

**SUPPLEMENTAL INFORMATION SHEET ADDENDUM
LAND DEVELOPMENT CODE WAIVER SUBMITTAL REQUIREMENTS**

**Request for Waiver of Land Development Code (“LDC”) §5.5.5.1.A.5
Thorntons Inc., Applicant**

4500, 4506 and 4508 South Third Street

Request: A waiver is requested from LDC §5.5.5.1.A.5 to allow the gas canopy between the front of the building and the South Third Street right-of-way.

A. The requested waiver conforms to the Comprehensive Plan and the intent of the Land Development Code.

1. The requested waiver conforms to the Comprehensive Plan.

The requested waiver conforms to the Comprehensive Plan because it conforms to Compatibility Guideline 3 and Policy 3.4 and 3.9.

Compatibility Guideline 3. The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policy 3.4 and 3.9 because gas canopies have traditionally been located between the principal structure and the street. This is an accepted urban design in the industry and in this community. Moreover, canopy location in front where interior store personnel can observe customers provides for customer safety and convenience

The requested waiver conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

2. The requested waiver conforms to the intent of the Land Development Code.

The requested waiver conforms to the intent of the Land Development Code. The intent of the Code is to avoid accessory structures in the traditional form district where it will disrupt clear visibility to the primary building. However, the pattern proposed on this site is standard in the industry and has historically been located on this site where shown.

B. Compliance with the regulation is not appropriate; the granting of the waiver will result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code.

Compliance with the regulation would substantially impact the desired site pattern of the development, which would cause the canopy to be located to the rear of the site, substantially different than any other gas station. Moreover, such a design would substantially reduce the visibility of the extent of the site by store personnel stationed within the building. Thus, compliance with the regulation is not appropriate and the

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granting of the waiver would result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code.

C. The requested waiver will have no adverse impacts on adjacent property owners.

The requested waiver will have no adverse impacts on adjacent property owners because it only affects the location of the canopy on-site, at a location expected by neighbors and passersby.

D. The strict application of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The strict application of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because the historic site pattern of gas stations/convenience stores is substantially similar to the proposed layout, having the canopy in the front. Moreover, this is the site pattern which was previously approved for the site.

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**Request for Waiver of Land Development Code ("LDC") §10.2.10
Thorntons Inc., Applicant**

4500, 4506 and 4508 South Third Street

Request: A waiver is requested from LDC §10.2.10 to waive the 5-foot Landscape Buffer Area and required landscaping along Southern Heights Avenue and a portion of South Third Street.

A. The requested waiver conforms to the Comprehensive Plan and the intent of the Land Development Code.

1. The requested waiver conforms to the Comprehensive Plan.

The requested waiver conforms to the Comprehensive Plan because it conforms to Compatibility Guideline 3 and Policy 3.4 and 3.9.

Compatibility Guideline 3. The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policy 3.4 and 3.9 because an air pump, concrete pads and driveway presently exist along the frontages. Moreover, existing green space remains in the rights-of-way of both Southern Heights Avenue and South Third Street.

The requested waiver conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

2. The requested waiver conforms to the intent of the Land Development Code.

The requested waiver conforms to the intent of the Land Development Code. The intent of the Code is to provide perimeter landscaping wherever possible. However, observance of the standard at this location would not conform to industry standards of providing adequate parking to the site.

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B. Compliance with the regulation is not appropriate; the granting of the waiver will result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code.

Compliance with the regulation would substantially impact the desired site pattern of the development, which would eliminate the uses of parking spaces along Southern Parkway. Moreover, there is no other practical location to place the air station. Thus, compliance with the regulation is not appropriate and the granting of the waiver would result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code.

C. The requested waiver will have no adverse impacts on adjacent property owners.

The requested waiver will have no adverse impacts on adjacent property owners because it only affects the location of on-site parking spaces, concrete pads and landscaping.

D. The strict application of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The strict application of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because it would disallow the use of parking spaces near the Southern Heights Avenue frontage.

