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning plan to allow a martial arts studio and office located at the property above. The property is currently zoned OR-3 and is being used as an office/residential property.

Accordingly, we will file a plan for pre-application review on Monday, October 20th with the Division of Planning and Design Services (DPDS). A case number and case manager will be assigned and we will have that information at the neighbor meeting. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Tuesday, October 25th at 7:00 p.m.** in **Rooms 1 & 2** at the **Christ Evangelical Lutheran Church** located at **9212 Taylorsville Road.** *(Please park in the rear parking lot and enter the far right 2 sets of double doors near the brick house.)*

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or our land planning and engineering firm representative John Miller at 636-5501.

We look forward to seeing you.

Sincerely,



Nick Pregliasco

cc: Hon. Kenny Griffin, Mayor, City of Forest Hills
Hon. Marilyn Parker, Councilwoman, District 18
Brian Davis, Planning Supervisor with Division of Planning & Design Services
John Miller, land planner with Miller Wihry
Jung Hwang, Hwangs Martial Arts, Inc.

NEIGHBORHOOD MEETING SUMMARY

A neighborhood meeting was held on October 25, 2016 at 7:00 pm at the Christ Evangelical Luther Church at 9212 Taylorsville Road. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney and John Miller, land planner and engineer, as well as the applicant. Two neighbors attended. Nick presented a powerpoint presentation showing the property, zoning map, proposed development plan, etc. Thereafter Nick and John answered questions relative to traffic, noise, screening, the site layout, the drainage easement in the rear of the property, etc. The applicant Grandmaster Hwang answered questions as to the other Hwang Martial Arts locations and the normal hours of operation, number of students, etc.

The neighbor that lived in the neighboring City of Forrest Hills subdivision wanted to confirm there would not be an access of Axminster Drive and Nick confirmed there would not and the entrance will be off of Taylorsville Road. The concerns related to traffic along Taylorsville Road near Hurstbourne Lane and Nick and John answered questions as to same. Other concerns related to lighting which, as explained, would meet the lighting requirements of the LDC, as well as future properties being rezoned along Taylorsville Road. The neighbors requested changing the landscaping along Axminster and the applicant agreed to consider the requests.

Tab 5

Development Plan



Current Development Plan



2131 S Hurstbourne Parkway
Tax Block 2332, Lot 0002
HALL'S PROPERTIES LLC
DB 9871 P 938

2112 Canterbrook Drive
Tax Block 1834, Lot 0037
Royce & Ruth Leslie
DB 5381 P 668

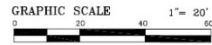
2114 Canterbrook Dr
Tax Block 1834, Lot 0032
Margaria & Yefim Avonov
DB 9687 P 767

9201 Axminster Drive
Tax Block 1834, Lot 0036
Dustine & Stephen Bosco
DB 8914 P 948

SMC / C1
9200 Taylorsville Road
Tax Block 2289, Lot 0001
BRE Retail
DB 9749 P 781

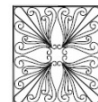
N / R4
9021 Taylorsville Road
Tax Block 1834, Lot 0035
Barry & Dale Crawford
DB 8914 P 948

TWO-STORY
14,996 sf



Legend

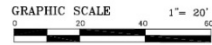
- | Symbols | | Abbreviations | |
|---------|-----------------------------------------------|---------------|---------------------------|
| ● | Monument Found (As Noted) | EP | Edge of Pavement |
| ○ | 5/8" Rebar w/cap set (unless otherwise noted) | R/W | Right of Way |
| ● | Utility Pole | Typ. | Typical |
| ○ | Manhole | C.B. | Catch Basin |
| ○ | Fire Hydrant | — | Overhanging Electric Line |
| ○ | Existing Tree | — | Sewer Line |
| | | — | Silt Fence |
| | | ○ | Tree to be removed |



MILLER • WIHRY
MWGLLC
Land Planners • Engineers • Surveyors
1387 South Fourth St. Louisville, KY 40208 Tel (502)636-5501

REVISIONS	SCALE
	1" = 20'
	DR.
	CK.
	DATE
	2/6/2017

Current Development Plan

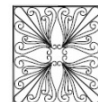


SMC / C1
 9200 Taylorsville Road
 Tax Block 2289, Lot 0001
 BRE Retail
 DB 9749 P 781

N / R4
 9021 Taylorsville Road
 Tax Block 1834, Lot 0035
 Barry & Dale Crawford
 DB 8914 P 948

