

BARDENWERPER, TALBOTT & ROBERTS PLLC

Attorneys at law

BUILDING INDUSTRY OF GREATER LOUISVILLE BUILDING • 1000 N. HURSTBOURNE PKWY, 2ND FLOOR
LOUISVILLE, KENTUCKY 40222 • (502) 426-6688 • FAX (502) 425-0561 • WWW.BARDLAW.NET

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

Owner: Scott Whitaker, Donald B. Whitaker, Jr.

Applicant: Mac's Convenience Stores, LLC

Location: 9201, 9205 and 9211 Preston Highway

Proposed Use: Gas Station and Food Mart

Engineering Firm: Jason Hall, Prism Engineering & Design

Request: Change in zoning from OR and R-4 to C-1

INTRODUCTORY STATEMENT

This application is for a Circle K Gas and Food Mart across Preston Highway from a long-standing Thornton's Gas and Food Mart. The whole purpose of this application is to situate a gas and food mart on the east side of Preston to pick up northbound traffic such that it will not have to make inconvenient and sometimes unsafe left-hand turns into the Thornton's Gas and Food Mart across Preston which is located there logically to primarily serve southbound traffic. Gas and food marts like these two are typically located across from each other on major arterials often at signalized intersections because (a) there is easily enough business on busy arterials like this to satisfy the business needs of both, (b) there is similarly more than adequate market demand for both gas and food marts at a busy arterial with busy cross street connections like these, and (c) traffic safety, as explained at the two neighborhood meetings and as will be further explained herein and at Planning Commission public meetings, should be a major factor which this plan helps better assure.

The three lots involved in this application are situated, as said, on a very busy arterial highway (Preston Highway) at the intersection of Manslick Road and South Park Road, including already zoned office property and across Preston Highway from the aforementioned Thornton's Gas and Food Mart. At the two neighborhood meetings, the applicant and its representatives mostly spoke to the few number of people who attended about the traffic safety resulted from better access and turning movements with two gas and food marts located across from each other to serve the traveling public moving in a number of different directions. The PowerPoint presentation from the neighborhood meetings attached to this Compliance Statement clearly demonstrates that.

GUIDELINE 1 – COMMUNITY FORM

The subject properties are situated within the Suburban 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 part of a center of retail/commercial activity at this location and nearly in an unbroken stretch from South Manslick/South Park Road through the Snyder Freeway interchange south to Mud Lane and Antle Drive. This proposed Circle K Gas and Food Mart will be easily accessible from the five-lane arterial Preston Highway, as well as from Manslick Road, without adversely impacting the public safety – actually improving traffic flows and turning movements in front of this property and at the Thornton’s across Preston and all through and around the Preston and Manslick/South Park intersection. This is a highly auto-centric area, thus gas stations are important for vehicular travel.

GUIDELINE 2 - CENTERS

The proposed Circle K Gas & Food Mart complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 8, 9, 13 and 14 of Guideline 2 as follows. All necessary infrastructure is already present along Preston Highway and Manslick Road, and utilities that are available already to this site will thus not require the need for extensions. Also, by locating this gas and food mart as it is in close proximity to neighborhoods as well as along a major arterial, it reduces time and distance for people to travel for these essential services. This also adds to the mix of services and responds to the marketplace which wants to see good price competition, especially for gasoline which is often a high priced commodity. This is, as stated in the introductory section and discussion of Guideline 1 above, an existing neighborhood center because of the other same zoning and use located across Preston Highway and Manslick Road across from other non-residential uses. This is not an isolated commercial use because it exists right at the corner of Preston Highway and Manslick Road across from the same use and other nonresidential uses along Preston Highway. And, as this is an older redeveloping area, significant new investment always brings more new investment and has been demonstrated to enhance, not diminish, property values.

This application does not involve the establishment of a new activity center but rather is part of an existing activity center already established on both sides of Preston Highway at Manslick and South Park Roads. Obviously, a sufficient residential and commercial support population exists, as evidenced by the aerial photographs and LOJIC maps attached to the PowerPoint presentation accompanying this application shown to neighbors at the neighborhood meetings. Furthermore, Preston Highway carries volumes of traffic which will utilize the center that especially allows for easy right-in movements in the northbound Preston Highway traveling direction.

