

Michel F. Tigue
LAW OFFICE OF MICHAEL TIGUE, PLLC
P.O. Box 729
LaGrange, Kentucky 40031

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Louisville Metro Planning and Design Services
c/o Jon E. Crumbie
444 S. 5th Street
Louisville, Kentucky 40202

Re: Amended Justification and Letter of Explanation for Case Nos. 15CUP1046 and 15DEVPLAN1202 requesting a Conditional Use Permit, Revised Detailed District Development Plan, Variances, Waivers and Binding Elements

To Whom It May Concern:

Norton Properties, Inc. ("Norton") respectfully requests approval of a conditional use permit ("CUP"), a revised detailed district development plan ("RDDP"), two variances, one waiver and changes to certain binding elements in order to proceed with the construction and operation of a medical office building on property ("Norton MOB Project") located at 1001 Breckenridge Lane, Louisville, Kentucky ("Property"). The Norton MOB Project will consist of approximately 83,880 s.f. of medical office space which will replace an existing commercial retail center. The Property consists of approximately 10.2 acres.

In support of its request, Norton believes the development of the Norton MOB Project as depicted on the enclosed RDDP presents an excellent opportunity to redevelop the subject Property according to contemporary standards. In that regard, the proposed RDDP will introduce significant new interior and perimeter landscape areas as well as provide modern medical office facilities on the Property. Norton further believes that the Norton MOB Project will support the existing medical services offered in the immediate vicinity of the Property as well as significantly enhance the medical services available to members of the general public.

The Property is currently zoned R-4, C-1 and C-2. As such, Article 12.D1a.1 and 12.D1.b.1 of the LDC require a landscape buffer between the R-4 and commercial zoning classifications. However, providing for the landscape buffer area would be counter-productive as it would disrupt the internal circulation of pedestrian and vehicular traffic within the Property. Moreover, the Property has been used effectively for commercial retail services without the required landscape buffer area between the R-4 and commercial classifications for many years and without detriment to the surrounding uses. Converting use of the Property from commercial

retail services to medical office services will also lessen the intensity of uses on the Property and in the immediate vicinity as well. In short, the required buffer area makes little sense in the context of this Property's existing and proposed uses.

In addition to the foregoing, Norton is requesting approval of the following variances:

1. Variance from Article 6.3.C.3 of the LDC to permit the proposed building height of three stories and fifty-five feet;
2. Variance from Article 6.3.C.2.e of the LDC to permit the main entrance #2 free standing business identification sign as depicted on the RDDP to be located in the Dutchman Lane R-4, 30 foot front yard.

Pursuant to KRS 100.243, Norton states permitting the requested variances to facilitate the Property's conversion to medical office services will not adversely affect the public health, safety or welfare and it will not alter the essential character of the general vicinity surrounding the Property. In fact, the Property is already surrounded by a mixture of more intensely developed hospital and medical service uses such that introduction of the proposed medical office buildings will complement the services already provided in the immediate vicinity of the Property. There are also several more intensely developed commercial retail properties located in close proximity to the Property as well. As such, the requested variances will actually reduce the intensity of development (office as opposed to commercial uses) in the immediate vicinity of the Property. Moreover, many of the more intensely developed areas also developed subsequent to the Property's development for commercial use such that the R-4 Single-Family Residential zoning classification of the Property is obviously no longer appropriate.

There are also several properties that are located in close proximity to the Property that contain several structures that substantially exceed the height proposed for the medical office building. Thus, permitting the height variance will not be out of character, or otherwise cause negative impacts upon the character of development in the areas surrounding the Property. Moreover, given the Property's considerable size at 10.2 acres and its location along a substantially developed transportation corridor, additional identification signage is necessary and warranted to help members of general public to identify and locate the services to be provided in the Norton MOB Project.

Given the reduction in the intensity of use to be made of the Property, the Property's location along a developed transportation (and within a mixed-use) corridor in an already well-established Regional Center, Norton submits the Norton MOB Project along with the requested variances will not cause a hazard or a nuisance to the public or otherwise cause an unreasonable circumvention of the requirements of the zoning regulations. In fact, Norton respectfully submits that the Norton MOB Project will substantially improve the appearance and utility of the Property to members of the general public.

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The Property is also affected by certain unique characteristics that require development in the proposed manner. In that regard, the Property has multiple zoning classifications, including a significant section located in an R-4 Single Family Residential classification. Moreover, a portion of the Property is also located in a flood plain. Thus, in order for the Property to be utilized in a manner that minimizes impacts upon the floodplain and R-4 sections of the Property, vertical as opposed to horizontal development is warranted. Given the fact that there are already multiple structures located in close proximity to the Property that are constructed at similar or greater heights than the Norton MOB Project, building upward as opposed to outward will not cause negative impacts upon and will not be incompatible with the surrounding community.

Moreover, even though the Property is located within a floodplain, Norton will implement several measures to mitigate and, in fact, improve management of stormwater. In that regard, at present the Property consists almost entirely of impervious surface areas that provide virtually no control over stormwater flows or water quality. Norton, however, will introduce substantial new green spaces along the interior and perimeter of the Property. In addition, Norton will also regrade the Property and introduce a new retention basin as well. As such, Norton's improvements will substantially improve stormwater management and quality over existing conditions.

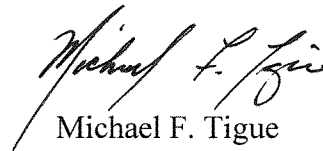
Norton further submits that neither it, nor the present owners of the Property are responsible for the existing flood plain and zoning classifications that necessitate development in the proposed manner, nor have they taken actions subsequent to the enactment of the applicable regulations that required relief from the present circumstances.

Lastly, in order to facilitate development of the Norton MOB Project, Norton suggests and to the extent necessary requests that certain previously approved binding elements pertaining to the existing development be modified to conform to the specifications of the proposed revised development plan. For the foregoing reasons, Norton submits that the binding elements should be modified as necessary to permit development of the Norton MOB Project so that the foregoing improvements to the Property can be implemented for the benefit of Norton and the general public.

More specific details regarding the Norton MOB Project are contained within the enclosed materials.

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Sincerely,


Michael F. Tigue

Enclosures