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**Request for Waiver of Land Development Code ("LDC") §5.6.1.C.1
Thorntons Inc., Applicant**

4500, 4506 and 4508 South Third Street

Request: A waiver is requested from LDC §5.6.1.C.1 to allow less than 50% clear glazing.

A. The requested waiver conforms to the Comprehensive Plan and the intent of the Land Development Code.

1. The requested waiver conforms to the Comprehensive Plan.

The requested waiver conforms to the Comprehensive Plan because it conforms to Compatibility Guideline 3 and Policy 3.4 and 3.9.

Compatibility Guideline 3. The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policy 3.4 and 3.9 because interior stock space is needed to provide for convenience customer products. If this interior space cannot be provided within this convenience store, then it will be unable to provide those goods in a manner similar to all other Thorntons stores. In addition, due to the distance of the building from the sidewalk and right-of-way line, the waiver has minimal impact on the intent of the requirement.

The requested waiver conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

2. The requested waiver conforms to the intent of the Land Development Code.

The requested waiver conforms to the intent of the Land Development Code. The intent of the Code is to enliven the building façade; however, for this type of land use it is necessary to provide adequate interior wall space to locate consumer goods. Due to the distance of the building from the street edge and the sidewalk, the waiver is a minimal request.

B. Compliance with the regulation is not appropriate; the granting of the waiver will result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code.

Compliance with the regulation would substantially impact the desired site pattern of the development because the convenience store would be unable to stock the consumer goods which Thorntons customers expect when coming to this or any other Thorntons location. Thus, compliance with the regulation is not appropriate and the granting of the

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waiver would result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code.

C. The requested waiver will have no adverse impacts on adjacent property owners.

The requested waiver will have no adverse impacts on adjacent property owners because it only affects the amount of glazing on this building with no effect on adjacent property owners.

D. The strict application of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The strict application of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because the application of the regulation to this site would cause Thorntons not to be able to provide the customer goods provided at all other Thorntons stores

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**Request for Waiver of Land Development Code (“LDC”) §5.5.5.1.A.3
Thorntons Inc., Applicant**

4500, 4506 and 4508 South Third Street

Request: A waiver is requested from LDC §5.5.5.1.A.3 to allow parking between the front of the building and the South Third Street right-of-way.

A. The requested waiver conforms to the Comprehensive Plan and the intent of the Land Development Code.

1. The requested waiver conforms to the Comprehensive Plan.

The requested waiver conforms to the Comprehensive Plan because it conforms to Compatibility Guideline 3 and Policy 3.24 and Circulation Guideline 7 and Policy 7.10.

Compatibility Guideline 3. The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policy 3.24 because parking for gas customers must occur beneath the gas canopy, which is located between the front of the store and the street due to customer safety and convenience. Similarly, customers wishing to enter the store also park between the store and the street for safety and convenience purposes.

Circulation Guideline 7. The proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policy 7.10 because parking requirements should take into account the need for parking based on the hours of operation. This is a store having substantial customer traffic.

The requested waiver conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

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2. The requested waiver conforms to the intent of the Land Development Code.

The requested waiver conforms to the intent of the Land Development Code. The intent of the Code is to avoid parking in the traditional form district where it will disrupt clear visibility to the building. However, in a “gas station” the parking must occur under the canopy and generally near the building entrance for the safety and convenience of customers

B. Compliance with the regulation is not appropriate; the granting of the waiver will result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code.

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Compliance with the regulation would substantially impact the desired site pattern of the development, which would cause the building to be erected at the street corner, thereby reducing visibility of the exterior of the site by store personnel stationed within the building. Thus, compliance with the regulation is not appropriate and the granting of the waiver would result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code.

C. The requested waiver will have no adverse impacts on adjacent property owners.

The requested waiver will have no adverse impacts on adjacent property owners because it only affects the location of parking spaces on-site, having no effect off-site.

D. The strict application of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The strict application of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because the historic site pattern of gas stations/convenience stores is substantially similar to the proposed layout, which is generally the same as what the existing layout has been for many years.

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