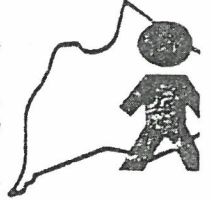


1/17/1984

Jay

**Louisville and Jefferson County
Planning Commission**



900 Fiscal Court Building, Louisville, Kentucky 40202 502-581-6230

January 17, 1984

Dear Property Owner:

Fiscal Court of Jefferson County has approved the zoning change cited on the attached page. This change in zoning was approved under the Plan Certain ordinance and is therefore subject to certain binding elements. As the effective enforcement of binding elements requires the participation of those people who are most directly affected by the land use, a listing of applicable binding elements is being forwarded to you.

The Plan Certain regulation, which was adopted by Fiscal Court on August 12, 1975, provides a legal mechanism for binding a developer to provide those amenities and other improvements that he has agreed to and for binding him to those parts of a development plan that are necessary to protect the public health, safety and welfare. While the Plan Certain ordinance does not imply that every detail mentioned in a presentation by a potential developer or that every line drawn on a development plan is permanently binding, it does mean that key and critical elements of development proposals which are calculated to win the support of the Planning Commission, Fiscal Court, and the public at large can be stipulated as legally binding elements of the development which must be followed.

The binding elements, which are read into the record at the public hearing before the Planning Commission, run with the land and are therefore binding upon the owner(s) and other parties having an interest in the subject property, their heirs, successors, and assigns. They are enforceable in the same manner as any zoning regulation, that is, through administrative and court proceedings. If you observe any violation of the binding elements, please exercise your right as a citizen by filing a complaint with the Planning Commission (581-6230) or with the Code Enforcement Office (581-5950).

Thank you for your attention and your cooperation.



9/24/1982

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LOUISVILLE AND JEFFERSON COUNTY PLANNING COMMISSION
900 Fiscal Court Building
Louisville, Kentucky 40202
LOUISVILLE AND JEFFERSON COUNTY PLANNING COMMISSION

Docket No. 9-62-82

Application date: _____

Application fee: \$625.00

1. THE UNDERSIGNED AGREES THAT THE FILING OF THE APPLICATION CONSTITUTES AN AGREEMENT BY THE OWNER(S) AND OTHER PARTIES HAVING AN INTEREST IN THE SUBJECT PROPERTY, THEIR HEIRS, SUCCESSORS, AND ASSIGNS, THAT, IF THE ZONING DISTRICT MAP AMENDMENT(S) PROPOSED BY THIS APPLICATION IS ENACTED BY THE APPROPRIATE LEGISLATIVE BODY, BUILDING PERMITS FOR IMPROVEMENT OF THE SUBJECT PROPERTY SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF A DISTRICT DEVELOPMENT PLAN CONFORMING TO THE ZONING DISTRICT REGULATIONS AND APPROVED BY THE PLANNING COMMISSION, AND THAT SUCH BINDING ELEMENTS SHALL BE STRICTLY COMPLIED WITH AND MAY BE ENFORCED IN THE SAME MANNER AS THE ZONING DISTRICT REGULATION
2. The applicant(s) hereby request that the zoning district classification(s) of the subject property be changed from R-4 residential to M-3 industrial.
3. The applicant proposes the following use(s): quarry
4. The property is located on the north (N,S,E,W) side of Aiken Road east of Jefferson Freeway extension (street or public way) and is 1,300 feet east (N,S,E,W) of Avoca Road * and extending feet northwardly to Old Henry Road (N,S,E,W) of _____ (street).
(* the nearest intersecting streets or public ways on each side of the property).
Street address if available: _____
5. The subject property contains 159.131 acres (sq. ft.) (acres).
6. The deed to the subject property is recorded in Deed Book 3831 Page 475. Deed Book 4477, Page 229
7. Do any of the following apply to the subject property:
 - a. A pending subdivision application? _____ yes X
Docket No. _____
 - b. Binding elements of a district development plan? X no Docket No. _____
 - c. Previous rezoning applications? _____ yes X
Docket No(s). _____

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8. The applicant shall submit as a part of this application the following information: ★
- a. A metes and bounds description of the area(s) proposed for rezoning.
 - b. *5 copies (2 stamped)*
~~Three stamped~~ copies of the development plan in conformance with the provisions of Section 1 - Plan Certain of the Zoning District Regulations.
 - ★ c. Written documentation as to how the proposed zoning district map amendment is justified with reference to KRS 100.213 and Section 1 - Plan Certain, Paragraph A.4(a) of the Zoning District Regulations.
 - d. Disclosure of ownership interest in the subject property.
 - e. Names, addresses and phone numbers of persons to be contacted for answers to any questions relating to this application.
 - f. The names and addresses of all adjoining property owners as required by law. (See attached instructions)

9. THE UNDERSIGNED HAS READ THE ABOVE APPLICATION AND IS FAMILIAR WITH THE INFORMATION SUBMITTED HERewith. IT IS AGREED AND UNDERSTOOD THAT THE UNDERSIGNED WILL BE HELD RESPONSIBLE FOR ITS ACCURACY.

