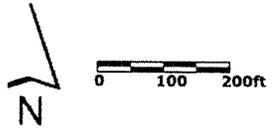


**EXHIBITS FOR APPLICANT
J&J Holdings, LLC
2940 Breckenridge Lane**

**Louisville Metro Planning Commission
Case No. 18Zone1081**

- 1) Zoning Maps
- 2) Aerial Photography
- 3) Development Plan, prepared by Land Design & Development, Inc.
- 4) Building Renderings and Elevations, prepared by Architectural Investments
- 5) Waiver Justification
- 6) Zoning Change Demonstration of Appropriateness
- 7) Zoning Change Proposed Findings of Fact
- 8) Proposed Additional Binding Elements

**Glenn Price, Attorney for Applicant
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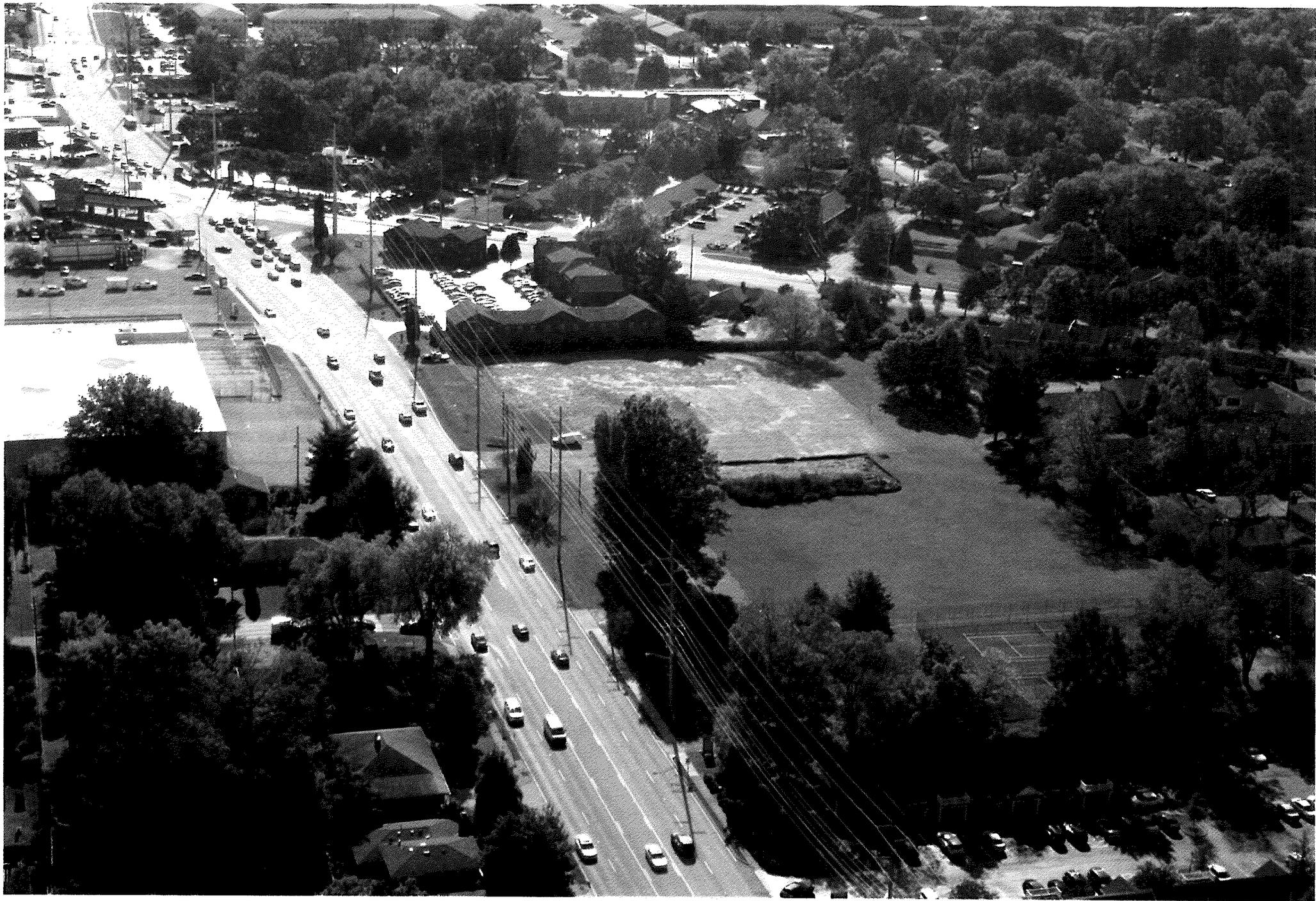


