

**CITY OF JEFFERSONTOWN  
JEFFERSON COUNTY, KENTUCKY**

**ORDINANCE NO. 1272, SERIES 2011**

**AN ORDINANCE RELATING TO A CHANGE IN ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO OR-1 OFFICE RESIDENTIAL FOR PROPERTY LOCATED AT 10309 WATTERSON TRAIL AND BEING IN THE CITY OF JEFFERSONTOWN, KENTUCKY.**

**WHEREAS**, the City Council, City of Jeffersontown, Kentucky has received and considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission ("Planning Commission") and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission; and,

**WHEREAS**, the City Council, City of Jeffersontown, Kentucky has held a "McDonald style" hearing, and agrees with the findings of the Planning Commission for said zoning change and therefore adopts the findings as stated in the Planning Commission Minutes; and,

**WHEREAS**, the City Council, City of Jeffersontown, Kentucky, Technical Review Committee has reviewed the detailed development plan for compliance with the Land Development Code and other related City of Jeffersontown Ordinances and does hereby find the detailed development plan to be in compliance with the Land Development Code; and,

**WHEREAS**, the City Council, City of Jeffersontown, Kentucky, based upon testimony and evidence submitted during the public hearing, Land Development and Transportation Committee review, the staff report and the file of the case 15282 and the applicant's justification and findings of facts, supports the approval of the zoning change from R-4 Residential Single Family to OR-1 Office Residential; and,

**WHEREAS**, the City Council, City of Jeffersontown, Kentucky, finds the zoning change is compatible with surrounding properties and the Town Center Form District; and,

**WHEREAS**, the City Council, City of Jeffersontown, Kentucky, finds the justification and findings of facts support the approval of the detailed development plan and the testimony, evidence and information heard at the Public Hearing supports the approval of the detailed development plan; and,

**WHEREAS**, the City Council, City of Jeffersontown, Kentucky finds the granting of a landscape waiver to be appropriate.

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

SECTION 1. That the above property located in the City of Jeffersontown, Kentucky, and more particularly described in the minutes and records of the Louisville Metro Planning Commission in docket number 15282, is hereby changed from R-4 Residential Single Family to OR-1 Office Residential on property located at 10309 Watterson Trail and being in description; provided, however, said property shall be subject to the binding elements as set forth herein.

SECTION 2. That the Jeffersontown City Council hereby APPROVES the Detailed District Development plan with landscape waivers for 10309 Watterson Trail.

SECTION 3. The within property rezoned shall be subject to the following binding elements, to wit:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from the City of Jeffersontown, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way as shown on the approved development plan. A copy of the instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. If a building permit is not issued within two years of the date of the plan or rezoning, whichever is later, 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 and the City of Jeffersontown.
5. 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.

INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL  
OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD  
ON THE 5<sup>th</sup> DAY OF July, 2011.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE  
CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE  
20<sup>th</sup> DAY OF July, 2011.

VETOED:

\_\_\_\_\_  
BILL DIERUF, MAYOR

\_\_\_\_\_  
DATE

APPROVED:

  
\_\_\_\_\_  
BILL DIERUF, MAYOR

7/21/11  
\_\_\_\_\_  
DATE

ATTEST:

  
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BILL FOX, CITY CLERK