

## APPLICANT RESPONSE STATEMENT- CONDITIONAL USE PERMITS

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

If this application is in response to a conditional use permit, please respond to the following standards in the form of a written narrative:

1. Explain requested conditional use permit.

RaceTrac seeks a Conditional Use Permit (CUP) for fuel sales as part of a modern convenience store.

2. Whether or not there will be significant adverse effect on the surrounding area in which the proposed use will be located.

The property is at a signalized intersection of Woodstock Parkway and Towne Lake Parkway (TLP) and this property and surrounding properties are heavily impacted by I-575. Therefore, the convenience store with fuel sales will not have a significant adverse effect on the surrounding area given the fact that it is anticipated that this property would always have an intensive use.

3. Whether or not the use is otherwise compatible with the surrounding area.

The surrounding properties are either undeveloped or developed commercially. The convenience store is compatible with the other commercial uses on TLP. The existing daycare north of the subject property contributes to an existing traffic problem at Sherwood Drive and Woodstock Parkway. RaceTrac will work with the city to determine what improvements can be made as part of this project to not negatively impact this existing problem.

4. Whether or not the use proposed will result in a nuisance as defined under state law.

The RaceTrac convenience store will not create a nuisance. Cars coming and going to a store is not a nuisance especially in close proximity to a busy road and intersection.

5. Whether or not quiet enjoyment of surrounding property will be adversely effected.

RaceTrac is sensitive to adjacent property owners and will accommodate their requests as to outdoor speakers and deliveries to ensure their quiet enjoyment is not negatively affected.

6. Whether or not property values of surrounding property will be adversely effected.

The multimillion dollar investment RaceTrac will make on this property will not adversely affect the values of surrounding properties.

7. Whether or not adequate provisions are made for parking and traffic considerations.

RaceTrac is seeking a parking variance to ensure that there is adequate parking for the proposed use. RaceTrac will develop the access points along TLP and on Sherwood Drive to accommodate the proposed use. RaceTrac will listen to the input from the Public Works Director regarding any needed improvements that relate to the proposed development.

8. Whether or not the site or intensity of the use is appropriate.

The intensity of the proposed use is appropriate especially in the context of the property's proximity to an interstate interchange.

RECEIVED FEB 03 2017

9. Whether or not special or unique conditions created by the use are consistent with the purpose, intent and goals of the Comprehensive Town Plan.

The Comprehensive Plan has the property designated as Urban Core which is the most intensive classification. The use is consistent with this classification.

10. Whether or not adequate provisions are made regarding hours of operation.

The use is open 24 hours for security and safety reasons. The property is always staffed to ensure it is kept safe and clean. The late night hours do not create any noise that would not be heard as cars drive along the adjacent roadways.

11. Whether or not adequate controls and limits are placed on commercial and business deliveries.

RaceTrac will limit delivery and trash pick-up hours to ensure neighbors are not negatively affected.

12. Whether or not adequate landscape plans are incorporated to ensure appropriate transition between adjacent or nearby properties.

The property is surrounded by roads on the south, west and north. Only the eastern property line is an undeveloped property. This property is anticipated to be developed in a manner similar to the proposed convenience store so no transition is needed. RaceTrac will work with the city regarding providing inter-parcel access as needed to this parcel.

13. Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.

The health, safety or welfare of the public will not be negatively affected by this use. Almost everyone drives cars and fills up their cars at convenience stores with fuel sales.

14. Whether the application complies with any applicable specific requirements set forth in this chapter for conditional use permits for particular types of uses.

The application does comply with all specific requirements for the CUP.

15. Whether the applicant has provided sufficient information to allow full consideration of all relevant factors.

RaceTrac will provide any additional information the city requests regarding the CUP.

16. Whether the conditional use requested emits or creates unusual odors which would warrant use of an odor elimination/attenuation system as recommended by industry standards.

The use does not create any unusual odors because the use is already heavily regulated by state and federal regulations that limit odor or other negative effects.