

**EXHIBITS FOR APPLICANT
Thorntons, Inc.
4900 Brownsboro Road**

**Louisville Metro Board of Zoning Adjustment
Case No. 16DevPlan1052**

- 1) Zoning Map
- 2) Site Photography
- 3) Development Plan
- 4) Landscape Plan
- 5) Building Renderings and Elevations
- 6) Variance Justifications
- 7) Waiver Justifications

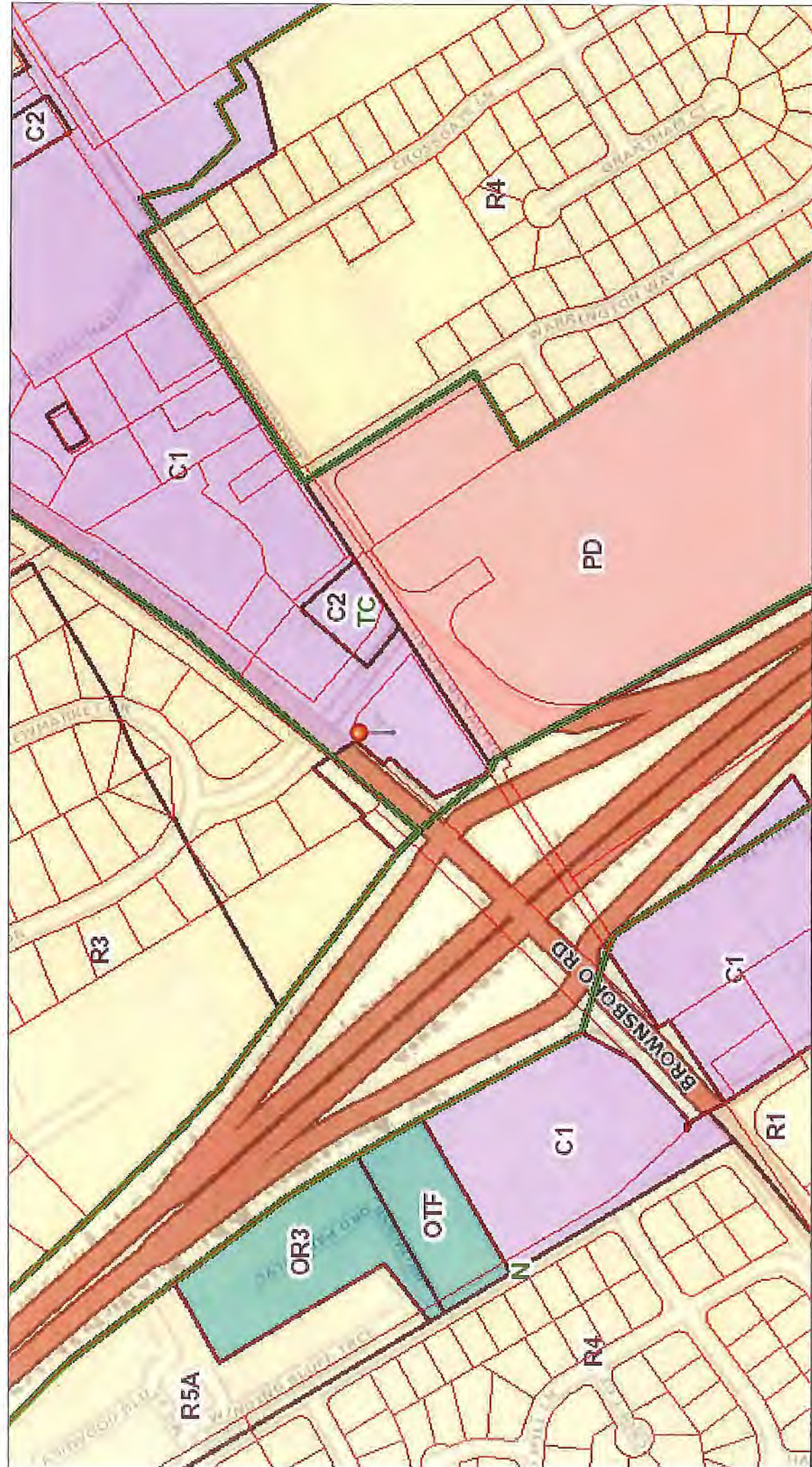
**Glenn A. Price, Jr.
Attorney for Applicant
Frost Brown Todd LLC
400 West Market Street, 32nd Floor
Louisville, Kentucky 40202
502/779-8511
gaprice@fbtlaw.com**



2/8/2017, 11:27:08 AM



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This map is not a legal document and should only be used
for general reference and identification.





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This map is not a legal document and should only be used
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2/6/2017, 11:57:00 AM











EPSC NOTES

THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED EPSC PLAN MUST BE REVIEWED AND APPROVED BY MSD'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPSC BMPs SHALL BE INSTALLED PER THE PLAN AND MSD STANDARDS.

SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES, AND CATCH BASINS. STOCKPILES SHALL BE SEED, MULCH, AND ADEQUATELY CONTAINED THROUGH THE USE OF SILT FENCING. ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING ER-02.

WHERE CONSTRUCTION OR LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF A SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICABLE, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.

SEDIMENT-LOADED GROUNDWATER ENCOUNTERED DURING TRENCHING, BORING OR OTHER EXCAVATION ACTIVITIES SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISCHARGE INTO A STREAM, POND, SWALE OR CATCH BASIN.

WAIVERS

1. WAIVE FROM LDC SECTION 5.5.1 A.1.8 TO NOT HAVE A RETAIL BUILDING WITH A CUSTOMER ENTRANCE FACING THE PRIMARY STREET, BROWNSBORO RD (NORTHWESTERN PROPERTY LINE), OR THE SECONDARY STREET, US HWY 42 (NORTHWESTERN PROPERTY LINE) OR A CORNER ENTRANCE.
2. WAIVE FROM LDC SECTION 5.5.1 A.2 TO NOT BUILD FIVE FEET AWAY FROM BOTH RIGHT OF WAYS AT THE CORNER OF US HWY 42 AND KY-22 NOR TO BUILD TO THE CORNER THAT CONTAINS FRONTAGE ALONG THE PRIMARY STREET.
3. WAIVE FROM LDC SECTION 5.5.1 A.3.A TO ALLOW PARKING BETWEEN THE CONVENIENCE STORE AND US HWY 42 (NORTHWEST, KY-22 (NORTHEAST), AND THE 1254 EAST EXIT RAMP (SOUTHEAST).
4. WAIVE FROM LDC SECTION 5.5.1 A.5.A TO ALLOW AN ATTACHED GAS STATION CANOPY TO BE BETWEEN THE CONVENIENCE STORE (PRINCIPAL STRUCTURE) AND THE PUBLIC STREET, US HWY 42 (NORTHWEST).
5. WAIVE FROM LDC SECTION 5.5.1 A.1 TO ALLOW THE PRINCIPAL STRUCTURE (CONVENIENCE STORE) TO HAVE LESS THAN 75% OF THEIR LENGTH TO HAVE BLANK WALLS FACING PUBLIC STREET AND SUBWAYS ALONG KY-22 (NORTHEAST), AND THE 1254 WEST EXIT RAMP TOWARDS US HWY 42 (SOUTHWEST).
6. WAIVE FROM LDC SECTION 5.6.1 C.1 TO ALLOW THE PRINCIPAL STRUCTURE (CONVENIENCE STORE) TO HAVE LESS THAN 50% OF THE WALL SURFACES AT STREET LEVEL TO NOT CONSIST OF CLEAR WINDOWS AND DOORS AS FOUND ALONG THE 1254 OFF RAMP ON THE SOUTHEASTERN FACADE AND SOUTHWESTERN FACED.
7. WAIVE FROM LDC SECTION 8.2.1 D.6 TO ALLOW AN EXISTING CHANGING IMAGE SIGN TO BE CLOSER THAN 300 FEET TO A RESIDENTIALLY ZONED DISTRICT (NORTHFIELD SUBDIVISION).
8. WAIVE FROM LDC SECTION 10.3.5 A.1 TO NOT PROVIDE THE REQUIRED 30 FOOT SETBACK AND 30 FOOT BUFFER AREA WITH 1 TYPE A TREE FOR EACH 40 FEET OF ROAD FRONTAGE AND A VISUALLY CONTINUOUS BERM NEEDED TO SCREEN THE VIA WITH AN AVERAGE HEIGHT OF 3 FEET AND SHRUB MASSINGS ON OR FRONTING THE BERM WITH AT LEAST 1 OF THE FRONTAGE LENGTH PLANTED ALONG US HWY 42 (NORTHWEST) AND KY-22 (NORTHEAST).
9. WAIVE FROM LDC SECTION 10.2.4, TABLE 10.2.3 TO REDUCE THE 35 FOOT LANDSCAPE BUFFER TO 18 FEET IN WIDTH ALONG THE SOUTHEASTERN PROPERTY LINE ADJACENT TO THE 1254 OFF RAMP TO US HWY 42.
10. WAIVE FROM LDC SECTION 10.2.4, TABLE 10.2.3 TO REDUCE THE 35 FOOT LANDSCAPE BUFFER TO 5 FEET IN WIDTH ALONG THE SOUTHWESTERN PROPERTY LINE ADJACENT TO THE 1254 OFF RAMP TO KY-22.

UTILITY NOTE

1) ALL UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. INDIVIDUAL SERVICE LINES ARE NOT SHOWN. THE CONTRACTOR OR SUBCONTRACTOR SHALL NOTIFY THE KENTUCKY 811 FORTY EIGHT HOURS IN ADVANCE OF ANY CONSTRUCTION ON THIS PROJECT. THIS NUMBER WAS ESTABLISHED TO PROVIDE ACCURATE LOCATIONS OF EXISTING BELOW GROUND UTILITIES (I.E. CABLES, ELECTRIC WIRES, GAS, AND WATERLINES). THE CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING FAMILIAR WITH ALL UTILITY REQUIREMENTS SET FORTH ON THE PLANS IN THE TECHNICAL SPECIFICATIONS AND SPECIAL PROVISIONS.

2) THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXACT LOCATION, NATURE, AND STATUS OF ALL EXISTING UTILITIES WITHIN THE CONSTRUCTION AREA WHETHER SHOWN ON THE PLANS OR NOT, AND SHALL EXTEND, ADJUST OR RECONSTRUCT TO THE SIZE AND LOCATION AS SHOWN ON THE ARCHITECTS PLANS.