Signatures of owners of the subject property:

Name	<i>Frank Gardiner Otte</i> FRANK GARDINER OTTE	Address	12001 Shelbyville Road Louisville, Kentucky 40243
Name	<i>Margaret H. Otte</i> MARGARET H. OTTE	Address	"
Name	CLARENCE OTTE NURSERY GARDENS, INC., by;	Address	"
Name	<i>Frank G. Otte</i> FRANK G. OTTE, President	Address	"

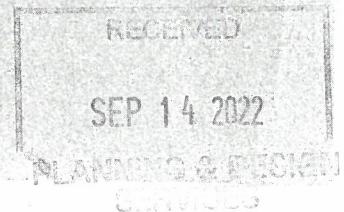
(Place additional signatures on a separate sheet) - See Attachment

LDG Attorney JOHN G. CARROLL 2320 CITIZENS PLAZA LOUISVILLE, KY 40202 1300
Name Address Phone # 583-4487

Engineer & or Architect see attached page
Name Address Phone #

Applicant Martin Marietta Corporation - See Attachment
Name Address Phone #

Present - nursery Proposed - Quarry



9.24-1982

Docket No. 9-62.82

Martin Marietta Corporation.

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SEP 24 1982

LOUISVILLE AND JEFFERSON COUNTY,
PLANNING COMMISSION

Justification for Zoning District Amendment.

The proposed development conforms with the letter and stated intent of the comprehensive plan, and is an exemplary proposal for the continued operation of an essential extractive industry in Jefferson County.

The developer submits the following comments on applicable guidelines of the comprehensive plan.

I-1 Locate, to the extent possible, industries in industrial subdivisions; otherwise locate industries adjacent to an existing industry to form industrial clusters. The following industries may locate away from industrial subdivisions and industrial areas, provided that they do not cause safety risks or nuisances to surrounding land uses:

- a) extractive industries or
- b) industries locating in areas of highly mixed land uses or
- c) industries locating in existing structures and adapting them for productive re-use or
- d) small-scale industries which are compatible with adjacent residential and other land uses or
- e) very large industries that are compatible to industrial subdivisions.

Although guideline I-1 specifically identifies extractive industries as being able to locate away from industrial subdivisions and industrial areas, the proposed industrial use (for an extractive industry) meets the more stringent requirement of being adjacent to an industrial subdivision and an industrial area. The proposed use is an expansion of the existing industrial area generally located between Old Henry Road and Aiken Road in Eastern Jefferson County, as shown in Core Graphic 19. As an expansion of that industrial area, the proposed use further consolidates the formation of an industrial cluster, achieving the expressed intent of guideline I-1 "To promote clustering of industries and minimize conflicts with non-industrial land uses."

In addition, Core Graphic 19 identifies the generalized area to the south and north of the existing adjacent industrial uses as general areas suitable for new major industrial subdivision by either 1985 or 2000. The clear implication is that the entire corridor of the Jefferson Freeway expansion between LaGrange Road and Shelbyville Road is an area suitable for industrial expansion.

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SERVICES

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The proposed use also achieves the intent of guideline I-1 "To ensure more economical construction and a more effective use of roads and utilities." The economical development of extractive industries can best be achieved through appropriate expansion of existing operations into an adjacent area. By so doing, economies of scale are obtained. Further, this specific proposal internalizes all traffic on the site by use of a tunnel connecting the existing operation west of the Jefferson Freeway right of way with this expansion east of the right of way. By so doing, the proposed use will cause absolutely no traffic increase of its own on the public roadways.

Another intent of guideline I-1 is "To promote effective screening, buffering and site planning." The proposed use is based on a well designed site plan that incorporates perimeter buffer zones, fencing, and where adjacent to the residential uses on Aiken Road, a landscaped buffer zone of rolling hills and trees. The buffer zones and landscaping are integral elements of the site plan and are designed to meet the intent of guidelines related to buffering, particularly I-1, I-4, I-6, I-8, and R-1.

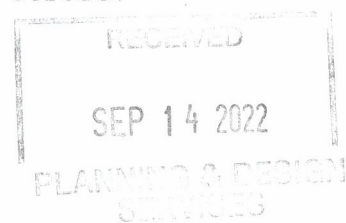
I-4 Design all industrial development to:

- a) be compatible with adjacent development in terms of size, height, mass and scale and
- b) provide, where appropriate, adequate lot sizes for buffering and screening adjacent development and
- c) provide sufficient space for on-site parking and service areas and
- d) use, where possible, the natural drainage patterns and
- e) save, to the extent possible, the natural vegetation and
- f) provide, where appropriate, trees, landscaping, benches, bus stops, bicycle storage facilities, and other site amenities and
- g) prevent signs from being a visual nuisance or a safety hazard to vehicular traffic.

Where all applicable elements of guidelines I-4 are met or exceeded, of particular importance is the provision of buffering and screening. As noted above, the proposal includes perimeter buffering, fencing, and landscaping. Further, the natural drainage pattern for surface water is westwardly off the subject property to the existing industrial operation.

I-5 Relate industrial development to the capacity of transportation facilities by:

- a) locating industrial uses with more than 100 employees on or very near an arterial street in close proximity to an expressway interchange and
- b) locating industrial uses with less than 100 employees on or near an arterial street.



