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STATEMENT OF COMPLIANCE WITH APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Owner & Applicant: S & L Ventures, LLC

Location: 2801 North Hurstbourne Parkway

Proposed Use: Retail Center & Auto Care Center

Engineering Firm: Mindel Scott & Associates

Request: Change in Zoning from R-4 to C-2

INTRODUCTORY STATEMENT

This proposal is for a change in zoning of a 1.43 acre tract located along the east side of N. Hurstbourne Lane, just south of Westport Road to permit a small retail and auto care center in the last remaining parcel between Westport Road and E.P. Tom Sawyer State Park. The close proximity of the subject property to the balance of Hurstbourne Parkway, to Westport Road, and to the Gene Snyder ensures that the proposed retail and auto care center will be highly convenient for area residents. Access agreements, if obtainable, with other adjoining land uses on this corner would ensure even safe, and more efficient traffic flow to and through this small proposed center.

The subject property lies along the east side of N. Hurstbourne Parkway south of Walgreens, the Hwangs Martial Arts facility and a small multi-use retail center. The subject property, when combined with Walgreens and the existing centers will round out the southeast corner of this major intersection. The Watkins United Methodist Church property extends south from Westport Road behind (east) of the subject property, where it meets E.P. Tom Sawyer State Park property, naturally transitioning between the proposed commercial land uses along N. Hurstbourne and the residential neighborhoods to the east. E.P. Tom Sawyer State Park provides a demarcation line to this activity center on the south side of the subject property. The mixture of land uses already existing at this corner such as school, church, park, pharmacy, restaurants, office uses, car wash and so on would be complemented and supported by the addition of this last retail center addition.

Given these nearby commercial properties and significant nearby support population, the subject property is appropriately located as on good transitional use between this activity center and nearby residential neighborhoods.

GUIDELINE 1 – COMMUNITY FORM

The Suburban Marketplace Form fits the subject property best because the site adjoins other property located in the Suburban Marketplace Form, and, this proposed small retail and auto care

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center rounds out this naturally occurring activity center. Therefore, the applicant hereby requests consideration that the subject property be designated as part of the Suburban Marketplace Corridor, which Form Districts

...are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor..., [have] a pattern of development [that] is distinguished by a mixture of medium to high intensity uses..., [have] accommodations for transit users, bicyclists and pedestrians..., [where] connectivity to nearby uses should be encouraged, [and] compact groups of buildings use the same curb cut, share parking, [etc.]. ...When considering proposals that result in an extension of Suburban Marketplace Corridors, particular emphasis should be placed on a) use or reuse of land within existing corridors, b) potential for disruption of established residential neighborhoods; and c) compliance with the site and community design standards of the Land Development Code.

The subject property lies adjacent to the south side of the Suburban Marketplace Corridor Form District that contains the Walgreens, a car wash and other restaurant and retail uses at the southeast corner of the intersection of Westport Road and N. Hurstbourne Parkway. Because the Watkins United Methodist Church lies directly east of the subject property and extends from Westport Road to the southern boundary of the subject property to the south, that property is a natural boundary for delineating and limiting the width of the proposed corridor addition as it extends east from N. Hurstbourne Parkway, including the subject property as the final portion of that corridor. The State Park to the south provides a boundary along Hurstbourne Lane to the south. The position of the subject property, as it is surrounded by a mixture of land use intensities (including the wide variety of uses mentioned above), and the potential for shared access with the existing commercial centers make the proposed retail and auto care center an efficient and appropriate addition to the Suburban Marketplace Corridor at this time.

GUIDELINE 2 - CENTERS

The Intents and Policies of this Guideline are, among other things, "to promote efficient use of land and investment in existing infrastructure, to lower utility costs by reducing the need for extensions, to reduce commuting time and transportation-related air pollution, . . . to provide an opportunity for neighborhood centers and marketplaces that include a diversity of goods and services and that are designed to be assets to the community, [and] to encourage vitality and a sense of place in neighborhoods and the community."

The proposed retail and auto care center complies with the Intents of Guideline 2 because, as noted above, the center will improve the mix of land uses and diversity of services available at this highly desirable and convenient Suburban location proposed to change to a Marketplace form from a Neighborhood form. The retail and auto care center will promote shorter commute times for local residents, thereby reducing transportation-related air pollution that might be generated if required to travel a farther distance. Utilities are available along N. Hurstbourne Parkway, and the applicant will connect from this location, thus reducing public costs for infrastructure.

