

ORDINANCE NO. \_\_\_\_\_, SERIES 2018

**AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 4501 AND 4505 PROGRESS BOULEVARD CONTAINING 12.16 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 17ZONE1046) (AS AMENDED).**

**SPONSORED BY: COUNCILWOMAN MADONNA FLOOD**

**WHEREAS**, The Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 17ZONE1046; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 17ZONE1046 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records with amended and additional binding elements;

**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** That the zoning of the property located at 4501 and 4505 Progress Boulevard containing 12.16 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 17ZONE1046, is hereby changed from R-4 Residential Single Family to C-2 Commercial; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 17ZONE1046 and the following amendments to Binding Elements 9, 10, and 17 and additional Binding Element 21:

9. All scheduled events held at the event center and outdoor reception area shall end no later than ~~11 p.m.~~ 12 a.m. (midnight) on

Friday and Saturday and no later than 10 p.m. Sunday through Thursday. Indoor live music or amplified music at the event center shall not be audible from any single family residential property line.

10. There shall be no outdoor live music or outdoor amplified music between the hours of 10:00 p.m. and 7:00 a.m. anywhere on site on Friday and Saturday and between the hours of 9:00 p.m. and 7:00 a.m. on Sunday through Thursday.

17. Enhanced landscaping shall be installed to shield the two southern clusters of retail units on the property from Busath Avenue and Lambert Avenue prior to the installation and rental of facilities on-site. Except as specifically shown on the detailed district development plan, the vegetation along the northern portion of the subject property shall remain and not be removed.

21. Applicant shall work with the owner of 4019 Busath Avenue to agree upon modifications to the proposed wood fence that will be located close to the above residence. In the event an agreement is not reached, the applicant shall, at a minimum, move the fence in this location into the subject property 15 feet to provide a buffer or reduce the size of the fence adjoining, whichever is preferred by the adjoining property owner.

**SECTION II:** This Ordinance shall take effect upon its passage and approval.

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H. Stephen Ott  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_