The intent of I-5 is "To protect residential areas from increased traffic, noise and air pollution" and "To make industrial development easily accessible for employees and truck traffic." While this proposal involves little employment expansion since the subject industry is not labor intensive (the existing operation employs only 18 people), it does involve truck traffic. A significant feature of the plan is the use of a tunnel under the Jefferson Freeway so that truck traffic from the proposed expansion can reach necessary plant equipment without accessing public roadways. There will be no new access points on public roads from the subject property, all access being through the existing operation.

* I-6 Take all measures necessary to prevent industrial uses from causing nuisances to surrounding developments.

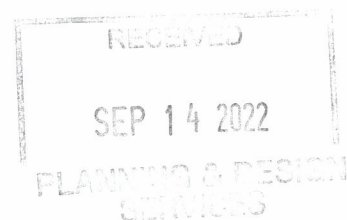
*** The proposal, as outlined above, includes several elements which achieve the intent of I-6 and comply fully with the guideline. Special note is again taken of the perimeter buffering and landscaping as integral elements of the site plan; and of the inter-nalization of truck traffic related to the site. In addition, operating details specified by Martin Marietta such as controlled blasting and watering of roadways are designed to prevent nuisances to surrounding developments and roadways.

I-7 Locate industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries away from residential areas and population concentrations.

* I-8 Prohibit industrial development within residential areas. Locate industries adjacent to residential areas or in mixed land use areas only if the industries can be made compatible with surrounding development. Expand existing industries which are adjacent to non-industrial development in a manner that meets the needs of the industry and protects surrounding development from nuisances.

Guidelines I-7 and I-8 are met. There are only a few residences and no residential areas or population concentrations near the site. The few nearby residences are protected from any nuisance related to the proposed use through buffering, landscaping and controlled operational procedures.

Although other industrial guidelines have no, or very limited application to the proposal, it is important to note that the proposal has a significant impact on economic development in Jefferson County. Martin Marietta provides an essential material for economic development throughout this area - stone. It is well known that extractive industries, particularly aggregates, are critical to the future growth and expansion of this community.

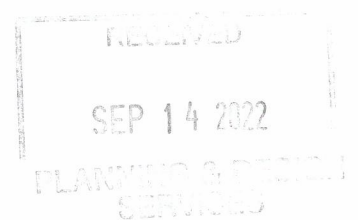


GENERAL COMMENTS

1. The proposal will require both this change in zoning and a conditional use permit to be issued by the Board of Adjustment. The applicant will request the Board to waive two requirements applicable to this type of conditional use permit. First, the requirement that no excavation be made within 50 feet of any boundary of the site be waived on the western portion of the boundary of the subject property adjacent to the existing quarry on the Reiss property. This waiver will accommodate the internal flow of traffic and will result in uniform operating and finished elevations. Second, the requirement (if applicable to a quarry) that the operation shall be completed in 5 years or 10 years if the time is extended by the Board. Martin Marietta predicts a 20-23 year life for the quarry on the subject property at its current rate of operation and production.

2. The subject property is leased by Martin Marietta, as reflected by memoranda of lease recorded in Deed Book 5269, pages 311 and 314 in the Jefferson County Court Clerk's office.

3. Clarence Otte Nursery Gardens, Inc., one of the owners of the subject property, is a Kentucky corporation. Its Articles of Incorporation are recorded in Corporate Book 127, page 200 in the aforesaid Clerk's office. Its officers, directors, and stockholders are: Frank G. Otte, 12001 Shelbyville Road, Louisville, Kentucky 40243; Abbie G. Otte, 308 Penruth Avenue, Louisville, Kentucky 40207; and Jack Worland, 3812 St. Germaine Court, Louisville, Kentucky 40207.



16-27-1982

ZONING SITE INSPECTION COMMITTEE

DOCKET NO: 9-62-82

COMMISSIONER: Karzen

DATE: October 27, 1982

PROPOSED USE: Quarry

1. The site has direct access to Thru Existing Quarry to (T-7)
Avoca Road

2. What is the approximate width and condition of pavement? (T-1)
Good

3. Is access to the site through an area significantly different in density or intensity? (T-9)
No

4. What adverse impacts (if any) will the proposed development have on the nearby residential property? (R-1 and F-5)
Blasting and dust

5. Does the proposed development differ significantly in size, height, mass or scale from adjacent development? (R-4, I-4, C-2 and O-5)
No

6. What are the surrounding land uses? (R-5, I-8, C-4, C-6 and O-3)

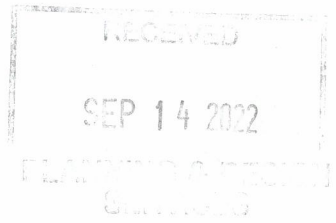
* 7. Will screening/buffering be desirable? (R-3, I-8, C-3 and O-5)
Yes
If so, where?

Recommendations?

