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

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Applicant:

Menards, Inc.

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Owner:

Richard & Marcella Brooks; Ernest P. Brooks Properties, LLC; Billy & Helen Riley; James F. Goomey Revocable Trust; Joyce M. Goomey Revocable Trust; Gervis B. Williams; Barbara & Charles E. Davis, Sr.; Larry & Beverly Wyman; Kent Claycomb; Jack & Shirley Wilson; Patricia Shaver; Brooks & Wren, LLC; Paul & Pauline Raisor

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Location:

10211 Preston Highway; 4700, 4800, 4900, 4902, 4904, 4908, and 5000 Cooper Chapel Road; 4915, 4917, 5001, 5005 and 5007 Maple Spring Drive

Proposed Use:

Menards-anchored center

Engineers, Land Planners and
Landscape Architects:

Mindel Scott & Associates, Inc.

Request:

Change in Zoning from R-4 to C-2 and a Form District Change from Suburban Neighborhood to Suburban Marketplace

INTRODUCTION

This proposal is for a change in zoning from R-4 to C-2 and a Form District Change from Suburban Neighborhood to Suburban Marketplace for construction of a Menards-anchored center that will initially include a 203,000 sf of Menards store. Other portions of the retail center will remain undetermined until retailers are chosen that are complimentary to the Menards store.

The subject property is located in the highly accessible and convenient southeast corner of the intersection of Preston Highway and Cooper Chapel Road, which intersection is approximately three-tenths of a mile south of the Gene Snyder Freeway. Direct access to the proposed Menards-anchored center will be from three points, two from Cooper Chapel Road and the one from Maple Spring Drive. There is an existing traffic signal at Cooper Chapel Road and Preston Highway. The Transportation Impact Study (TIS) will determine other signals, if any. Dual points of access along Cooper Chapel Road and one at Preston Highway will ensure an efficient and controlled flow of traffic into and through the proposed center. The remainder of the subject

property, while part of this development plan, will be reserved as “outlots” for future development.

The subject property is adjoined on the north side by commercially zoned properties, and a significant primary collector road (Cooper Chapel Road) separates them. There will be significant landscaping along this site’s Cooper Chapel Road frontage. The residential properties to the east and south are the most affected by the proposed retail center, but they are significantly screened on the east and partial south side and also separated on the south side by Maple Spring Drive. The applicant has met with the area residents to try to address concerns about the visual and noise impacts of the proposed Menards-anchored center, most of which had to do with the truck loading area behind the Menards store. The applicant’s DDDP proposes fencing around that area and landscaping outside the fenced-in area. With regard to access, the applicant will provide sidewalks where required for better connectivity and accommodation of alternative modes of transportation.

Overall, the central location of the proposed Menards-anchored center will serve to improve the choice of retail shopping opportunities in the southern Jefferson County and Hillview of Bullitt County areas. Its location at a major crossroads within good proximity to the Gene Snyder Freeway, enhanced fence and landscape screening, and good connectivity to nearby neighborhoods, will combine to ensure that area residents receive an attractive, compatible and highly convenient retail center.

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GUIDELINE 1 – COMMUNITY FORM

The application complies with this Guideline as follows.

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The subject property is currently located in the Neighborhood Form Area, but this proposal includes a request for change to the Suburban Marketplace Form Area which Form Area

...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 proposed form district change for this Menards-anchored center is correct given this center’s location at the intersection of two major roadways and across from another major shopping center featuring a Lowes and a movie theater complex. The property is in a position where its boundaries and that of the proposed form district change are easily discernable and well-defined. The proposed Menards-anchored center will support and improve the mixture of land use activities at this crossroads with easy transit access, shared parking and access with existing and new sidewalk connectivity to neighborhoods that will encourage and support pedestrian, transit and bicycle modes of transportation. While Menards itself provides a large variety of products and services, there are certain retail businesses that also prefer to locate near Menards to supplement certain goods and services not fully offered by it.

As noted above, the applicant has met with interested area residents to discuss their concerns. Although the applicant has thus far been unable to convince Maple Springs Drive residents, it believes that the proposed improved access from Preston Highway to Maple Spring Drive will enhance these residents safe access to and from Preston Highway where they regularly travel. And by proposing enhanced screening and landscaping along property lines contiguous to residential neighborhoods, Menards will manage to fully mitigate potential impacts. Reduced parking areas also keep activities away from the adjoining residential properties and closer to the existing and major highways and intersection.

The proposed Menards-anchored center will benefit the area with a better variety of lower priced goods and services, and assure fewer and shorter trips for area residents.

