

## **FINDINGS OF FACT FOR DENIAL**

### **Case Number 19-ZONE-0094**

#### **919 and 917 Fountain Ave. and 4700 Westport Rd.**

The applicant proposes to re-zone the above properties from R-5 residential to C-1 commercial, demolish the existing residential building and construct a 6,570 sf retail building. For the reasons below, this proposal does not comply with the applicable Plan Elements of the Plan 2040 Comprehensive Plan. The existing zoning classification given to the property is appropriate. The proposed zoning classification is inappropriate and not in agreement with the 2040 Comprehensive Plan. There have been no major changes of an economic, physical or social nature which have altered the basic character of the area of the property.

#### **Community Form**

The proposal does not comply with the intent and applicable policies of the Community Form Plan Elements of the 2040 Comprehensive Plan. The new development is not compatible with the scale and site design of nearby existing development, as evidenced by the almost 100 objections from the general public. The proposal constitutes a non-residential expansion into an existing residential area. It will have negative impacts such as displacement of residents, loss of an affordable housing unit, increased traffic on a local road, and increased lighting and noise in a residential area. There is no adequate buffer or transition between lower density residential and non-residential usage. While the site abuts Westport Road, a minor arterial, access to the commercial building will be from Fountain Ave., a local road. All direct access to the site will be from either Fountain Ave. to the north or Fountain Ave. to the south.

Plan 2040 defines an “activity center” as: “An area of concentrated, mixed-use activity that often has a residential component.” Plan 2040 also defines a “neighborhood center” as “Mixture of neighborhood- serving land uses such as offices, shops, restaurants and services ...” This single commercial building cannot be considered an activity center or a neighborhood center. It is merely an isolated commercial use, an example, if allowed, of spot zoning. It is not located in or near an activity center nor is it near a major arterial. It is not compatible with adjacent uses. The access from a local road is not appropriate access. There is no proposal for any residential on the site (even though C-1 zoning would permit that), thus the proposal is not a mixed-use proposal. The plan proposes to demolish the existing residential structure instead of any possible rehabilitation or continued use.

A previous use of the 9700 Westport Rd. parcel was a non-conforming commercial use. That site has been reduced to a sliver of land by the widening of Westport Rd. The house at 917 Fountain Ave. was never used commercially. The vacant lot at 919 Fountain Ave. was used for parking, another nonconforming use. This proposal does not return the site to its former commercial use. Only the small Westport Rd. portion was a commercial use and that was non-conforming.

### **Mobility**

The proposal does not comply with the intent and applicable policies of the Mobility Plan Elements of the 2040 Comprehensive Plan. The site is not located within or near an existing marketplace corridor or existing activity center. Access to the site would only be from Fountain Ave., a local road. While a large amount of traffic will enter Fountain Ave. from Westport Road, a significant amount of traffic will come from the south on Fountain Ave, coming from Washburn, Fenley and Girard avenues. From both directions, residential properties will be negatively affected by the increased commercial traffic, both of customers and deliveries. Fountain Ave. has no sidewalks, creating a dangerous situation for a neighborhood used to using the streets for walking and playing

### **Economic Development**

The proposal does not comply with the intent and applicable policies of the Economic Development Plan Elements of the 2040 Comprehensive Plan. The proposed commercial use is not located on a major arterial street and does not have adequate access to a major arterial. It is located on a local road with access to a minor arterial. It is at a location where nuisances and activities of the proposed use will adversely affect adjacent residential uses. This proposal does not meet a major Objective of Economic Development that recommends protecting the economic value of neighborhoods.

### **Livability**

The proposal does not comply with the intent and applicable policies of the Livability Plan Elements of the 2040 Comprehensive Plan. The proposal does not consider the impact of traffic from the proposed development on air quality.

### **Housing**

The proposal does not comply with the intent and applicable policies of the Housing Plan Elements of the 2040 Comprehensive Plan. While C-1 zoning does permit higher density housing options that would support aging in place, this proposal not only does not propose any such housing, it proposes to demolish the one residential unit currently on the site. That residential house was never a non-conforming commercial use. The plan does not propose any housing which includes affordable housing. In fact, it proposes demolishing the one unit of affordable housing on the site currently and displacing the current residents. It does not encourage the use of vacant property for new housing. The lot at 919 Fountain Ave., combined with the small sliver at 9700 Westport Rd. is easily a candidate for additional affordable housing.