

ORDINANCE NO. _____, SERIES 2022

AN ORDINANCE RELATING TO THE REVISED DISTRICT DEVELOPMENT PLAN AND ALTERNATE PLAN FOR ACCESS FOR PROPERTY LOCATED AT 8016 SHEPHERDSVILLE ROAD CONTAINING APPROXIMATELY 18.09 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22DDP0001). (AS AMENDED)

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) previously approved the zoning change in connection with 8016 Shepherdsville Road pursuant to Ordinance No. 239, Series 2018 (the “2018 Ordinance”); and

WHEREAS, as part of the 2018 Ordinance, any changes/additions/alterations of any binding element(s) shall require a public hearing by the Planning Commission with final approval by Council; and

WHEREAS, the proposed revised district development plan necessitates changes to the binding element(s); and

WHEREAS, as part of 22DDP0001, the revisions also include an alternate plan for access which requires Council approval; and

WHEREAS, the Council has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the “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. 22DDP0001; and

WHEREAS, the Council ~~concurs in and adopts~~ disagrees with the findings of the Planning Commission denying the alternate plan for access and denying the revised district development plan in Case No. 22DDP0001 ~~and approves and accepts the~~

~~recommendation of the Planning Commission as set out in said minutes and records;~~
and

WHEREAS, the Planning Commission had previously approved an Alternate Plan for Access on this site as part of Case No. 16-ZONE-1027 which was eventually confirmed by the Metro Council via Ordinance No. 239, Series 2018; and

WHEREAS, there were additional binding elements created relating to the original Alternate Plan for Access which are still applicable to the property; and

WHEREAS, the currently proposed Alternate Plan for Access is substantially similar to what is currently approved, with the same justification applying; and

WHEREAS, the Alternate Plan for Access is the main reason why the Planning Commission recommended denial of the revised district development plan; and

WHEREAS, the Staff Report was generally in favor of the revised district development plan, with the exception of the Alternate Plan for Access; and

WHEREAS, the applicant has agreed to make an emergency-only connection to Cedar Brook Drive in response to some of the concerns raised by members of the Planning Commission; and

WHEREAS, the applicant will still need to go before the Board of Zoning Adjustment to seek a variance related to the revised district development plan; and

WHEREAS, the Council now wishes to approve both the Alternate Plan for Access and the Revised District Development Plan, including the binding elements contained in the Planning Commission staff report, with some additions and amendments.

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

SECTION I: That the alternate plan for access and the revised district development plan for the property located at 8016 Shepherdsville Road containing approximately 18.09 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22DDP0001, ~~is~~are hereby ~~denied~~approved, including the binding elements contained in the Planning Commission staff report for case no. 22-DDP-0001 and the following additional and amended binding elements:-

#11. Construction plans, bond, and permit for a 5 foot sidewalk along either the East (from Shepherdsville Road to Outer Loop) or West (between the C-1 zoned portion of the site and Outer Loop) side of Robbs Ln ~~between 1 portion of the site to the existing sidewalk along Robbs Lane frontage of 5100 Outer Loop~~ shall be submitted prior to issuance of the first building permit. The ultimate location of the sidewalk will be determined in consultation with Public Works. Should the applicant sufficiently demonstrate to Public Works that construction of the sidewalk along Robbs Ln. is infeasible/impossible for reasons beyond the applicant's control, then the applicant may satisfy compliance with Comprehensive Plan 2040 Policies applicable to providing sidewalk connectivity from/to the subject property by providing the Fee in Lieu of Construction for the sidewalk along Robbs. Demonstration of infeasibility/impossibility shall require, at minimum, construction plans showing existing rights-of-way and limits of disturbance, efforts to acquire temporary construction easements as needed, and other measures which Public Works might reasonably require.

#12. ~~Sidewalk along Robbs Lane and~~ Turning lanes on Shepherdsville Rd. shall be installed and completed prior to issuance of certificate of occupancy. Also, prior to issuance of certificate of occupancy, the sidewalk along Robbs Ln. shall be installed and completed or, in accordance with Binding Element # 11, the fee in lieu of construction of the Robbs Ln. sidewalk shall be fully paid to Louisville Metro Public Works. The amount of the Fee in Lieu of Construction shall be calculated pursuant to Land Development Code Section 6.2.6.C.4.a.i.

16. The plan on file shall be amended under the current case number and resubmitted for staff approval to Planning & Design Services showing an emergency-only gated connection from the development to Cedar Brook Drive Preliminary approvals shall be obtained from MSD and Transportation Planning prior to staff approval.

17. All gates shall comply with safety requirements for gated connections as determined by Louisville Metro Public Works and the relevant emergency authorities (police, fire and EMS).

SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
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-175-22 22DDP0001 Approval (Tier 2 Amendments).docx (TF 8-25-22)