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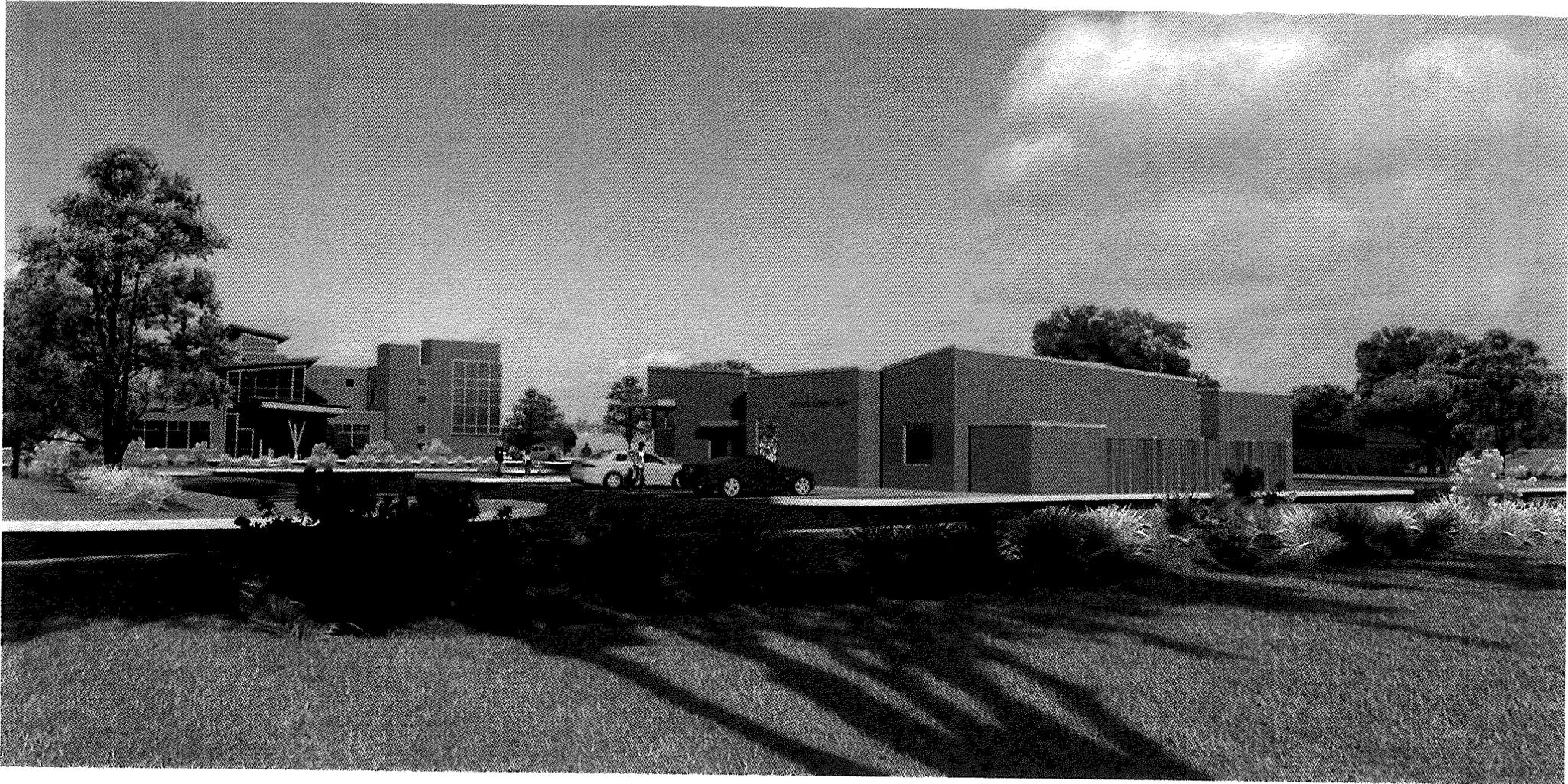


