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Memorandum

February 7, 2014

To Chris Brown

Project Texas Roadhouse Middletown, KY

Project# 20130620.0

From Emily Bernahl

Re Waiver Narrative

Copies

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On behalf of our client, Texas Roadhouse, please consider this memorandum as a formal request for a waiver. We respectfully request an exception to the Louisville Land Development Code Chapter 10, 10.3.7.A.1 to allow for the parking field to encroach into the 50' required buffer/setback area. Additionally, we respectfully request, a reduction in the number of trees along both Shelbyville Road and Gene Snyder Highway (Chapter 10, Part 2, Section 10.3.6 and 10.3.7)

We ask that you consider the waivers (s) based on the following:

- 1. Will the waiver adversely affect adjacent property owners?** *The waiver request is not seeking to change the approved use for this Outlot and/or the approved Development Plan. Texas Roadhouse's use is permitted by right within this C-1 Commercial District. Therefore, this request would not alter the character of this locality nor interfere with the use and enjoyment of the adjacent properties. Rather the construction of the Texas Roadhouse will improve the area by creating +/-180 jobs for the community.*
- 2. Will the waiver violate the Comprehensive Plan?** *The request for the waiver allows for the development of this outlot. The development of a commercial use (at this location) meets the intent of the City of Louisville's Cornerstone 2020 Comprehensive Plan.*
- 3. Is the extent of waiver of the regulation the minimum necessary to afford relief to the applicant?** *Yes, the request for the parking field encroachment into the 50' buffer allows for the development of a safe and functional site plan. Additionally, given the existing grades, the site is sitting 2' below the street and putting the site a visibility disadvantage. The applicant is seeking the reduction in number, but is still proposing to include trees to meet the intent of the land development code.*
- 4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district for non-compliance with the requirements to be waived or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?** *Without encroachment into the buffer/setback the site plan is not functional for most commercial uses. The setback line along the east property line makes it onerous for the developer to comply with the standard as specified in the land development code. Therefore, the reduction to the buffer/setback which ranges from*

31-17' make this a functional plan which will allow for the long term economic viability of this concept. Additionally, given the existing grades, the site is sitting 2' below the street and putting the site a visibility disadvantage. The applicant is seeking the reduction in number, but is still proposing to include trees to meet the intent of the land development code.

End of Memorandum

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