

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

**AN ORDINANCE MAINTAINING THE ZONING AS OR-1 OFFICE/RESIDENTIAL AND R-7 MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 5024 AND 5026 SOUTH THIRD STREET AND 307 KINGSTON AVENUE CONTAINING .44 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 17ZONE1036) (AMENDMENT BY SUBSTITUTION).**

**SPONSORED BY: COUNCILMAN VITALIS LANSHIMA**

**WHEREAS**, The Legislative Council of the Louisville/Jefferson County Metro Government (“Metro 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. 17ZONE1036; and

**WHEREAS**, the Metro Council disagrees with the findings of the Planning Commission for the zoning change in Case No. 17ZONE1036 and rejects the recommendations of the Planning Commission as set out in said minutes and records and makes its own findings of fact for denial of the proposed zoning change.

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

**SECTION I:** That the zoning of the property located at 5024 and 5026 South Third Street and 307 Kingston Avenue containing .44 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 17ZONE1036, is hereby preserved as OR-1 Office/Residential and R-7 Multi-Family Residential.

**SECTION II:** The Metro Council, having reviewed the record made before the Planning Commission, rejects its recommendations and makes the following findings of fact:

1. The proposed rezoning creates an encroachment of commercial uses into a residential area along Kingston Avenue in violation of Community Form/Land Use Guideline 3, Compatibility, A. Policies 4, 6, and 22.

2. The sole entrance to the site is on South Third Street, only thirty (30) feet from a very busy intersection, creating a safety hazard in violation of Community Form/Land Use Guideline 3, Compatibility, A. Policy 6.

3. The site does not provide any buffer between commercial and residential uses and does not minimize the impacts of parking, loading, and delivery in violation of Community Form/Land Use Guideline 3, Compatibility, A. Policies 21, 22, and 24.

4. The proposed pharmacy is within a short distance of several existing pharmacies and it has not been demonstrated that a sufficient population supports it in violation of Community Form/Land Use Guideline 2, Centers, A. Policy 3.

**SECTION III:** 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: \_\_\_\_\_

O-413-17 -- Amendment by Substitution (1-24-18)