GUIDELINE 2 - CENTERS

The application complies with the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 10, 11, 12, 13, 14 and 15 of this Guideline as follows.

The proposed Menards-anchored center promotes an efficient use of land and investment in existing infrastructure, and lowers utility costs by reducing the need for extensions by virtue of its location at a major highway interchange where significant roadway and other public utility infrastructure already exists. By locating in a very business retail area, along a very busy retail corridor and across from another large retail center, Menards serves to reduce commuting time and transportation-related air pollution providing opportunities for easy access to a diversity of goods and services that are designed to be assets to the community, encouraging vitality and a sense of place both in neighborhoods and the larger community.

Also, the Menards-anchored center will greatly improve the mixture of neighborhood-serving businesses and land use in this highly accessible location to improve the diversity and vitality of this activity center. The proposed Menards-anchored center helps define the other existing high intensity land uses at this major intersection as a more cohesive and identifiable activity center.

The Menards-anchored center will promote shorter commute times for those accessing it, thereby reducing transportation-related air pollution that might be generated if required to travel farther distances. Utilities are available along the Preston Highway and Cooper Chapel Road, and the applicant will connect to same, thus reducing public costs for infrastructure.

The proposed Menards-anchored center, located as it is at the intersection of Preston Highway and Cooper Chapel Road is less than a half-mile south of the Gene Snyder Freeway and constitutes part of a large activity center hosting other established retailers, apartments and (across Preston Highway) workplace uses. Large residential neighborhoods are located further east along Cooper Chapel Road and south along Preston Highway contain more than sufficient population to support the proposed addition to this activity center.

The proposed Menards-anchored center rounds out the southern side of this large activity center in a significant-sized, but compact in-fill location that will also add retail inventory and choices in the new retail space within the center, combining to serve a wide variety of residents' day-to-day needs and ensure fewer trips as customers may stop at this large activity center to accomplish multiple tasks rather than traveling farther distances to do so. Menards will provide

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strong internal sidewalks and sidewalk connections for shoppers and for neighborhoods to the east.

Parking areas are shared at this Menard-anchored center by virtue of the parking waiver request. And connectivity, shared parking, access and use of existing infrastructure are assured on the accompanying DDDP. Parking areas are located along the Preston Highway frontage of the proposed Menards buildings and well away from nearby residential properties to the south and east in order to screen customer activities from those property owners. The parking design, multiple described entrance/exit access points, internal customer traffic circulation, and truck unloading areas in the rear ensure efficient, safe and controlled traffic flow into and through the Menards-anchored center.

GUIDELINE 3 - COMPATIBILITY

The application complies with the applicable Intents and Policies 1, 2, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24 and 28 of this Guideline as follows.

The Menards-anchored center grows the mix of retail choices at this existing large activity center in a way that assures compatibility each use with each other, not adding a sensitive land use to an area where accepted nuisance standards might be violated or where visual quality might be diminished.

The scale, design and pattern of existing development across Cooper Chapel Road (e.g. Lowes and the theater complex) basically mean that Menards' choice of exterior building materials, together with its planned screening and buffering transitions between uses and neighborhoods within an organized center are appropriate. The subject property is located, as described above, and the main Menards building is a one-story structure, placed to keep parking and most customer activities away from adjoining residential properties. Enhanced screening and landscaping is another good start at addressing compatibility. But that is further addressed through the mitigation of odor, air quality, traffic, noise, lighting, and visual impacts of new development because the proposed Menards store features a building with parking oriented away from/screened from adjoining residential properties. Noise is further mitigated by the screening of truck loading areas. The applicant has agreed to special screening and landscaping enhancements that will also limit the impacts of noise, odors, and visual impacts on adjoining properties. As noted above, Menards also proposes entrance/exit access points which are either along already improved roadways (Cooper Chapel Road) or at points where access will be greatly improved over the present Preston Highway at Maple Spring Drive. The proposed layout is efficient in that it allows, as noted, several ways to access the property, thus reducing congestion and delay in entering or leaving the center. Lighting will be directed down and away from adjoining properties. As described above, the central location and the wide product variety expected at the proposed Menards store and its ancillary retail and/or restaurant shops, will reduce commuting time for area residents seeking to accomplish multiple tasks in one visit, thereby minimizing air quality issues related to longer vehicle trips or traffic delays that might be incurred if customers traveled to services farther way and in various different locations. Odor is further mitigated by virtue of a contract for regular garbage removal.

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GUIDELINE 4 – OPEN SPACE

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The application complies with the applicable Intents and Policies 1, 2, 5 and 7 of this Guideline as follows.