Legend

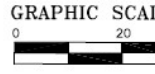
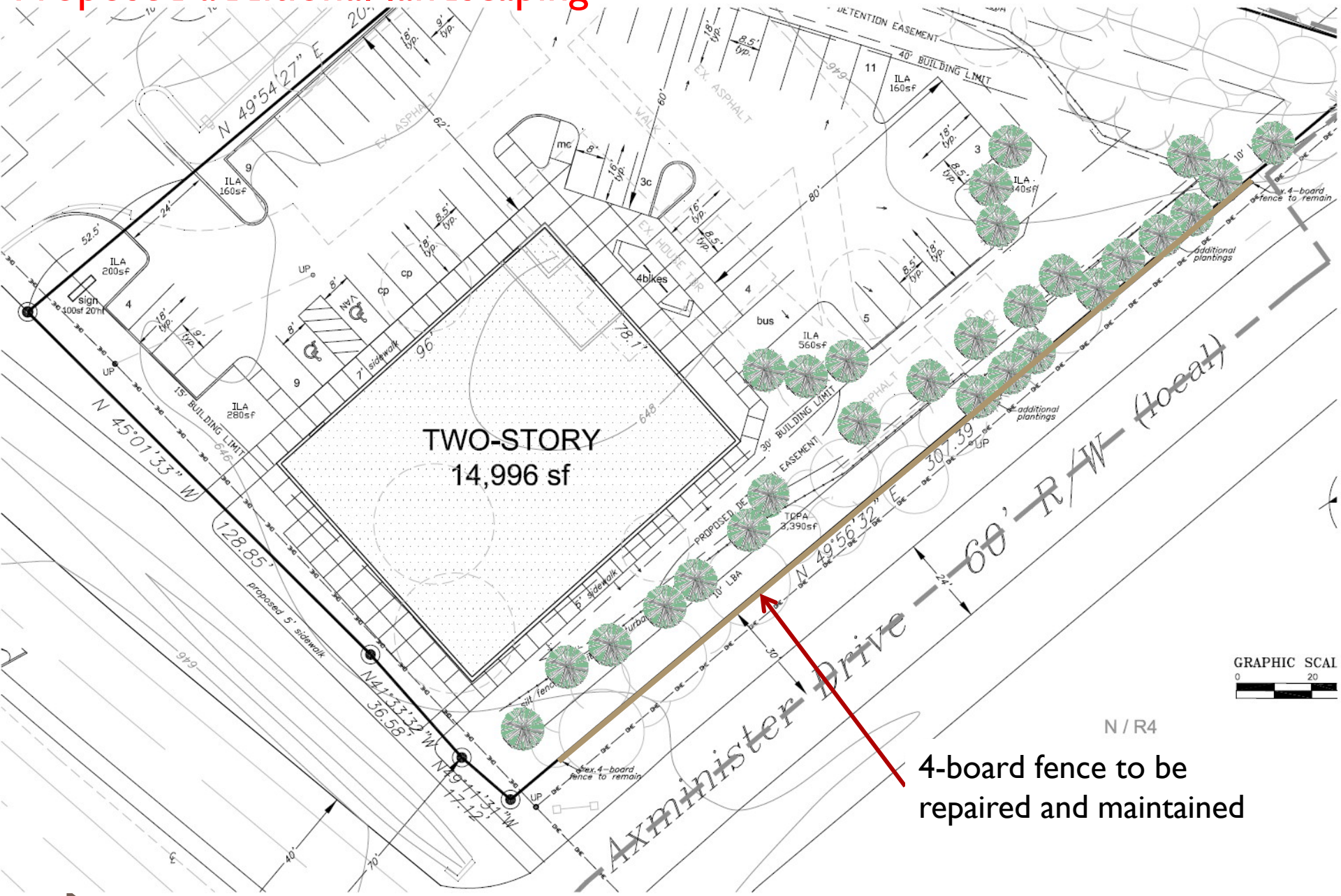
Symbols	Abbreviations
● Monument Found (As Noted)	EP Edge of Pavement
○ 5/8" Rebar w/cap set (Graham #3893) (Unless Otherwise Noted)	R/W Right of Way
● IP Utility Pole	Typ. Typical
○ MH Manhole	C.B. Catch Basin
○ FH Fire Hydrant	— Overhanging Electric Line
○ Existing Tree	— Sewer Line
	— Silt Fence
	○ Tree to be removed



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REVISIONS	SCALE
	1" = 20'
	DR.
	CK.
	DATE
	2/6/2017

Proposed additional landscaping



4-board fence to be repaired and maintained

Tab 6

Building Elevations





03 | FRONT ELEVATION

A5.1 | SCALE: 1/8" = 1'-0"





04 | STREET ELEVATION

A5.1 | SCALE: 1/8" = 1'-0"





O1 | REAR ELEVATION

A5.1 | SCALE: 1/8" = 1'-0"





O2 | SIDE ELEVATION

A5.1 | SCALE: 1/8" = 1'-0"





