

**PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL
APPLICABLE GUIDELINES AND POLICES OF THE PLAN 2040 COMPREHENSIVE
PLAN**

<u>Applicant:</u>	Stern Development
<u>Owner:</u>	Karl W. Gohl
<u>Location:</u>	11800 & 11806 E. Orell Road
<u>Proposed Use:</u>	Quick Service Restaurant – McDonald’s
<u>Engineers, Land Planners and Landscape Architects:</u>	Mindel Scott & Associates, Inc.
<u>Request:</u>	Change in Zoning from R-4 to C-2

INTRODUCTION

This is a proposal to consolidate two lots and rezone them from R-4 to C-2 to allow for a quick service restaurant at the corner of Dixie Highway and Flowervale Lane. Quick service fast food restaurants like this are typically located along major arterials often at signalized intersections because (a) there is easily enough business on busy arterials like this to satisfy the business needs, and (b) there is similarly more than adequate market demand on a busy arterial like Dixie Highway.

COMMUNITY FORM

Goal 1: Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

This proposal complies with Policies 2.1, 2.4, 3.1.3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 23 for the following reasons:

The subject properties are situated within the Neighborhood Form District, which is characterized by both residential uses and, at appropriate locations, neighborhood centers with a mixture of offices, retail shops, restaurants and services. This application complies with this Guideline because the proposed use at this location is within an existing activity center along Dixie Highway, and offers low intensity commercial goods and services to nearby residential areas. This proposed use would therefore provide a step-down in intensity between the residential area to the east and the commercial development to the west along the major arterial. This proposed McDonalds quick service restaurant will be easily accessible from the major arterial and commercial corridor, Dixie Highway, as well as from Flowervale Lane, a secondary collector, without adversely impacting the public safety or traffic flows. This is an investment in a

neighborhood-serving use, as a quick service restaurant is appropriate for the area and surrounding development. The building and dumpsters are located away (buffered and transitioned) from existing residential uses and the area has adequate infrastructure to support the business. There will be no hazardous uses nor noxious odors or particulates and emissions. Noise and light emissions will comply with LMCO and LDC restrictions with proposed landscaping and fencing along Orell Road to the east to provide additional buffering.

Land Development Code required height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage and required setbacks will be met. Also, as this proposed, commercially zoned site is near a large residential population south of the Gene Snyder, travel distances will be reduced, thus improving air quality.

As will be demonstrated at the Planning Commission public hearing, the quality components, color scheme, and style and design of this development assures compatibility with and improvement on the general quality of construction in the area. Plus, landscaping, screening, buffering and sidewalks will help assure appropriateness for the Dixie Highway area and compatibility with adjoining commercial and residential uses.

Goal 2: Encourage sustainable growth and density around mixed use centers and corridors.

The proposal complies with Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 16 for the following reasons:

The site is an expansion of an existing activity corridor providing neighborhood goods and services just south of the Gene Snyder expressway with a sufficient support population and appropriate access and connectivity, all within a more compact pattern of development. The placement and design of the building is appropriate. The site has appropriate access and connectivity. This increases the site's functionality, as a variety of surrounding commercial and residential uses complement the proposed use as a restaurant. The development is located along a major arterial and commercial corridor, Dixie Highway, giving it adequate access to compatible land uses adjacent to it, which would reduce traffic congestion by reducing vehicular trips and promoting transit use. The proposed use will allow for "capture trips" by providing a needed service to those already travelling the adjacent roadways. As stated, all required landscaping buffers, tree canopy retention and other natural features will be preserved. Pedestrian traffic will be improved to and through the site through efficient site design, including adequate and standard parking lot design, and the construction of sidewalks and pedestrian connections. Furthermore, the proposed zoning change permits residential uses above retail even though such use is not proposed at this time.

The design and intensity are appropriate with adjacent uses that will serve the needs of the surrounding community due to this compatibility of uses and impacts. The development will be well-organized, resulting in efficient land use and will take advantage of cost-effective infrastructure investment.

Goal 3: Encourage neighborhoods by protecting and integrating open space, watersheds and other natural resources.

This proposal complies with Policies 5, 7, 8, 9, 10, 11 and 12 for the following reasons:

There are no known natural features, karst terrain, slopes, flood prone areas or hydric soils on the site. Furthermore, the site is not located in the floodplain nor the Ohio River Corridor.

Goal 4: Promote and preserve the historic and archeological resources that contribute to our authenticity.

The proposal complies with Policies 1 and 2 because there are no historic assets or distinctive cultural features evident on the site.

MOBILITY

Goal 1: Implement an accessible system of alternative transportation modes.

This proposal complies with Policies 1 and 4 for the following reasons:

The site is located within an existing activity center, along a commercial corridor in Dixie Highway, meaning it is easily accessible and will further add to the transportation network at a busy intersection. It will promote nearby existing and future residential developments as well as any future activity and employment centers. The development will also allow for different modes of transportation, as the site will encourage walking and other shared forms of transportation. And all of these, as well as parking spaces, required bike racks, handicapped spaces and possible transit and ride-share stops will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. The applicant is working with TARC to provide a TARC pad along the site's frontage to provide better access for the existing residents to the TARC service.

