

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE RELATING TO THE DECISION OF THE PLANNING COMMISSION TO APPROVE THE REVISED DISTRICT DEVELOPMENT PLAN PROPOSED IN CASE NO. 22-DDP-0098 FOR THE PROPERTY LOCATED AT 13905 AIKEN ROAD. (AS AMENDED)

SPONSORED BY: COUNCIL MEMBER ANTHONY PIAGENTINI

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has reviewed the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the "Planning Commission") and the findings and decision of the Planning Commission as set out in the minutes and records of the Planning Commission in Case No. 22-DDP-0098 for the property located at 13905 Aiken Road; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the revised district development plan in Case No. 22-DDP-0098 and approves and accepts the decision of the Planning Commission as set out in said minutes and records, with the addition of a amended and additional binding elements.

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

SECTION I: That the revised district development plan for the property located at 13905 Aiken Road and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22-DDP-0098, with the agreed-to changes having been reviewed by staff at Planning and Design Services and filed therewith, is hereby approved, with an the following amended and additional binding elements:-

15. Applicant shall maintain the Aiken Road frontage ~~and added turn lane, as such improvements are approved, in the future.~~

16. The Applicant/Owner/Developer shall be responsible to pay the fee in lieu for the sidewalks pursuant to LDC 6.2.6.

17. Once a route through the Otte Family Partnership, LTD property ("Otte Property") becomes accessible (which shall be no later than June 30, 2023), Applicant shall not use Aiken Road for any concrete trucks, or supply trucks of rock or sand, excepting emergencies (such as the northern route becoming impassible). It is understood that "emergencies" are intended to be occasional and of short term duration as each such situation requires. This Binding Element shall only be binding provided no government entity or authority prevents applicant's access through what is now the Otte Property to Terra Crossing Boulevard or Avoca Road in the future, whichever route is utilized.

18. Tanker or semi-trucks (not already restricted in Binding Element 17) may use Aiken Road, but applicant shall contractually require any contractors using such tanker or semi-trucks to use Aiken Road west of the site's road access when entering and exiting for deliveries, excepting situations where this route is closed or impassable.

19. The applicant shall not operate on Sundays, Easter, Thanksgiving or Christmas.

20. The applicant shall plant evergreen trees every fifteen feet, at least 6 foot in height on the property lines of the Lake Forest residents along Aiken Road, provided no resident objects to same.

21. Applicant will pave with asphalt or concrete the interior of the plant site and the entrance road from the Aiken Road entrance, both as shown on the development plan, and the portion of the haul road running along the site's interior frontage, used to access the northern route in Binding Element 17, no later than one year from the date the plant becomes operational.

22. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any

changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of the binding elements to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

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

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O’Connell
Jefferson County Attorney

By: _____