

16DEVPLAN1052

4900 Brownsboro Rd.



Louisville Metro Board of Zoning Adjustment
Public Hearing

Ross Allen, Planner I
February 20, 2017

Request(s)

Variance #1: from the Land Development Code, Section 5.2.4.C.3.a to allow the convenience store to exceed the 15 foot setback from the edge of right of way by 167 feet.

Location (U.S. KY - 42)	Requirement	Request	Variance
Convenience Store	15 ft.	75.2 ft.	60.2 ft.

Variance #2: from the Land Development Code, Section 5.2.4.C.3.a to allow the convenience store to exceed the 15 foot setback from the edge of right of way by 55 feet.

Location (U.S. KY - 22)	Requirement	Request	Variance
Convenience Store	15 ft.	249 ft.	234 ft.

Request(s)

Waiver #1: from LDC section 5.5.1.A.1.b to not have a retail building with a customer entrance facing the primary street, Brownsboro Rd (northeastern property line), or the secondary street, US HWY 42 (northeastern property line) or a corner entrance.

Waiver #2: from LDC section 5.5.1.A.2 to not build five feet away from both right of ways at the corner of KY-42 and/or KY 22 nor to build to the corner that contains frontage along the primary street.

Waiver #3: 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 I-264 east exit ramp (southeast).

Request(s)

Waiver #4: 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).

Waiver #5: from LDC section 5.6.1.A.1 to allow the principal structure (convenience store) to have less than 75% of their length to have blank walls facing public streets and sidewalks along KY-22 (northeast), and the I-264 West exit ramp towards US HWY 42 (southwest).

Request(s)

Waiver #6: 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 I-264 off ramps on the southeastern façade and southwestern façade.

Waiver #7: 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).

Request(s)

Landscape Waiver #8: 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 VUA with an average height of 3 feet and shrub massings on or fronting the berm with at least 1/3 of the frontage length planted along US HWY 42 (northwest) and KY-22 (northeast).

Landscape Waiver #9: from LDC section 10.2.4, table 10.2.3 to reduce the 35 landscape foot buffer to 18 feet in width along the southwestern property line adjacent to the I-264 off ramp to US HWY 42.

Request(s)

Landscape Waiver #10: from LDC section 10.2.4, table 10.2.3 to reduce the 35 foot landscape buffer to 5 feet in width along the southeastern property line adjacent to the I-264 off ramp to KY- 22.

Case Summary / Background

- Demolishing the existing Thornton's Convenience Store, Car Wash, Goodwill Store and Dairy Queen on the 1.38 acre site.
- Proposing to build a new one story 4,409 sf. Convenience Store located approximately 63 feet from the southeastern property line parallel to the I-264 off-ramp to KY-22.
- Proposing carwash located southwest of the Convenience Store and is a one story 1,754 sf. structure that will have two bays.
- Proposing gas canopy with an area of 5,236 sf., a 22 foot height, is found to the west (southwest) of the convenience store parallel to US HWY 42 having 12 pumps with the capacity to allow 24 vehicles to fuel.