8. Are there any features on the site which should be protected, i. e., trees, historically significant buildings, etc.? (E-19)

9. Are there any changes or additions that could be made to the proposal which would create greater harmony between the development and the neighborhood, i. e., decrease density, etc.? (R-1)

10. Any additional comments?



1-20-1983

PLANNING COMMISSION STAFF REPORT

JANUARY 20, 1983

DOCKET NO. 9-62-82 (continued)

ZONING SITE INSPECTION COMMITTEE

October 27, 1982

Access to the site will be provided by road through existing quarry to Avoca Road. The pavement is in good condition. Screening will be needed to protect adjacent property owners. Blasting and dust may have an adverse impact on nearby residential property.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

October 14, 1982

The applicant intends to expand an existing quarry.

The Committee was informed that the proposed binding elements are minimal because the operation will require a conditional use permit from the Board of Zoning Adjustment. The conditional use permit will deal with the requirements related to the quarry.

The Committee was informed that the Bureau of Highways has purchased a corridor through the property for right-of-way of the Jefferson Freeway. The Department of Transportation will provide an underpass to allow vehicles to pass from one side of the freeway to the other without using public streets.

The applicant's representative stated that the developer proposes a 20 to 25 year surface mining operation. Detailed plans on the incremental spread will be furnished to the Board of Zoning Adjustment. The developer proposes to use the present access. Upon questioning from Commissioner Birch, the applicant's representative stated that the proposed buffering will include a chain link fence and undulating mounds with landscaping.

Upon questioning from Commissioner Birch, the applicant's representative stated that the quarry conducts blasting operations every day at noon and that the blasting operations are periodically moved. He stated that all of the neighbors within about a half mile radius of the site have been contacted, and that only two or three object. Commissioner Birch pointed out that one quarry in the county which is contiguous to residential property is currently under litigation because projectiles have gone outside the subject site. The applicant's representative stated that careful records of blasting times and techniques will be maintained.

Upon questioning from Commissioner Birch, the applicant's representative stated that the proposed operation will have no impact on the ground water.

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PLANNING COMMISSION STAFF REPORT

JANUARY 20, 1983

DOCKET NO. 9-62-82 (continued)

The Planning Commission staff informed the Commission that the wording of some of the proposed binding elements will need to be changed because certificates of occupancy are not required for quarry operations.

The Committee was informed that the proposal does not appear to violate any of the guidelines of the Comprehensive Plan.

More information is needed before a determination can be made regarding the development's compliance with the following guidelines:

R-1, I-4, I-6, I-7, and I-8.

Guidelines of the Comprehensive Plan which do not appear to be violated or which are not of a technical nature were not specifically discussed.

The following binding elements were agreed to:

The following proposed binding elements do not imply endorsement of the proposal by the Planning Commission staff nor the Planning Commission. They are merely intended to be elements considered appropriate in the event that the zoning case and development plan are approved.

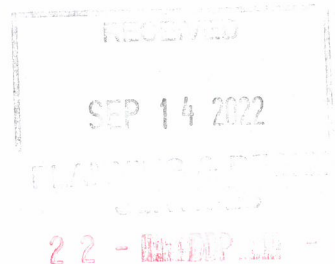
1. A Conditional Use Permit must be obtained from the Board of Zoning Adjustment to allow the quarry operation.
2. The development plan must be reapproved by the Water Management, Transportation Engineering and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation.
3. These binding elements may be amended as provided for in the Zoning District Regulations.

Set the public hearing for December 16, 1982.

David Daugherty, Engineer, John Carroll, Attorney, and Stuart Williams were present.

LAND USE

The site is adjacent to an existing quarry; and is occupied by a single family dwelling, a nursery and greenhouse range. Single family dwellings are located on both sides of Aiken Road. A church



PLANNING COMMISSION STAFF REPORT

JANUARY 20, 1983

DOCKET NO. 9-62-82 (continued)

and cemetery are located across Aiken Road from the southwest corner of the site. Large tracts of vacant land are located in the area. The Jefferson Freeway is located off the northwest corner of the site. See attached land use map for specific locations and uses.

ZONING ORDINANCE

The existing R-4 Residential District allows agricultural uses, churches, schools, libraries, parks and playgrounds, and single family dwellings up to a density of 4.84 units per acre.

The proposed M-3 Industrial District allows, among other uses, boiler manufacture, forge plants, metal casting, refrigerating plants, and wood and lumber processing. The following uses also are allowed by conditional use permit: distillation or refinement of coal, explosives and explosive storage, mining of minerals (including limestone) ore dumps and slag piles, stockyards and feed lots, and slaughter houses.

CHANGE CRITERIA
KENTUCKY REVISED STATUTE 100.213

"Findings necessary for map amendment. Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the community's comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court.

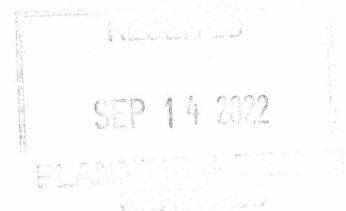
(1) That the original zoning classification given to the property was inappropriate or improper.

(2) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the community's comprehensive plan and which have substantially altered the basic character of the area."

COMPREHENSIVE PLAN

The following guidelines of the Comprehensive Plan appear to be applicable to this request (See Staff Report Appendix for full text).