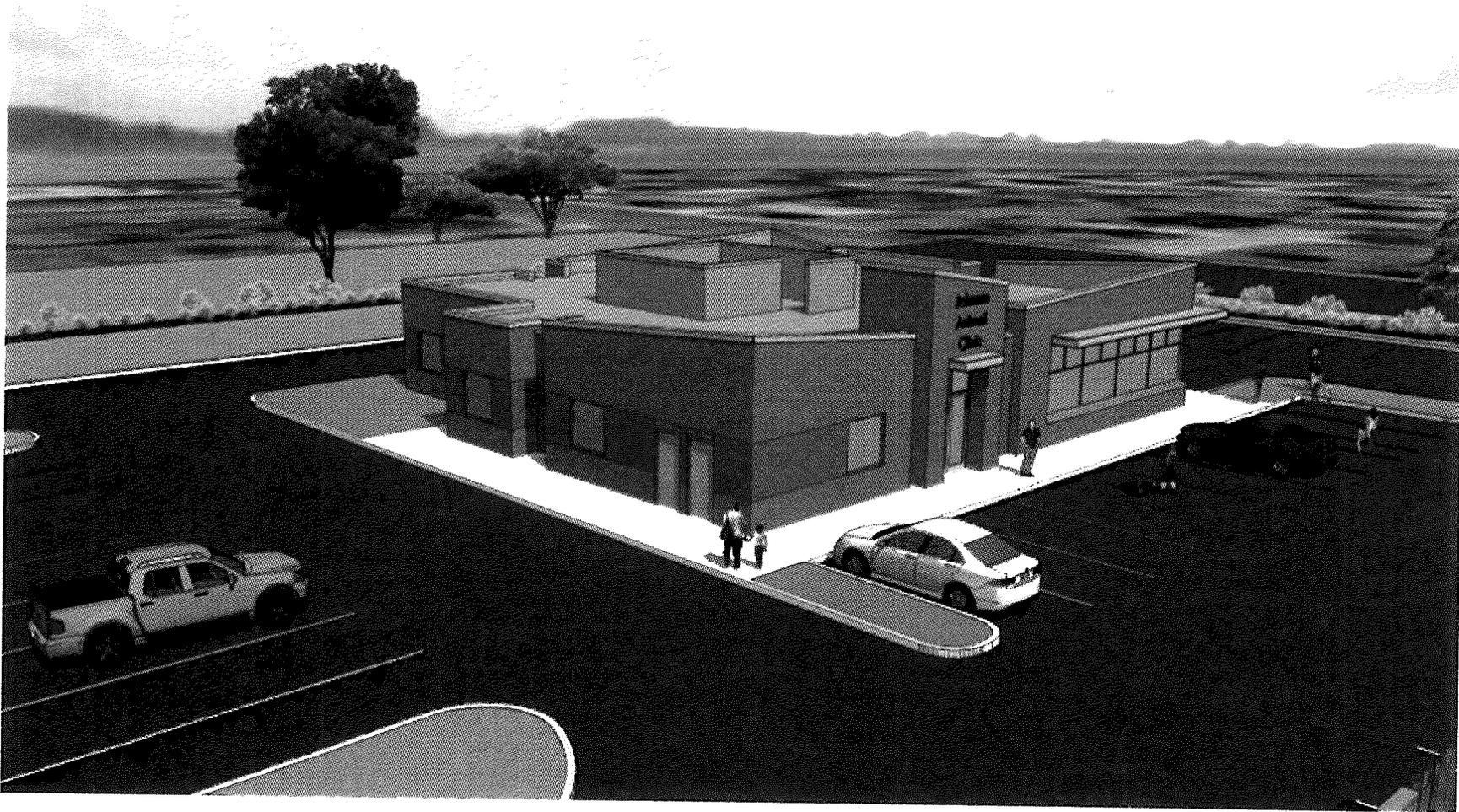














Waiver Justification
J & J Land Development, Developer
Johnson Animal Clinic Tract 1
2940 Breckinridge Lane

The Request. This is a request for a waiver from §10.2.4 of the Louisville Metro Land Development Code to waive the 15-foot Landscape Buffer Area and required landscaping and screening between Tract 1 and Tract 2; and to waive the encroachment of the pavement into the 25-foot Landscape Buffer Area next to the R-6 Colston Inc. property.

