

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Donald A. Summers

Owner: Lowes Investment Properties

Location: 1701 & 1705 Payne Street

Proposed Use: Office

Request: Zone change from R-5A to OR-1

Engineers, Land Planners and  
Landscape Architects: Mindel Scott & Associates, Inc.

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on December 21, 2017 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### INTRODUCTION

**WHEREAS**, while the property is zoned R-5A, the property and existing building to remain have previously been used as a day care center and then as a rehabilitation home with a Conditional Use Permit granted in 2010; the property is vacant and has been for some time; the applicant desires to convert this day care center/rehabilitation center building to an office use as the administrative office for Air Equipment Company; and the existing buildings shall be updated and renovated and remain with only modifications to the parking lot as shown on the Detailed District Development Plan; and

### GUIDELINE 1 – COMMUNITY FORM

**WHEREAS**, the subject property is located in the Traditional Neighborhood Form District, which is characterized by predominately residential uses from low to high density with neighborhood serving low-intensity commercial, such as office use, located on corners, as is this case in this area of Clifton; the proposed development is to allow a long vacant building previously used as a day care center to be redeveloped and revitalized as a new use; and the Traditional Neighborhood Form District emphasizes the preservation and renovation of existing buildings as is the case here; and

### GUIDELINE 2 – CENTERS

**WHEREAS**, this Guideline encourages mixed land uses organized around compact activity centers that are existing, proposed or planned in order to promote efficient use of land and

investment in existing infrastructure; the proposed project is at the corner of Payne Street and S. Charlton Street, with the neighboring industrially zoned property (formerly the Louisville Paving operations) being converted to new uses, including the recently approved Advanced Business Solutions information technology headquarters; and the infrastructure is already in place for the proposed project, with more than ample parking; and

**WHEREAS**, Policy 1 of this Guideline suggests locating activity centers on at street intersections like this one; Policy 2 of this Guideline is met as this is an expansion of the current corner activity center one block to the Northeast and is of less intensity than the former uses of the property; and the proposed administrative office represents a mixture of compatible uses as set forth in Policy 5 as it will an adaptive reuse of the property reducing overall traffic congestion by locating the corporate office close to the office workers, including the principal applicant who lives just blocks away; and

### **GUIDELINE 3 – COMPATIBILITY**

**WHEREAS**, the proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 20, 21, 22, 23, 24, and 28 of Guideline 3 because this project will serve the surrounding neighborhood with a small office building; the proposed project does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already existed as a day care center and rehabilitation center; in fact the nuisances will be less with a newly renovated office building; setbacks will include compatible side and rear yards with no waivers or variances requested; the detailed district development plan, neighborhood meeting PowerPoint filed with the application demonstrate all that; further, the existing building will remain with improvements to the building and parking; this project is located within close proximity to the population that will support it, result in compact development, and provide a mixture of compatible uses; the new parking area will be to the rear of the property off the alley, in an area already paved and used for parking; the improvements will result in an overall reduction in impervious surface; and this proposal will also provide a transition from the adjoining industrially zoned properties to the northeast to the residential in the area; and

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

**WHEREAS**, the proposed project complies with all applicable Intents and Policies 1, 2 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1 and 2 of Guideline 5 because the project will maintain buffers as provided on the development plan and is an adaptive reuse of the existing building on the property which shall remain; due to the small nature of the changes and improvements to the property, the open space will be consistent with what is currently there; and the renovation of the existing building will preserve any natural features that may currently exist; and

### **GUIDELINE 6 – MARKETPLACE**

**WHEREAS**, the proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 5, and 11 of Guideline 6 because this project will provide an administrative office to be used by workers living in the area; this project will also provide redevelopment of the vacant building and provide a better and more productive use than previously existed; and this project will result in a significant investment in an older neighborhood helping to revitalize same; and

**GUIDELINES 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY  
DESIGN; GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT;  
GUIDELINE 12 – AIR QUALITY**

**WHEREAS**, the proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 4, 6, 10, 11, 13, 14, 15, and 18 of Guideline 7; Policies 4, 5, 7, 9, 10 and 11 of Guideline 8; Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 3, 4, 6, and 8 of Guideline 12 because this project is situated at a corner where a previous day care center and rehabilitation home was located and the project will serve the neighborhood thus causing little impact for traffic, etc.; the applicant is improving the parking lot and off-street parking to address the parking needs of the site; the project is located along a TARC traffic line allowing ease of access; all utilities to serve the project already exist to serve the proposed project; further, this project was reviewed by Metro Transportation Planning Services personnel, who stamped the preliminary plan for approval prior to its docketing for Planning Commission review; and that assures that all of these applicable Public Works standards are complied with, including Policies of the 2020 Land Development Code (LDC); and

**WHEREAS**, the office building will serve as an additional location for office use and serve the area and will not negatively impact traffic as people coming to the property can walk or use transit, and the traffic will be less than the previous uses; thus, all negative traffic impacts are avoided with this development; and, as noted, design of the site, as shown on the detailed district development plan accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required -- that is, except as some disconnectivity to existing adjoining properties which already exists; and

**GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY**

**WHEREAS**, the proposed project complies with all applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 because MSD will require that post-development peak rates of stormwater runoff do not exceed pre-development peak flows; there will be a net reduction in impervious surface; MSD has given its stamp of preliminary approval on the development plan before it is set for Planning Commission review; and any new construction will have to comply with MSD's soil erosion and sediment control standards; and

**GUIDELINE 13 – LANDSCAPE CHARACTER**

**WHEREAS**, the proposed project complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because the local LDC requires tree canopies, certain kinds of landscaping for certain kinds of uses and screening and buffering of incompatible uses; accordingly, the LDC will be fully complied with; 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 R-5A to OR-1 and approves the Detailed District Development Plan.