Similar style and design of building on N. Hurstbourne Parkway at Westport Road

Tab 7

Trip generation, existing vs. predicted



AVERAGE DAILY TRIP (ITE) MANUAL

- ▶ EXISTING MEDICAL OFFICE DAILY TRIPS = **49 DAILY TRIPS**
- ▶ PROPOSED MARTIAL ARTS STUDIO/MEDICAL OFFICE = **189 DAILY TRIPS**
- ▶ PROPERTY REDEVELOPED UNDER CURRENT OR-3 ZONING FOR MEDICAL OFFICE = **312 DAILY TRIPS** or **123 DAILY TRIPS MORE THAN PROPOSED DEVELOPMENT**



Tab 8

Proposed Additional Binding Elements



Additional Binding Elements

- ▶ I. The subject property shall not be used for the following otherwise permitted C-1 uses:
- ❑ Agricultural uses
 - ❑ Automobile rental agencies with no more than 25 rental passenger vehicles stores on site, and no more than two service bay sfor cleaning or maintenance, and having no repair or storage/dispensing of fuel
 - ❑ Automobile parking areas, public and private
 - ❑ Automobile service stations with service bays for repair of no more than two vehicles (see definition of Automobile Service Station for the type of repairs permitted)
 - ❑ Beauty Shop
 - ❑ Boarding and lodging houses
 - ❑ Bowling alleys, provided the building is sound proof
 - ❑ Car washes having prior approval by the agency responsible for transportation planning
 - ❑ Convenience groceries
 - ❑ Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments
 - ❑ Grocery stores, including fruit, meat, fish and vegetable
 - ❑ Ice storage houses of not more than five ton capacity
 - ❑ Laundries or laundrettes, self-service
 - ❑ Laundering and dry cleaning pick up shops and self service laundries
 - ❑ Nurseries, retail
 - ❑ Package liquor stores (no on-site alcohol consumption allowed)
 - ❑ Pawn shops
 - ❑ Restaurants, tea rooms and cafes excluding dancing and entertainment activity (indoor alcohol sales and consumption only with property ABC license)
-



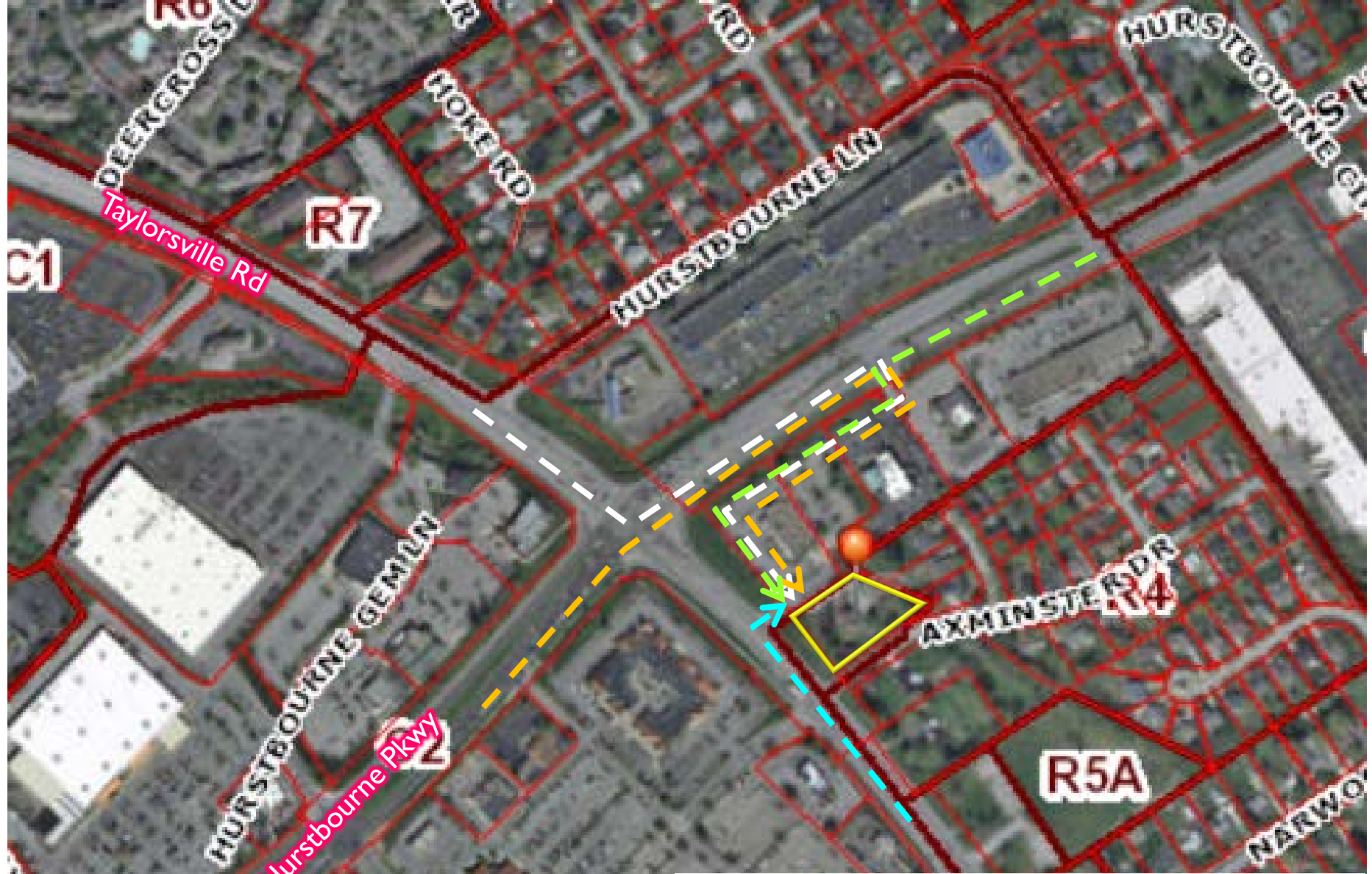
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- ▶ 2. The proposed martial arts studio shall be located on the first floor with the second floor only used as ancillary to the first floor use or in connection with the first floor use.
 - ▶ 3. A sidewalk along the frontage of Axminster Drive shall be prohibited.
 - ▶ 4. The existing 4-board fence along Axminster Drive shall be repaired and maintained.
 - ▶ 5. There shall be no vehicular or pedestrian access from Axminster Drive to the subject property.
-



