CITY OF JEFFERSONTOWN JEFFERSON COUNTY, KENTUCKY

ORDINANCE NO. 1377, SERIES 2018

AN ORDINANCE TO AMEND THE ZONING OF CERTAIN PARCELS OF LAND LOCATED WITHIN THE CITY OF JEFFERSONTOWN, KENTUCKY, FROM R-4 CLASSIFICATION TO C-N CLASSIFICATION WITH WAIVERS, VARIANCES AND A DETAILED DISTRICT DEVELOPMENT PLAN

WHEREAS, the properties currently owned by Kevin Carrico located at 3551 Ruckriegel Parkway, Hanken Corp, Inc. located at 10515, 10517, 10519 & 10601 Taylorsville Road and James P. Landherr located at 10603 Taylorsville Road 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 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 R-4 to C-N; 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 3551 Ruckriegel Parkway and 10515, 10517, 10519, 10601 & 10603 Taylorsville Road from R-4 to C-N, 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 reductions in Landscape Buffer Area widths and from Chapter 5 to not provide a direct pedestrian connection to Candlewood Way, 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 the January 4, 2018 minutes of the Planning Commission in Case No. 17ZONE1057, which minutes are attached hereto as Exhibit "A" and incorporated herein by reference as if set forth in full.

BILL FOX, CITY CLERK

Exhibit A:

Proposed Binding Elements

- 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. The size and location of any proposed freestanding sign(s) 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, 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
- 5. 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 or City of Jeffersontown.
- 6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
- 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. Prior to obtaining a certificate of occupancy for the development, the applicant shall have: (i) installed the landscaping as shown on the Enhanced Landscape Buffer Exhibit presented at the January 4, 2018 Planning Commission public hearing with the Serbian Spruce and Green Giant Arborvitae shown thereon being a minimum height of 8-10 feet tall at time of installation; and (ii) installed the 8 foot wood privacy fence as shown on the Enhanced Landscape Plan.
- 9. The hours of operation are limited to 7 a.m. to 11 p.m. for all 7 days a week, excluding the drive thru pharmacy which can be open 24 hours (provided the store is closed between 11 p.m. and 7 a.m. with only the drive thru open).
- In addition to the Land Development Code lighting requirements, half of the lights on the property shall be turned off after normal store hours from 11 p.m. to 7 a.m.
- 11. There shall be no signage on the Candlewood Way (East) side of the building other than a directional sign for the drive thru.
- The applicant shall install trash cans along Taylorsville Road and Ruckriegel Parkway (working with the City of Jeffersontown as to the style and design).
- Prior to obtaining a building permit, the applicant shall obtain approval from the Planning Commission and City of Jeffersontown for the proposed building elevations and renderings.