E-1 environmental limitations
E-6 drainage control
E-7 grading



PLANNING COMMISSION STAFF REPORT

JANUARY 20, 1983

DOCKET NO. 9-62-82 (continued)

- E-8 erosion and sedimentation
- E-15 dust control
- T-1 adequate streets
- T-5 adequate right-of-way
- T-7 adequate access
- T-8 internal circulation
- T-11 off-street parking/loading
- R-1 protect neighborhoods
- I-1 industrial subdivision
- I-4 design
- I-5 transportation access
- I-6 nuisances
- I-7 hazardous and offensive uses
- I-8 next to residential/mixed use, expansion
- I-11 prime industrial sites
- F-8 adequate fire protection
- G-1 equitable cost sharing

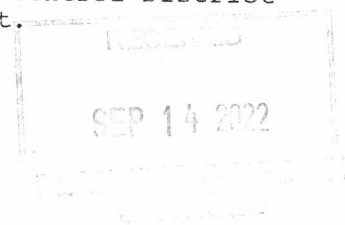
PRELIMINARY STAFF ANALYSIS

The applicant proposes to expand the operation of an existing quarry on an additional 159.131 acres. The site is occupied by a single family residence and a nursery that fronts along Aiken Road. Access to the site will be provided by internal roads through the existing quarry leading to Avoca Road.

In addition to the change in zoning to the M-3 Industrial District, the proposal will require a conditional use permit from the Board of Zoning Adjustment to allow the quarry operation.

The requirements for the conditional use permit for a quarry are extensive, therefore, the suggested binding elements for this request are limited. These requirements necessitate extensive engineering studies and data. Standards of operation and bonding procedures are part of the conditional use permit process and provide ample controls for operation of the industry. Additionally, such operations are controlled by the Commonwealth, particularly with regard to use of explosives.

The environmental guidelines relate to limitations, drainage control, minimization of grading, erosion, sedimentation and dust control. The Water Management Section of the County Department of Public Works and Transportation has granted preliminary approval of surface water control for this site. The proposal is in compliance with Guidelines E-1, E-6 and E-7. When blasting activity begins on the site the developer should conform to all applicable rules and regulations established by the Air Pollution Control District relative to proper management and control dust.



PLANNING COMMISSION STAFF REPORT

JANUARY 20, 1983

DOCKET NO. 9-62-82 (continued)

The transportation guidelines, Industrial Guideline I-5 and Government Guideline G-1 deal with provisions for adequate vehicular and pedestrian transportation facilities. The guidelines also seek assurances that those who propose new developments bear or reasonably share in the public facilities and services made necessary by the development. The site is located on the northwest side of Aiken Road, however, direct access will be provided a road through the existing quarry to Avoca Road. The Jefferson Freeway bisects the site of this request. The Bureau of Highways has purchased a corridor through the property for the right-of-way of the Jefferson Freeway. The Department of Transportation will provide an underpass to allow vehicles to pass from one side of the freeway to the other without using public streets. The proposal has received preliminary approval from the Transportation Engineering Section of the County Department of Public Works and Transportation. The proposal is in conformance with Guidelines T-1, T-5, T-7, T-8, T-11, I-5 and G-1.

Guideline T-9 suggests that street access to a development through areas of significantly lower intensity or density development be discouraged. Since direct access to the site of expansion is from the road within the confines of the existing quarry. There should be no significant increase in traffic using Avoca and other roads in the vicinity. The projected life of the quarry (20-23 years) indicates that there should not be an increase in traffic. The proposal appears to be in compliance with this guideline.

Residential Guideline R-1 encourages the protection of residential neighborhoods from adverse impacts of proposed development and land use changes. The southeast portion of the site is adjacent to single family residences fronting on Aiken Road. These residences are sound and well maintained. The Zoning Site Inspection Committee has indicated that blasting and dust could have an adverse impact on the adjoining residential area. The plan makes provisions for buffer strips ranging in size from 50 feet to 370 feet from adjoining properties. Chain link fencing and a landscaped buffer zone will be used to separate the quarry from the single family residences. The applicant should address this guideline to assure the Commission that the existing residences in the area will be protected.

The industrial guidelines deal with the location of industrial uses, design, nuisances, hazardous and offensive uses and considers locating industries adjacent to residential areas. The proposal is for an expansion of an existing extractive industry and according to Core Graphic 19 of the Comprehensive Plan the site is a prime industrial location.

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PLANNING COMMISSION STAFF REPORT

JANUARY 20, 1983

DOCKET NO. 9-62-82 (continued)

* The unique characteristics of extractive industries (mines for ores, minerals and earths) require that such operations be located where the proper quality materials are located. However, because the proposal needs an extensive buffer to avoid any nuisance to abutting residential properties and because a conditional use permit is required the applicant should discuss Guidelines I-1, I-4, I-6, I-7, and I-8.

Community Facility Guideline F-8 seeks provisions for adequate fire protection. The Jefferson County Fire Safety Officer has given a preliminary review to the development plan.

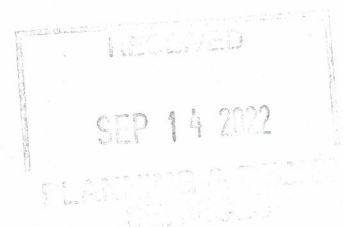
The applicant should address the methods to be used to make the proposal conform to Guidelines R-1, I-1, I-4, I-6, I-7 and I-8. It should be established that the proposed rezoning is in conformance with these guidelines.

