

**PLANNING COMMISSION MINUTES**

**MARCH 5, 1998**

**DOCKET NO. 9-15-96 (Jefferson County)**

Change in zoning from R-1 Residential Single Family to EZ-1 Enterprise Zone on property located at 7800 Johnstontown Road and a related request to waive a portion of the required landscaping, containing 23,024 square feet in area and being in unincorporated Jefferson County.

**Owner:** James C. and Wilma B. Foster  
7800 Johnstontown Road  
Louisville, Kentucky 40272

**Developer:** Foster Hydraulics, Inc. (James C. Foster)  
7800 Johnstontown Road  
Louisville, Kentucky 40272

**Existing Use:** Industrial

**Proposed Use:** Industrial

**Request:** Reconsider recommendation at request of Fiscal Court

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This request was recommended for denial by the Planning Commission on June 6, 1996. Fiscal Court has remanded this request for further review. According to staff, the applicant has prepared a binding element to address the concerns raised by the Planning Commission at the public hearing.

A letter was received from River Fields Inc. indicating no further objection if the binding element No. 1 as proposed is incorporated in the approved binding elements.

On a motion by Commissioner Herron, the following resolution was adopted:

**WHEREAS**, The Commission finds that based upon testimony and evidence submitted during the public hearing, Land Development and Transportation Committee review, the staff report and the file of the case that the existing R-1 zoning for the subject property is inappropriate because the property is an existing industrial use located on a lot of about one-half acre sandwiched between the floodwall and a large and unsightly garbage transfer operation which, though planned to be removed pursuant to the Ohio River Corridor Master Plan, is not likely to be removed in the imminent future, and there is no harm to anyone from allowing the applicant's proposed building between now and the time of the removal of the garbage transfer operation; and

**WHEREAS**, The Commission finds that the applicant's proposal when coupled with the Binding Elements conforms to all of the guidelines of the Comprehensive Plan and facilitates the implementation of the Ohio River

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Corridor Master Plan by requiring removal of the new building at such time as the garbage transfer operation is removed, and such removal shall be at the cost of the owners of the subject property and not at the cost of County government; therefore, the proposal is in compliance with Guidelines E-7, E-20, E-21, U-1, U-2, U-3, U-4, T-1, T-5, T-7, T-8, I-9, I-10, F-10 and G-1; and

**WHEREAS**, The Commission finds that the proposal has received preliminary approval from the Jefferson County Department of Public Works and the Metropolitan Sewer District; and

**WHEREAS**, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan; now, therefore, be it

**RESOLVED**, that the Louisville and Jefferson County Planning Commission does hereby **RECOMMEND** to Fiscal Court of Jefferson County that the change in zoning from R-1 Residential Single Family to EZ-1 Enterprise Zone on property described in the attached legal description be **APPROVED**.

**RESOLVED**, That the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the district development plan **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan and the agreed upon binding elements. No further development shall occur without prior approval from the Planning Commission. Further, in the event the County at any time implements its Ohio River Corridor Master Plan and obtains funding for acquisition of the adjoining property Tax Block 1047 Lot 0664 (Valley Sanitation), the new building which is allowed by this zoning shall be removed by the owners of the subject property at their cost and at no cost to County government within six months from the date of the agreement by the County to acquire Tax Block 1047 Lot 0664 or six months from the filing by County government of a condemnation action with respect to Tax Block 1047 Lot 0664, whichever is sooner.
2. The only use permitted on the site without prior review and approval by the Planning commission shall be rebuilding and repairing hydraulic cylinders or a similar machine shop operation.
3. The development shall not exceed 6,500 square feet of gross floor area.
4. No tractor-trailer trucks shall be permitted on the site.
5. There shall be no freestanding sign permitted on the site.

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6. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
7. There shall be no outdoor storage on the site.
8. Outdoor lighting shall be directed down and away from nearby residential properties.
9. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing building, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
10. Before any permit including but not limited to building, parking lot, change of use or alteration permit is requested:
  - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty Street).
  - b. A minor subdivision plat shall be recorded dedicating additional right-of-way to Johnstown Road to provide a total of 30 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article

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- 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- d. Prior to requesting a certificate of occupancy the property owner/developer must obtain approval of a plan for securing flammable or toxic materials, as specified in the Jefferson County Floodplain Management Ordinance, (Sec. 157.03 C.4.c.).
11. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
12. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding element requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
13. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

**The vote was as follows:**

**YES: Commissioners Adams, Crawford, Herron, Seraphine, Spalding-Ferrell Tedder and Wagner**

**NO: None.**

**NOT PRESENT FOR THIS CASE AND NOT VOTING: Commissioners Cash and Dulworth.**

**ABSTAINING: None.**

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