The proposed retail and auto care center complies with Policies 1, 2, and 3 of Guideline 2 because, as noted above, the subject property is located just south of the intersection of Hurstbourne Parkway and Westport Road and constitutes, at this location, the last commercial

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piece of the existing activity center currently hosting the many other varieties of commercial land uses described above. Large residential neighborhoods exist off of Westport Road and Hurstbourne Parkway and for quite a distance beyond them in most directions, resulting in more than sufficient population to support the proposed retail and auto care center.

Policies 4, 5, 7, 8, 9-12 and 16 of Guideline 2 encourage a more compact development pattern with a mixture of land uses to ensure efficient traffic flow, fewer trips, sense of place and focal point, and the support of alternative modes of travel and multiple services which meet the day-to-day needs of nearby residents. The proposed retail and auto care center complies with these Policies of Guideline 2 because the subject property rounds out the southern end of this activity center, in a compact re-use location that will also serve as a transition between more intense land uses to the north and less intense civic uses to the south and west, and the even less intense residential areas beyond them. The central location and improved variety of services that the proposed retail and auto care center will support at this location will serve residents' day-to-day needs and ensure fewer trips as customers may stop at the center to accomplish multiple tasks rather than traveling farther distances to do so. The applicant will provide sidewalk connections to and along N. Hurstbourne Parkway for better connectivity and to accommodate alternative modes of transportation.

Policies 13, 14, and 15 of Guideline 2 encourage the appropriate location of parking areas, connectivity, shared parking, access and use of existing infrastructure for purposes of roadways and utilities. The proposed retail and auto care center complies with these Policies of this Guideline because the parking areas are located in front of the proposed buildings and away from adjoining non-commercial properties to the east and south, thereby screening on-site activities from those properties. Utilities are available by connection at this location.

GUIDELINE 3 - COMPATIBILITY

The Intents and Policies of this Guideline are, among other things, "to allow a mixture of land uses and densities near each other as long as they are designed to be compatible with each other, to prohibit the location of sensitive land uses in areas where accepted standards . . . are violated or visual quality is significantly diminished (unless adequate abatement measures are provided), [and] to preserve the character of existing neighborhoods."

Policies 1, 2, 4, and 20 of Guideline 3 seek to ensure that new development is compatible with the scale, design and pattern of existing development and applicants consider building materials, traffic, parking, and appropriate transitions between uses and neighborhoods that are organized around a center that may contain neighborhood-serving shops, schools, churches, and other uses at important intersections. The subject property lies at the major intersection of Westport Road and N. Hurstbourne Parkway where a significant neighborhood-serving 4-corner activity center already exists, consisting of retail shops, a Kroger grocery, a pharmacy, fast food restaurants, gas stations, offices, car wash, churches and school. The proposed retail and auto care center complies with the Intents and with Policies 1, 2, 4 and 20 of Guideline 3 because, as stated above, the proposed buildings will be small and one-story in scale, will feature building materials and a design style that will match the existing upscale commercial land uses nearby in order to enhance the better aspects of the larger community. Buildings will be oriented toward N. Hurstbourne Parkway, with parking in front and well away from adjoining properties. The subject property will provide a transition between the more intense commercial land uses at the intersection proper and the civic land uses of school, church and park adjacent to the west, east

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and south of the subject property and the residential neighborhoods surrounding the activity center itself. These land uses create a convenient and appropriate neighborhood hub and sense of place at this major intersection.

Policies 5, 6, 7, 8, and 9 of Guideline 3 seek to encourage mitigation of odor, air quality, traffic, noise, lighting, and visual impacts of new development. The proposed retail and auto care center, as described above, is oriented toward the activity center and away from adjoining properties to the east and south, and places parking so as to screening those activities from non-commercial uses. Lighting will be directed down and away from adjoining properties and will meet Land Development Code requirements. The location of the proposed retail and auto care center along N. Hurstbourne Parkway, to Westport Road and the Gene Snyder Freeway, reduces commuting time for those accessing the retail and auto care center, thereby minimizing air quality issues related to longer vehicle trips or traffic delays that might be incurred if the center were located at a less convenient location. The impact of noise and retail and auto care center activities is reduced by virtue of the fact that activity is oriented toward the activity center, and all parking and entrance/exit activities will be along N. Hurstbourne Parkway, thus reducing noise and activity impact on other adjoining property owners. Odor is mitigated by virtue of a contract for regular garbage removal. Visually, the retail and auto care center building from N. Hurstbourne Parkway will be attractive, and the center has been set back in compliance with Parkway regulations. The landscape buffer areas along the east and south property lines have been preserved and will be landscaped according to Code for good screening and transition.

Policy 12 of Guideline 3 seeks to ensure that new development is accessible to people with disabilities and the elderly. The proposed retail and auto care center will consist of two single-story buildings that will accommodate those who have difficulties with mobility. The parking areas are directly in front of the buildings, thereby reducing the amount of distance to travel from a parking spot to the front door, and there are handicap parking spaces provided.

