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DEMONSTRATION OF APPROPRIATENESS

2944 Breckenridge Lane

**Proposal for Zone Change: (1) R-2 to C-1 and (2) R-2 and R-5 to C-1
Advanced ENT Holdings of St. Matthews, LLC, Owner/Developer**

Advanced ENT Holdings of St. Matthews, LLC (“Owner/Developer”) proposes a map amendment (zone change), a waiver and two (2) variances to permit a gas station/convenience store (“gas/C-store”) on Tract 1 and a 25,459 square foot medical office building on Tract 2. The map amendment seeks a change from R-2 and R-5 to Commercial District C-1 on these parcels, which aggregate [1.31-acres (Tract 1) + 2.62-acres (Tract 2) =] 3.93 acres.

The proposed map amendment (the “Proposal”) conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan, as detailed in this Demonstration of Appropriateness. Conformance with specific Goals, Objectives, Guidelines and Policies are discussed hereinbelow.

Community Form Guideline 1. The Proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1.B.3. because the site lies within the Neighborhood Form District and the Proposal is consistent therewith. The proposal is adjacent to a large activity center. It directly abuts office use, commercial and multi-family uses and zones. The proposed scale of the development is appropriate for the area because the activity center contains a mixture of scales supporting large and small retail uses. Breckenridge Lane is a minor arterial roadway.

Centers Guideline 2. The Proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 5, 6, 13, 15 and 16. The Proposal is adjacent to a large activity center, and it abuts an office development, commercial and multi-family uses and zones. The subject site is in the Neighborhood Form District and the adjacent center is in the Regional Center Form District. The proposed development will provide an auto-service station with a convenience store in combination with an office use. The vicinity of this Proposal has a sufficient population base and a population traveling on Breckenridge Lane to support the land uses. Residential neighborhoods surround the existing activity center. The proposed land uses are compact, and they utilize most of the land for parking, structures and detention; appropriate landscape buffers will be provided. Although gas stations generate vehicle trips primarily for automobile-related purchases, the convenience store will allow users of multiple forms of transportation. It will provide immediate services to the employees and guests of the office building. Moreover, the gas sales will provide a service to the users of the activity center exiting the interstate. The proposed parking facilities will be shared; however, spaces are provided on each tract. Because the location of high volumes of peak hour traffic on Breckenridge Lane the traffic signal must be at the northernmost entrance point opposite Berkshire Avenue. Two entrances are necessary to allow traffic exiting toward Taylorsville Road to do so at the southernmost entrance point.

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Compatibility Guideline 3. The Proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 21, 22, 23, 24 and 28. Building materials for the medical office building will be brick, glass and EIFS. Building materials for the gas/C-store will be brick, stone and EIFS. These building materials will be compatible with other buildings on Breckenridge Lane. The Proposal will have a minimal impact on abutting residential areas and the residential area across Breckenridge Lane behind the Old K-Mart building. Landscaping will be employed to protect these residences from gas-related uses. The western property line (at the rear of Tract 1) will provide additional buffer to enhance the existing buffer between Royal Oaks Condominiums (the abutting multi-family development). All site lighting will conform to Land Development Code (“LDC”) Part 4 and will be directed away from adjacent residential areas. Breckenridge Lane is a transit corridor and is served by Transit Authority of River City (“TARC”) Route 53 Express and Route 62. Landscaping will be provided as required by LDC Article 10. Except for two setback variance requests, the Proposal conforms to all setback requirements. Free-standing signs will be monument in style. There will be no changing-image signs.

Open Space Guideline 4. The Proposal conforms to Open Space Guideline 4. The Proposal does not require open space. Nevertheless, the Owner/Developer will work to save all mature trees that can be saved.

Natural Areas and Scenic and Historic Resources Guideline 5. The Proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, and 6. The site is not located in an area with natural, cultural or historic features. The site has no soils or slopes that would make development difficult or otherwise be prone to soil erosion.

Economic Growth and Sustainability Guideline 6. The Proposal conforms to Economic Growth and Sustainability Guideline 6 and all applicable Policies adopted thereunder, including Policy 6. The development will provide a commercial development in or adjacent to an activity center. To a great extent, the gas/C-store will generate customers from those persons already traveling this section of Breckenridge Lane (i.e., already “on-the-road”).

Circulation Guideline 7. The Proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policy 1, 2, 3, 6, 9, 10, 13 and 16. The Owner/Developer will demonstrate that the site can accommodate traffic generated to and from the site. Pedestrian facilities are provided to accommodate walkers and transit riders. Bicycle storage facilities will be provided on-site. A pedestrian connection is proposed through the parking lot to connect the office building with the C-store.

Bicycle, Pedestrian and Transit Guideline 9. The Proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policy 1, 2, 3 and 4. Sidewalks are located along Breckenridge Lane and are proposed to connect the office building with the C-store. Bicycle storage

facilities will be provided on both Tract 1 and Tract 2. Breckenridge Lane is a transit route, on which TARC provides service for Route 53 Express and Route 62.

Flooding and Stormwater Guideline 10. The Proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 3, 6, 7, 10 and 11. Surface water management has been analyzed using a watershed-wide model. Impervious surfaces have been minimized wherever possible. A large detention area to the rear of the site has been provided. It is anticipated that the Metropolitan Sewer District will approve the development. The approval will indicate that stormwater run-off has been adequately accommodated and that “through” drainage systems have been accommodated; that peak stormwater run-off rates or volumes after development will be consistent with regional or watershed plans or are being mitigated on-site.

Air Quality Guideline 12. The Proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 2, 3 and 8. It is anticipated that the Louisville Air Pollution Control District will approve the Proposal. Such an approval would indicate that measures have been taken to reduce the impacts of air pollution, including the use of alternate modes of transportation such as walking and biking.

Landscape Character Guideline 13. The Proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 2, 5 and 6. The site will be landscaped pursuant to the requirements of LDC Article 10. Native plant species will be utilized for buffering and screening and an adequate tree canopy will be provided.

Infrastructure Guideline 14. The Proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 7. An adequate supply of potable water and water for fire-fighting purposes will be provided. Sewer service will be provided by the Metropolitan Sewer District. Utilities will be provided in easements as designated by each utility.

Community Facilities Guideline 15. The Proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 9. The site will be adequately served by fire-fighting services of the McMahan Fire Department.

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