TREE CANOPY CALCULATIONS

TOTAL SITE AREA 79,715 SQ. FT.
EXISTING TREE CANOPY TO REMAIN 0%
TREE CANOPY REQUIRED 20%



BASIS OF BEARINGS & ELEVATIONS
THE BASIS OF THE BEARINGS SHOWN HEREON WERE BASED ON GRID NORTH AS IT RELATES TO THE KENTUCKY STATE PLANE COORDINATE SYSTEM (SINGLE ZONE) NAD83, AND NAVD83 (GEOID 12A, AS OBSERVED VIA RTK BASED OFF OF NGS VRS CORS NETWORK. MARCH 03, 2015.

PROJECT DATA	
TOTAL SITE AREA	1.83 ACRES (79,715 SQ. FT.)
PARCEL ID	90101370000
ZONING	C-1
FORM DISTRICT	TOWN CENTER
FEMA MAP & CLASSIFICATION	21111C0025E
EXISTING USE	RESTAURANT, GAS STATION, & RETAIL
PROPOSED USE	CONVENIENCE STORE/GAS STATION
EXISTING BUILDING AREA	8,125 SQ. FT. (TO BE REMOVED)
PROPOSED BUILDING AREA	6,163 SQ. FT. (FAR 7.1%)
FRONT YARD SETBACK	15'
REAR YARD SETBACK	10'
SIDE YARD SETBACK	10'
MAX. BLDG. HEIGHT ALLOWED	120'
EXISTING BLDG. HEIGHT	VARIES
PROPOSED BLDG. HEIGHT	24'
CANOPY HEIGHT	22'
FIRE PROTECTION DISTRICT	LYNDON
DEED BOOK & PAGE	D.B. 2907 PG. 422 & NEW RW DEED
PROPERTY ADDRESS	4900 BROWNSBORO ROAD
PARKING SPACES REQ.	MIN. 1/500 SQ. FT. - 9 SPACES MAX. 1/100 SQ. FT. - 62 SPACES
PROVIDED PARKING SPACES	30 SPACES INCLUDING 2 H.C. SPACES
EXISTING IMPERVIOUS AREA	74,215 SQ. FT. (93.1%)
PROPOSED IMPERVIOUS AREA	64,180 SQ. FT. (80.5%)
NET IMPERVIOUS AREA	-10,035 SQ. FT. (12.6%)
PROPOSED VUA	15,535 SQ. FT. (19.5%)
PROPOSED LA	4,753 SQ. FT. (5.9%)
BICYCLE RACK	2 EXTERIOR BIKE RACK

VICINITY MAP
LOUISVILLE, JEFFERSON COUNTY, KENTUCKY
NOT TO SCALE

EXISTING LEGEND

SYMBOLS THAT MAY APPEAR ON DRAWING

BOUNDARY LINE	BOUNDARY LINE
RIGHT-OF-WAY LINE	RIGHT-OF-WAY LINE
ADJACENT RIGHT-OF-WAY LINE	ADJACENT RIGHT-OF-WAY LINE
ADJACENT PROPERTY LINE	ADJACENT PROPERTY LINE
EXISTING MAJOR CONTOUR	EXISTING MAJOR CONTOUR
EXISTING MINOR CONTOUR	EXISTING MINOR CONTOUR
EXISTING OVERHEAD UTILITIES	EXISTING OVERHEAD UTILITIES
EXISTING UNDERGROUND ELECTRIC	EXISTING UNDERGROUND ELECTRIC
EXISTING FENCE	EXISTING FENCE
EXISTING 8" SANITARY SEWER	EXISTING 8" SANITARY SEWER
EXISTING 36" SANITARY SEWER	EXISTING 36" SANITARY SEWER
EXISTING 12" STORM SEWER	EXISTING 12" STORM SEWER
EXISTING 15" STORM SEWER	EXISTING 15" STORM SEWER
EXISTING 24" STORM SEWER	EXISTING 24" STORM SEWER
EXISTING 18" WATER LINE	EXISTING 18" WATER LINE
EXISTING UNDERGROUND TELEPHONE LINE	EXISTING UNDERGROUND TELEPHONE LINE
EXISTING GAS LINE	EXISTING GAS LINE
EXISTING SHRUB LINE	EXISTING SHRUB LINE
EXISTING DITCH/STREAM DIRECTION OF FLOW	EXISTING DITCH/STREAM DIRECTION OF FLOW
EXISTING GUY WIRE	EXISTING GUY WIRE
EXISTING GAS VALVE	EXISTING GAS VALVE
EXISTING COMMUNICATIONS BOX	EXISTING COMMUNICATIONS BOX
EXISTING GAS METER	EXISTING GAS METER
EXISTING SANITARY SEWER MANHOLE	EXISTING SANITARY SEWER MANHOLE
EXISTING SANITARY SEWER CLEANOUT	EXISTING SANITARY SEWER CLEANOUT
EXISTING ELECTRIC METER	EXISTING ELECTRIC METER
EXISTING ELECTRIC JUNCTION BOX	EXISTING ELECTRIC JUNCTION BOX
EXISTING WATER METER	EXISTING WATER METER
TOP OF GRATE ELEVATION	TOP OF GRATE ELEVATION
INVERT ELEVATION	INVERT ELEVATION
MANHOLE	MANHOLE
CURB BOX INLET	CURB BOX INLET
DROP BOX INLET	DROP BOX INLET
IRON PIN & CAP	IRON PIN & CAP
EXISTING SIGN	EXISTING SIGN
EXISTING ADA PARKING	EXISTING ADA PARKING
EXISTING WATER VALVE	EXISTING WATER VALVE
EXISTING WATER MANHOLE	EXISTING WATER MANHOLE
EXISTING POWER POLE	EXISTING POWER POLE
EXISTING LIGHT POLE	EXISTING LIGHT POLE
EXISTING FIRE HYDRANT	EXISTING FIRE HYDRANT
EXISTING STORM MANHOLE	EXISTING STORM MANHOLE
EXISTING TELEPHONE MANHOLE	EXISTING TELEPHONE MANHOLE
EXISTING 30"x13" COLUMN	EXISTING 30"x13" COLUMN
EXISTING BOLLARD	EXISTING BOLLARD
EXISTING FENCE AND/OR SIGN POST BASE	EXISTING FENCE AND/OR SIGN POST BASE
BENCH MARK	BENCH MARK
SET PROPERTY CORNER: ALL SET IPC, ARE 1/2"x18" REBAR W/ A PLASTIC CAP STAMPED "D. CLEMONS 2114"	SET PROPERTY CORNER: ALL SET IPC, ARE 1/2"x18" REBAR W/ A PLASTIC CAP STAMPED "D. CLEMONS 2114"
FOUND IPC: STAMPED "LS 2747" UNLESS OTHERWISE NOTED	FOUND IPC: STAMPED "LS 2747" UNLESS OTHERWISE NOTED
FOUND MAG OR PK NAIL (SEE PLAT FOR DESCRIPTIONS)	FOUND MAG OR PK NAIL (SEE PLAT FOR DESCRIPTIONS)
SET MAG NAIL	SET MAG NAIL
INACCESSIBLE PROPERTY CORNER	INACCESSIBLE PROPERTY CORNER
EXISTING SHRUB	EXISTING SHRUB
EXISTING TREE	EXISTING TREE

EXISTING STRUCTURE (AS NOTED)	EXISTING CONCRETE
EXISTING ASPHALT	EXISTING FLOOD AREA

WM #11381 CASE #16 DEV PLAN 1052

30 15 0 30 60

CAUTION: CONTRACTOR IS ADVISED THAT ANY ADVERSE IMPACTS CAUSED TO ADJOINING PROPERTY DURING CONSTRUCTION SHALL BE CORRECTED TO THE ADJOINING PROPERTY OWNERS SATISFACTION AT THE CONTRACTORS EXPENSE.

GENERAL NOTES

1. ALL DIMENSIONS SHOWN IN PAVED AREAS ARE FROM EDGE OF PAVEMENT TO EDGE OF PAVEMENT UNLESS SHOWN OTHERWISE.
2. ALL PAVED AREAS, INCLUDING PARKING ISLANDS, SHALL BE OUTLINED WITH CONCRETE CURB, UNLESS NOTED OTHERWISE.
3. ALL HANDICAP SITE FEATURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH ACCEPTABLE "A.D.A." REQUIREMENTS FOR HANDICAP ACCESSIBILITY.
4. EXPANSION JOINTS SHALL BE PLACED IN ALL CONCRETE CURBS AT ALL RADIUS POINTS, BETWEEN ALL WALLS AND CURBS AND EVERY 25' ALONG STRAIGHT SECTIONS.
5. SILT CONTROLS SHALL BE INSTALLED PRIOR TO CONSTRUCTION AND REMOVED UPON COMPLETION OF THE JOB ONCE VEGETATION IS ESTABLISHED.
6. SANITARY SEWER SERVICE PROVIDED BY LATERAL EXTENSION, SUBJECT TO FEES AND ANY APPLICABLE CHARGES.
7. FINAL CONFIGURATION AND SIZE OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
8. COMPATIBLE UTILITIES SHALL BE PLACED IN A COMMON TRENCH UNLESS APPLICABLE AGENCIES REQUIRE OTHERWISE.
9. THERE SHALL BE NO INCREASE IN GRADE RUN OFF TO STATE ROADWAYS. THERE SHALL BE NO COMMERCIAL SIGNS ON THE RIGHT OF WAY. THERE SHALL BE NO LANDSCAPING IN THE RIGHT OF WAY WITHOUT AN ENCROACHMENT PERMIT. SITE LIGHTING SHALL NOT SHINE IN THE EYES OF DRIVERS, IF IT DOES, IT SHALL BE RE-ARMED, SHIELDED OR TURNED OFF.
10. CONSTRUCTION PLANS, BOND AND PERMIT WILL BE REQUIRED BY KTC AND METRO WORKS FOR ANY WORK WITHIN THE RIGHT-OF-WAY PRIOR TO CONSTRUCTION APPROVAL. FINAL APPROVED PLAN TRANSMITTAL, AND ISSUANCE OF MPW ENCROACHMENT PERMIT & MSD CONSTRUCTION APPROVAL.
11. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM READING EXISTING ROADS AND NEIGHBORING PROPERTIES.
12. EXISTING SIDEWALK RECONSTRUCTION AND REPAIRS SHALL BE REQUIRED AS NECESSARY TO MEET CURRENT MPW STANDARDS AND SHALL BE INSPECTED PRIOR TO FINAL BOND RELEASE.
13. MORRIS FORMAN WATER QUALITY TREATMENT CENTER IS THE SEWAGE TREATMENT PLANT THAT SERVES THE SITE.
14. ALL RADII ARE 5' UNLESS NOTED OTHERWISE.
15. ALL PAVEMENT IS CONCRETE.
16. VERGE AREAS WITHIN PUBLIC RIGHT-OF-WAYS TO BE PROVIDED PER METRO PUBLIC WORKS TABLE 8.2.1.
17. ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.
18. DUMPSTER SHALL BE SCREENED.
19. THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MSD WATER QUALITY REGULATIONS ESTABLISHED BY MSD. SITE LAYOUT MAY CHANGE AT THE DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES.
20. LONG TERM BIKE PARKING (PARKING FOR EMPLOYEES) TO BE PROVIDED INSIDE STRUCTURE.
21. SITE LAYOUT MAY CHANGE AT THE DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES.
22. RIGHT-OF-WAY DEDICATION DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO CONSTRUCTION APPROVAL BY PUBLIC WORKS.
22. RIGHT-OF-WAY DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO CONSTRUCTION APPROVAL BY PUBLIC WORKS OR SHALL BE RECORDED AS PART OF THE REQUIRED PLAN. THIS WILL BE DETERMINED BY METRO PUBLIC WORKS (MPW) AT THE TIME OF CONSTRUCTION.
23. CONSTRUCTION PLANS, BOND AND KTC PERMIT WILL BE REQUIRED PRIOR TO CONSTRUCTION APPROVAL BY MPW.
24. CONSTRUCTION PLANS, BOND AND KTC PERMIT WILL BE REQUIRED PRIOR TO FINAL APPROVED PLAN TRANSMITTAL BY MPW.
25. CONSTRUCTION PLANS, BOND AND KTC PERMIT ARE REQUIRED BY MPW PRIOR TO CONSTRUCTION APPROVAL AND ISSUANCE OF MPW ENCROACHMENT PERMIT.
26. ALL RETAIL SHOPS MUST HAVE INDIVIDUAL CONNECTIONS PER MSD'S FATS, OIL AND GREASE POLICY.
27. SANITARY DEPARTMENT APPROVAL REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
28. KYTC APPROVAL REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
- 29.