A. The waiver will not adversely affect adjacent property owners.

The waiver will not adversely affect adjacent property owners because (1) the waiver will separate a parking lot on this tract from a parking lot to serve the physicians' office to be constructed on the abutting property to the south on Breckinridge Lane, which will not adversely impact the physicians' office building; and (2) the waiver will allow for a safe vehicular entrance from Breckinridge Lane while still providing a significant portion (although not all) of the 25-foot wide buffer.

B. The waiver will not violate the Comprehensive Plan.

The waiver will not violate the Comprehensive Plan (Plan 2040) because it conforms with the Neighborhood Form District in that it provides an appropriate amount of open space even with the waiver request. It further provides an adequate buffer between a residential condominium and the office.

C. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

The requested waiver is the minimum necessary to afford relief to the applicant because (1) a 15-foot Landscape Buffer Area is provided to separate the parking lot from the adjacent physicians' parking lot, and (2) a substantial part of the 25-foot buffer near Breckinridge Lane will remain.

D. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The strict application of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because it would not allow for safe, ingress and egress from Breckinridge Lane to the site, and would require that only one vehicular entrance from Breckinridge Lane serve both the physicians' office and the animal hospital.

DEMONSTRATION OF APPROPRIATENESS
J & J Land Development LLC, Applicant
Advanced ENT Holdings of St. Matthews, LLC, Owner
Property address: 2940 Breckinridge Lane
Louisville, Kentucky 40220

The proposed zone change from OR-3 to C-1 on a 1.02-acre site (the "Proposal") having a street address of 2940 Breckinridge Lane should be granted because it is in conformance with KRS 100.213 and further conforms to the Comprehensive Plan ("Plan 2040") in effect for Louisville and Jefferson County, Kentucky. Compliance with specific Goals and Policies is indicated below in this Demonstration of Appropriateness.

Community Form Goal 1: Guide the form and design of development to respond to distinctive physical, historic and cultural qualities. The Proposal conforms with Community Form Goal 1 and all applicable Policies adopted thereunder, including Policies 6, 7, 16 and 18. The development of an indoor animal clinic will have no potential to cause noxious odors or emissions, and will not be a source of noise. There will be no outdoor animal "runs" whereby animals could roam out-of-doors at will.

Community Form Goal 2: Encourage sustainable growth and density around mixed-use centers and corridors. The Proposal conforms to Community Form Goal 2 and all applicable Policies adopted thereunder, including Policies 4, 5, 6, 9, 10 and 11. This use is a non-residential development appropriately located within a Neighborhood Form District where it will be compatible with adjacent uses, consisting of medical offices, offices, residential condominium and residential single-family, and commercial uses across Breckinridge Lane. The Johnson Animal Hospital proposes to relocate its offices from its present location at 3838 Taylorsville Road to this location, demonstrating that there is a sufficient support population in the immediate area for the services provided by this land use. This land use will serve as part of a compact development pattern resulting in efficient land use. The land use will also constitute the appropriate placement, design and scale of a center that is compatible with nearby residences, as can be determined from the location of the building on the site and the design of the building (filed with the zone change application). There are no wet or highly permeable soils on site, nor is there an area of unstable slopes or soils that could cause environmental degradation.

Community Form Goal 4: Promote and preserve the historic and archaeological resources that contribute to our authenticity. The Proposal conforms to Community Form Goal 4 and all applicable Policies adopted thereunder, including Policies 1 and 2. There are no buildings, sites or landscapes on site that are recognized as having historic or architectural value. The proposed building will be compatible with the existing physician's office building at 2944 Breckinridge Lane, and will be further compatible in height, massing, scale, architectural style and placement with other structures in the immediate vicinity.