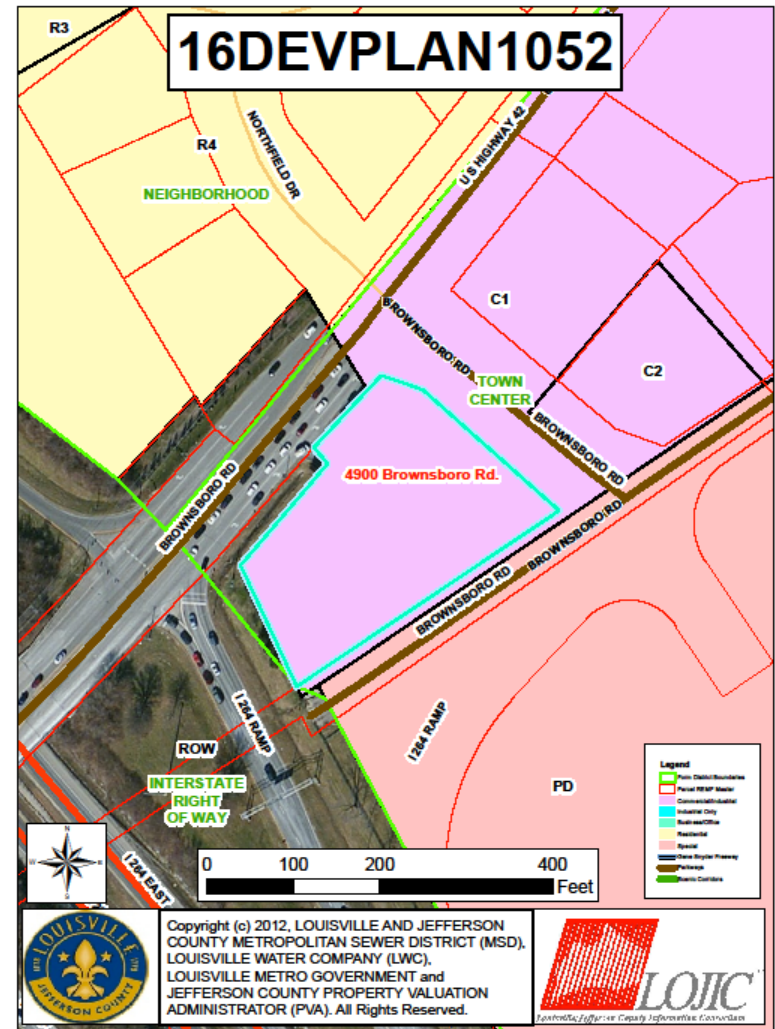
Zoning/Form Districts

Subject Property:

- Existing: C-1 / Town Center
- Proposed: C-1 / Town Center

Adjacent Properties:

- North: R-4; C-1 / Neighborhood; Town Center
- South: ROW; PD / ROW ; Town Center
- East: ROW; PD; C-2 / ROW ; Town Center
- West: ROW; R-4 / ROW ; Neighborhood



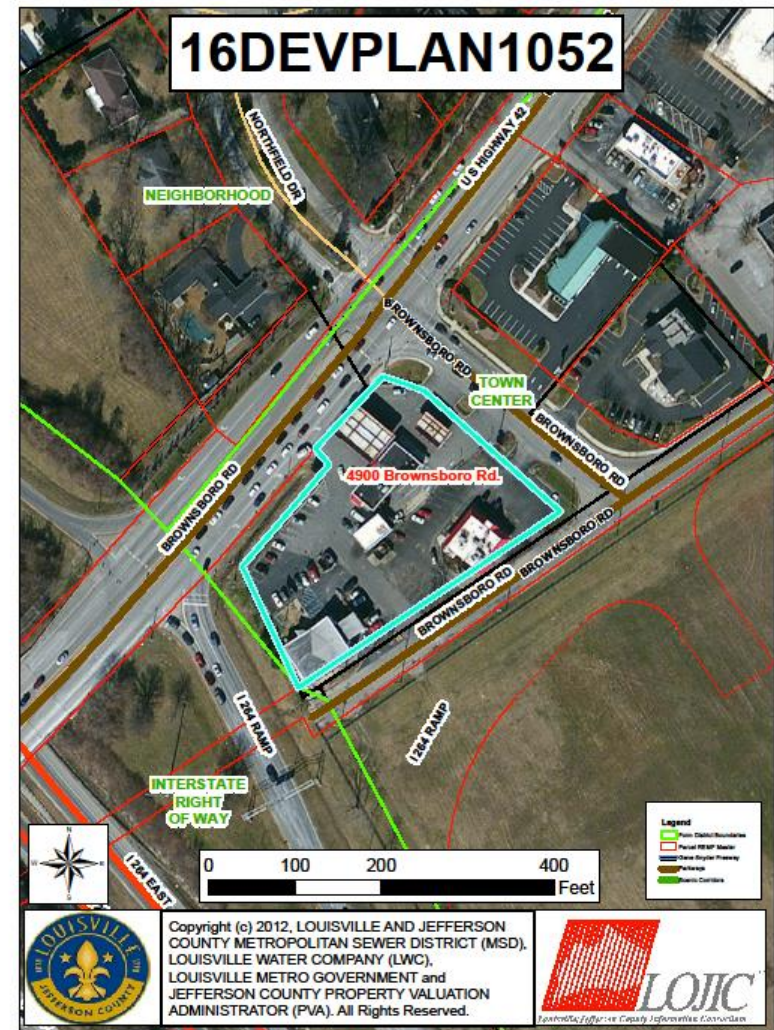
Aerial Photo/Land Use

Subject Property:

- Existing: Commercial
- Proposed: Commercial

Adjacent Properties:

- North: Residential Single Family ; Commercial
- South: ROW; Vacant
- East: ROW ; Public and Semi-public ; Commercial
- West: ROW ; Commercial



Site Photos-Subject Property



**Looking from the corner of Brownsboro Rd.
and US HWY 42 towards the Thornton's
Station (southwest).**

Site Photos-Subject Property



Site Photos-Subject Property



Looking northwest towards the, DQ, and vacant Goodwill, and defunct section of Brownsboro Rd. that Thornton's is in the process of acquiring from the State of KY.

Surrounding-Subject Property



Looking northwest from the I-264 off ramp
towards Brownsboro Rd./ KY – 22 where the
proposed Thornton's Convenience store will be
located.

Surrounding-Subject Property



Looking west towards US HWY 42 from along KY-22/Brownsboro Rd. Thornton's is proposing sidewalk connections and two ingresses/egresses along the frontage.

[illegible]

Convenience Store Elevation

Thorntons | Convenience Store Prototype

THORNTONS

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: PLYMOUTH BRICK COLOR: CRIMSON; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 803 NICHHA PANEL SYSTEM - STYLE: ILLUMINATION SERIES COLOR: BENJAMIN MOORE DEEP SPACE 2125-29; 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 BILL-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 OUTLET - 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

RECEIVED

MAR 10 2018
PLANNING &
DESIGN SERVICES



Building - Front Elevation

Facing KY 42

August 12, 2015



16 DEVIDAN 1052

Convenience Store Elevation

Thorntons | Convenience Store Prototype

THORNTONS

RECEIVED

MAR 10 2016
PLANNING &
DESIGN SERVICES



Rear Elevation - With Rear Parapet, No Screen Wall
Standard Rear Entry

(Facing Hwy, Natural Ramp / Brownsboro Rd KY22)

October 5, 2015



16 DEVPLAN 1052

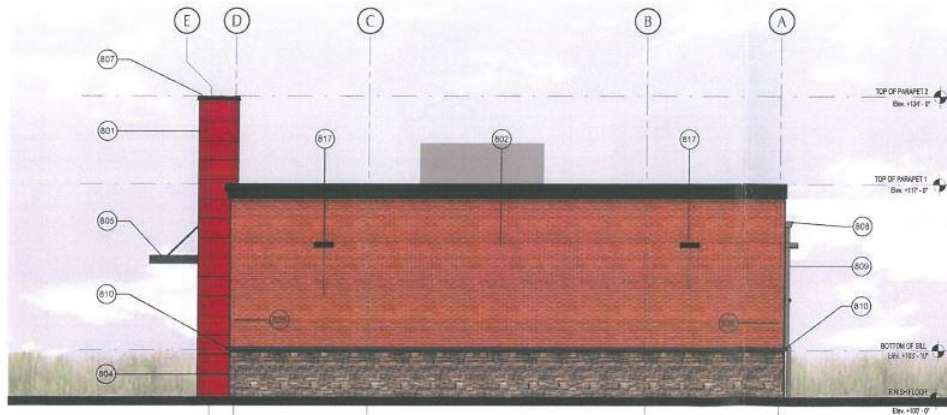
Convenience Store Elevations

Thorntons | Convenience Store Prototype

THORNTONS

RECEIVED

MAR 10 2016
PLANNING &
DESIGN SERVICES



Building Right Elevation

(Facing I-264 Off Ramp to USHWY - 42/Brownsboro Rd. (Side))