REVISIONS		
NO.	DATE	DESCRIPTION

SITE LAYOUT
DEVELOPMENT PLAN

THORNTONS
10101 LINN STATION ROAD
LOUISVILLE, KY 40223

PROJECT:
THORNTONS STORE 1504
4900 BROWNSBORO ROAD
LOUISVILLE, KY 40222

AMERICAN ENGINEERS, INC.
10101 LINN STATION ROAD
LOUISVILLE, KY 40223
TEL: (502) 261-1111
FAX: (502) 261-1112
WWW.AECINC.COM

SCALE:
1"=30'
DATE:
2-3-17
DRAWN BY:
M. ALLEN
CHECKED BY:
J. WATSON

T/115 PROJECT/215-072 Thornton Store
1504 Brownsboro Road
LOUISVILLE, KY 40222
SHEET:
DP

DEVELOPER
THORNTON'S
10101 LINN STATION ROAD
LOUISVILLE, KY 40223

OWNER
THE KENTUCKY TRUST COMPANY
PO BOX 36010
LOUISVILLE, KY 40222

PLANT SCHEDULE					
ID	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
TREES					
PA	4	Platanus x acerifolia 'Bloodgood'	Bloodgood London Plane Tree	1 3/4" Cal	Full, Similar Height
QR	11	Quercus rubra	Northern Red Oak	1 3/4" Cal	Full, Similar Size
TD	12	Taxodium distichum	Bald Cypress	1 3/4" Cal	Full, Similar Size, 30' O.C.
SHRUBS					
HQ	52	Hydrangea quercifolia	Oakleaf Hydrangea	#5 Cont	Full, Similar Height, 5' O.C., 36" Height
IV	58	Itea virginica 'Henry's Garnet'	Henry's Garnet Sweetgum	36" Height	Full, Similar Height, 5' O.C., 36" Height
JH	33	Juniperus horizontalis 'Youngstown'	Youngstown Andorra Juniper	#3 Cont	4' O.C., Full, Similar Habit
TH	33	Taxus x media 'Hicksii'	Hick's Yew	#3 Cont	Full, 36" Height, 5' O.C.
TM	49	Taxus x media 'Densiformis'	Dense Spreading Yew	#3 Cont	Full, 36" Height, 4' O.C.

UTILITY NOTE

1. ALL UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. INDIVIDUAL SERVICE LINES ARE NOT SHOWN. THE CONTRACTOR OR SUBCONTRACTOR SHALL NOTIFY THE KENTUCKY 811 FORTY EIGHT HOURS IN ADVANCE OF ANY CONSTRUCTION ON THIS PROJECT. THIS NUMBER WAS ESTABLISHED TO PROVIDE ACCURATE LOCATIONS OF EXISTING BELOW GROUND UTILITIES (I.E. CABLES, ELECTRIC WIRES, GAS, AND WATER LINES). THE CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING FAMILIAR WITH ALL UTILITY REQUIREMENTS SET FORTH ON THE PLANS IN THE TECHNICAL SPECIFICATIONS AND SPECIAL PROVISIONS.

2. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXACT LOCATION, NATURE, AND STATUS OF ALL EXISTING UTILITIES WITHIN THE CONSTRUCTION AREA WHETHER SHOWN ON THE PLANS OR NOT, AND SHALL EXTEND, ADJUST OR RECONSTRUCT TO THE SIZE AND LOCATION AS SHOWN ON THE ARCHITECT'S PLANS.

CHAPTER 10, LANDSCAPE REQUIREMENTS

LAND USE	RESTAURANT, GAS STATION, & RETAIL
ZONING	C-1
FORM DISTRICT	TOWN CENTER (TC)
TRANSITION STANDARDS	25' BUFFER (SEE WAIVERS AND VARIANCES)
GROSS SITE AREA: (CLASS C: 0%-40%)	79,715 SF
EXISTING TREE CANOPY COVERAGE	0% (0 SF)
PERCENTAGE TREE CANOPY TO ADD	20% (15,943 SF) TOTAL REQUIRED
NEW PLANTING BREAKDOWN:	
27 TYPE A TREES @ 1-3/4" CAL. (720 S.F. EA)	19,440 SF
TOTAL REQUIRED PERCENTAGE TREE CANOPY	20% (15,943 SF)
TOTAL PROVIDED TREE CANOPY	21.4% (19,440 SF)
LBA INTENSITY CLASS	INTENSITY CLASS 4, SURROUNDED BY CLASS 4
LBA REQUIREMENTS	18' & 5' LBA (SEE WAIVERS AND VARIANCES)
VEHICLE USE AREA (VUA)	53,870 SF (1.24 ACRES)
REQUIRED ILA (7.5% OF VUA)	4,040 SF
ILA PROVIDED	4,703 SF
ILA TREES REQUIRED: 10.2/13	(53,870/4,000) = 13 TREES
ILA TREES PROVIDED	13 TYPE A TREES



VICINITY MAP

LOUISVILLE, JEFFERSON COUNTY, KENTUCKY
NOT TO SCALE

EXISTING LEGEND

SYMBOLS THAT MAY APPEAR ON DRAWING

BOUNDARY LINE	BOUNDARY LINE
RIGHT-OF-WAY LINE	RIGHT-OF-WAY LINE
ADJACENT RIGHT-OF-WAY LINE	ADJACENT RIGHT-OF-WAY LINE
ADJACENT PROPERTY LINE	ADJACENT PROPERTY LINE
EXISTING MAJOR CONTOUR	EXISTING MAJOR CONTOUR
EXISTING MINOR CONTOUR	EXISTING MINOR CONTOUR
EXISTING OVERHEAD UTILITIES	EXISTING OVERHEAD UTILITIES
EXISTING UNDERGROUND ELECTRIC	EXISTING UNDERGROUND ELECTRIC
EXISTING FENCE	EXISTING FENCE
EXISTING 8" SANITARY SEWER	EXISTING 8" SANITARY SEWER
EXISTING 12" SANITARY SEWER	EXISTING 12" SANITARY SEWER
EXISTING 15" STORM SEWER	EXISTING 15" STORM SEWER
EXISTING 24" STORM SEWER	EXISTING 24" STORM SEWER
EXISTING 18" WATER LINE	EXISTING 18" WATER LINE
EXISTING UNDERGROUND TELEPHONE LINE	EXISTING UNDERGROUND TELEPHONE LINE
EXISTING GAS LINE	EXISTING GAS LINE
EXISTING SHIELD LINE	EXISTING SHIELD LINE
EXISTING DITCH/STREAM DIRECTION OF FLOW	EXISTING DITCH/STREAM DIRECTION OF FLOW
EXISTING CULV WIRE	EXISTING CULV WIRE
EXISTING GAS VALVE	EXISTING GAS VALVE
EXISTING COMMUNICATIONS BOX	EXISTING COMMUNICATIONS BOX
EXISTING GAS METER	EXISTING GAS METER
EXISTING SANITARY SEWER MANHOLE	EXISTING SANITARY SEWER MANHOLE
EXISTING SANITARY SEWER CLEANOUT	EXISTING SANITARY SEWER CLEANOUT
EXISTING ELECTRIC METER	EXISTING ELECTRIC METER
EXISTING ELECTRIC JUNCTION BOX	EXISTING ELECTRIC JUNCTION BOX
EXISTING WATER METER	EXISTING WATER METER
TOP OF GRADE ELEVATION	TOP OF GRADE ELEVATION
INVERT ELEVATION	INVERT ELEVATION
MANHOLE	MANHOLE
CURB BOX INLET	CURB BOX INLET
DROP BOX INLET	DROP BOX INLET
IRON PIN & CAP	IRON PIN & CAP
EXISTING SIGN	EXISTING SIGN
EXISTING ADA PARKING	EXISTING ADA PARKING
EXISTING WATER VALVE	EXISTING WATER VALVE
EXISTING WATER MANHOLE	EXISTING WATER MANHOLE
EXISTING POWER POLE	EXISTING POWER POLE
EXISTING LIGHT POLE	EXISTING LIGHT POLE
EXISTING FIRE HYDRANT	EXISTING FIRE HYDRANT
EXISTING STORM MANHOLE	EXISTING STORM MANHOLE
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EXISTING 30"x30" CULMIN	EXISTING 30"x30" CULMIN
EXISTING BOLLARD	EXISTING BOLLARD
EXISTING FENCE AND/OR SIGN POST BASE	EXISTING FENCE AND/OR SIGN POST BASE
BENCH MARK	BENCH MARK
SET PROPERLY CORNER: ALL SET I.P.C. ARE 12"x12" REBAR W/ A PLASTIC CAP	SET PROPERLY CORNER: ALL SET I.P.C. ARE 12"x12" REBAR W/ A PLASTIC CAP
STAMPED TO CL. PROVISION 1114"	STAMPED TO CL. PROVISION 1114"
FOUND I.P.C. STAMPED 1" L.S. 214" UNLESS OTHERWISE NOTED	FOUND I.P.C. STAMPED 1" L.S. 214" UNLESS OTHERWISE NOTED