Mobility Goal 1: Implement an accessible system of alternative transportation modes. The Proposal conforms to Mobility Goal 1 and all applicable Policies adopted thereunder, including Policy 4. The development of this parcel for an animal clinic will allow a low/medium intensity land use along Breckinridge Lane, a minor arterial, having pedestrian access via sidewalks, and public transit service because Breckinridge Lane is served by TARC Route 53X, the Breckinridge Lane Express. Access will occur via Breckinridge Lane and will not occur through an area of significantly lower intensity.

Mobility Goal 2: Plan, build and maintain a safe, accessible and efficient transportation system. The Proposal conforms to Mobility Goal 2 and all applicable Policies adopted thereunder, including Policy 4 because access to the development is directly from Breckinridge Lane, a minor arterial roadway, and is not via an area of significantly lower intensity or density.

Mobility Goal 3: Encourage land use and transportation patterns that connect Louisville Metro and support future growth. The Proposal conforms to Mobility Goal 3 (Mobility) and all applicable Policies adopted thereunder, including 1, 2, 3, 4, 5, 6 and 9. The development will be part of a mix of complementary neighborhood-serving uses because together with the recently approved physicians' office adjacent to this proposal the animal clinic will be easily reachable by residents in Royal Oaks Condominiums and Meadowview Estates as well as by residential home owners across Breckinridge Lane and otherwise in the vicinity. The development is reachable by pedestrians on foot, by transit or via motor vehicle. Because the animal clinic is a "destination" land use, its vehicle trip generation is minimal at any hour of the day. A transit ("TARC") stop will be situated at the front of the development on Breckinridge Lane.

Community Facilities Goal 2: Plan for community facilities to improve quality of life and meet anticipated growth. The Proposal conforms to Community Facilities Goal 2 and all applicable Policies adopted thereunder, including Policies 1, 2 and 3. The development will be situated in an area served by existing utilities without extension of service. The development will have an adequate supply of potable water and water for fire-fighting purposes provided by the facilities of the Louisville Water Company. Further, the development will be served by sanitary sewer facilities of the Metropolitan Sewer District.

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PROPOSED FINDINGS OF FACT
J & J Land Development LLC, Applicant
Advanced ENT Holdings of St. Matthews, LLC, Owner
Property address: 2944 Breckinridge Lane
Louisville, Kentucky 40220

WHEREAS, The Louisville Metro Planning Commission (the “Planning Commission”) Finds That the proposed zone change from OR-3 to C-1 on a 1.02-acre site having a street address of 2944 Breckinridge Lane (the “Proposal”) should be granted because it is in conformance with KRS 100.213 and further conforms to the Comprehensive Plan (“Plan 2040”) in effect for Louisville and Jefferson County, Kentucky; compliance with specific Goals and Policies is indicated below in this Demonstration of Appropriateness; and

WHEREAS, The Planning Commission Further Finds That the Proposal conforms with Community Form Goal 1 (“Guide the form and design of development to respond to distinctive physical, historic and cultural qualities”) and all applicable Policies adopted thereunder, including Policies 6, 7, 16 and 18, because the development of an indoor animal clinic will have no potential to cause noxious odors or emissions, and will not be a source of noise; moreover, there will be no outdoor animal “runs” whereby animals could roam out-of-doors at will; and

WHEREAS, The Planning Commission Further Finds That the Proposal conforms to Community Form Goal 2 (“Encourage sustainable growth and density around mixed-use centers and corridors”) and all applicable Policies adopted thereunder, including Policies 4, 5, 6, 9, 10 and 11, because the proposed use is a non-residential development appropriately located within a Neighborhood Form District where it will be compatible with adjacent uses, consisting of medical offices, offices, residential condominium and residential single-family, and commercial uses across Breckinridge Lane; because the Johnson Animal Hospital proposes to relocate its offices from its present location at 3838 Taylorsville Road (essentially “just around the corner”) to this location, demonstrating that there is a sufficient support population in the immediate area for the services provided by this land use; because this land use will serve as part of a compact development pattern resulting in efficient land use; because the land use will also constitute the appropriate placement, design and scale of a center that is compatible with nearby residences, as can be determined from the location of the building on the site and the design of the building (filed with the zone change application); and because there are no wet or highly permeable soils on site, nor is there an area of unstable slopes or soils that could cause environmental degradation; and

