

16VARIANCE1093

7304, 7318, and 7318 ½ Dixie Hwy.



**Louisville Metro Board of Zoning Adjustment
Public Hearing**

**Ross Allen, Planner I
February 20, 2017**

Request(s)

Variance: variance from the Land Development Code section 4.8.4.B to allow a proposed Bojangles' Restaurant parking lot to encroach approximately 1,724 sf. into the Big Run Creek (Blueline Stream, managed by the U.S. Army Corps of Engineers) 50' foot middle buffer and to encroach 3,768 sf. into the 25 foot outer buffer for a combined total of 5,492 sf into the stream side buffer of Big Run Creek as found in the northwestern edge of the parcel.

Location	Requirement Area/Linear Encroachment	Request Area/Linear Encroachment	Variance Area/Linear Encroachment
Middle Stream Side Buffer (50' width)	0 sf. / 0ft.	1,724 sf. / 41.5 ft. (max. encroachment into the stream side buffer)	1,724 sf. / 41.5 ft.
Outer Stream Side Buffer (25' width)	0 sf. / 0 ft.	3,768 sf. / 25 ft. (max. encroachment into the stream side buffer)	3,768 sf. / 25 ft.
Total Stream Buffer Encroachment	0 sf. / 0 ft.	5,492 sf. / 66.5 ft.	5,492 sf. / 66.5 ft.

Case Summary / Background

- Proposing to construct a 3,900 sf. Bojangles' Restaurant with a drive thru, and a 33,786 sf. vehicular use area (VUA) within an M-2 zoning district in a Suburban Marketplace Corridor Replacement sign will be in the exact dimensions of the existing sign and will simply have a Scion logo removed.
- Proposal would require the demolition of an existing 2 story brick building and a 1 story brick building.
- The two parcels would need to be consolidated, shown on the development plan as "Z" lines perpendicular to Dixie Highway and others at the rear or northwestern edge of the property line horizontal to Dixie Hwy.

