

PROPOSED FINDINGS OF FACT FOR LANDSCAPE WAIVER

**TGC DEVELOPMENT GROUP
3300 PRESTON HIGHWAY
CASE NO. 15VARIANCE1009
April 6, 2015**

WHEREAS, the Louisville Metro Board of Zoning Adjustment (the "Board") finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's proposed findings of fact, that the requested waiver of LDC Section 10.2.4.B. to allow an existing 24-foot water line easement to overlap the landscape buffer area along Preston Highway by more than 50% and to reduce the perimeter landscape buffer areas along Preston Highway and I-65 on the property located at 3300 Preston Highway will not adversely affect adjacent property owners because there is currently no landscape buffer along Preston Highway on the subject property, and none of the immediately surrounding properties provide a landscape buffer along Preston Highway; the subject property is adjoined by railroad tracks to the north and I-65 to the west, so there are no adjoining property owners in those areas that would be impacted by the requested waiver; the development will be extensively landscaped throughout, and meets the minimum interior and perimeter landscaping and tree canopy requirements of the Land Development Code; further, there is a significant amount of excess right-of-way along I-65 adjacent to the subject property with grass and trees, which further mitigates the impact of the requested landscape waiver along the west property line;

WHEREAS, the Board further finds the requested waiver will not violate the Comprehensive Plan because the proposed use is appropriate for the Suburban Marketplace Corridor Form District, which is characterized by a mixture of medium to high intensity uses, and the proposed development is located along Preston Highway, a major arterial with transit service; a clearly defined pedestrian access is provided from Preston Highway immediately adjacent to an existing TARC stop; the development will be extensively landscaped and will meet the minimum interior and perimeter landscaping and tree canopy requirements of the Land Development Code; the proposed building incorporates a high level of architectural design, and outdoor lighting and signage will comply with Land Development Code requirements; therefore, the proposed development will create no adverse traffic, noise, lighting, or other impacts to surrounding properties;

WHEREAS, the Board further finds the requested waivers are the minimum necessary to afford relief to the applicant because the existing water line easement along I-65 cannot be relocated; the subject property is an odd-shaped, angled lot adjacent to railroad tracks to the north and I-65 to the west, presenting certain site design challenges; the number of proposed parking spaces is almost at the minimum required by the Land Development Code, and is certainly the minimum the applicant needs to serve the proposed development; if the waivers are not granted, the applicant will lose a significant amount of usable area on the subject property, will not be able to provide the minimum parking required by the LDC, and will be unable to redevelop the subject property as proposed;

WHEREAS, Board further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for noncompliance with the requirements to be waived (net beneficial effect); the proposed redevelopment will include removing a portion of the existing asphalt and restoring a 9-foot landscape buffer area along Preston Highway where none currently exists on the subject property; in addition, perimeter and interior landscape areas and tree canopy will be provided per LDC requirements; the landscaping improvements coupled with an attractively-designed new building, will result in a significant improvement over the existing site conditions and will enhance the aesthetic character of the Preston Highway corridor;

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