

ORDINANCE NO. \_\_\_\_\_, SERIES 2019

**AN ORDINANCE CHANGING THE ZONING FROM C-2 COMMERCIAL TO PDD PLANNED DEVELOPMENT DISTRICT ON PROPERTY LOCATED AT 2294, 2300, 2338, (TB 74A LOTS 12 & 15), & 2340 LEXINGTON ROAD & 2501, 2503, 2509, 2511, & 2515 GRINSTEAD DRIVE CONTAINING 3.523 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 16ZONE1044)(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 hearings 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. 16ZONE1044; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 16ZONE1044 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records, with the addition of a binding element and an amendments to binding element 7 and 11.

**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 property located at 2294, 2300, 2338, (TB 74A LOTS 12 & 15), & 2340 Lexington Road & 2501, 2503, 2509, 2511, & 2515 Grinstead Drive containing 3.523 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 16ZONE1044, is hereby changed from C-2 Commercial to PDD Planned Development District; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 16ZONE1044-, with the following amendments to binding elements 7 and 11 and the addition of binding element 12:

7. Five percent (5%) of the multi-family units, 1 bedroom or more, either sold or rented, and comparable to the market rate units, shall comply with the following:

Units sold: Unit Sale prices shall be calculated using 80% of the current Jefferson County area median income (AMI) limit for a given household size.

For rented units: The most current published HUD Fair Market Rent value and Low-Income Housing Tax-Credit rent limits for Jefferson County will be used to calculate the Affordable Rent. Affordable Rent must not exceed the higher of the two rent calculations in order to be classified as an affordable unit (see LDC Chapter 4.3.20 (MRDI of HUD Guidelines) for more information on calculating affordable rents).

The developer/owner shall be responsible for submitting an annual report to Planning & Design Services staff at 12-month intervals from the date of the first certificate of occupancy (for a residential unit), until all affordable owner occupied units have been issued building permits and for a period of 15 years after the last affordable rental unit building permit has been issued. The annual report shall identify the name of the development, the unit numbers, the unit addresses, and the sale price and/or rental rates of the designated affordable units, and shall certify that the developer/owner has made a good faith effort to verify that the tenants/purchasers were income eligible at the time of rental/purchase. The annual report shall indicate separately the number of building permits issued for owner occupied and for rental dwellings. Prior to selling any affordable units, the developer/owner shall work with Planning & Design Services staff to develop provisions that will cover any subsequent transfers of ownership during the affordability period, which shall be for 15 years from the date of certificate of occupancy for such unit. Such provisions shall be negotiated and agreed to prior to the sale of any units.

11. At least 30 days in advance of any blasting, developer shall send regular US mail notices to the Director of Planning and Design Services, the Director of Metro Parks, the owner of Cave Hill Cemetery and the owners

of the properties located opposite the subject property along Lexington Road west of the Lexington Road/Grinstead Drive intersection and continuing west of the Lexington Road/Etley Avenue for a distance of 1000 feet. Such notice shall include a schedule when blasting is anticipated to occur and the name, address, phone number and contact person of the blasting contractor. This blasting schedule shall also be made available to anyone who specifically requests such schedule from developer. Developer shall meet in advance of blasting with the owners or other legal representatives of any of the forgoing properties who request a meeting and shall provide each property owner (or other legal representative) with a copy of the pre-blast survey, including photographs and videos, affecting such property. Any blasting that occurs shall be performed by a certified and bonded blasting contractor and only after the aforementioned pre-blast survey is conducted and issued to the adjoining property owners/legal representatives. The pre-blast surveys as respects Cave Hill Cemetery and Metro Parks' properties shall only be conducted as respects structures within 1000 feet of the subject property. This binding element shall not relieve the developer of its obligation to comply with any statutory or other legal requirement.

12. Any changes in the binding elements shall require a public hearing at the Planning Commission level and final approval by the Metro Council.

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

---

H. Stephen Ott  
Metro Council Clerk

---

David James  
President of the Council

---

Greg Fischer  
Mayor

---

Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

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

O-378-19 16ZONE1044 Approval (as amended) (TF)