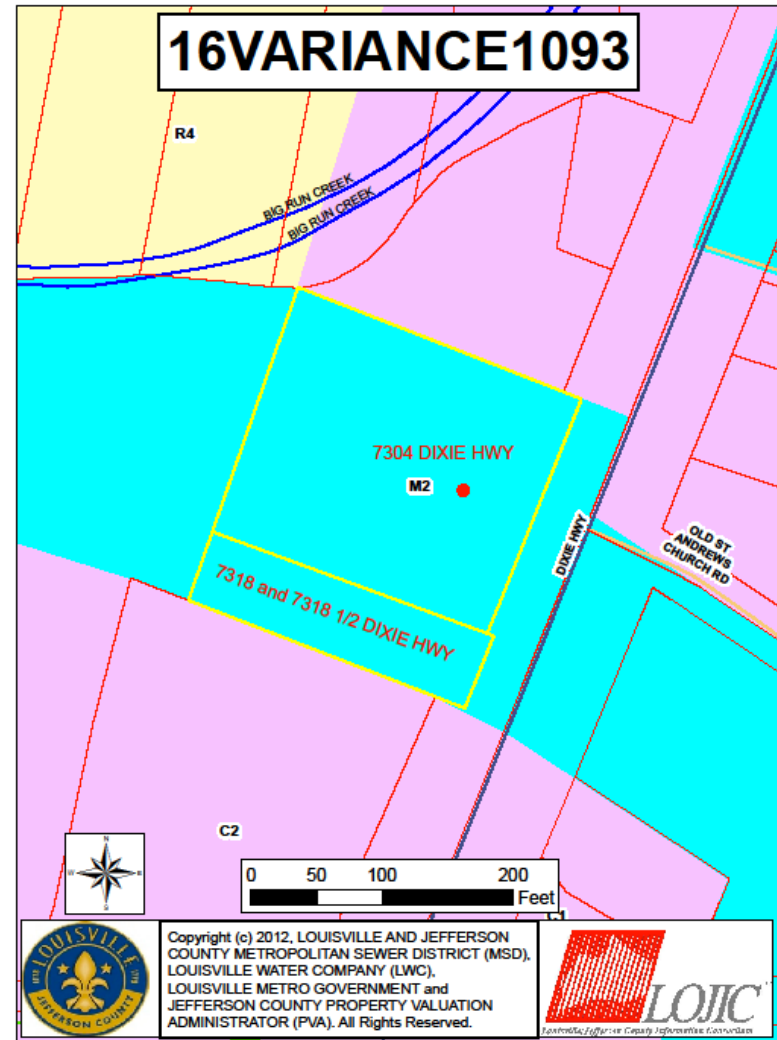
Zoning/Form Districts

Subject Property:

- Existing: M-2/Suburban Marketplace Corridor
- Proposed: M-2/Suburban Marketplace Corridor

Adjacent Properties:

- North: R-4;C-2/Neighborhood
- South: C-2/Neighborhood; Suburban Marketplace Corridor
- East: C-1;C-M/Suburban Marketplace Corridor
- West: C-1;M-2/Suburban Marketplace Corridor



Aerial Photo/Land Use

Subject Property:

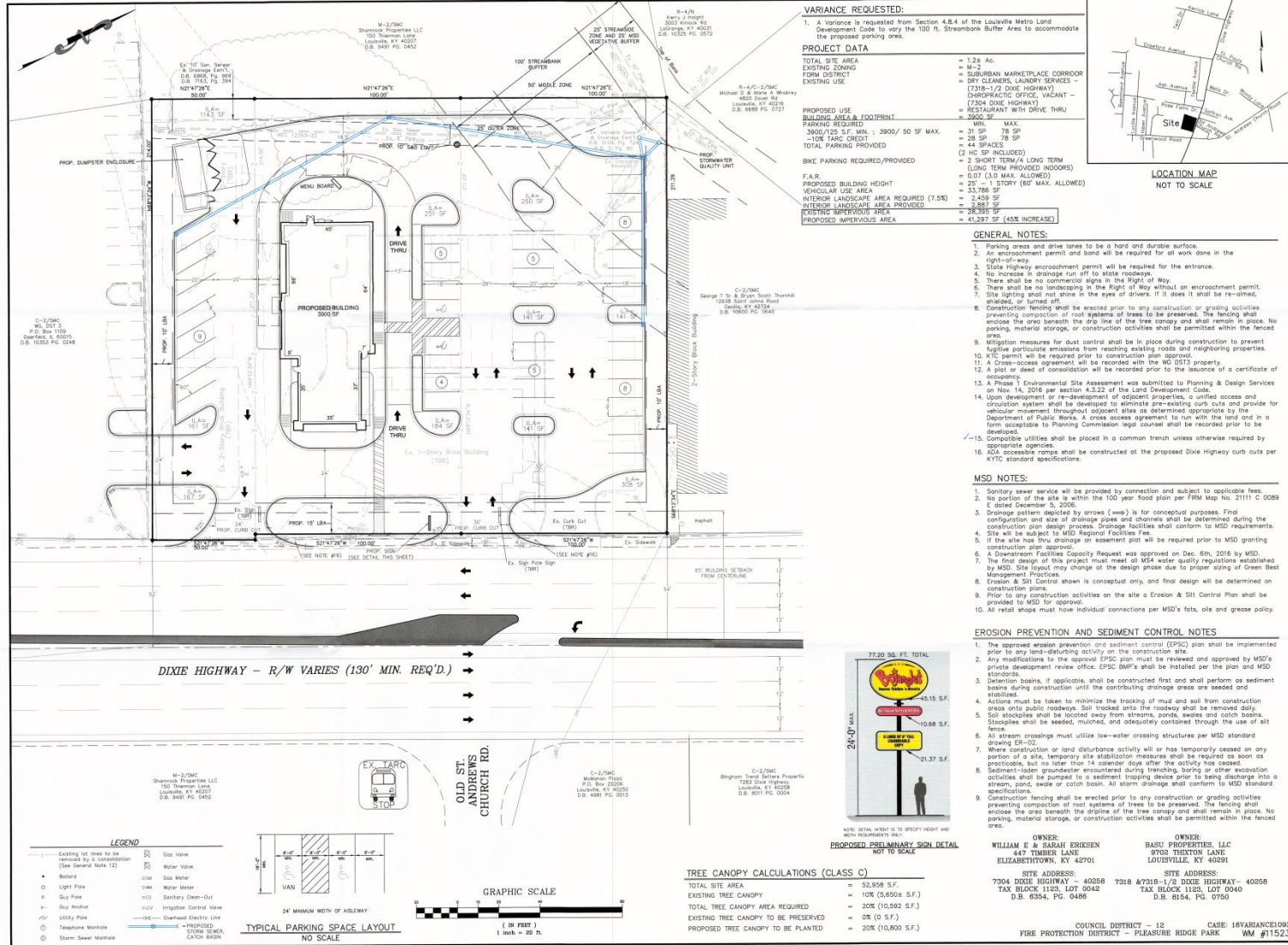
- Existing: Commercial
- Proposed: Commercial

