

**ORDINANCE NO. \_\_\_\_\_, SERIES 2023**

**AN ORDINANCE RELATING TO THE REVISED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 11905 DIXIE HIGHWAY CONTAINING APPROXIMATELY 2.19 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22DDP0078). (AMENDMENT BY SUBSTITUTION)**

**SPONSORED BY: COUNCIL MEMBER CINDY FOWLER**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) previously approved the zoning change in connection with 11905 Dixie Highway pursuant to Ordinance No. 239, Series 2017 (the “2017 Ordinance”); and

**WHEREAS**, as part of the 2017 Ordinance, any change of use or change to the approved development plan for 11905 Dixie Highway shall require Council review and approval; and

**WHEREAS**, as part of the 2017 Ordinance, any amendment to binding element #10 (“BE 10”), which restricts the uses on 11905 Dixie Highway to only “...those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for ‘Warehouse, storage,’ but for no other use permitted in the M1 zoning district” shall require Council approval; and

**WHEREAS**, a revised district development plan has been proposed for 11905 Dixie Highway, pursuant to Case No. 22DDP0078; and

**WHEREAS**, the revised district development plan includes a proposed amendment to BE 10 to also include outdoor storage and sale of trailers as permitted uses; and

**WHEREAS**, the Council has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the “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. 22DDP0078; and

**WHEREAS**, the Council rejects the findings of the Planning Commission for the revised district development plan and amended binding elements in Case No. 22DDP0078 and has made alternative findings of fact based on the Planning Commission’s record that support maintaining the existing development plan and binding elements; and

**WHEREAS**, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 22DDP0078 to overturn the recommendations of the Planning Commission and maintain the existing development plan and binding elements on the property located at 11905 Dixie Highway and being in Louisville Metro; and

**WHEREAS**, the current plan which was proposed as part of the 2017 Ordinance is for mini-warehouses, a use which would have been permitted under C-2 with the granting of a Conditional Use Permit, but the owner/developer saved time and money by instead pursuing a rezoning to CM limited by BE 10; and

**WHEREAS**, BE 10 was a critical factor in Council’s consideration of the 2017 Ordinance, as there are a variety of uses otherwise permitted in the M-1 zoning district which would not be appropriate for the property; and

**WHEREAS**, the limited M-1 warehouse and storage uses permitted by BE 10 were intentionally contained inside buildings to minimize the impact on neighboring properties, which include C-2 and residentially zoned properties; and

**WHEREAS**, the proposed addition of “outdoor storage and sales of trailers” is likely to have significant impacts on such neighboring properties; and

**WHEREAS**, the owner/developer never constructed the current plan which was proposed as part of the 2017 Ordinance and

**WHEREAS**, the owner/developer was observed storing trailers on the property in violation of both the current plan and BE 10, which resulted in Zoning Enforcement case docket number ENF-ZON-19-000294 and seems to have been the impetus for the current request; and

**WHEREAS**, the Council does not wish to encourage the current owner/developer or any other applicants to violate their existing plans and binding elements in the hopes that the Planning Commission and/or the Council will automatically approve proposals which would render such violations legal; and

**WHEREAS**, the Council believes such cases demand appropriate scrutiny and has found no justification for the violations in this case; and

**WHEREAS**, for the foregoing reasons, the Council is opposed to the proposed expansion of additional M-1 uses on this property at this time; and

**WHEREAS**, without the requested changes to BE 10, the requested development plan depicts impermissible use and so must also be denied.

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

**SECTION I:** That the revised district development plan and amended binding elements for the property located at 11905 Dixie Highway containing approximately 2.19 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22DDP0078, is hereby denied.

**SECTION II:** This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

\_\_\_\_\_  
Markus Winkler  
President of the Council

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Craig Greenberg  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

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

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