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**DEMONSTRATION OF APPROPRIATENESS
4915 and 4955 NORTON HEALTHCARE BOULEVARD
PROPOSED CONDITIONAL USE PERMIT
LAND DEVELOPMENT CODE § 4.2.29
MEDICAL FACILITY (PROPOSED CANCER CENTER)
REQUIRING A CERTIFICATE OF NEED**

The Applicant, McMahan Holdings, LLC proposes a condition use permit pursuant to Land Development Code ("LDC") §4.2.29 for a medical facility (a proposed cancer center) which requires a Certificate of Need where shown as "Lot 1: Proposed Cancer Center" on the Detailed District Development Plan/CUP prepared by BTM Engineering, Inc. The subject lot is approximately 8.90-acres and is situated in the C-2 Zoning District and 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 4.2.29, as is demonstrated in this Demonstration of Appropriateness.

LDC §4.2.1 Requirements

The proposal will not have an adverse effect on neighboring property. The site of the proposed cancer center will also have a Norton Healthcare medical office building located thereon. In addition, neighboring properties are all located within Old Brownsboro Crossing, including other Norton Healthcare buildings [Norton Brownsboro Hospital, Norton Medical Office Building No. 1, and Norton Medical Office Building No. 2. Numerous other retail, banking and restaurant uses are located in the immediate vicinity. The proposed cancer center will not have an adverse effect on any neighboring property. No adverse impacts from traffic, the building mass or height or otherwise will exist. Therefore, the proposal will not have an adverse effect on 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 cancer center is to promote the public health, safety and general welfare in one or more zones. The cancer center will accomplish this by preventing, and treating, cancer in human patients. Moreover, the location of the cancer center near numerous other Norton Healthcare facilities will provide for the immediate services of other healthcare professionals in the Norton healthcare system.

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The proposal is in compliance with all listed standards in LDC Section 4.2.29. The proposal conforms to the listed standards in LDC §4.2.29.

Comprehensive Plan Justification

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 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 Interstate-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.

Centers Guideline 2. The proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 1, 3, 4, 12, 13, 14 and 15. The proposal constitutes an activity center and is appropriately located where there is a demonstrated support population. The “center” area of the shopping center (i.e., the location of the cancer center) will have three (3) focal points and will share parking and access. Utilities will be located to provide for maintenance and repair.

Compatibility Guideline 3. The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 5, 6, 7, 8, 9, 12, 22, 23, 24, and 28. The building proposed use of the cancer center is compatible with all development in Old Brownsboro Crossings. No odor or air quality degradation will result from the cancer center. 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.

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

JUL 18 2016

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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 are 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.

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 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 cancer center 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 on-site 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 cancer center 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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