Adjacent Properties:

- North: Commercial;
Residential Single Family
- South: Commercial
- East: Commercial
- West: Commercial



Development Plan

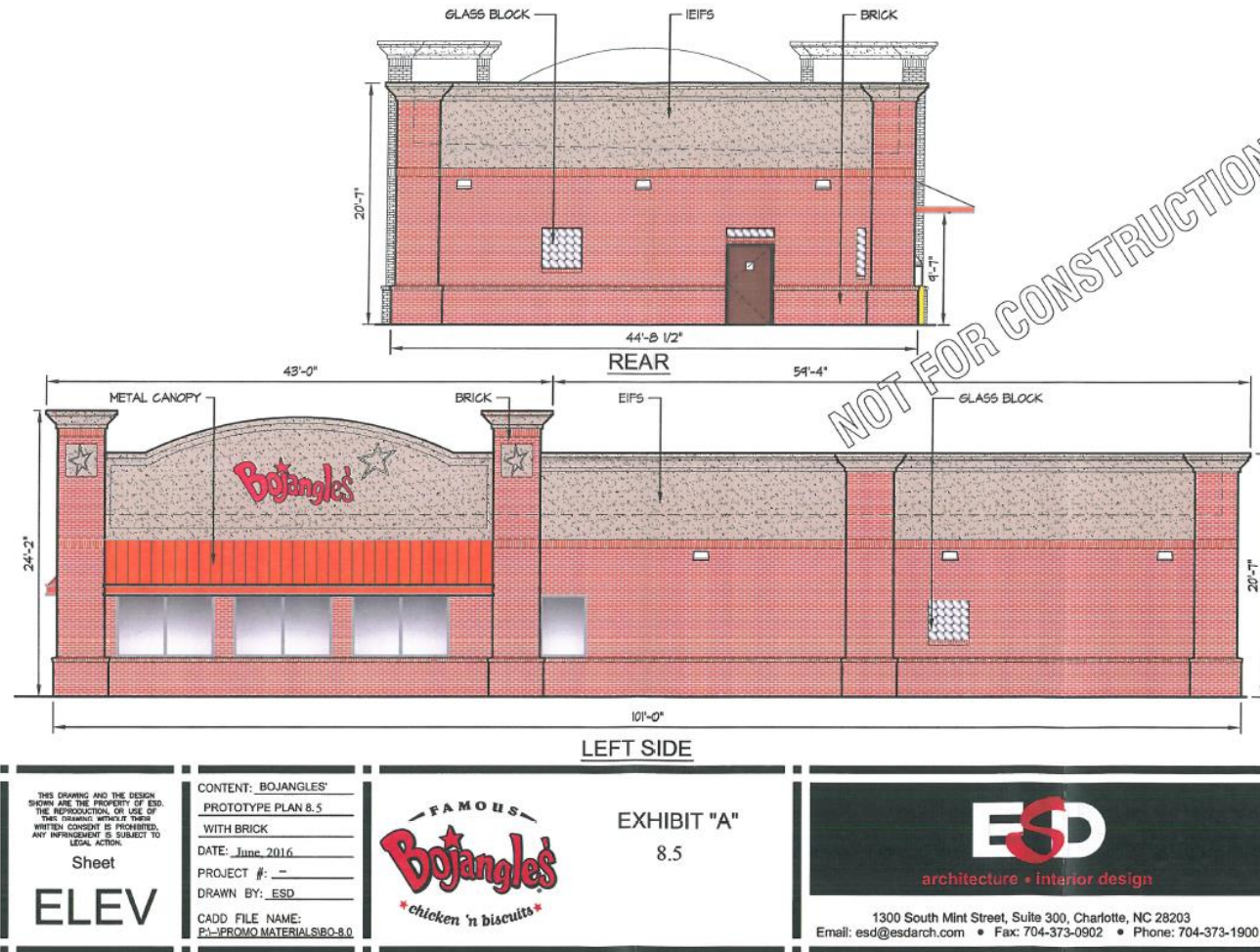


Sign Elevation



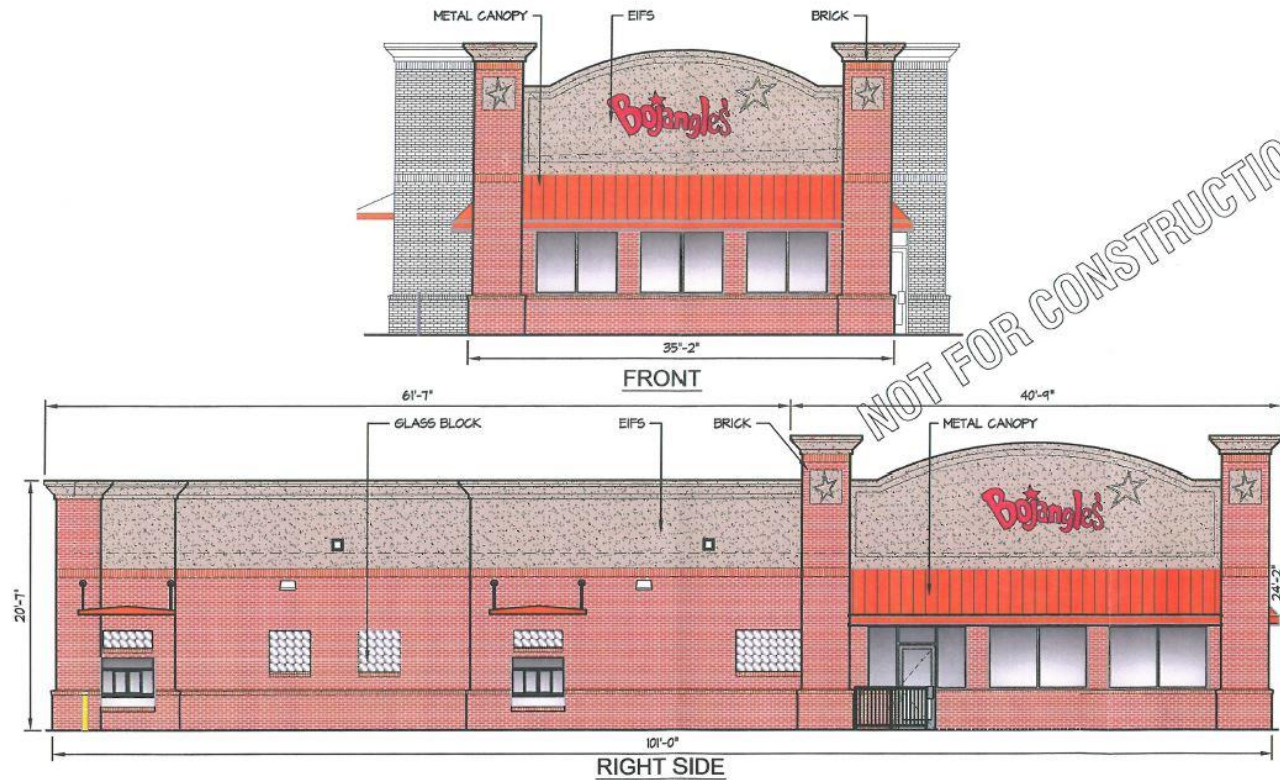
Per LDC Table 8.3.2 Suburban Marketplace Corridor: Freestanding sign for a commercial use along a Major Arterial with more than 4 lanes and having one tenant is allowed a sign with an area of 100 sf. and 24 feet in height.