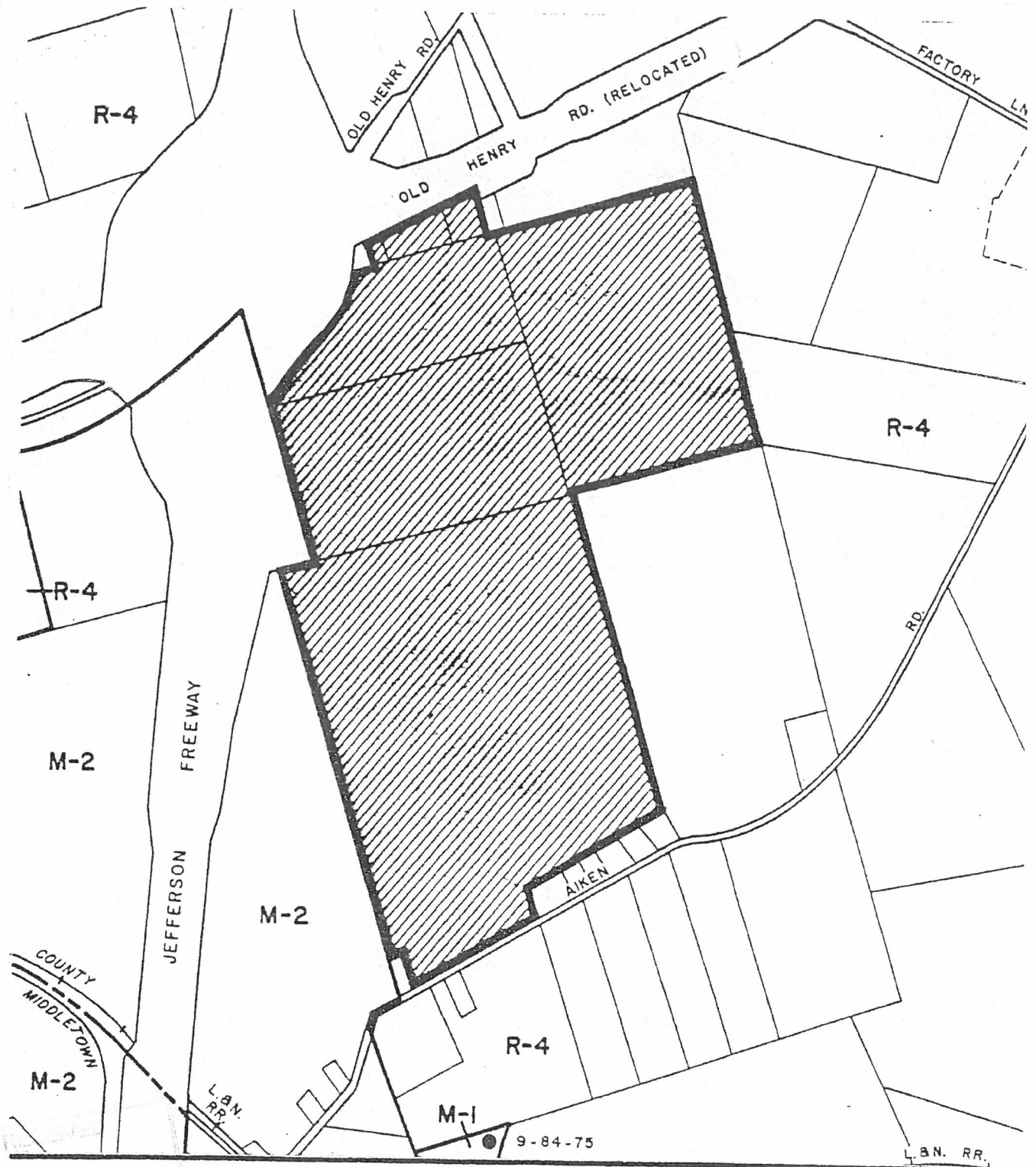
* The Planning Commission must determine if the original zoning was inappropriate or improper, if the proposal is in conformance with the Comprehensive Plan or if there have been any changes of a physical, social or economic nature which have altered the basic character of the area and which were not anticipated by the Comprehensive Plan.

SUGGESTED BINDING ELEMENTS

The following proposed binding elements do not imply endorsement of the proposal by the Planning Commission staff nor the Planning Commission. They are merely intended to be elements considered appropriate in the event that the zoning case and development plan are approved.

1. A Conditional Use Permit must be obtained from the Board of Zoning Adjustment to allow the quarry operation.
2. The development plan must be reapproved by the Water Management, Transportation Engineering and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation.
3. These binding elements may be amended as provided for in the Zoning District Regulations.





