

**ORDINANCE NO. \_\_\_\_\_, SERIES 2020**

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 1231 AND 1241 DURRETT LANE CONTAINING APPROXIMATELY 25.57 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0080)(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. 19ZONE0080; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 19ZONE0080 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records, with the additional and amended 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 properties located at 1231 and 1241 Durrett Lane containing approximately 25.57 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 19ZONE0080, is hereby changed from C-1 Commercial and C-2 Commercial to PEC Planned Employment Center; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 19ZONE0080-, with the following additional and amended 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 for review and approval; and changes/additions/alterations not so referred shall not be valid.

2. Prior to the development or occupancy of the site (includes clearing and grading), the applicant, developer, or property owner shall obtain approval of a Detailed District Development Plan by the full Planning Commission. The intent of this binding element is to have the first Detailed Plan reviewed by the full Planning Commission and Metro Council. Subsequent Revised Development Plans may proceed under normal policies and procedures at the discretion of the Planning Commission, in which case this binding element should be amended.

23. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

34. Before any permit, including but not limited to building parking lot, change of use is requested:

a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.

c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to occupying the building. 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 prior to obtaining a building permit.

e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the subject site and the adjoining property owners at 1243 Durrett Lane and recorded. A copy of the recorded easement shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

45. A certificate of occupancy must be obtained 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.

56. There shall be no outdoor music (lived, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

67. A legal instrument providing for the long-term use of the off-site parking spaces at the property at 1243 Durrett lane as shown on the approved district development plan and in accordance with Section 9.15 Off-Site Parking shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a certificate of occupancy.

78. Compliance with parking minimum/maximum and/or non-conformance shall be determined at time of occupancy. The approved development plan and Planning Commission record shall be updated to reflect compliance.

89. 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.

10. Heavy truck traffic shall be prohibited on Durrett Ln east of the development site. Developer/Owner shall install traffic control signs directing outbound truck traffic to Preston Hwy, and inbound truck traffic to the development site.

11. The first Detailed District Development Plan submitted after the rezoning shall require a traffic study to determine necessary improvements to adjacent roadways and access points. The scope of the traffic study shall be determined in consultation with Metro Public Works. If the traffic study results in recommendations for improvements to Durrett Lane, Developer shall contribute up to \$100,000 toward the cost of the new improvements. This contribution shall not be requested more than 2 years after issuance of certificate of occupancy.

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

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Sonya Harward  
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

**APPROVE AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

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