GUIDELINE 3 - COMPATIBILITY

The proposed Circle K Gas & Food Mart complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 19, 20, 21, 22, 23, 24 and 28 of this Guideline as follows. Although commercial in nature, this use is located along a major arterial, convenient to nearby neighborhoods and the traveling public. Unlike a fast food restaurant, it will not generate unpleasant odors. Because of the new Land Development Code lighting standards, lighting will be contained on the site. It is not a fast food or other noise producing use other than that it caters to vehicular traffic, but then Preston Highway is a busy arterial carrying volumes of vehicular traffic already. This use will include screening and buffering to the extent necessary to fully protect any nearby residential properties. The site and building design is for a gas and food mart store that utilizes high quality compatible building materials and architecture.

As explained above, this site is located and designed to accommodate northbound movements along Preston Highway such that they can easily and safely navigate into the site with easy right turn movements. Southbound Preston Highway traffic will continue to utilize the Thornton's Gas & Food Mart opposite this site on Preston Highway. The PowerPoint presentation accompanying this application explains the safer turning movements resulting from this application than at present.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

The proposed Circle K Gas & Food Mart complies with the Intents and applicable Policies 2, 3, 5 and 6 of Guideline 6 as follows. Even though some people may argue that gas stations are increasingly unessential due to the growth of pedestrian, transit and bicycle facilities, truth is that people continue to travel in their automobiles, especially along arterial streets, such as Preston Highway, where vehicular traffic is the main mode of transportation. Furthermore, various residential areas and employment centers surround this site, and Preston Highway and South Park Roads carry significant amounts of traffic between home and work. Also, this is a transitioning area at a very busy intersection, thus this gas and food mart at this location will well serve this area and fit right in.

GUIDELINES 7, 8 and 9 – CIRCULATION, TRANSPORTATION FACILITY DESIGN, and BICYCLE, PEDESTRIAN AND TRANSIT

The proposed Circle K Gas & Food Mart complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 9, 10, 11, 12, 13, 14, 15, 16 and 18 of Guideline 7, Policies 4, 5, 7, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3, and 4 of Guideline 9 as follows.

First and foremost, the Detailed District Development Plan (DDDP) filed with this application must receive the preliminary “stamp” of approval from Metro Public Works Transportation Planning prior to this application receiving its first public review. That will mean that all of those agencies’ standards for access, site distances, right of way width, internal circulation, parking, cross connectivity (if any), sidewalks, bicycle accommodation and transit access will be fully addressed. Preston Highway has adequate traffic-carrying capacity. The proposed gas and food mart at this location will serve as a particular convenience and road safety enhancement to northbound Preston Highway traffic. The PowerPoint presentation accompanying this application very clearly shows how turning movements will be improved in terms of public safety post-development as opposed to pre-development. By locating a gas and food mart in close proximity to nearby residential neighborhoods and conveniently accessible to volumes of traffic utilizing the referenced major street systems, this use helps to address congestion and air quality issues. Sidewalks will be provided. Preston Highway is a transit route.

GUIDELINES 10 and 11 – STORMWATER MANAGEMENT & WATER QUALITY

The proposed Circle K Gas & Food Mart complies with the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 as follows. There is on-site detention included on the DDDP, thus post-development rates of runoff will not exceed predevelopment conditions. Furthermore, the DDDP filed with this application must receive the preliminary “stamp” of approval from MSD prior to the first public review of this application, thus assuring compliance with

stormwater management practices. Also, water quality and soil erosion and sedimentation control measures will be part of the construction plans, also requiring MSD approval.

GUIDELINE 12 – AIR QUALITY

The proposed Circle K Gas & Food Mart complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 7, 8 and 9 of Guideline 12 as follows. As stated above, locating a gas and food mart in close proximity to commercial and residential support populations along busy arterial and collector roadways will assure that these particular goods and services are located in relatively close proximity to places where people live, work and shop, thus reducing vehicle miles traveled and contributing to better air quality.

GUIDELINE 13 –LANDSCAPE CHARACTER

The proposed Circle K Gas & Food Mart complies with the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 as follows. The site is too small to have to meet any open space requirements other than those pertaining to landscaping. There are no natural or historic features that need to be protected. But it will assure landscaping in compliance with the Land Development Code, including an adequate screen and buffer for the adjoining residential uses.

GUIDELINE 14 – INFRASTRUCTURE

This application complies with the Intents and applicable Policies 1, 2, 3, 4, 6 and 7 of this Guideline because adequate infrastructure exists at this location, which reduces the cost of utility extensions. Water, gas, electric and sanitary sewer service all exist at this location.

* * * * *

This application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan for all the reasons set forth in the application accompanying this Statement of Compliance, in the PowerPoint presentation and in explanations of this project given to those who attended the Neighborhood Meeting and as will be further explained at LD&T and the public hearing.

Respectfully submitted,

BARDENWERPER, TALBOTT & ROBERTS, PLLC
BIA of Greater Louisville Building
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688