

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

Applicant: Shalimar Investments, LLC  
Owner: Donald F. Rogers  
Location: 6503 Billtown Road  
Proposed Use: Gas station & retail center  
Engineers, Land Planners and  
Landscape Architects: Land Design & Development, Inc.  
Request: Zone Change from R-4 to C-1

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**INTRODUCTION**

This property has been the subject both discussion and contract relative to retail centers of this kind on prior occasions dating back years. The reason for that is because of its highly desirable (and of course heavily trafficked) location along Billtown Road just north of the Snyder Freeway. It would be the first right-turn in from the Snyder Freeway headed north on Billtown Road. It is already an “activity center” location because of the proximity next door to JCPS elementary and middle schools, and next door to a senior care facility, just a short distance toward Billtown Road along Gelhaus Lane from an approved apartment community and across Gelhaus Lane from the access to a large single-family subdivision called “Billtown Farms.”

**GUIDELINE 1 – COMMUNITY FORM**

The application complies with the Suburban Neighborhood Form District description of an area characterized by *predominantly* residential uses but that also includes, at appropriate locations, a mixture of uses, such as offices, retail shops, restaurants and services so long as these uses are at a scale appropriate for the nearby neighborhoods. This small retail center is precisely what is contemplated by the Suburban Neighborhood Form District. Indeed, when the above-referenced apartment community was discussed following public hearing and endorsement by the Metro Planning Commission, some of the Planning Commission commentary had to do with the fact that that apartment community needed a retail center located close by it, which this would provide, in order to round out the “activity center” that the apartment community and other above-named uses are a part of.

**GUIDELINE 2 – CENTERS**

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

The subject property adjoins the mixture of institutional, high-density residential and single-family residential uses mentioned above, placing it in the activity center that already exists in and around this location. With goods and services available in close proximity to the Snyder Freeway-Billtown Road interchange and the institutional and residential uses mentioned above, this small retail center adds to the vitality and sense of place among the mostly disconnected nearby neighborhoods, some of whose residents will be able to walk to this small center. Others will find it a convenient first-stop on their ways home returning north along Billtown Road from the Snyder Freeway, where others will find it convenient for stops on their ways either to work in and around Jeffersontown arriving from the Snyder Freeway, or to and from the JCPS elementary and middle schools.

As an “activity center”, it is appropriately located at the intersection of collector and arterial roads, and it is designed to be of intensity, density, size and mix of uses appropriate for a small neighborhood center. Everything within this small center is compact, and it presently is contemplated to include four uses: a convenience store, a restaurant, a branch bank and other small retail. They share parking and work off the same utility infrastructure.

### **GUIDELINE 3 – COMPATIBILITY**

The application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 20, 21, 22, 23, 24 and 28 of this Guideline as follows.

As set forth above, this is a small neighborhood-serving retail center. It will have an attractive look and feel in accordance with the design elevations and photographs accompanying this application. Odors would only exist as a consequence of the proposed restaurant, but the nearest uses are the JCPS elementary and middle schools that wouldn't even notice this. Noise would only potentially emanate from an all night or late evening convenience store. But residential properties potentially impacted by such nuisances are located significant distances away. Lighting will follow restrictions of the Land Development Code (LDC) and thus be directed down and away from nearby residential properties, with 90 degree cut-off at property lines. Transitions to adjoining properties on the east side will be attractively screened with fence and landscaping. Parking will be shared. Loading and delivery will be located and/or screened so as to minimize impacts on nearby properties. Signage will be in conformance with the LDC.

### **GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY**

The application complies with the Intents and applicable Policies 2, 5, 6 and 11 of this Guideline as follows.

As set forth above, this property is located at the busy intersection of Billtown Road and the Snyder Freeway next to two JCPS schools and no longer has any single-family residential viability. As part of an existing activity center, it is designed to be a high quality, neighborhood compatible retail center. It is located close to fairly intense residential populations the length of Billtown Road from Jeffersontown to the Snyder Freeway and along collector-level streets connecting with Billtown Road, such as Gelhaus Lane. Absent this rezoning application, this no longer suitable single-family property could not be reused in virtually any other manner.

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**GUIDELINE 7, 8 AND 9 – CIRCULATION, TRANSPORTATION FACILITY DESIGN  
AND BICYCLE, PEDESTRIAN AND TRANSIT**

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

As mentioned above, Billtown Road is slated for near-term reconstruction to add a center turn lane. This will move traffic much more efficiently along this very busy, peak-hour heavy arterial roadway. That is because what slows traffic and creates congestion are left-hand turns, not from the center turn lane. Also, the intersection of Billtown Road and Gelhaus Lane is already a signalized one, which helps with traffic flows through that intersection and into and out of this site by creating traffic gaps for vehicles to safely enter and exit. Furthermore, the design of this small center, together with its points of access, take into account the standards promulgated by KTC and Metro Transportation Planning and Public Works. The latter will be required to review the detailed district development plan (DDDP) submitted with this application prior to time of LD&T and Planning Commission public reviews, or this application will not be publicly heard. That review and preliminary stamp of approval will assure that Transportation Planning and Public Works standards for corner clearances, access, connectivity, internal circulation and parking minimums are all satisfied. Bike racks and sidewalks will be provided as required.

**GUIDELINES 10 - FLOODING AND STORMWATER**

The application complies with the Intents and applicable Policies 1, 3, 4, 6, 7, 10 and 11 of this Guideline as follows.

A detention basin is shown on the DDDP, in compliance with MSD's standards for storm water management. Accordingly, post-development rates of runoff will not exceed pre-development conditions. MSD will be required to review the storm water management plan and give its preliminary stamp of approval to the DDDP prior to docketing for LD&T and Planning Commission public reviews. The applicant's professional representatives have met with JCPS to review area resident concerns about the potential of nonfunctioning detention basins on the JCPS property and about connecting the storm water pipe from this property to that on the JCPS property. JCPS and this applicant will work together on that.

**GUIDELINE 11 – WATER QUALITY**

The application complies with the Intents and applicable Policies 3, 5 and 8 of this Guideline as follows.

MSD has promulgated both soil erosion/sedimentation control regulations and even newer ones with respect to water quality. Construction plans for this center will require compliance with these regulations prior to obtaining building permits.

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**GUIDELINE 12 – AIR QUALITY**

The application complies with the Intents and applicable Policies 2, 4, 7 and 8 of this Guideline as follows.

By locating this small neighborhood center in close proximity to a large residential support population, notably along an already busy arterial road at its intersection with the Snyder Freeway and with a busy collector level road, not only will vehicle miles traveled be reduced, but also customers already driving these road systems will be able to pop in and pop out of this center without having to travel greater distances for the exact same services.

**GUIDELINE 13 – LANDSCAPE CHARACTER**

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

Compliance with this Guideline is achieved by virtue of compliance with LDC requirements. But as stated above, landscaping, screening and buffering will exceed LDC requirements, as promised neighbors at the neighborhood meeting.

\* \* \*

For all the reasons listed above and as will be further explained at LD&T and the public hearing, the application complies with the listed and all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and should be approved.

Respectfully submitted,

**BARDENWERPER, TALBOTT & ROBERTS, PLLC**  
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