REVISIONS		
NO	DATE	DESCRIPTION

LANDSCAPE PLAN

CLIENT:
THORNTONS
10101 LINN STATION ROAD
LOUISVILLE, KY 40223

PROJECT:
THORNTONS STORE #98
4900 BROWNSBORO ROAD
LOUISVILLE, KY 40222

AMERICAN ENGINEERS, INC.
10101 LINN STATION ROAD
LOUISVILLE, KY 40223
TEL: 502.261.1111
FAX: 502.261.1112
WWW.AEI-KY.COM

SCALE:
1"=30'
DATE:
9-23-16
DRAWN BY:
J. PACYGA

CHECKED BY:
J. WATSON

Y1515 PROJECTS15-012 Thornton Store

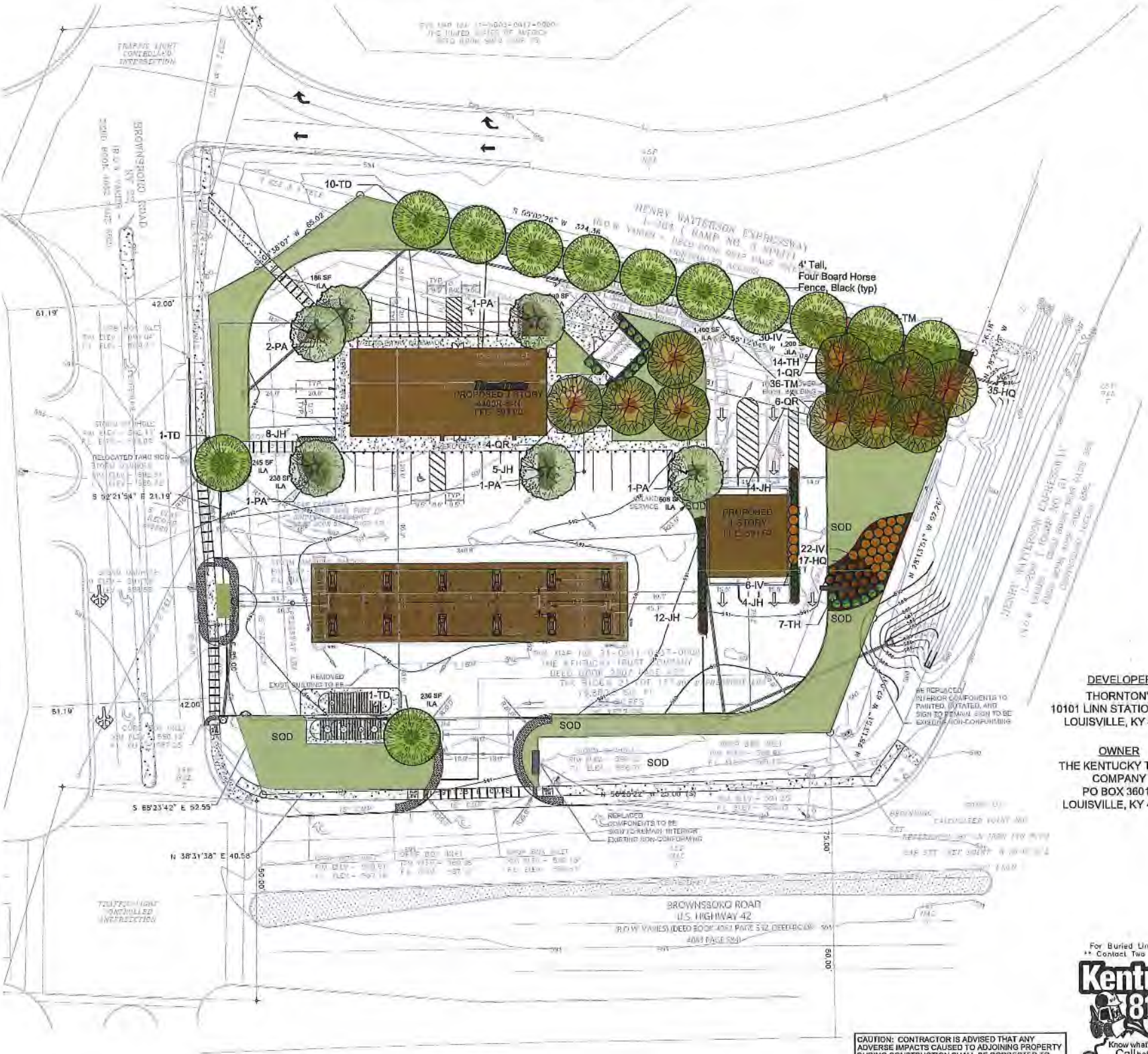
1501 Linn Station Road, Louisville, KY 40223

SHEET:

L-1.0

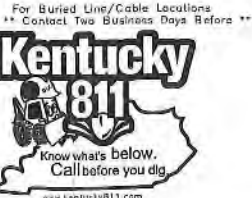
PROJECT DATA	
TOTAL SITE AREA	1.83 ACRES (79,715 SQ. FT.)
PARCEL ID	001101570000
ZONING	C-1
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PROPOSED USE	CONVENIENCE STORE/GAS STATION
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PROPOSED BUILDING AREA	8,162 SQ. FT. (FAR 7.7%)
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REAR YARD SETBACK	10'
SIDE YARD SETBACK	10'
MAX. BLDG. HEIGHT ALLOWED	120'
EXISTING BLDG. HEIGHT	VARIABLE
PROPOSED BLDG. HEIGHT	24'
CANOPY HEIGHT	22'
FIRE PROTECTION DISTRICT	LYNDON
DEED BOOK & PAGE	D.B. 2007 PG. 422
PROPERTY ADDRESS	4900 BROWNSBORO ROAD
PARKING SPACES REQ.	MIN. 1500 SQ. FT. - 13 SPACES MAX. 1100 SQ. FT. - 92 SPACES
PROVIDED PARKING SPACES	30 SPACES INCLUDING 2 H.C. SPACES
EXISTING IMPERVIOUS AREA	74,215 SQ. FT. (93.1%)
PROPOSED IMPERVIOUS AREA	64,160 SQ. FT. (80.5%)
PROPOSED VUA	53,076 SQ. FT. (66.6%)
PROPOSED ILA	4,753 SQ. FT. (6.0%)
BIOCYCLE RACK	1 EXTERIOR BIKE RACK

Owner's Landscape Plan Matrix (matrix only appears on Owner's Prelim and Pre-Bid review drawing set)	Answer	Code section reference
Continuous screening of vehicular use areas required? (show requirements: min. height, etc.)	Y/N	Y
Total on-site trees	Req'd: 23 trees (13 trees provided) Provided: 23 trees (13 trees provided)	Y
Major road frontage tree requirements (show formula: 1 tree / x linear feet of frontage)	Req'd: 1 tree / 100 linear feet of frontage Provided: 1 tree / 100 linear feet of frontage	Y
Minor road frontage tree requirements (show formula: 1 tree / x linear feet of frontage)	Req'd: 1 tree / 200 linear feet of frontage Provided: 1 tree / 200 linear feet of frontage	Y
Residential boundary trees required (buffer width = x')	Req'd: N/A Provided: N/A	N/A
[show formula: 1 tree / x linear feet of boundary]	Req'd: N/A Provided: N/A	N/A
Non-residential boundary trees (buffer width = x')	Req'd: 1 tree / 100 linear feet of boundary Provided: 1 tree / 100 linear feet of boundary	Y
[show formula: 1 tree / x linear feet of boundary]	Req'd: 1 tree / 100 linear feet of boundary Provided: 1 tree / 100 linear feet of boundary	Y
Add extra lines if additional boundary definitions exist	Req'd: N/A Provided: N/A	N/A
Are parking terminal painted islands permitted, or raised planted islands required?	Painted / raised planted	Raised Planted
Max distance/number of parking stalls between parking terminal islands (show formula: 1 island / x linear feet or # parking stalls)	Req'd: 120' max b/w island Provided: 120' max b/w island	120' max b/w island
Are trees required in parking terminal raised islands? (show formula: x trees / raised island or # sq ft of raised island)	Y / N	Yes, all ILA islands
Required interior site trees (show formula: 1 tree / x sq ft of site)	Req'd: 13 trees Provided: 13 trees	13 trees
Open space on site (show formula: 1 sq ft green / x sq ft of site)	Req'd: N/A Provided: N/A	N/A

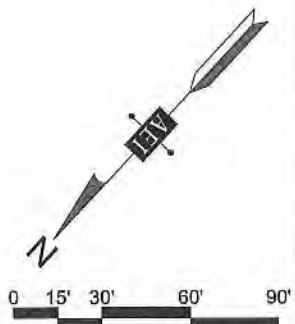


DEVELOPER
THORNTONS
10101 LINN STATION ROAD
LOUISVILLE, KY 40223

OWNER
THE KENTUCKY TRUST COMPANY
PO BOX 36010
LOUISVILLE, KY 40222



CAUTION: CONTRACTOR IS ADVISED THAT ANY ADVERSE IMPACTS CAUSED BY ADJOINING PROPERTY DURING CONSTRUCTION SHALL BE CONNECTED TO THE ADJOINING PROPERTY OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE.





Thomonts Store # 1504
4900 Brownsboro Road Louisville, KY 40222

FOR INFORMATIONAL AND ILLUSTRATION PURPOSES ONLY. ALL PRODUCT,
SERVICE AND CORPORATE NAMES ARE THE PROPERTY OF THEIR RESPECTIVE OWNERS.

www.redleopard.com
513-574-8500

red leopard associates



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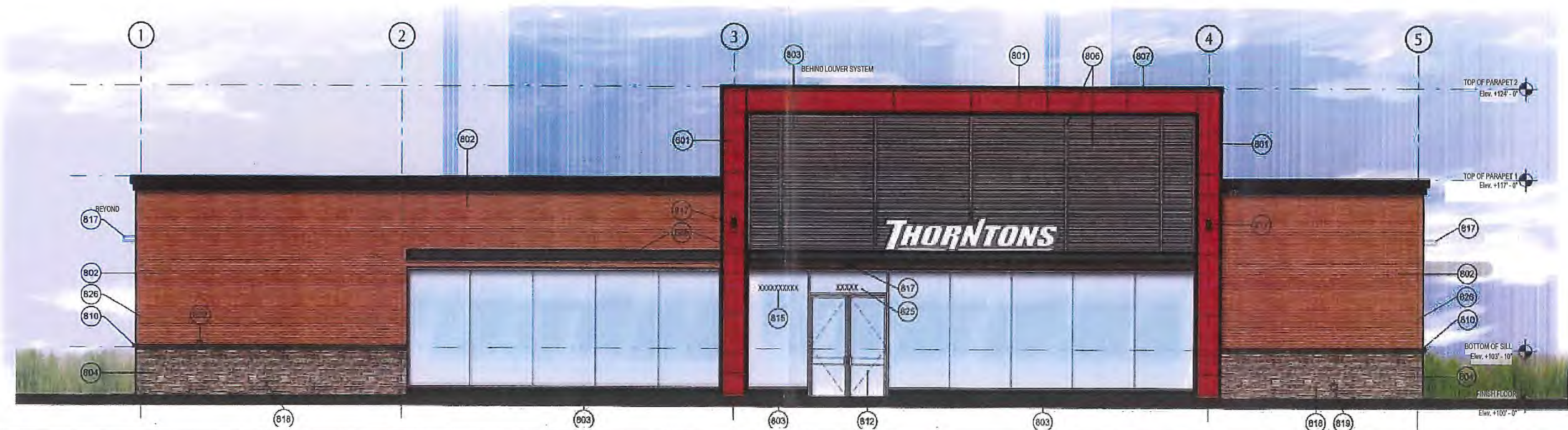
red leonard associates

