

**CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY**

ORDINANCE NO. 1279, SERIES 2012

**AN ORDINANCE RELATING TO A CHANGE IN ZONING FROM R-4
RESIDENTIAL SINGLE FAMILY TO C-1 COMMERCIAL FOR
PROPERTY LOCATED AT 9306, 9308, 9310 TAYLORSVILLE ROAD
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, 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 No. 16870 and the applicant's justification and findings of facts, supports the approval of the zoning change from R-4 Residential Single Family to C-1 Commercial; and,

WHEREAS, the City Council, City of Jeffersontown, Kentucky, finds the zoning change is compatible with surrounding properties and the Suburban Neighborhood 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,

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 No. 16870, is hereby changed from R-4 Residential Single Family to C-1 Commercial on property located at 9306, 9308, 9310 Taylorsville Road and being in description; provided, however, said property shall be subject to the binding elements as set forth herein.

SECTION 2. 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed **20,100** square feet of gross floor area with **3,600** square feet on **Tract 1** and **16,500** square feet on **Tract 2**.
3. Signs shall be in accordance with the Jeffersontown Sign Ordinance.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
 - c. 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 and recorded. A copy of the recorded 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.
6. The materials and design of existing/proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the **April 5, 2012** Planning Commission Public Hearing.
7. There shall be only one shared point of access to Taylorsville Road, despite the fact that the retail-office center is divided in half along Taylorsville Road.
8. No parking spaces shall face Taylorsville Road in order that headlights from parked cars do not shine into Taylorsville Road fronting residential properties.
9. The style and design of the branch bank building shall be substantially as shown on the photographs or elevation renderings presented to neighbors and at the Public Hearing in this case.
10. No free-standing restaurants with drive-thru shall be permitted.
11. C-1 uses of the property shall also exclude automobile rental agencies, automobile service stations and automobile repair shops, bowling alleys, car

- washes, hotels and motels, ice storage houses, miniature gold and driving ranges and pawn shops.
12. Hours of operation, except for branch bank ATM machine, shall be limited to 6:00 am to 12:00 midnight.
 13. Lighting shall be shoe-box style, directed down and away from adjoining properties.
 14. Trash removal and parking lot cleaning may not occur between the hours of 10:00 pm and 7:00 am.
 15. Perimeter and VUA landscaping and screening and buffering shall minimally be as shown on the concept plan presented at the April 5, 2012 Public Hearing.
 16. These binding elements and any revised or new detailed district development plan may not be considered by the Planning Commission without a minimum of two weeks advanced mail notice to two tiers of adjoining property owners and all those who appeared at the Planning Commission Public Hearing.

INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 4th DAY OF June, 2012.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 20th DAY OF June, 2012.

VETOED:

APPROVED:

BILL DIERUF, MAYOR



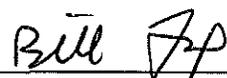
BILL DIERUF, MAYOR

DATE

6/20/12

DATE

ATTEST:



BILL FOX, CITY CLERK