

**CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY**

ORDINANCE NO. 1349, SERIES 2016

**AN ORDINANCE TO AMEND THE ZONING OF A CERTAIN
PARCEL OF LAND LOCATED WITHIN THE
JEFFERSONTOWN, KENTUCKY, COMMERCE PARK
FROM R-4 CLASSIFICATIONS TO PEC CLASSIFICATION
WITH A WAIVER AND A REVISED DISTRICT
DEVELOPMENT PLAN**

WHEREAS, the property currently owned by MOB Investments, LLC located at 2550 Blankenbaker Parkway within the City of Jeffersontown is currently zoned R-4; and

WHEREAS, the City Council finds that the current zoning of this property is inconsistent with the area in which it is located, which area is entirely commercial and industrial in nature, 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 R-4 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 2550 Blankenbaker Parkway from R-4 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 5.5.5.B.1 to reduce the required LBA from 50' to 15' and eliminate the 6' berm along the south property line, 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 as follows:

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 dependent upon the jurisdiction for portions of the site; any changes/additions/alterations not so referred shall not be valid.
2. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
3. 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.
4. 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 Jeffersontown Public Works Department 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. The Conditional Use Permit granted under case number 8499 shall be abandoned by the Board of Zoning Adjustment.
5. If a building permit, parking lot permit, or site disturbance permit is not issued within two years of the date of approval of the plan, the proposed expansion 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor

entertainment or outdoor PA system permitted on the site.

7. 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.
8. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
9. No overnight idling of trucks shall be permitted on site.
10. Per the approved plan dated April 4, 2016 and Transportation Planning requirements and standards, the applicant shall provide the following: a contribution of up to 13% of the construction costs (labor and materials) of improving Blankenbaker Road to provide 24' of total pavement width (minimum 1ft. widening) with 6-8 foot shoulders from Electron Drive to Plantside Drive. The contribution shall be made to Louisville Metro Public Works or the Jeffersontown Public Works upon presentment of final costs incurred by Louisville Metro or the City of Jeffersontown in the construction of the road improvements. There shall be no direct access from the subject property to Blankenbaker Road until the earlier of the above improvements being made or the granting of an encroachment permit by the appropriate permitting authority.
11. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

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 ____ DAY OF JULY, 2016.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE ____ DAY OF

_____, 2016.

VETOED:

APPROVED:

BILL DIERUF, MAYOR



BILL DIERUF, MAYOR

DATE: _____

DATE: 8/17/16

ATTEST:



BILL FOX, CITY CLERK