EXTERIOR ELEVATION KEYNOTES

- 801 NICHHA PANEL SYSTEM - STYLE: ILLUMINATION SERIES COLOR: PANTONE RED PMS 186 RED ; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 802 NICHHA PANEL SYSTEM - STYLE: PLYMOTH BRICK COLOR: CRIMSON ; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 803 NICHHA PANEL SYSTEM - STYLE: ILLUMINATION SERIES COLOR: BENJAMIN MOORE DEEP SPACE 2125-20 ; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 804 NICHHA SYNTHETIC STONE SYSTEM - STYLE: KURASTONE DESERT ; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 805 ARCHITECTURAL CANOPY AND LOUVER SYSTEM - COLOR: BLACK ; VENDOR FURNISHED, CONTRACTOR INSTALLED
- 806 ARCHITECTURAL CANOPY AND LOUVER SYSTEM - COLOR: PANTONE 8600C PEWTER ; VENDOR FURNISHED, CONTRACTOR INSTALLED
- 807 PREFINISHED METAL COPING - COLOR: BLACK ; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 808 PREFINISHED METAL GUTTER SYSTEM - COLOR: BLACK ; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 809 PREFINISHED METAL DOWNSPOUT SYSTEM, SUPPLY MATCHING RECEIVING BOOT FOR TRANSITION TO UNDERGROUND STORM DRAINAGE - COLOR: BLACK ; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 810 NICHHA SILL-CHISELED SYSTEM - COLOR: MATCH KURASTONE ; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED

EXTERIOR ELEVATION KEYNOTES

- 811 ROOF ACCESS LADDER SYSTEM - COLOR: BLACK ; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 812 SCHEDULED DOOR AND FRAME - SEE A14.1 SHEET FOR MORE INFORMATION
- 814 LINE OF FOUNDATION BELOW - SEE STRUCTURAL DRAWINGS FOR MORE INFORMATION
- 815 ALCOHOL LICENSE NUMBER ; OWNER FURNISHED, OWNER INSTALLED
- 816 LINE OF ROOF TOP MECHANICAL EQUIPMENT BEYOND - SEE MECHANICAL DRAWINGS FOR MORE INFORMATION
- 817 EXTERIOR LIGHT FIXTURE - VERIFY COLOR WITH OWNER PRIOR TO CONSTRUCTION - SEE ELECTRICAL DRAWINGS FOR MORE INFORMATION
- 818 ELECTRIC POWER OULET - SEE ELECTRICAL DRAWINGS FOR MORE INFORMATION
- 819 FREEZELESS WALL HYDRANT ASSEMBLY - SEE PLUMBING DRAWINGS FOR MORE INFORMATION
- 821 MEMBRANE ROOFING SYSTEM.
- 822 VERIFY FINAL LOCATION OF EMERGENCY GAS SHUT OFF WITH FUEL SYSTEM VENDOR - MOUNTING HEIGHT TO BE 4'-0" ABOVE FINISH GRADE.
- 823 ELECTRIC SERVICE EQUIPMENT, PAINTED:STEALTH GREY - SEE ELECTRICAL DRAWINGS FOR MORE INFORMATION.
- 824 SEE PLUMBING DRAWINGS FOR GAS SERVICE INFORMATION AND REQUIREMENTS.
- 825 BUILDING ADDRESS AND STORE NUMBER LOCATION.
- 826 PANEL SYSTEM VERTICAL EXPANSION JOINT LOCATION - INSTALL PER MANUFACTURER.



Building - Front Elevation

EXTERIOR ELEVATION KEYNOTE

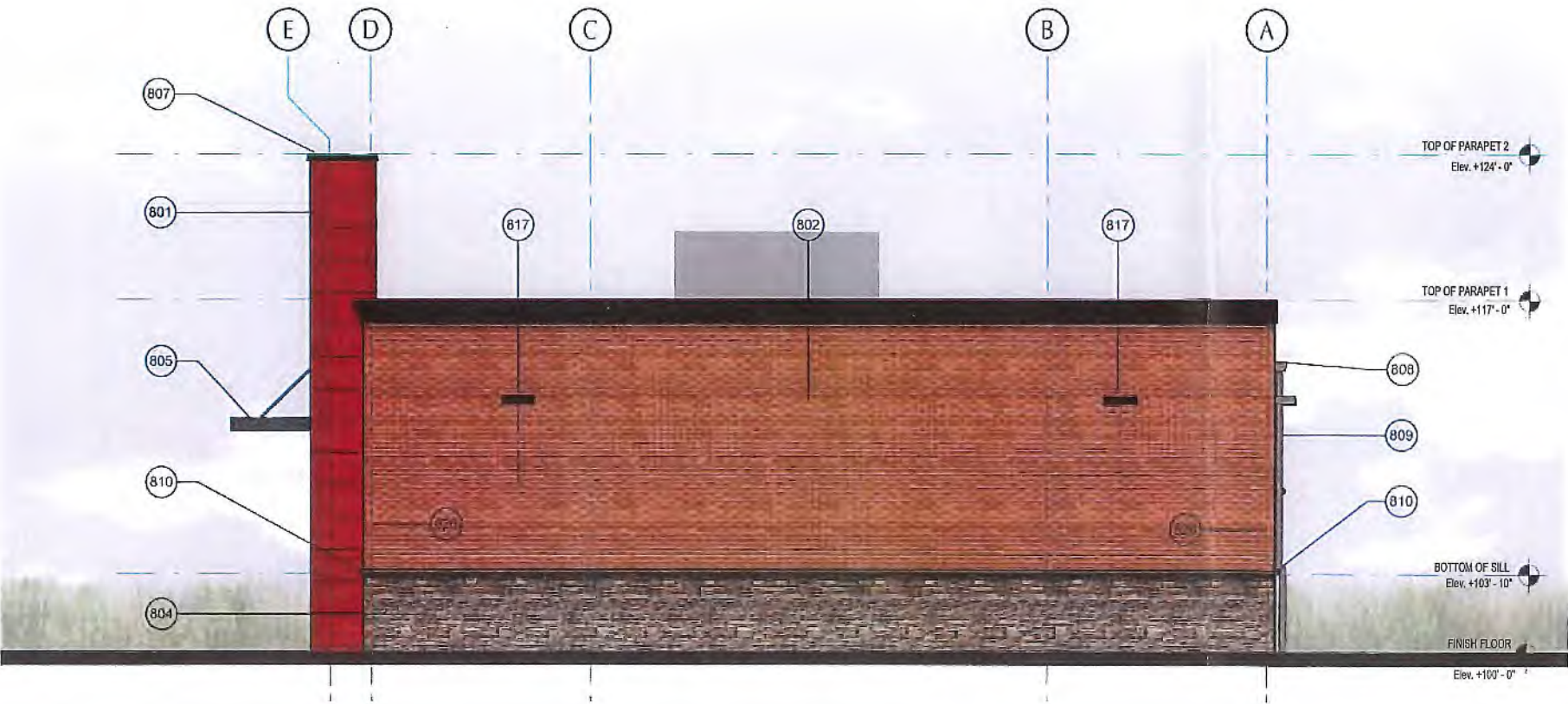
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- 827
- ALUMIUNUM SCREEN WALL SYSTEM - SEE ROOF PLAN FOR MORE INFORMATION.



Building Left Elevation - Spandrel

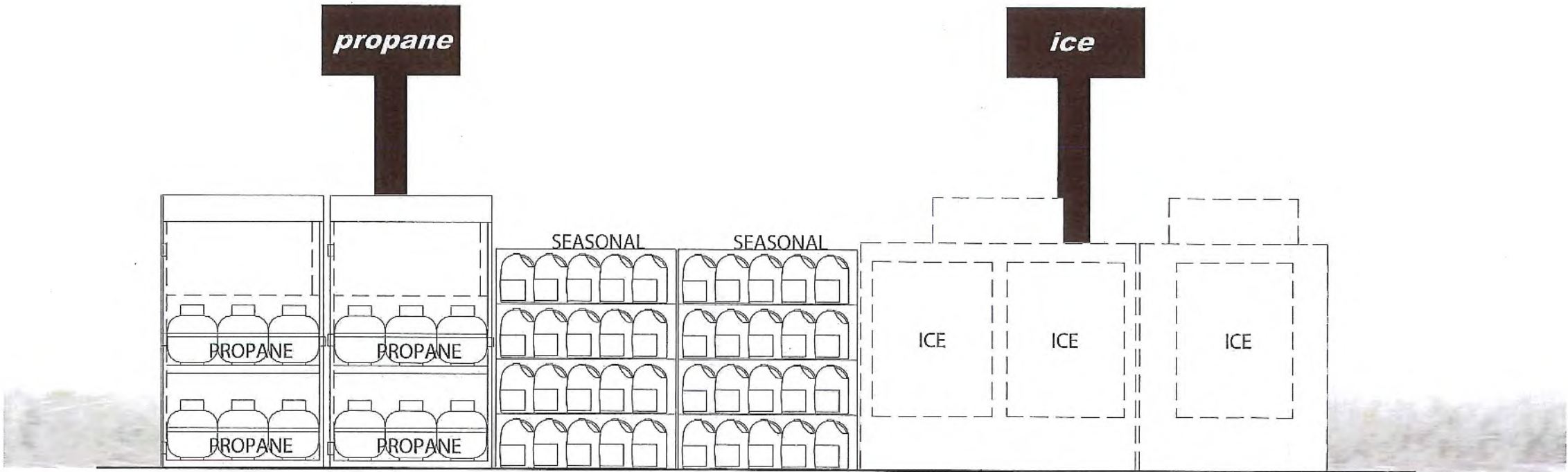
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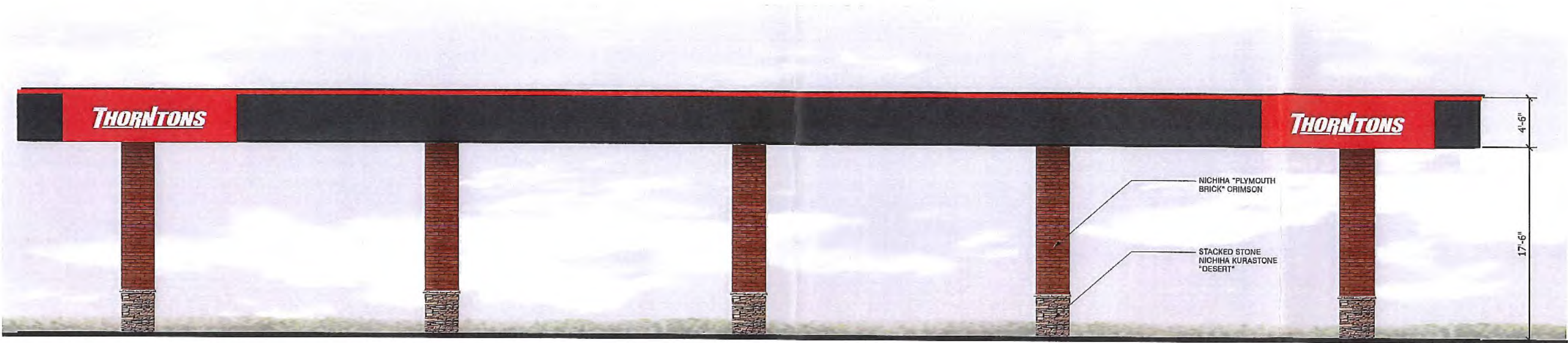