Tab 9

Existing access easement





- Yellow – Northbound Hurstbourne Parkway
- White – Eastbound Taylorsville Road
- Green – Southbound Hurstbourne Parkway
- Blue - Westbound Taylorsville Road

Tab 10

Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and Waiver Justifications



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STATEMENT OF 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

INTRODUCTORY STATEMENT

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 teaching 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.

GUIDELINE 1 - COMMUNITY FORM

The proposed zone change complies with all of the applicable Intents and Policies of Suburban Marketplace Form District of Guideline 1 for these reasons.

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. 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.

GUIDELINE 2 – CENTERS

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 for these reasons.

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 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. The parking is designed to be shielded from the residences and Taylorsville Road.

GUIDELINE 3 - COMPATIBILITY

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 for these reasons.

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 toward 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.

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

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 for these reasons.

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. No portion of the site has been designated as a natural, scenic or historic resource.

GUIDELINE 6-ECONOMIC GROWTH AND SUSTAINABILITY

The proposed zone change complies with all of the applicable Intents and Policies 2 and 6, of Guideline 6 for these reasons.

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. 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.

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

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 for these reasons.

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.

In this way, especially with shared access, 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.

The DDDP will also require and obtain prior to LD&T the preliminary stamp of approval from Louisville Metro Public Works.

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

The proposed zone change complies with all of the applicable Intents and Policies 1, 3, 6, 9, 10, and 11 of Guideline 10 for these reasons.

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. Prior to LD&T, the DDDP will require and obtain the preliminary stamp of approval from MSD.

GUIDELINE 12 – AIR QUALITY

The proposed zone change complies with all of the applicable Intents and Policies 1, 2, 3, 5, 8, and 9 of Guideline 12 for these reasons.

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. 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.

GUIDELINE 13 – LANDSCAPE CHARACTER

The proposed zone change complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5, and 6 Guideline 13 for these reasons.

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 will be shown at the public hearing. The applicant is proposing to repair and maintain the four board horse fence along Axminster Drive with the additional landscaping as an effective screen for the residences to the rear.

* * * * *

The application complies with all other relevant and applicable guidelines and policies of the new Cornerstone 2020 Comprehensive Plan for all the reasons noted above and on the accompanying development plan and as will be further demonstrated at LD&T and at the public hearing.

Respectfully submitted,

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Louisville, KY 40223
(502) 426-6688

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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.

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

Explanation of Waiver:

1. 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.
2. 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.
3. 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.
4. 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.

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.

Waiver of to not provide the sidewalk along Axminster Drive.

Explanation of Waiver:

1. 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.
2. 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.
3. 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.
4. 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.

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.

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

Explanation of Waiver:

1. 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.
2. 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.
3. 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.
4. 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.

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.

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

Explanation of Waiver:

1. 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.
2. 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.
3. 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.
4. 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.

Tab II

Proposed findings of fact pertaining to compliance with the Comprehensive Plan and Waiver criteria



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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.