Elevations of Restaurant



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Elevations of Restaurant



<p>THIS DRAWING AND THE DESIGN SHOWN ARE THE PROPERTY OF ESD. THE REPRODUCTION OR USE OF THIS DRAWING WITHOUT THEIR WRITTEN CONSENT IS PROHIBITED. ANY INFRINGEMENT IS SUBJECT TO LEGAL ACTION.</p> <p>Sheet</p> <p>ELEV</p>	<p>CONTENT: BOJANGLES' PROTOTYPE PLAN 8.5 WITH BRICK</p> <p>DATE: June, 2016</p> <p>PROJECT #: -</p> <p>DRAWN BY: ESD</p> <p>CADD FILE NAME: P1-PROMO MATERIALS/BO-8.0</p>	<p>EXHIBIT "A"</p> <p>8.5</p> <p>Bojangles'</p> <p>*chicken 'n biscuits*</p>	<p>ESD</p> <p>architecture • interior design</p> <p>1300 South Mint Street, Suite 300, Charlotte, NC 28203</p> <p>Email: esd@esdarch.com • Fax: 704-373-0902 • Phone: 704-373-1900</p>
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Site Photos-Subject Property



The subject site, 1 Story Brick building and 2 story brick building to be removed.

Site Photos-Subject Property



**Greasy Ditch, rear of the property,
managed by the USACE. 100' buffer
beginning at the stream bank.**

Site Photos-Surrounding Property



Thornhill's Batting Cages adjacent to the subject property to the north.

Site Photos-Surrounding Property



Walgreens Pharmacy, the adjacent property, south of the subject site.

Site Photos-Surrounding Property



Adjacent properties to the east, Bedzzz to Go and the Frontier Diner.

Conclusions

- The variance request appears to be adequately justified and meets the standard of review.
- Board of Zoning Adjustment must determine if the proposal meets the standard of review for granting a variance as established in the Land Development Code from section 4.8.4.B to allow a proposed Bojangles' Restaurant parking lot to encroach into the middle stream side buffer area/zone by approximately 1,724 sf. or 41.5 linear feet and 3,768 sf. or 25 linear feet into the outer stream side buffer area/zone with a combined total encroachment of 5,492 sf. or 66.5 linear feet as found at the corner of the northwestern and northeastern property vertex.

Required Actions

- VARIANCE from LDC (City of Lyndon Feb. 2016) section 8.8.3, table 8.3.2 Regional Center for a freestanding sign on an Arterial, with more than 4 lanes and having a single tenant to exceed the area and height requirements.

Location	Requirement	Request	Variance
Area (Regional Center Form District)	100 sf.	298 sf.	198 sf.
Height (Regional Center Form District)	24 ft.	28.67 ft.	4.67 ft.