In compliance with Policies 21, 22, 23, and 28 of Guideline 3 that require appropriate transitions, buffering and setbacks from adjoining land uses, this site will feature setbacks from N. Hurstbourne Parkway and the State Park. Buildings have been oriented toward the activity center in order to minimize impact of parking and entrance/exit activities of customers on the adjoining property owners to the east and south. This layout has been designed to ensure that the proposed retail and auto care center will blend with the surrounding properties and so that it creates no nuisance factors for this community.

GUIDELINES 4 AND 5 – OPEN SPACE AND NATURAL AREAS

The Intents and Policies of these Guidelines 4 and 5 are to ensure well-designed open space that meets community needs and to protect natural, scenic and historic resources.

The proposed retail and auto care center complies with the Intents of these Guidelines 4 and 5 inasmuch as the subject property consists of one narrow, in-fill parcel set among other various intensity land uses at the intersection of Westport Road and N. Hurstbourne Parkway next door to a large State Park. Moreover, the landscape plan for this center will ensure a positive aesthetic appearance for the property overall.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

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The Intents and Policies of Guideline 6 seek to “ensure the availability of necessary usable land to facilitate commercial, industrial and residential development, [and] to reduce public and private costs for land development...”

The proposed retail and auto care center will re-utilize available, highly accessible and convenient land that is in an in-fill location along the N. Hurstbourne Parkway corridor, near its intersection with Westport Road. Providing services to the nearby neighborhoods at this important intersection will allow residents to reduce commuting time to services located farther away.

GUIDELINES 7, 8, 9 AND 12 – CIRCULATION, TRANSPORTATION FACILITY DESIGN, ALTERNATIVE MODES OF TRANSPORTATION AND AIR QUALITY

The Intents and Policies of these Guidelines 7, 8, 9 and 12 are to provide for safe and proper functioning of the street network that does not exceed carrying-capacity of streets, to promote efficient internal and external circulation of all new development, and to ensure transportation facilities that are safe, efficient with attention to air quality and which minimize impacts upon the community and that accommodate alternative modes of transportation and the needs of the elderly or handicapped.

The proximity of the subject property to area neighborhoods via Westport Road and Hurstbourne Parkway ensures that commuting time will be minimal, further reducing traffic related air quality impacts. Sidewalks are provided along N. Hurstbourne Parkway to ensure accessibility by all modes of transportation including pedestrian, bicycle, and transit riders. Transit service is available in the area. Handicap parking spaces and safety crosswalks have been provided in accordance with the requirements of the Land Development Code. Moreover, the development plan accompanying this application must receive the preliminary stamp of approval from Metro Transportation Planning, thus demonstrating conformance with all standards governing access, site distances, internal circulation, parking and so on.

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

The Intents and Policies of these Guidelines 10 and 11 are to effectively manage stormwater and to prevent the degradation of water quality due to soil erosion.

The proposed retail and auto care center complies with the Intents and Policies of these Guidelines and with the requirements of MSD and the Land Development Code because there shall be no increase in drainage runoff to the N. Hurstbourne Parkway right-of-way and all drainage facilities shall conform to MSD requirements. No portion of the site is within the 100-year floodplain, and the overall plan will receive MSD’s preliminary stamp of approval prior to docketing. Sanitary sewer service will be provided by connection.

GUIDELINE 13 – LANDSCAPE CHARACTER

The Intents and Policies of this Guideline 13 are to protect and enhance landscape character by protecting woodlands and ensuring appropriate landscape design for different types of land uses. The Land Development Code includes minimum tree canopy requirements that will be met.

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As noted above, the proposed retail and auto care center complies with the Intents and Policies of this Guideline 13 because the landscape plan for the retail and auto care center was designed to include landscaping where required and along the Parkway setback for N. Hurstbourne Parkway. Additional landscaping will be implemented via islands in the parking areas in accordance with the Land Development Code. These natural landscaping accents will be attractive and will also serve to reduce impacts of activities on adjoining properties. The overall appearance of the retail and auto care center will reflect the character of the area and will ensure a positive aesthetic appearance for the center.

GUIDELINE 14 - INFRASTRUCTURE

The Intent and Policies of Guideline 14 seek to ensure that the carrying-capacity of the land is adequate for proposed development, with effective connections between land use patterns, and that those who proposed new development share in costs of public infrastructure.

Utility and water services are available at the site, and the applicant will connect to these existing services.

* * * * *

For all the reasons set forth hereinabove, on the detailed district development plan accompanying this application and in testimony and other evidence to be presented at LD&T and at the full public hearing, this application complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
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