

St. Germain, Dante

From: Swintosky, John
Sent: Wednesday, January 20, 2021 7:33 PM
To: St. Germain, Dante
Subject: 20-ZONE-0082 404 Mount Holly Road

After participating in the lengthy DRC meeting today – and continually learning more about the development review process than I ever thought I would – I went back to look at projects that I've been involved with this year that will help increase safe bicycle and pedestrian facilities in Louisville Metro.

Mark Dutrow brought me in to review the 20-ZONE-0082 case back in summer/fall, due to its proximity to the Louisville Loop corridor in Fairdale. We came to a design agreement with the developer to increase the sidewalk to a shared use path width, to better support the goal of safe and accessible routes for bicyclists and pedestrians going to and from the planned Louisville Loop facility at the Fairdale Roundabout.

This shared use path is something that was not required, but I am glad this development has agreed to help meet Metro's goal of more and safer routes for pedestrians and bicyclists. I see that this case is up for a public hearing. I want to offer my support for this case.

John A. Swintosky, PLA, ASLA

Senior Landscape Architect – Louisville Metro Public Works
Transportation Division, Greenways & Trails Office

email: john.swintosky@louisvilleky.gov

address: 444 South 5th Street, Suite 400, Louisville, KY 40202

office: 502.574.6435 cell: 502.744.0542

web: [Louisville Loop](#) | [Louisville/Jefferson County Environmental Trust](#)



St. Germain, Dante

From: Chad Gardner <chad@teamgardnerlaw.com>
Sent: Wednesday, January 20, 2021 5:07 PM
To: St. Germain, Dante
Subject: Circle K, Case Number 20-Zone-0082
Attachments: 2021 01 20 T Ms. Dante St. Germain.pdf

Follow Up Flag: Follow up
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Please see the attached correspondence regarding the above project.

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CHADWICK N. GARDNER
GARDNER LAW, PLLC
5920 Timber Ridge Dr.
Prospect, Kentucky 40059
502.583.2423
502.583.1998 (fax)



GARDNER LAW PLLC

January 20, 2021

VIA EMAIL

Dante.St.Germain@louisvilleky.gov

Ms. Dante St. Germain
Planning & Design Services
Department of Develop Louisville
444 South Fifth Street, Suite 300
Louisville, KY 40202

RE: Case Number: 20-Zone-0082
 Project Name: Circle K
 Location: 404 and 406 Mt. Holly Road

Dear Ms. St. Germain:

I write as an adjoining property owner of the lot and lot and house at 407 and 409 Mt. Holly Road, respectively, regarding the above project. You will receive a letter from me this same date on behalf of the Fairdale Fire Department indicating its position on some of the issues raised in the Planning Commission Staff Report on this project.

After attending the first public meeting with the presentation of the project, and after reviewing the Planning Commission Staff Report, I am in favor of the proposed Circle K project. I have reviewed the concerns raised in the Staff Report, namely the sidewalk access to the Fire Department, and the recommendation that Circle K consider turning the building a different direction to run perpendicular to Mt. Holly Road instead of parallel. After consultation with the Chief, Chairman of the Board, and others at the Fire Department, the Fire Department's position, which is independent of mine, although I agree with it, is outlined by separate letter.

With respect to the suggestion that the building run perpendicular to Mt. Holly Road to comply with the *recommendations* (not requirements) of the Fairdale Village Plan, I respectfully disagree. First, as a lawyer who has practiced many cases involving car wrecks, running the

Ms. Dante St. Germain
January 20, 2021
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building perpendicular to Mt. Holly Road would force all ingress and egress closer to the traffic circle. As people roll off the traffic circle, they likely will encounter sudden stops or people slowly pulling out into traffic from the Circle K, which seems dangerous to me.

With respect to the position of the building, it is my understanding this building will be sizable. For line of sight purposes, and the possibility of future development south on Mt. Holly Road, the sight lines would be better without a large building there, in my opinion. The current Dollar General store down the road runs perpendicular to West Manslick Road with parking on the side, as your report suggests should be considered here. Meaning no disrespect, its appearance is awkward, unappealing, and as I understand it, has been the subject of numerous complaints.

As a Fairdale native and property owner, the investment the potential owners are willing to make in this property, and therefore in Fairdale, is a significant one from which our community could benefit. Based upon discussions I have had, and my limited participation in the public hearing process, it appears the developers are willing to go the extra mile to assure this project is done tastefully, safely, and with the desires of Fairdale residents in mind, if approved. As an adjacent property owner, I respectfully ask the Board to approve the project and requested waivers.

Yours very truly,



CHADWICK N. GARDNER

St. Germain, Dante

From: Chad Gardner <chad@teamgardnerlaw.com>
Sent: Wednesday, January 20, 2021 5:02 PM
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Dante.St.Germain@louisvilleky.gov

Ms. Dante St. Germain
Planning & Design Services
Department of Develop Louisville
444 South Fifth Street, Suite 300
Louisville, KY 40202

RE: Case Number: 20-Zone-0082
Project Name: Circle K
Location: 404 and 406 Mt. Holly Road

Dear Ms. St. Germain:

I have reviewed your Planning Commission Staff Report regarding the matters coming before the Planning and Zoning Commission at the January 21, 2021 meeting. In reviewing your report, I noticed one of the issues you have raised is the failure for the proposed Circle K property to have a sidewalk leading to the Fairdale Fire Department. As counsel for the Fairdale Fire Department, this is a matter of concern to us.

When I heard about your position that a sidewalk should exist leading toward the Fairdale Fire Department, I contacted our Chief, Darrell Roy, and our Board of Trustees Chairman, Butch Hicks, to ask if anyone had inquired about this issue to the Department. Both indicated they had not heard from anyone at Planning and Zoning. Both also have indicated, and it is the position of the Fairdale Fire Department, that we do NOT desire for the Circle K property to have a sidewalk leading toward our property that would encourage or invite people to cross our property.

First, as it concerns the firefighters, there is, or will be, ample sidewalk in close proximity for them to get to the Circle K if and when necessary. While we appreciate the concern for their ease of access in your report, we fear the risks outweigh the benefits. Second, and more importantly, are those risks. Our personnel, Louisville Metro EMS, and some Louisville Metro police officers, among others, use that parking lot routinely. We believe it is unwise to encourage travel across that parking lot both for the safety of the vehicles and property that use it, as well as the safety of those who might be encouraged to cross it. As you know, our property has a

Ms. Dante St. Germain, AICP
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constant presence of emergency vehicles that often are in the process of responding to emergencies. Whether it is our own vehicles and large trucks coming and going, or firefighters and volunteers in a rush to get to the department in response to a call, we do not want to encourage pedestrian traffic across our parking lot when these emergency situations involving moving vehicles frequently arise.

For these reasons, we *oppose* any request or effort from the proposed developer to install a sidewalk sending pedestrian traffic our direction. If there is something we have misunderstood, we will be glad to discuss, revisit and evaluate this issue. Please give me a call if you have any questions.

Yours very truly,



CHADWICK N. GARDNER

CNG:bjb

cc: Hon. Larry "Butch" Hicks
Chief Darrell Roy



GARDNER LAW PLLC

January 20, 2021

VIA EMAIL

Dante.St.Germain@louisvilleky.gov

Ms. Dante St. Germain
Planning & Design Services
Department of Develop Louisville
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