WHEREAS, The Planning Commission Further Finds That the Proposal conforms to Community Form Goal 4 (“Promote and preserve the historic and archaeological resources that contribute to our authenticity”) and all applicable Policies adopted thereunder, including Policies 1 and 2, because there are no buildings, sites or landscapes on site that are recognized as having historic or architectural value; because the proposed building will be compatible with the existing physician’s

office building at 2940 Breckinridge Lane, and will be further compatible in height, massing, scale, architectural style and placement with other structures in the immediate vicinity; and

WHEREAS, The Planning Commission Further Finds That the Proposal conforms to Mobility Goal 1 (“Implement an accessible system of alternative transportation modes”) and all applicable Policies adopted thereunder, including Policy 4, because the development of this parcel for an animal clinic will allow a low/medium intensity land use along Breckinridge Lane, a minor arterial, having pedestrian access via sidewalks, and public transit service because Breckinridge Lane is served by TARC Route 53X, the Breckinridge Lane Express; and because access will occur via Breckinridge Lane and will not occur through an area of significantly lower intensity; and

WHEREAS, The Planning Commission Further Finds That the Proposal conforms to Mobility Goal 2 (“Plan, build and maintain a safe, accessible and efficient transportation system”) and all applicable Policies adopted thereunder, including Policy 4 because access to the development is directly from Breckinridge Lane, a minor arterial roadway, and is not via an area of significantly lower intensity or density; and

WHEREAS, The Planning Commission Further Finds That the Proposal conforms to Mobility Goal 3 (“Encourage land use and transportation patterns that connect Louisville Metro and support future growth”) and all applicable Policies adopted thereunder, including 1, 2, 3, 4, 5, 6 and 9 because the development will be part of a mix of complementary neighborhood-serving uses and together with the recently approved physicians’ office adjacent to this proposal the animal clinic will be easily reachable by residents in Royal Oaks Condominiums and Meadowview Estates as well as by residential home owners across Breckinridge Lane and otherwise in the vicinity; because the development is reachable by pedestrians on foot, by transit or via motor vehicle; because the animal clinic is a “destination” land use, its vehicle trip generation is minimal at any hour of the day; and because a Transit Authority of River City transit (“TARC”) stop will be situated at the front of the development on Breckinridge Lane; and

WHEREAS, The Planning Commission Further Finds That the Proposal conforms to Community Facilities Goal 2 (“Plan for community facilities to improve quality of life and meet anticipated growth”) and all applicable Policies adopted thereunder, including Policies 1, 2 and 3 because the development will be situated in an area served by existing utilities without extension of service; because the development will have an adequate supply of potable water and water for fire-fighting purposes provided by the facilities of the Louisville Water Company; and because the development will be served by sanitary sewer facilities of the Metropolitan Sewer District;

WHEREAS, The Planning Commission Further Finds That the Proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED, THAT THE LOUISVILLE METRO PLANNING COMMISSION DOES HEREBY RECOMMEND TO THE LOUISVILLE METRO COUNCIL THAT THE ZONING CLASSIFICATION ON THE SUBJECT PROPERTY BE CHANGED FROM OR-3 OFFICE/RESIDENTIAL DISTRICT TO COMMERCIAL DISTRICT C-1.

**PROPOSED ADDITIONAL BINDING ELEMENTS APPLICABLE TO THE
VETERINARY HOSPITAL TRACT ONLY**

18ZONE1081

J&J HOLDINGS, LLC, APPLICANT

9. ~~Landscaping and screening shall be provided on the subject site adjacent to the Royal Oaks Condominium property as required by Chapter 10 of the Land Development Code. A 6 ft. tall privacy fence and the required quantity of trees required by Chapter 10 shall be installed on the subject site in the rear property line of the Landscape Buffer Area.~~

1. Office hours for veterinary care shall be limited to 6 AM to 9 PM, although emergency veterinary services and animal care may occur at any time as necessary.