Seasonal / Propane / Ice Elevation - scale 3/4" = 1'



Elevations - Double Bay Car Wash



Front Elevation



Left Side Elevation

Right Side Elevation

Canopy Elevations

VARIANCE JUSTIFICATION
Thorntons, Inc., Applicant
4900 Brownsboro Road

THIS IS A VARIANCE FROM THE 15-FOOT SETBACK/BUILD-TO LINE (LDC §5.2.4.C.3.A.) TO 76-FEET FOR THE CAR WASH AND 182-FEET FOR THE C-STORE ALONG BROWNSBORO ROAD (US 42).

- 1. Explain how the variance will not adversely affect the public health, safety or welfare.**

The variance will enable the appropriate positioning of the car wash building and the convenience store on the site to allow for safe vehicular and pedestrian movement. Neither variance will have any effect on the public health, safety or welfare because the development plan will receive the approval of the Department of Public Works.

- 2. Explain how the variance will not alter the essential character of the general vicinity.**

The variance would not alter the essential character of the general vicinity because of this site's longstanding history as a gas station.

- 3. Explain how the variance will not cause a hazard or a nuisance to the public.**

The variance will not cause a hazard or nuisance to the public because the Louisville Department of Public Works is anticipated to approve the development plan. This approval will indicate, among other things, that the layout of the site is safe for motor vehicles and pedestrians on site, that there are adequate parking facilities on-site and that access points to and from the site are safe. Therefore, the variance will not cause a hazard or nuisance to the public.

- 4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because convenience stores and accessory buildings – such as a car wash – built in conjunction with gas/convenience facilities must be set back further than typically found in a Town Center Form District.

Additional considerations.

1. **Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

The site is bound by interstate ramps on two sides, and by Brownsboro Road and Ky 22 on the remaining two sides. This is the only property in the general vicinity having abutting roads in such a configuration. This configuration requires the location of the gas canopy and buildings at specific locations to allow motor vehicles to enter and exit safely, as well as allowing customers to enter the store for consumables. The configuration as described does not generally apply to land in the general vicinity.

2. **Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

If the variance were not granted, the strict application of the regulation would require the placement of the convenience store and car wash at the front of the site (i.e., so that the gas canopy would be at the rear of the site). Such an alternate site configuration for a gas station use would prevent the use of the site for sales of gas and would create an unnecessary hardship.

3. **Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

No. The circumstances are the result of the configuration of the site and the fact that it abuts two interstate ramps, and fronts on Brownsboro Road and KY 22.

VARIANCE JUSTIFICATION
Thorntons, Inc., Applicant
4900 Brownsboro Road

THIS IS A VARIANCE FROM THE 15-FOOT SETBACK/BUILD-TO LINE (LDC §5.2.4.C.3.A.) TO 249-FEET FOR THE CAR WASH AND 70-FEET FOR THE C-STORE ALONG KY 22.

- 1. Explain how the variance will not adversely affect the public health, safety or welfare.**

The variance will enable the appropriate positioning of the car wash building and the convenience store on the site to allow for safe vehicular and pedestrian movement. Neither variance will have any effect on the public health, safety or welfare because the development plan will receive the approval of the Department of Public Works.

- 2. Explain how the variance will not alter the essential character of the general vicinity.**

The variance would not alter the essential character of the general vicinity because of this site's longstanding history as a gas station.

- 3. Explain how the variance will not cause a hazard or a nuisance to the public.**

The variance will not cause a hazard or nuisance to the public because the Louisville Department of Public Works is anticipated to approve the development plan. This approval will indicate, among other things, that the layout of the site is safe for motor vehicles and pedestrians on site, that there are adequate parking facilities on-site and that access points to and from the site are safe. Therefore, the variance will not cause a hazard or nuisance to the public.

- 4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because convenience stores and accessory buildings – such as a car wash – built in conjunction with gas/convenience facilities must be set back further than typically found in a Town Center Form District.

Additional considerations.

- 1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

The site is bound by interstate ramps on two sides, and by Brownsboro Road and KY 22 on the remaining two sides. This is the only property in the general vicinity having abutting roads in such a configuration. This configuration requires the location of the gas canopy and buildings at specific locations to allow motor vehicles to enter and exit safely, as well as allowing customers to enter the store for consumables. The configuration as described does not generally apply to land in the general vicinity.

- 2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

If the variance were not granted, the strict application of the regulation would require the placement of the convenience store and car wash at the front of the site (i.e., so that the gas canopy would be at the rear of the site). Such an alternate site configuration for a gas station use would prevent the use of the site for sales of gas and would create an unnecessary hardship.

- 3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

No. The circumstances are the result of the configuration of the site and the fact that it abuts two interstate ramps, and fronts on Brownsboro Road and KY 22.

LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.5.1.A.1.b

A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §5.5.1.A.1.b for the purpose of allowing two customer entrances, with one entrance facing the primary street (US 42) and one entrance on the rear wall of the building but not facing the second street. [The secondary entrance faces the I-264 ramp to KY 22; the ramp is not classified as a street at this point because it does not provide access to the site.]

Reason. The rear access provides access for those persons parking at the rear of the building. However, the checkout point is at the front of the building where store personnel can monitor outdoor activities to ensure customer safety.

A. The waiver will not adversely affect adjacent property owners.

On-site access point locations do not affect adjacent property owners.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The waiver does not violate the Goals, Objectives, Guidelines or Policies of the Comprehensive Plan.

The waiver is supported by Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policy 1 because sidewalks will be situated throughout the development, along US 42 and KY 22, and surrounding the building, providing for the adequate and appropriate movement of pedestrians.

C. The waiver will conform to the intent of the Land Development Code.

The intent of the Code is to provide for customer entrances to principal buildings at convenient locations. Having two (2) entrances, one facing the primary street and one facing a secondary roadway, the proposed building substantially fulfills the intent of the Code.

D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the Applicant.

Two access points are proposed. One access faces the primary street (US 42). The second access point is located on the rear of the building and faces the I-264 ramp to KY 22. Because two access points are proposed, the extent of the waiver of the regulation is the minimum necessary to afford relief to the Applicant.

E. 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 Applicant would otherwise be unable to monitor activities outside the building to ensure customer safety.

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LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.5.1.A.2

A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §5.5.1.A.2 for the purpose of waiving the requirement that on corner lots – such as this lot -- the building shall be constructed no more than 5 feet from the right-of-way line on both streets and that lots with more than one street corner shall build to the corner containing frontage on the primary street.

Reason. The building cannot be located as required by the LDC because the gas pumps beneath the canopy area would not be within the vision of interior store personnel; hence, the building must be located behind the gas pumps (i.e., so that the gas pumps and canopy are situated between the primary street (US 42) and the building. Additionally, this configuration will allow for parking for customers wishing to purchase goods within the building without purchasing gas.

A. The waiver will not adversely affect adjacent property owners.

Building placement on this lot will not adversely affect adjacent property owners because this lot is, in effect, an “island” surrounded by (i) US 42, (ii) KY 22, (iii) the Interstate-264 ramp to US 42, and (iv) the Interstate-264 ramp to KY 22. The nearest residences are across US 42 (a 6-lane highway) within Northfield; these residences are too distant to be adversely affected by the waiver.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The waiver does not violate the Goals, Objectives, Guidelines or Policies of the Comprehensive Plan.

Centers Guideline 2. The proposal conforms to Centers Guideline 2 and all applicable Policies adopted under Centers Guideline 2, including Policy 4 and 15. As proposed, the development is compact because it provides for fuel for motor vehicles, convenience items in the store and a car wash service with convenient parking on three sides of the building – none of which services would be easily accessible to consumers if the code were strictly followed.

C. The waiver will conform to the intent of the Land Development Code.

The overriding intent of the Land Development Code is to provide safe environments for the public. On a site providing gas service, retail goods and restroom facilities availability for the public, and an on-site car wash – these numerous activities, conveniently located on a single site are provided safely for the public.

D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the Applicant.

The extent of the waiver of the regulation is the minimum necessary to afford relief to the Applicant because the site must be laid out in this fashion to provide for safe and easy access to the public.

E. 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 prevent the Applicant from locating necessary and expected services for the public.

LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.5.1.A.3.A

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §5.5.1.A.3.A FOR THE PURPOSE OF ALLOWING PARKING BETWEEN THE CONVENIENCE STORE AND BROWNSBORO ROAD (US 42).

Reason. This is a gas/convenience store. Because customers typically park at gas pumps, all of which are in front of the store beneath the gas canopy where gas customers are within the visibility of store personnel, it is important for the gas canopy and its attendant parking spaces convenience store to be centered on the lot, generally behind the gas canopy. This design is typical for a gas/convenience business.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout of the subject site; it has no effect whatsoever on adjacent property owners.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provision of the Comprehensive Plan that applies to this request is Transportation Facility Guideline 8. The waiver does not violate Transportation Facility Guideline 8 or Policies 7 and 11 because the proposed building location is compatible with the surrounding development -- both on- and off-site -- and will allow for safe and efficient movement of vehicles and pedestrians on-site.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code to provide for safe and efficient movement of vehicles and pedestrians on-site.

- D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

Because the universally accepted design of a gas/convenience site requires that the gas canopy and the parking spaces beneath the canopy to be situated at the front of the site where access to the entry of the convenience store is equi-distant from all gas pumps similarly situated, together with the convenience store location being adjacent to the gas canopy, the extent of the waiver is the minimum necessary to afford relief to the applicant.