EXTERIOR ELEVATION KEYNOTE

- 801 NICHHA PANEL SYSTEM - STYLE: ILLUMINATION SERIES COLOR: PANTONE RED PMS 186 RED; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 802 NICHHA PANEL SYSTEM - STYLE: PLYMOUTH 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 6500C 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
- 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 OUTLET - 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
- 827 ALUMINUM SCREEN WALL SYSTEM - SEE ROOF PLAN FOR MORE INFORMATION

Convenience Store Elevations

Thorntons | Convenience Store Prototype

THORNTONS

RECEIVED

MAR 10 2016
PLANNING &
DESIGN SERVICES

EXTERIOR ELEVATION KEYNOTE

- 801 NICHHA PANEL SYSTEM - STYLE: ILLUMINATION SERIES COLOR: PANTONE RED PMS 186 RED ; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 802 NICHHA PANEL SYSTEM - STYLE: PLYMOUTH 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 6800C 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 BILL-CHISELED SYSTEM - COLOR: MATCH KURASTONE ; CONTRACTOR FURNISHED, CONTRACTOR INSTALLED
- 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 OUTLET - 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.
- 827 ALUMINUM SCREEN WALL SYSTEM - SEE ROOF PLAN FOR MORE INFORMATION.



Building Left Elevation - Spandrel

Facing KY-22 (Brownsboro Rd.)



August 12, 2015

16 DEVLPLAN 1052

Conclusions

- The variances and waivers requested appear to be adequately justified and meet the standard of review.
- The Board of Zoning Adjustment must determine if the proposal meets the standard of review for granting the variances and waivers as established in the Land Development Code from sections 5.2.4.C.3.a, 5.2.4.C.3.a, 5.5.1.A.1.b, 5.5.1.A.2, 5.5.1.A.3.a, 5.5.1.A.5.a, 5.6.1.A.1, 5.6.1.C.1, 8.2.1.D.6, 10.3.5.A.1, and 10.2.4.

Required Actions

Approve or Deny Variance #1: from the Land Development Code, Section 5.2.4.C.3.a to allow the convenience store to exceed the 15 foot setback from the edge of right of way by 167 feet.

Approve or Deny Variance #2: from the Land Development Code, Section 5.2.4.C.3.a to allow the convenience store to exceed the 15 foot setback from the edge of right of way by 55 feet.

Required Actions

Approve or Deny Waiver #1: from LDC section 5.5.1.A.1.b to not have a retail building with a customer entrance facing the primary street, Brownsboro Rd (northeastern property line), or the secondary street, US HWY 42 (northeastern property line) or a corner entrance.

Approve or Deny Waiver #2: from LDC section 5.5.1.A.2 to not build five feet away from both right of ways at the corner of KY-42 and/or KY 22 nor to build to the corner that contains frontage along the primary street.

Required Actions

Approve or Deny Waiver #3: 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 I-264 east exit ramp (southeast).

Approve or Deny Waiver #4: 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).

Required Actions

Approve or Deny Waiver #5: from LDC section 5.6.1.A.1 to allow the principal structure (convenience store) to have less than 75% of their length to have blank walls facing public streets and sidewalks along KY-22 (northeast), and the I-264 West exit ramp towards US HWY 42 (southwest).

Approve or Deny Waiver #6: 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 I-264 off ramps on the southeastern façade and southwestern façade.

Required Actions

Approve or Deny Waiver #7: 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).

Approve or Deny Landscape Waiver #8: 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 VUA with an average height of 3 feet and shrub massings on or fronting the berm with at least 1/3 of the frontage length planted along US HWY 42 (northwest) and KY-22 (northeast).

Required Actions

Approve or Deny Landscape Waiver #9: from LDC section 10.2.4, table 10.2.3 to reduce the 35 landscape foot buffer to 18 feet in width along the southwestern property line adjacent to the I-264 off ramp to US HWY 42.

Approve or Deny Landscape Waiver #10: from LDC section 10.2.4, table 10.2.3 to reduce the 35 foot landscape buffer to 5 feet in width along the southeastern property line adjacent to the I-264 off ramp to KY- 22.