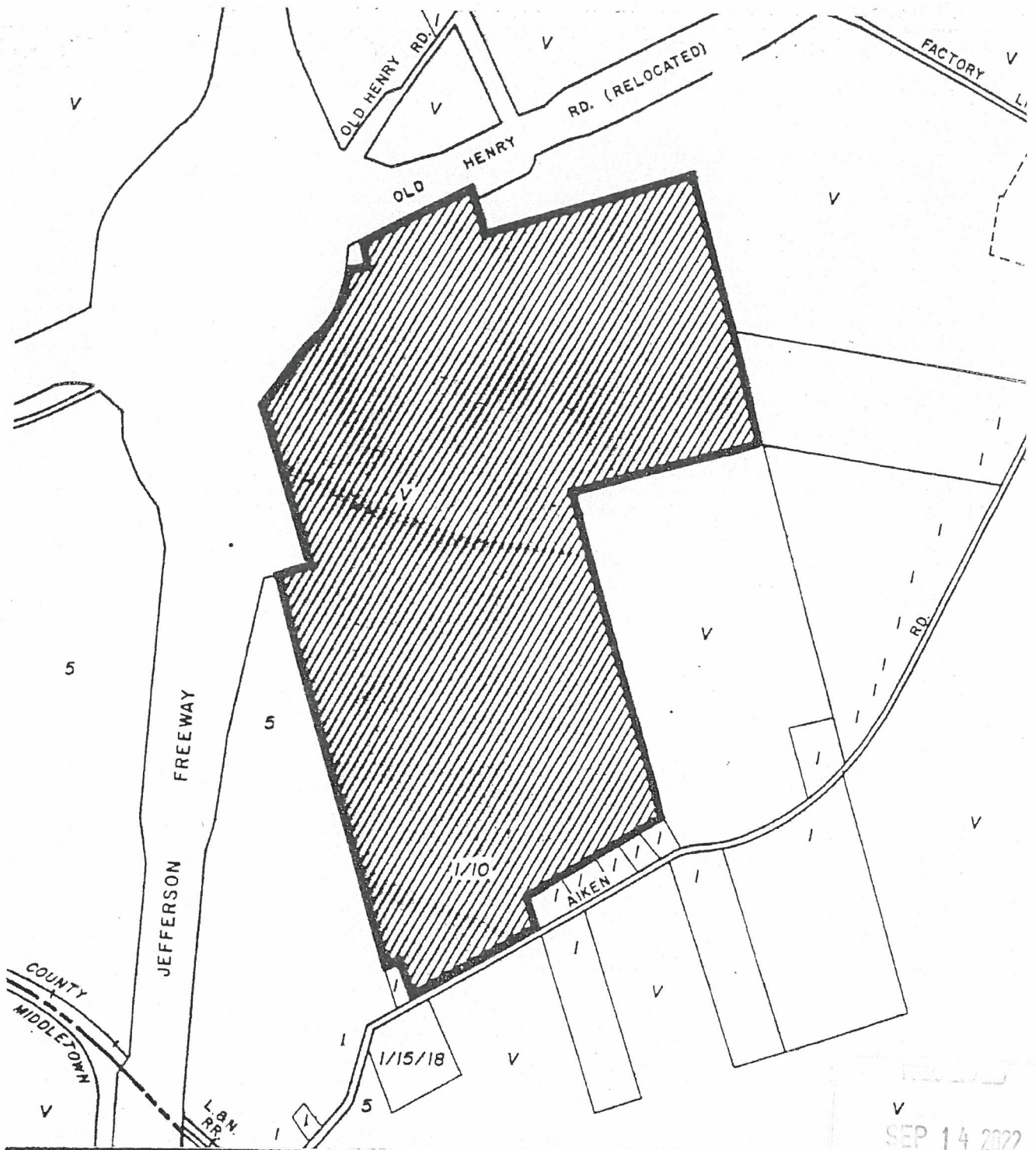
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ZONING DISTRICT LEGEND CODE

- R-4 Residential
- M-2 Industrial
- M-1 Industrial
- M-3 Industrial

Subject Property


	Zoning District Map Oct. 11, 1982 <small>Louisville and Jefferson county planning commission</small>	Docket No. 9-62-82 R-4 to M-3	 No Scale SCALE 1" = 1/2"	Sheet 17
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LAND USE LEGEND CODE

- | | |
|-----------------------|--------------|
| 1 Single Family | 15 Religious |
| 5 Heavy Industrial | 18 Cemetery |
| 10 General Commercial | V Vacant |

 Subject Property

	<p>Land Use Oct. 8, 1982 Louisville and Jefferson county planning commission</p>	<p>Docket No. 9-62-82 R-4 to M-3</p>	 <p>SCALE 1" = 100'</p>	<p>Sheet 17</p>
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5-15-1989

JEFFERSON COUNTY BOARD OF ZONING ADJUSTMENT MINUTES

MAY 15, 1989

DOCKET NO. B-15-84

Applicant: Holloway Avoca Quarry

Subject: Request for a revision of an existing Conditional Use Permit in order to amend the phasing plan for a quarry.

Premises affected: On properties located between Avoca Road, the L&N Railroad tracks, Aiken Road and Old Henry Road on either side of the Snyder Freeway and being in the unincorporated area of Jefferson County.

On April 27, 1989, a letter was received from John G. Carroll, Attorney, requesting revision of the existing Conditional Use Permit to amend the phasing plan for the quarry.

