

ORDINANCE NO. 176, SERIES 2017

AN ORDINANCE CHANGING THE ZONING FROM C-2 COMMERCIAL TO M-2 INDUSTRIAL ON PROPERTY LOCATED AT 13013 DIXIE HIGHWAY CONTAINING 2.05 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 17ZONE1014).

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 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. 17ZONE1014; and

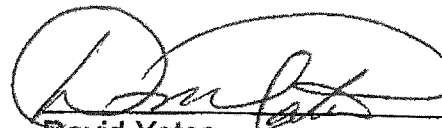
WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 17ZONE1014 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records;


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 13013 Dixie Highway containing 2.05 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 17ZONE1014, is hereby changed from C-2 Commercial to M-2 Industrial; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 17ZONE1014.

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


H. Stephen Ott
Metro Council Clerk

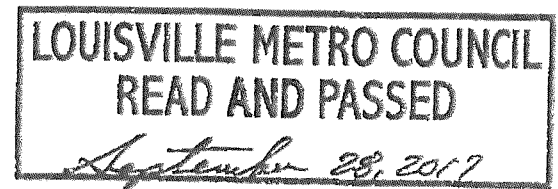

David Yates
President of the Council


Greg Fischer
Mayor

10/9/17
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney



By: 

O-273-17 (jc)

Case No. 17ZONE1014 Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan and the requested Landscape Waiver of Section 10.2.4 to decrease the 15' property perimeter landscape buffer yard along the north and south property lines to 5', **SUBJECT** to the following binding elements:

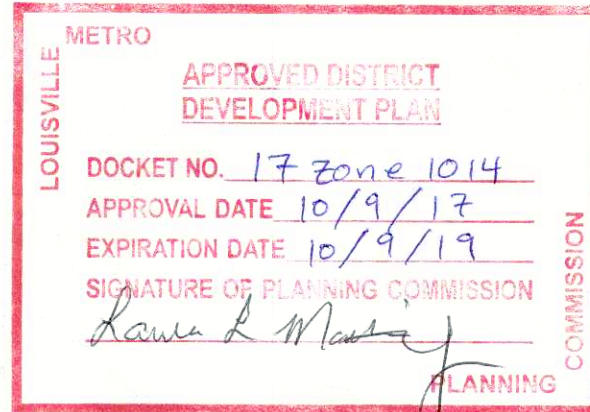
1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. Right-of-way dedication shall be required, 65' from centerline of payment within 30 days of Metro Council approval for the re-zoning. Right-of way may be dedicated by a Deed of conveyance or minor plat.
9. The gate to access the property shall be open from 6am to 6pm (or open and close of business) to eliminate any queue of Semi trucks on Dixie Hwy.
10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
11. Each individual trailer may not be stored on the property for longer than 7 consecutive days.
12. Use shall be limited to empty tractor trailer parking and storage as proposed at the August 3, 2017 Planning Commission meeting. Any change of use on the property shall require approval by Metro Council.

PRELIMINARY APPROVAL
DEVELOPMENT PLAN

CONDITIONS:

BY: *Tangley Mehlert*
DATE: 8-30-17
LOUISVILLE/JEFFERSON COUNTY
METRO PUBLIC WORKS



NOTICE

PERMITS SHALL BE ISSUED
ONLY IN CONFORMANCE
WITH THE BINDING ELEMENTS
OF THIS DISTRICT
DEVELOPMENT PLAN.

SITE PLAN LEGEND

- MEDIUM HEIGHT SHRUB
- SMALL HEIGHT SHRUB
- EXTENSION OF ENTRANCE CONCRETE
- REQUESTED WAIVER OF 15' LANDSCAPE BUFFER
- PROPOSED 5' LANDSCAPE BUFFER



ADJACENT PROPERTY

ADDRESS: 13003 DIXIE HWY.
OWNER: RAYMOND PEAKE
ZONE: C2 SMC

FENCING ALONG
PROPERTY LINE TO
BE REPLACED
WITH NEW

PROPOSED 5'
LANDSCAPE
BUFFER

REQUESTED
LANDSCAPE BUFFER
WAIVER

10 SPACES

DIXIE HWY.

2 VICINITY MAP
NO SCALE

PRELIMINARY APPROVAL

Condition of Approval:

Tangley Mehlert 8-30-17
Development Review Date

LOUISVILLE & JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

SITE STATISTICS

CURRENT ZONING: C2
PROPOSED ZONING CHANGE: M2

*NOTE: NO CONSTRUCTION IS PROPOSED WITH
THIS ZONING CHANGE.

ADJACENT PROPERTIES: C1 / C2

VEHICLE USE AREA: TRAILER SPACES = 20
20,625 S.F.

PARKING: MIN = 1 SPACE / 1.5 EMPLOYEES
MAX = 1 SPACE / 1 EMPLOYEE
MAX SHIFT = 6 EMPLOYEES

EMPLOYEE SPACES = 6
972 S.F.

ACRES: 1.87250

LANDSCAPING: TOTAL LOT: 87,540 S.F.
REQUIRED LANDSCAPING = 5% OF LOT
= 4,377 S.F.
EXISTING LANDSCAPING = 700 S.F.
PROPOSED LANDSCAPING = 3,700 S.F.
TOTAL LANDSCAPING = 4,400 S.F.

OWNER INFORMATION: ROCKY MEHIC
CARDINAL TRANSPORTATION
PO BOX 9515
LOUISVILLE, KY 40209
502-772-2711

DRAWN BY LAJ
CHECKED BY LAJ
DATE 8/21/2017
REV. DESCRIPTION DATE
1 CITY COMMENTS 8/16/2017

SHEET TITLE

RECEIVED

AUG 24 2017

PLANNING
DESIGN SERVICES

SITE PLAN

AS1.0

1 SITE PLAN

1/20" = 1'-0"