- E. 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 create an unnecessary hardship on the applicant because it would cause a significant inconvenience to customers coming into the store to purchase consumables.

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LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.5.1.A.3.A

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §5.5.1.A.3.A FOR THE PURPOSE OF ALLOWING PARKING BETWEEN THE CONVENIENCE STORE AND THE INTERSTATE RAMP COMING OFF INTERSTATE-264 (WATTERSON EXPRESSWAY) TO THE WEST OF THE SITE.

Reason. This is a gas/convenience store. Because customers and employees typically park in parking spaces abutting, and sometimes at the rear of, the convenience store for their convenience, the location of these parking spaces is important to the business model of this and every other gas station having roadways on all 4 site frontages. This design is typical for a gas/convenience business.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout of the subject site; it has no effect whatsoever on adjacent property owners.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provision of the Comprehensive Plan that applies to this request is Transportation Facility Guideline 8. The waiver does not violate Transportation Facility Guideline 8 or Policies 7 and 11 because the proposed building location and location of parking spaces are compatible with the surrounding development -- both on- and off-site -- and will allow for safe and efficient movement of vehicles and pedestrians on-site.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code to provide for safe and efficient movement of vehicles and pedestrians on-site.

- D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

Because the universally accepted design of a gas/convenience site for sites abutting roadways on all 4 sides of the site allows for parking to serve the convenience store immediately behind the building the extent of the waiver is the minimum necessary to afford relief to the applicant.

- E. 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 create an unnecessary hardship on the applicant because it would cause a significant inconvenience to customers coming into the store to purchase consumables and employees working within the convenience store.

LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.5.1.A.3.A

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §5.5.1.A.3.A FOR THE PURPOSE OF ALLOWING PARKING BETWEEN THE CONVENIENCE STORE AND KY 22.

Reason. This is a gas/convenience store. Because customers typically park (i) at gas pumps, all of which are in front of the store beneath the gas canopy where gas customers are within the visibility of store personnel, and (ii) in parking spaces in front of and at the side of the convenience store for customer convenience, it is important for the gas canopy and its attendant parking spaces and parking spaces serving the convenience store to be centered on the lot, generally behind the gas canopy and where convenience store parking spaces are most convenient for the customer. This design is typical for a gas/convenience business.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout of the subject site; it has no effect whatsoever on adjacent property owners.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provision of the Comprehensive Plan that applies to this request is Transportation Facility Guideline 8. The waiver does not violate Transportation Facility Guideline 8 or Policies 7 and 11 because the proposed building location is compatible with the surrounding development -- both on- and off-site -- and will allow for safe and efficient movement of vehicles and pedestrians on-site.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code to provide for safe and efficient movement of vehicles and pedestrians on-site.

- D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

Because the universally accepted design of a gas/convenience site requires that the gas canopy and the parking spaces beneath the canopy to be situated at the front of the site where access to the entry of the convenience store is equi-distant from all gas pumps similarly situated, together with parking spaces for the convenience store to be located abutting the convenience store, the extent of the waiver is the minimum necessary to afford relief to the applicant.

- E. 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 create an unnecessary hardship on the applicant because it would cause a significant inconvenience to customers coming into the store to purchase consumables.

LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.5.1.A.3.A

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §5.5.1.A.3.A FOR THE PURPOSE OF ALLOWING PARKING BETWEEN THE CONVENIENCE STORE AND THE INTERSTATE RAMP SOUTH OF INTERSTATE-264 (WATTERSON EXPRESSWAY) TO THE SOUTH OF THE SITE.

Reason. This is a gas/convenience store. Because customers and employees typically park in parking spaces abutting, and sometimes at the rear of, the convenience store for their convenience, the location of these parking spaces is important to the business model of this and every other gas station having roadways on all 4 site frontages. This design is typical for a gas/convenience business.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout of the subject site; it has no effect whatsoever on adjacent property owners.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provision of the Comprehensive Plan that applies to this request is Transportation Facility Guideline 8. The waiver does not violate Transportation Facility Guideline 8 or Policies 7 and 11 because the proposed building location and location of parking spaces are compatible with the surrounding development -- both on- and off-site -- and will allow for safe and efficient movement of vehicles and pedestrians on-site.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code to provide for safe and efficient movement of vehicles and pedestrians on-site.

- D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

Because the universally accepted design of a gas/convenience site for sites abutting roadways on all 4 sides of the site allows for parking to serve the convenience store immediately behind the building the extent of the waiver is the minimum necessary to afford relief to the applicant.

- E. 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 create an unnecessary hardship on the applicant because it would cause a significant inconvenience to customers coming into the store to purchase consumables and employees working within the convenience store.

LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.5.1.A.5

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §5.5.1.A.5 FOR THE PURPOSE OF ALLOWING THE DETACHED GAS CANOPY TO BE SITUATED BETWEEN THE BUILDING AND US 42.

Reason. This is a gas/convenience store. Because customers typically park at gas pumps beneath the gas canopy where gas customers are within the visibility of store personnel it is important for the gas canopy located in front of the convenience store in consideration of customer safety. This design is typical for a gas/convenience business.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout of the subject site; it has no effect whatsoever on adjacent property owners.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provision of the Comprehensive Plan that applies to this request is Transportation Facility Guideline 8. The waiver does not violate Transportation Facility Guideline 8 or Policies 7 and 11 because the proposed building location and location of parking spaces are compatible with the surrounding development -- both on- and off-site -- and will allow for safe and efficient movement of vehicles and pedestrians on-site.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code to provide for safe and efficient movement of vehicles and pedestrians on-site.

- D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

Because the universally accepted design of a gas/convenience site is to situate the gas canopy at the front of the site (i.e., between the street and the convenience store building) the extent of the waiver is the minimum necessary to afford relief to the applicant.

- E. 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 create an unnecessary hardship on the applicant because it would cause a risk to customer safety because otherwise customers pumping gas would not be visible to store personnel.

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LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.5.1.A.5

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §5.5.1.A.5 FOR THE PURPOSE OF ALLOWING THE DETACHED GAS CANOPY AND ASSOCIATED DRIVE LANES TO BE SITUATED BETWEEN THE CONVENIENCE BUILDING AND KY 22.

Reason. This is a gas/convenience store. Because customers typically park at gas pumps beneath the gas canopy where gas customers are within the visibility of store personnel it is important for the gas canopy located generally in front of the convenience store in consideration of customer safety. This design is typical for a gas/convenience business.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout of the subject site; it has no effect whatsoever on adjacent property owners.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provision of the Comprehensive Plan that applies to this request is Transportation Facility Guideline 8. The waiver does not violate Transportation Facility Guideline 8 or Policies 7 and 11 because the proposed building location and location of parking spaces are compatible with the surrounding development -- both on- and off-site -- and will allow for safe and efficient movement of vehicles and pedestrians on-site.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code to provide for safe and efficient movement of vehicles and pedestrians on-site.

- D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

Because the universally accepted design of a gas/convenience site is to situate the gas canopy at the front of the site (i.e., between the street and the convenience store building) the extent of the waiver is the minimum necessary to afford relief to the applicant.

- E. 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 create an unnecessary hardship on the applicant because it would cause a risk to customer safety because otherwise customers pumping gas would not be visible to store personnel.

LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.6.1.A.1

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §5.6.1.A.1 FOR THE PURPOSE OF ALLOWING WINDOWS, COLUMNS, PILASTERS, PIERS, VARIATION OF MATERIAL, ENTRANCES, STOREFRONT WINDOWS AND OTHER ANIMATING FEATURES ALONG LESS THAN 75% OF THE I-264 WEST EXIT RAMP AND US 42 FRONTAGE.

Reason. The US 42 elevation of the convenience store is designed to provide visibility of gas customers to store personnel located within the store. The elevation without windows and animating features is designed for product storage and placement within the store.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout, including the interior layout, of the convenience store on the subject site; it has no effect whatsoever on nearby property owners because residences and adjacent property owners are too far distant to be affected.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provisions of the Comprehensive Plan that apply to this request are Compatibility Guideline 3 and Policy 9. The proposed waiver will not violate Compatibility Guideline 3 and Policy 9. Policy 9 requires developments to avoid adverse visual impacts. Although the US 42 façade of the convenience store will have less than 75% windows and animating features it will not cause an adverse visual impact.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code not to be a nuisance for nearby residential neighbors.

- D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

Because the convenience store's US 42 frontage does have extensive storefront windows and must provide for storage and display space within the store, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

- E. 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 create an unnecessary hardship on the applicant because requiring the 75% of animating features along the US 42 elevation of the convenience store would not allow the store to be fully and appropriately utilized.

LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.6.1.A.1

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §5.6.1.A.1 FOR THE PURPOSE OF ALLOWING WINDOWS, COLUMNS, PILASTERS, PIERS, VARIATION OF MATERIAL, ENTRANCES, STOREFRONT WINDOWS AND OTHER ANIMATING FEATURES ALONG LESS THAN 75% OF THE KY 22 FRONTAGE.

Reason. The KY 22 elevation of the convenience store is a secondary frontage of the store since it is a side building elevation. This elevation without windows and animating features is designed for product storage and placement within the store.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout, including the interior layout, of the convenience store on the subject site; it has no effect whatsoever on nearby property owners because residences and adjacent property owners are too far distant to be affected.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provisions of the Comprehensive Plan that apply to this request are Compatibility Guideline 3 and Policy 9. The proposed waiver will not violate Compatibility Guideline 3 and Policy 9. Policy 9 requires developments to avoid adverse visual impacts. Although the KY 22 façade of the convenience store will have less than 75% windows and animating features it will not cause an adverse visual impact.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code not to be a nuisance for nearby neighbors.

- D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

Because the convenience store's KY 22 frontage must provide for storage and display space within the interior part of the store at that location, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

- E. 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 create an unnecessary hardship on the applicant because requiring the 75% of animating features along the KY 22 elevation of the convenience store would not allow the store to be fully and appropriately utilized.

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LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.6.1.C.1

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §5.6.1.C.1 FOR THE PURPOSE OF ALLOWING BUILDING WINDOWS OF LESS THAN 50% OF THE SOUTHEASTERN WALL SURFACE.

Reason. The southeastern building elevation must be available for product and shelf placement.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout, including the interior layout, of the convenience store on the subject site; it has no effect whatsoever on nearby property owners because nearby residences and adjacent property owners are too far distant to be affected.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provisions of the Comprehensive Plan that apply to this request are Compatibility Guideline 3 and Policy 9. The proposed waiver will not violate Compatibility Guideline 3 and Policy 9. Policy 9 requires developments to avoid adverse visual impacts. Although the southeastern façade of the convenience store will have less than 50% of the wall surface faced with clear glass it will not cause an adverse visual impact.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code not to be a nuisance for nearby neighbors.

