

**CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY**

ORDINANCE NO. 1400, SERIES 2019

**AN ORDINANCE TO AMEND THE ZONING OF CERTAIN
PARCELS OF LAND LOCATED WITHIN THE CITY OF
JEFFERSONTOWN, KENTUCKY, FROM OR-2
CLASSIFICATION TO PEC CLASSIFICATION WITH A
WAIVER AND A DETAILED DISTRICT DEVELOPMENT
PLAN**

WHEREAS, the properties currently owned by Paul E. & Mildred D. Quinn located at 10000 & 10001 Grassland Drive, Bland Electric Co., Inc. located at 10015 Grassland Drive and The City of Jeffersontown at Tax Block 38, Lot 857 within the City of Jeffersontown is currently zoned OR-2; and

WHEREAS, the City Council finds that the current zoning of this property is inconsistent with the highest and best use of the property, and

WHEREAS, the City Council finds that it is in the best interests of the owner of the affected parcel and in the best interests of Jeffersontown and the Jeffersontown community that this parcel be rezoned from OR-2 to PEC; and

WHEREAS, the City Council desires to go forward with the rezoning of the subject property,

**NOW THEREFORE, IT IS ORDAINED BY THE CITY OF
JEFFERSONTOWN, KENTUCKY, AS FOLLOWS:**

Section 1. The City of Jeffersontown, Kentucky, hereby changes the zoning of the property located at Tax Block 38, Lot 857 and 10000, 10001 & 10015 Grassland Drive from OR-2 to PEC, as those classifications are described by the City of Jeffersontown as of the date of final passage of this Ordinance.

Section 2. The City further grants a waiver from Chapter 10 to allow a sidewalk to encroach into the PEC 15-foot buffer, as recommended for approval by the Louisville Metro Planning Commission and further approves the requested Detailed Development Plan subject to all binding elements set forth in attached Exhibit "A".

Section 3. This Ordinance shall take effect upon passage and appropriate publication.

INTRODUCED AND READ AT A CITY COUNCIL MEETING OF THE CITY COUNCIL OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 17th DAY OF December, 2019.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 7th DAY OF January, 2020.

VETOED:

APPROVED:

BILL DIERUF, MAYOR




BILL DIERUF, MAYOR

DATE: _____

DATE: 1/8/2020

ATTEST:



BILL FOX, CITY CLERK

Exhibit A:

Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in compliance with all Land Development Code regulations unless a waiver or variance is approved.
3. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
4. There shall be no outdoor storage, display, or sales permitted on the site unless shown on a development plan and approved by the City of Jeffersontown.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the City of Jeffersontown (10416 Watterson Trail) and the Metropolitan Sewer District (700 West Liberty).
 - b. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners of Tract 1, Tract 2, Tract 3 & Tract 4 and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - c. Final elevations/renderings shall be submitted for review and approval by City of Jeffersontown Planning and Zoning staff. A copy of the approved rendering shall be submitted to Louisville Metro Planning and Design Services and made available in the case file on record in the offices of the Louisville Metro Planning Commission.
7. Prior to a Certificate of Occupancy being requested the property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

8. If a building permit is not issued within two years of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
9. The applicant shall agree to modify the lot lines or provide an easement for the areas of the Jeffersontown Bike & Ped path that encroach onto the developer's property.
10. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
11. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
12. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 1, 2018, DRC meeting.
14. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.
15. The developer shall re-establish the connection of the Jeffersontown Bicycle/Pedestrian Trail as a part of the construction of the bridge and access road. The trail shall be a minimum of 10 feet wide and meet all current ADA design standards and specifications. Revised construction plans shall be submitted to the City of Jeffersontown showing compliance with all current ADA design standards and specifications for the trail.
16. Prior to requesting a Certificate of Occupancy for the building on Tract 1 The proposed sidewalk from the building on Tract 1 shall be extended along Grassland Drive to connect to the Jeffersontown Bicycle and Pedestrian Path.