

CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY

ORDINANCE NO. 1334, SERIES 2015

AN ORDINANCE RELATING TO A CHANGE IN ZONING FROM R-4 RESIDENTIAL TO C-1 COMMERCIAL, FOR PROPERTY LOCATED AT 10624 WATTERSON TRAIL, AND BEING LOCATED IN THE CITY OF JEFFERSONTOWN, KENTUCKY

WHEREAS, the City Council, City of Jeffersontown, Kentucky, has received and considered the evidence 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, having reviewed testimony and evidence in connection with the Public Hearing held in this matter, having further heard arguments of interested parties, having reviewed the staff report and the file of case number 15ZONE1019, as well as the Applicant's justification and findings of facts, now finds that these materials support the approval of the proposed change in zoning from R-4 Residential to C-1 Commercial; and,

WHEREAS, the City Council, City of Jeffersontown, , Kentucky, finds the proposed zoning change is compatible with the surrounding Form District; and,

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

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

SECTION 1. That the above property located within the City of Jeffersontown, Kentucky, and more particularly described in the minutes and records of the Planning Commission in Docket No. 15ZONE1019, is hereby changed from R-4 Residential to C-1 Commercial zoning provided, however, that said property and the use thereof shall in perpetuity be subject to the following binding elements set forth in section 2 hereof, and otherwise in conformity with all associated waivers.

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 and 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, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from the City of Jeffersontown and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. 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.
6. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.

7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 29th, 2015 Planning Commission meeting.
8. When sidewalks are constructed along the portion of Watterson Trail adjacent to this property, a clearly defined, safe pedestrian access will be provided by the owner of the property from the public sidewalk through off street parking to building entrances.
9. At the City of Jeffersontown's request, the property owner shall, by minor plat or deed of dedication, dedicate the amount of Right-Of-Way on Watterson Trail (up to 50 Feet) that the City requires for the Watterson Trail road improvements and/or streetscape project. A copy of the recorded instrument shall be submitted to the City of Jeffersontown and the Division of Planning and Design Services.

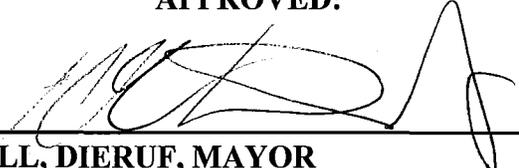
**INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL
OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD
ON THE 15th DAY OF December, 2015**

**READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE
CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE
5th DAY OF JANUARY, 2016**

VETOED:

APPROVED:

BILL DIERUF, MAYOR

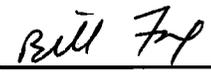


BILL, DIERUF, MAYOR

DATE: _____

DATE: 1/5/15

ATTEST:



BILL FOX, CITY CLERK