D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

Because the convenience store's southeastern frontage must provide for storage and display space within the interior part of the store at that location, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

E. 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 create an unnecessary hardship on the applicant because requiring 50% of the store's southeastern frontage to be clear glass would not allow the store to be fully and appropriately utilized.

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LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §5.6.1.C.1

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §5.6.1.C.1 FOR THE PURPOSE OF ALLOWING BUILDING WINDOWS OF LESS THAN 50% OF THE SOUTHWESTERN WALL SURFACE.

Reason. The southwestern convenience building elevation must provide for adequate product and shelf storage within the building.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout, including the interior layout, of the convenience store on the subject site; it has no effect whatsoever on nearby property owners because nearby residences and adjacent property owners are too far distant to be affected.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provisions of the Comprehensive Plan that apply to this request are Compatibility Guideline 3 and Policy 9. The proposed waiver will not violate Compatibility Guideline 3 and Policy 9. Policy 9 requires developments to avoid adverse visual impacts. Although the southwestern façade of the convenience store will have less than 50% of the wall surface faced with clear glass it will not cause an adverse visual impact.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code not to be a nuisance for nearby neighbors.

D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

Because the convenience store's southwestern frontage must provide for storage and display space within the interior part of the store at that location, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

E. 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 create an unnecessary hardship on the applicant because requiring 50% of the store's southwestern frontage to be clear glass would not allow the store to be fully and appropriately utilized.

LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §8.2.1.D.6

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §8.2.1.D.6 FOR THE PURPOSE OF ALLOWING A CHANGING IMAGE SIGN TO BE LOCATED WITHIN 300 FEET OF RESIDENTIALLY ZONED PROPERTY WHERE THE CHANGING IMAGE MIGHT BE VISIBLE FROM RESIDENTIALLY ZONED PROPERTY.

Reason. The proposed sign is intended to convey information to motorists generally traveling on US 42. Residentially zoned properties are located in the city of Northfield, Kentucky, generally across US 42 from the site. Because of the width of US 42 it is doubtful whether much visibility, if any, of the changing image sign would exist from any residentially zoned property. The extent of any visibility would not be a nuisance to any residentially zoned property owners.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout of the subject site; it has no effect whatsoever on adjacent property owners because any visibility of the changing image sign to residentially zoned properties would be insignificant.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provisions of the Comprehensive Plan that apply to this request are Compatibility Guideline 3 and Policies 9 and 28. The proposed waiver will not violate Compatibility Guideline 3 and Policies 9 and 28. Policy 9 requires developments to avoid adverse visual impacts, including signs that contribute to an adverse visual impact. Policy 28 requires developments to contribute to the visual quality of the surroundings. The proposed changing image sign will be directed to motorists along US 42 as opposed to residences across US 42 in Northfield. Because there will be little, if any, visibility of the changing image from Northfield residents the proposed waiver does not violate the Guideline and Policies.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code to provide for signage that will not prove to be a nuisance for nearby residential neighbors.

D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

Because the sign is to be located on US 42 near the US 42 entrance to the site, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

E. 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 create an unnecessary hardship on the applicant because permitting a changing image sign at this location would allow for adequate product advertising in a safe manner without adverse impacts on residential neighbors.

LAND DEVELOPMENT CODE WAIVER

Thorntons, Inc., Applicant

4900 Brownsboro Road

LAND DEVELOPMENT CODE §10.3.5.A.1 (PARTIAL WAIVER)

THIS IS A REQUEST FOR A PARTIAL WAIVER OF LAND DEVELOPMENT CODE §10.3.5.A.1 FOR THE PURPOSE OF NOT PROVIDING A PARKWAY BUFFER OF 30 FEET AND A BERM ALONG THE US 42 SITE FRONTAGE.

Reason. The US 42 site frontage is not uniform, and the 30-foot parkway buffer will be provided along the northeast portion of the site where the sidewalk is located. However, moving westwardly along US 42 there is insufficient space for a 30-foot parkway buffer. There is also insufficient space along US 42 to construct a berm of at least 3 feet. Because the site is located on US 42, a major arterial, and is also surrounded by the Watterson Expressway, KY 22 and a ramp leading from the Watterson Expressway a parkway buffer or berm would serve no purpose.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout of the subject site; it has no effect whatsoever on nearby property owners because residences are too far distant to be affected.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provisions of the Comprehensive Plan that apply to this request are Compatibility Guideline 3 and Policies 9 and 22, and Landscape Character Guideline 13 and Policies 6 and 7. The proposed waiver will not violate Compatibility Guideline 3 and Policies 9 and 22. Policy 9 requires developments to avoid adverse visual impacts, including the protection of sites that are located on designated parkways. Policy 22 generally requires buffers to mitigate uses of differing intensity. Although the full 30-foot buffer area cannot be provided for most of the US 42 frontage adequate landscape materials will be planted at this location and will provide acceptable buffering for this business.

Policies 6 and 7 of Landscape Character Guideline 13 require screening and buffering to mitigate adjacent incompatible uses and further require the protection of the character of parkways. The location of the site at the confluence of 4

roadways, particularly at the intersection of US 42 and the Watterson ramps justifies not providing the full width of buffer.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code to provide for adequate landscaping so that the character of the site will not prove to be a nuisance for nearby residential neighbors.

D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

Because the site frontage is to be located on US 42 near the US 42 entrance to the site, where the site frontage on US 42 diminishes heading westwardly, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

E. 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 create an unnecessary hardship on the applicant because requiring the full 30-foot parkway buffer area would not allow the site to be fully and appropriately utilized.

LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §10.3.5.A.1

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE §10.3.5.A.1 FOR THE PURPOSE OF NOT PROVIDING A PARKWAY BUFFER OF 30 FEET AND A BERM ALONG THE KY 22 SITE FRONTAGE.

Reason. The KY 22 frontage is a secondary site frontage. The site does not have enough width along KY 22 to allow for a 30-foot wide buffer or a 3-foot tall berm.

A. The waiver will not adversely affect adjacent property owners.

The waiver creates a design which only affects the layout of the subject site; it has no effect whatsoever on nearby property owners because residences are too far distant to be affected. There are no residential property owners across KY 22 from the site.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only provisions of the Comprehensive Plan that apply to this request are Compatibility Guideline 3 and Policies 9 and 22, and Landscape Character Guideline 13 and Policies 6 and 7. The proposed waiver will not violate Compatibility Guideline 3 and Policies 9 and 22. Policy 9 requires developments to avoid adverse visual impacts, including the protection of sites that are located on designated parkways. Policy 22 generally requires buffers to mitigate uses of differing intensity. Although the full 30-foot buffer area cannot be provided for the KY 22 frontage adequate landscape materials will be planted at this location and will provide acceptable buffering for this business.

Policies 6 and 7 of Landscape Character Guideline 13 require screening and buffering to mitigate adjacent incompatible uses and further require the protection of the character of parkways. The location of the site at the confluence of 4 roadways justifies not providing the full prescribed width of buffer.

The waiver violates none of the Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

C. The waiver will conform to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code to provide for adequate landscaping so that the character of the site will not prove to be a nuisance for nearby residential neighbors.

D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

Because the site frontage along KY 22 is a secondary site frontage, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

E. 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 create an unnecessary hardship on the applicant because requiring the full 30-foot parkway buffer area would not allow the site to be fully and appropriately utilized.

LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §10.2.4

A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §10.2.4 for the purpose of reducing the 35-foot buffer area requirement to allow vehicular access via a pass-through lane on the west side of the car wash; nevertheless, all plantings required to be placed in the buffer area will be planted.

Reason. A pass-through lane must be constructed on the west side of the car wash to allow motorists to by-pass the car wash lane. Without the waiver the pass-through lane could not exist.

A. The waiver will not adversely affect adjacent property owners.

The pass-through lane is strictly an on-site safety and convenience lane benefiting customers. The waiver to allow this pass-through lane will not affect any adjacent property owners because there are no adjacent property owners in the vicinity of this waiver.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The waiver does not violate the Goals, Objectives, Guidelines or Policies of the Comprehensive Plan.

Circulation Guideline 7. The only Guideline applicable to this waiver request is Circulation Guideline 7. The proposed waiver conforms to Circulation Guideline 7, its “Intent” and all applicable Policies adopted thereunder, including Policies 6, 11 and 15. The waiver will ensure that internal circulation provides safe and efficient travel movements by allowing for a pass-through lane to enable motorists to exit the car wash lane and thereafter exit the site.

C. The waiver will conform to the intent of the Land Development Code.

The intent of the Code is to provide for appropriate landscaping and buffering when a non-residential use is adjacent to a roadway. All landscaping required by LDC §10.2.4 will be provided.

D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the Applicant.

The extent of the waiver of the regulation is the minimum necessary to afford relief to the Applicant because the reduction in width is the minimum necessary to accommodate the pass-through lane, and all landscaping and buffering required by LDC §10.2.4 will be provided.

E. 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 prevent the Applicant from locating the necessary proposed access-lane to the west of the car wash.

LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §10.2.4

A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §10.2.4, Table 10.2.3 for the purpose of reducing the 30-foot buffer area requirement to allow vehicular access via a pass-through lane on the west side of the car wash; nevertheless, all plantings required to be placed in the buffer area will be planted.

Reason. A pass-through lane must be constructed on the west side of the car wash to allow motorists to by-pass the car wash lane. Without the waiver the pass-through lane could not exist.

A. The waiver will not adversely affect adjacent property owners.

The pass-through lane is strictly an on-site safety and convenience lane benefiting customers. The waiver to allow this pass-through lane will not affect any adjacent property owners because there are no adjacent property owners in the vicinity of this waiver.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The waiver does not violate the Goals, Objectives, Guidelines or Policies of the Comprehensive Plan.

Circulation Guideline 7. The only Guideline applicable to this waiver request is Circulation Guideline 7. The proposed waiver conforms to Circulation Guideline 7, its “Intent” and all applicable Policies adopted thereunder, including Policies 6, 11 and 15. The waiver will ensure that internal circulation provides safe and efficient travel movements by allowing for a pass-through lane to enable motorists to exit the car wash lane and thereafter exit the site.

C. The waiver will conform to the intent of the Land Development Code.

The intent of the Code is to provide for appropriate landscaping and buffering when a non-residential use is adjacent to a roadway. All landscaping required by LDC §10.2.4, Table 10.2.3 will be provided.

D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the Applicant.

The extent of the waiver of the regulation is the minimum necessary to afford relief to the Applicant because the reduction in width is the minimum necessary to accommodate the pass-through lane, and all landscaping and buffering required by Table 10.2.3 will be provided.

E. 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 prevent the Applicant from locating the necessary proposed access-lane to the west of the car wash.