

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.

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- 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.

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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 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.

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- 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.

0112340.0624466 4845-6041-9629v1

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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 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.

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- 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 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.

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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 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.

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- 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.

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- 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 §5.6.1.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 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.

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- 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.

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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.

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- 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.

0112340.0624466 4818-1296-3885v1

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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 US 42 WALL SURFACE.

Reason. The US 42 convenience building elevation must provide for the visibility of customers at gas pumps beneath the gas canopy in the front of the site from the vantage of store personnel within the store. The balance of the US 42 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 US 42 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.

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- 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 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 US 42 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 KY 22 WALL SURFACE.

Reason. The KY 22 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 KY 22 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.

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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 50% of the store's KY 22 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 §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.

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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.

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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

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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.

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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.

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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.

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LAND DEVELOPMENT CODE WAIVER
Thorntons, Inc., Applicant
4900 Brownsboro Road
LAND DEVELOPMENT CODE §10.2.7

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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 layed 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.1.b

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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 §10.2.7

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A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §10.2.7 for the purpose of reducing the 15-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 §10.2.7 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 §10.2.7 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.

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

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A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §10.3.5.A.1 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 §10.3.5.A.1, Table 10.3.1 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 10.3.1 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.

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