Goal 2: Plan, build and maintain a safe, accessible and efficient transportation system.

This proposal complies with Policies 1, 4, and 5 for the following reasons:

The development will be accessible through a major arterial in Dixie Highway, and Flowervale Lane, a secondary collector, meaning access will not occur through areas of significantly lower intensity or density. Furthermore, it is located along a popular roadway and near intersections which encourage walking and other forms of shared transportation. Sidewalks and all other available modes of pedestrian travel will be provided in compliance with the LDC. The close proximity to other major areas will promote capture trips and reduce traffic for such goods and services. The development plan, and eventually the construction plans, will incorporate correct parking requirements, any necessary right-of-way dedication, lane widths, turn lanes as necessary, good site distances and proper turning radii. Public transit, in the form of TARC services, are available to the development. The applicant is having a Traffic Impact Study completed to ensure the development does not create unintended adverse impacts.

Goal 3: Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

This proposal complies with Policies 1, 2, 3, 4, 5, 6, 9 and 10 for the following reasons:

The development would permit a mix of complementary neighborhood-serving uses and specifically provides a desired quick service restaurant not currently present south of the Gene Snyder. It is easily accessible by multiple forms of transportation, permitting access to all people of various physical capabilities. It reduces the vehicle miles travelled by being closely located to its proposed customer base along Flowervale Road and south of the Gene Snyder on Dixie Highway. Transportation Planning is still reviewing the proposal, and will review the Traffic Impact Study, but again, all impacts on the transportation network such as air quality, parking requirements, and site design characteristics, will be compliant with the LDC.

COMMUNITY FACILITIES

Goal 2: Plan for community facilities to improve quality of life and meet anticipated growth.

This proposal complies with Policies 1, 2 and 3 for the following reasons:

This development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, possesses an adequate water supply of potable water and provides sufficient water for fire-fighting purposes. It will have access to sewers and all requisite utilities so as to not burden existing or future community facilities.

ECONOMIC DEVELOPMENT

Goal 1: Provide an economic climate that improves growth, innovation, investment and opportunity for all.

This proposal complies with Policies 2, 3, 4 and 5 for the following reasons:

This development will provide a commercial use that improves economic growth and investment opportunities by implementing constructive uses of an otherwise underutilized site in an infill context. It is located on Dixie Highway, a major arterial and commercial corridor. It locates this new potential use in an area with a growing residential population in an efficient manner that serves to increase consumer activities. It will also provide support to other businesses by providing another draw for shared customers to a location with convenient access to roadway infrastructure close to the Gene Snyder and modes of travel such as TARC service. The proposed development will do so without generating unnecessarily high increases in volumes of traffic. These economic uses are compatible with the Neighborhood Form District. There are no industrial uses permitted in the development. Lastly, this infill development takes advantage of numerous adjacent sites' compatible uses and will generate new jobs.

LIVABILITY

Goal 1: Protect and enhance the natural environment and integrate it with the built environment as development occurs.

This proposal complies with Policies 4, 5, 7, 17, 21 and 24 for the following reasons:

The development provides for the protection of environmental factors while still promoting functional usage of the site. It provides pedestrian and bicycle connectivity while not creating large amounts of new or unnecessary traffic for the area. The site is not located in any regulatory floodplain. The proposal also will continue to deal with any impacts to drainage associated with the site through the use of detention basins or other structures as necessary to account for the increased impervious surface, as well as by providing structures based upon results of any Karst surveys that are performed. Landscaping will be added where necessary and required under the LDC to reduce the impacts of the site to nearby neighbors. The site will encourage the use of all applicable environmental protections and abide by all regulations of such. Negative air quality impacts will be minimized because vehicle miles travelled are controlled or even reduced.

HOUSING

Goal 1: Expand and ensure a diverse range of housing choices.

This proposal complies with Policy 1 because it supports aging in place by increasing the variety of neighborhood-serving goods and services in the immediate area. It permits commercial uses along a commercial corridor to the west with residential uses being adequately spaced from it to the east and south.

Goal 2: Facilitate the development of connected mixed-use neighborhoods.

This proposal complies with Policies 1 and 2 for the following reasons:

The development and proposed zoning district would permit inter-generational, mixed-income and mixed-use development, connected to the surrounding area and would provide amenities in the provision of goods and services in proximity to housing. This site on a major arterial adjacent to an activity center is not appropriate for single family development.

Goal 3: Ensure long-term affordability and livable options in all neighborhoods.

This proposal complies with Policies 2 and 3 for the following reasons:

The development will not displace existing residents and provides goods and services in close proximity to more appropriate areas for residential uses nearby to the activity center.

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For all of these and other reasons set forth on the Detailed District Development Plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

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