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

<u>Owner/Applicant:</u>	Ghasem Properties, Inc.
<u>Location:</u>	12910 and 12920 Factory Lane
<u>Proposed Use:</u>	Addition to existing retail center
<u>Engineers, Land Planners and Landscape Architects:</u>	Milestone Design Group
<u>Request:</u>	Rezoning from R-4 to C-1 (plus a Revised Detailed District Development Plan to the adjoining existing retail center site)

### **INTRODUCTION**

**WHEREAS**, this small retail center is proposed as an add-on to the existing retail center rezoned for and developed and owned by a related entity of the principal of the same applicant; together this site and the other one mentioned that was previously approved and developed are appropriate for this location, among other reasons, because they are at the intersection of LaGrange Rd. and Factory Lane just outside the Snyder Freeway where a large retail activity center already exists; and this small retail center addition is located across Factory Lane from a large retail center and across LaGrange Rd. from yet another retail center developed by the principal of this same applicant; and

### **GUIDELINE 1 - COMMUNITY FORM**

**WHEREAS**, the subject property is located in the Suburban Workplace Form District and, although this may seem a bit of an oddity for this retail activity center interchange outside the Snyder Freeway at LaGrange Rd. at its intersection with Factory Lane and Chamberlain Lane, the Suburban Workplace Form District designation exists because of the Snyder Freeway and the large Eastpointe Business Center to the south; even though what is proposed is a retail center, there is no reason to change the form district designation because what exists works here and because furthermore other non-workplace uses are also located within this particular Suburban Workplace Form District within this retail activity center area outside the Snyder Freeway; and

### **GUIDELINE 2 – CENTERS**

**WHEREAS**, the application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of this Guideline because this site is within an existing activity center; it also exists along corridors where major support population exists; as an add-on to an

existing small retail center, the two together are compact and will contain a mixture of acceptable/desirable retail and office uses, complimentary to what exists in the area; there is no other practical use of this property than what is proposed; the users in these two, essentially combined centers will share parking; utilities already exist for extension into this site; and they will also share points of access, such that traffic can better enter and exit utilizing both Lagrange Rd. and Factory Lane; and

### **GUIDELINE 3 – COMPATIBILITY**

**WHEREAS**, the application complies with the Intents and applicable Policies 1, 2, 5, 6, 7, 8, 9, 12, 20, 21, 22, 23, 24, 28 and 29 of this Guideline because the design of this small addition to the existing retail center will be compatible with that one and the larger one that exists across Factory Lane from this site because of its location at the Snyder Freeway interchange with LaGrange Rd.; issues of noise, odors and other nuisances are not a question at this high traffic interchange location; lighting will comply with Land Development Code (LDC) standards; accessibility and access will be in accordance with the law and specific Metro Public Works requirements; transitions, buffers, setbacks and landscaping will comply with LDC standards for, where appropriate, LDC waiver provisions; as said, parking will be shared, and loading and delivery will be appropriately located; signs will comply with the LDC; and much of this is evident on the Detailed District Development Plan (DDDP) and related Revised Detailed District Development Plan (RDDDP) accompanying this application; and

### **GUIDELINE 6 - MARKETPLACE**

**WHEREAS**, the application complies with the Intents and applicable Policies 1, 2 and 6 of this Guideline because this location is essentially an infill activity center location where a large support population exists and thus, it represents a good opportunity for continued economic development for the area; and

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

**WHEREAS**, the application complies with the Intents and applicable Policies 1, 2, 3, 9, 10, 11, 13, 14 and 15 of Guideline 7, Policies 5, 8, 9, 10 and 11 of Guideline 8 and Policies 1, 2, 3 and 4 of Guideline 9 because the DDDP and RDDDP accompanying this application provides for good access off Factory Lane and LaGrange Rd. to the proposed combined retail centers with good cross connections and internal circulation as well; parking will be shared; access at Factory Lane will be wide enough to satisfy Metro Public Works requirements; site distances for ingress and egress will be sufficient; bike racks will be provided in conformance with LDC requirements; sidewalks and other pedestrian accommodations will be made as necessary; TARC service is available along LaGrange Rd; and old Factory Lane will be improved as shown on the DDDP to comply with Metro Public Works design standards; and

**GUIDELINES 10 AND 11 - FLOODING, STORMWATER, AND WATER QUALITY**

**WHEREAS**, the application complies with the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 1 and 5 of Guideline 11 because a detention basin is shown on the accompanying DDDP; other than that, all MSD regulatory requirements for stormwater and water quality will be satisfied on the construction plans following DDDP and RDDDP approvals; and

**GUIDELINE 13 – LANDSCAPE CHARACTER**

**WHEREAS**, the application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline because all tree canopy and landscape regulatory requirements of the LDC will be complied with, except to the extent that certain waivers accompanying this approval are also granted because landscape buffers can be enhanced to mitigate same; and

\* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books and on the approved DDDP, 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-4 to C-1 and approves the Detailed District Development Plan.

WAIVER FINDINGS OF FACT

Waiver of Section 10.3.7.A to allow parking, maneuvering, and structures to encroach in the other required 50 ft Gene Snyder Freeway Buffer

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the sites to the east and west adjoining this one next to the Snyder Freeway are related commercial and office sites; and other properties along the Snyder Freeway have been approved for development with waiver encroachments into the Snyder Freeway setback where added landscape screening can be provided; 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 application and in the findings of fact relating thereto; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because about two-thirds of the required setback is still provided, as is enhanced and deeper buffer landscaping in some areas, and this encroachment allows this site to be productively developed in something other than an impractical manner; 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 would otherwise have a very difficult time developing this property in a practical manner;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this Waiver.

WAIVER FINDINGS OF FACT

Waiver of Section 10.2.4 to allow parking maneuvering, and staircase in the required 15 ft LBA

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the sites to the east and west adjoining this one next to the Snyder Freeway are related commercial and office sites; the encroachments are minimal and have no aesthetic or other negative impacts on anyone because of the nature of the adjoin uses; and the stairwell is needed for safety purposes; 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 application and in the findings of fact relating thereto; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because most of the required setback and perimeter landscaping is still provided, and these encroachments allow this site to be productively developed in something other than an impractical manner; 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 would otherwise have a very difficult time developing this property in a practical manner;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this Waiver.

WAIVER FINDINGS OF FACT

Waiver of Section 10.2.12 to reduce the required 10 ft VUA/LBA to 5 ft.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because enhanced landscaping can be provided both within the LBA and within the ROW along the old Factory Lane to mitigate any potential aesthetic impacts, which don't appear to exist here anyway because of the proposed improvements to this property; 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 application and in the findings of fact relating thereto; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because most of the required setback and perimeter landscaping is still provided, and this encroachment allow this site to be productively developed in something other than an impractical manner; 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 would otherwise have a very difficult time developing this property in a practical manner;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this Waiver.

WAIVER FINDINGS OF FACT

Waiver of Section 5.8.1.B to omit sidewalks, except where shown on the DDDP

**WHEREAS**, the waiver will not adversely affect adjacent property owners because internal sidewalks are mostly provided where practically important; 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 application and in the findings of fact relating thereto; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because not all of the sidewalks are being eliminated; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because constructing sidewalks where not shown on this plan add nothing of practical convenience or necessity;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this Waiver.