The proposed Menards-anchored center includes a large open area in the southeast corner of the site adjoining five residential properties where existing trees and new landscaping will be provided. Along Preston Highway, Cooper Chapel Road, Maple Spring Drive and other property perimeters, landscaping will be provided where trees are not preserved. Moreover, the overall internal landscape plan for this Menards-anchored center will ensure a positive aesthetic appearance for the property overall.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

The application complies with the applicable Intents and Policies 1, 2 and 6 of this Guideline as follows.

The proposed Menards- anchored center will utilize available, highly accessible and convenient land that is in an in-fill location at the major intersection of Preston Highway and Cooper Chapel Road less than a half-mile from Gene Snyder Freeway. Adding a Menards store, plus a variety of other retail, restaurant and other services to the surrounding neighborhoods at this important intersection area will allow nearby workers, arterial highway travelers and area residents to make one stop for several purposes and to reduce commuting time to services located farther away. Nearby workplaces and neighborhoods will find that an appropriate, attractive and healthy collection of area serving land uses at this intersection and Snyder Freeway location will support and preserve a sense of retail place, support the community's tax base and capture a major retailer in this, not an adjoining county.

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

The application complies with the applicable Intents and Policies 1, 2, 3, 4, 6, 9, 10, 11, 13, 14, 15, 16 and 18 of Guideline 7, Policies 5, 8, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9, and Policies 1, 2, 3, 4, 6, 7, 8 and 9 of Guideline 12 as follows.

The applicable Intent and Policies of these Guidelines are to assure a safe and proper functioning street network that does not exceed the carrying-capacity of Preston Highway and Cooper Chapel Road, 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 proposed Menards-anchored center complies with the applicable Intents and Policies of these Guidelines by virtue of the fact that the proposed center will be located less than a half-mile from the Snyder Freeway off Preston Highway and Cooper Chapel Road that have been adequately improved with sufficient traffic-carrying capacity and with multiple points of ingress

and egress to and from this center. The TIS prepared by CDM Smith Engineers anticipates that these roads and points of access are capable of handling the traffic generated by the proposed Menards and other retailers. Center left turn lanes, right-turn deceleration lanes and entrance improvements will keep traffic flowing safely and efficiently to and through the proposed center. Crossover access between the Menards store and proposed outlots will assure shared access between retail uses. The proximity of the subject property to area neighborhoods, ensures that commuting time will be minimal, further reducing traffic-related air quality impacts. Sidewalks are provided along Cooper Chapel Road to the neighborhood to the east to encourage and accommodate accessibility by all modes of transportation including pedestrian and bicycle. Transit service is available in the area. Handicap parking spaces and safety crosswalks have been provided in accordance with the requirements of the new Land Development Code. Most importantly as to compliance with these Guidelines, the DDDP must and will receive the preliminary stamp of approval from Metro Public Works and Transportation Planning prior to docketing for public review, thus assuring compliance with all traffic safety and transportation infrastructure requirements.

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

The application complies with the applicable Intents and Policies 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3, 6, 7 and 9 of Guideline 11 as follows.

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

The proposed Menards-anchored center complies with the applicable Intents and Policies of these Guidelines and with the requirements of MSD and the Land Development Code because on site detention will be provided, including a temporary sediment control basin, as required by MSD. Therefore, post development peak flows of stormwater runoff will not exceed pre-development conditions, and soil erosion and sediment will be controlled during construction.

MSD also now enforces water quality planning which will be incorporated into the construction plans.

GUIDELINE 13 – LANDSCAPE CHARACTER

The application complies with the applicable Intents and Policies 1, 2, 3, 4, 5 and 6 of this Guideline as follows.

The applicable Intents and Policies of this Guideline 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.

Also, as noted above, the proposed Menards-anchored center complies with the applicable Intents of this Guideline because the concept landscape plan for the center was designed to mitigate concerns of adjoining property owners by providing significant setbacks, enhanced fence screening and enhanced landscaping to screen noise and other activities from nearby residential properties.

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GUIDELINE 14 INFRASTRUCTURE

The application complies with the applicable Intents and applicable Policies 3, 4, 6 and 7 of this Guideline as follows.

The applicable Intents and Policies of this Guideline 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.

As noted above, the proposed Menards-anchored center has access off of Preston Highway and Cooper Chapel Road which are already designed to carry traffic safely to and from this proposed development. To the extent that those roads require improvement at the accesses to Maple Spring Drive and off Cooper Chapel Road, those improvements will be made by Menards. Utility and water services are available at the site, and Menards will connect to these existing services.

* * *

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 Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,



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