

**DEMONSTRATION OF APPROPRIATENESS
LOT 8 OLD BROWNSBORO CROSSING [NORTHEAST CORNER,
ANGIES WAY AND NORTON HEALTHCARE BOULEVARD]
PROPOSED CONDITIONAL USE PERMIT
LAND DEVELOPMENT CODE § 4.2.39
OFF-STREET PARKING AREA**

The Applicant, McMahan Holdings, LLC proposes a condition use permit pursuant to Land Development Code ("LDC") §4.2.39 for an off-street parking area at the northeast corner of Angies Way and Norton Healthcare Boulevard. Because the off-street parking area is zoned OR-3, a conditional use permit is required. The subject site is 2.241-acres and is located in the Regional Center Form District.

The proposed Conditional Use Permit (i) will not have an adverse effect on neighboring property, (ii) is not in conflict with the goals and plan elements of the Comprehensive Plan, (iii) is essential to or will promote the public health, safety and general welfare in one or more zones, and (iv) is in compliance with the listed standards in Land Development Code ("LDC") Section 4.2.39, as is demonstrated in this Demonstration of Appropriateness.

The proposed Conditional Use Permit will serve two buildings (i.e., the Norton Cancer Center and Norton Medical Office Building No. 3) for which insufficient parking would be provided were it not for the proposed off-street parking area, and which will materially relieve traffic congestion on the streets which would exist if the proposed off-street parking area were not constructed.

LDC §4.2.1 Requirements

The proposal will not have an adverse effect on neighboring property. The proposed off-street parking area is intended to serve the proposed Norton Cancer Center and proposed Norton Medical Office Building No. 3. This area to be served is within 200 feet of the off-street parking lot and will be accessible by pedestrians via marked crosswalk. No adverse impacts from traffic or another source will exist. Therefore, the proposal will not have an adverse effect on any neighboring property.

The proposal is not in conflict with the goals and plan elements of the Comprehensive Plan. See Comprehensive Plan Justification below.

The proposal is essential to or will promote the public health, safety and general welfare in one or more zones. The purpose of the off-street parking area is to promote the public health, safety and the general welfare in one or more zones by providing convenient and safe parking facilities a short distance from healthcare facilities.

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The proposal is in compliance with all listed standards in LDC Section 4.2.39. The proposal conforms to the listed standards in LDC §4.2.39.

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Comprehensive Plan Justification

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The proposal conforms to all applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan. Applicable Guidelines and Policies are detailed in this Justification.

Community Form Guideline 1. The proposal for an off-street parking area to serve the proposed Norton Cancer Center and Medical Office Building No. 3 conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1. B.6. The proposal is located in the Regional Center Form District and conforms to the Regional Center Form District definition and provisions because a Regional Center "is a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses."¹

Regional centers are appropriate located on major arterials and adjacent to interstate highways. Old Brownsboro Crossing, within which the site lies, is located on Brownsboro Road (KY 22), a major arterial, and is immediately adjacent to Interstate 71 and Interswtate-265. Landscaping and unified signs reinforce the identity of Old Brownsboro Crossing. There is transit service throughout the development and a new walking trail will be provided.

Compatibility Guideline 3. The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 5, 6, 7, 8, 9, 12, 22, 23, 24, and 28. The off-street parking area is compatible with all development in Old Brownsboro Crossings. No odor or air quality degradation will result from the parking area. The proposal will not generate noise or traffic in the area that would not otherwise be anticipated, and lighting will be limited to that which is permitted by the Land Development Code. All facilities will meet federal, state and local requirements for access by persons with disabilities. Adequate landscape buffer areas around the perimeter of the site, wherever required, will be implemented in accordance with the Land Development Code specifications wherever waivers are requested. All minimum setback requirements will be observed.

Circulation Guideline 7. The proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 1, 10 and 15. The additional parking to be provided by the proposal will be between the minimum and maximum allowed by the Land Development Code and is appropriate for the development. The proposal has been approved by the Traffic Review Division, indicating, among other things, that traffic movement is safe and efficient for motorists, pedestrians and bicyclists.

¹Comprehensive Plan, Plan Elements (A. Community Form/Land Use). Guideline 1. Community Form B.6.

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Bicycle, Pedestrian and Transit Guideline 9. The proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies thereunder, including Policy 1, 2 and 3. Sidewalks will be appropriately located throughout the development as shown on the development plan. In addition to sidewalks located in the different areas of the shopping center, a multi-use walking path will be constructed throughout much of Old Brownsboro Crossing. Transit service via the Transit Authority of River City ("TARC") exists to, from and through the site. Bicycle storage facilities will be located within the cancer center building to encourage bicycle riding.

Flooding and Stormwater Guideline 10. The proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 6, 7, 10 and 11. It is anticipated that the Metropolitan Sewer District ("MSD") will approve the Conditional Use Plan. MSD approval of the Conditional Use Plan will indicate that the proposal will not adversely impact any MSD watershed plan, that the development will not adversely impact the regulatory floodplain reflecting the full development potential of the watershed, that stormwater runoff on the property is appropriately accommodated, that the "through" drainage system will be accommodated, and that peak stormwater runoff rates post-construction will not exceed pre-construction rates.

Air Quality Guideline 12. The proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 3, and 8. It is anticipated that the Louisville Air Pollution Control District will approve the proposal. This approval will indicate that the proposed off-street parking area will not cause an adverse impact to ambient air quality standards for carbon monoxide or other pollutants. Sidewalks are provided in Old Brownsboro Crossing and as proposed on the development site as an alternative mode of transportation. TARC transit routes are located within Old Brownsboro Crossing and in the vicinity.

Landscape Character Guideline 13. The proposal conforms to Landscape Character Guideline 13 and all applicable policies adopted thereunder, including Policies 1, 2, 3 and 5. All landscaping provided will be consistent with Land Development Code requirements. Adequate tree canopy will be provided as shown on the development plan.

Infrastructure Guideline 14. The proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 7. The proposal has adequate service for all necessary utilities. An adequate water supply for domestic and fire-fighting purposes serves the site. New utilities will be located underground wherever possible and will be situated where recommended by each utility for appropriate maintenance and repair access.

Community Facilities Guideline 15. The proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9. Fire fighting services will be adequately provided by the Worthington Fire Protection District.

UTILITIES AND ESSENTIAL PUBLIC SERVICES

Utilities and essential public services will be provided to the property by easement from existing services providers, all of which presently have facilities at Old Brownsboro Crossing.

ANTICIPATED TIME PERIOD FOR IMPLEMENTATION OF PROPOSED USE

It is anticipated that the proposed off-street parking area will be under construction following the approval of all necessary zoning and permitting requirements and the expiration of applicable statutes of limitation.

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