After a discussion of the case by the members of the Board in open executive session, on a motion by Member Troutman, seconded by Member Bell, the following resolution was adopted:

★ WHEREAS, the Board finds that because future residential development is proposed across Aiken Road, an amendment of the phasing plan would facilitate the relocation of the quarry away from this development and from homes on the quarry side of Aiken Road sooner than the original plan permitted, and

WHEREAS, the Board finds that due to above average rainfall this year, mining and production in the northern phases have been extremely slow, difficult and unable to meet the increased demand of construction,

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby APPROVE the amended phasing plan as received on April 27, 1989.

The vote was as follows:

YES: Members Chambers, Bell, Korfhage and Troutman

NO: No One

NOT VOTING: Member Henderson, who left prior to executive session.

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PLANNING DEPARTMENT

12-13-1983

Zoning Ordinance No. 24, 1983

ZONING ORDINANCE NO. 24, SERIES 1983

DOCKET NO. 9-62-82 - PLAN CERTAIN
AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL
TO M-3 INDUSTRIAL OF PROPERTY LOCATED ON THE NORTHWEST
SIDE OF AIKEN ROAD 1170 FEET MORE OR LESS NORTHEAST OF
THE LOUISVILLE AND NASHVILLE RAILROAD RIGHT-OF-WAY AND
5600 FEET MORE OR LESS SOUTHWEST OF AIKEN ROAD AT ITS
INTERSECTION WITH FACTORY LANE, FRONTING OF THE NORTH-
WEST SIDE OF AIKEN ROAD 1948 FEET MORE OR LESS AND
EXTENDING NORTHWESTWARDLY AT VARYING WIDTHS, THE GREATEST
OF WHICH IS 2375 FEET MORE OR LESS, TO A MAXIMUM DEPTH
OF 3500 FEET MORE OR LESS, CONTAINING 159 ACRES, MORE OR
LESS AND BEING IN THE UNINCORPORATED AREA OF JEFFERSON
COUNTY.

WHEREAS, the Fiscal Court has considered the evidence
of the public hearing held by the Planning Commission and the
recommendations of the Commission and its staff, as set out in
the minutes and records of the Louisville and Jefferson County
Planning Commission, and

WHEREAS, the Fiscal Court concurs in and adopts the
reasons of the Planning Commission for said zoning change and
approves and accepts the recommendations of the Planning Com-
mission in this matter;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF
JEFFERSON COUNTY:

Section 1. That the herein described property referred
to in Docket No. 9-62-82 is hereby changed from R-4 Residential
to M-3 Industrial, provided however, said property shall be
subject to the binding elements set forth in the minutes of the
Planning Commission in said Docket No. 9-62-82. Said property
is in the unincorporated area of Jefferson County and is described

as follows:

BEGINNING at an iron pipe corner of the property conveyed
to Robert Phillip Totten and Carole Jean Totten, his
wife, by deed dated June 29, 1981, recorded in Deed Bk. 4111,
Page 143 in the Office of the Clerk of the County Court
of Jefferson County, said point being in the northward
line of Aiken Road and North 62° 30' East, 75 feet (D)
from an iron pipe at a corner post with Standard Materials
Corporation, said point also being in the northward line
of Aiken Road, thence with the Totten line North 18° 30'
West, 210.0' (D) to an iron pipe corner, thence South 62°
30' West, 75.0' (D) with the Totten line to an iron pipe
corner in the Standard Materials Corporation line, thence
with said line North 18° 30' West, 2,215.8 feet (D) to
a corner post in Pat Lydon's line said point also being a
point in the Right-of-way of Jefferson Freeway and being
125' (R.D.O.T.) Right-of-Way Station 1,208 + 13.11, thence
with Jefferson Freeway Right-of-Way line North 75° 16'

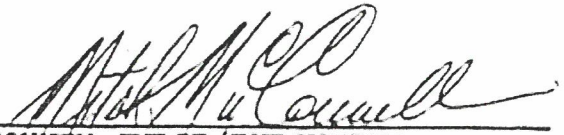
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50° East, 127.97 feet (K.D.O.T.) to a corner post, said post also being a southeasterly corner of the Emil and Leah Berry tract, thence continuing with the Jefferson Freeway Right-of-Way line also being the Berry line North 15° 36' 24" West, 857.62 feet (K.D.O.T.) to a point of intersection with the Right-of-Way line of Old Henry Road ramp 1 on the Jefferson Freeway said Right-of-Way line having a radius of 648.70 feet and being 17.77 feet southeast of the southwest corner of a tract of land owned by Clarence Otto Nursery Gardens, Inc., said point also being located 202.68 feet Right of Jefferson Freeway centerline station 1216 + 80.81, thence with said radius an arc length of 71.11 feet (K.D.O.T.) to an intersection with the South line of the aforesaid Clarence Otto Nursery Gardens, Inc. tract, said point of intersection being North 74° 18' 18" East, 14.83 feet (K.D.O.T.) from the southwest corner of the Clarence Otto Nursery Gardens, Inc. tract, said point also being 70° Right of centerline station 318 + 07.38 on Ramp 1 of the Jefferson Freeway thence continuing with said 648.70 feet radius an arc length of 210.92 feet to a point in the Right-of-Way of aforesaid Ramp 1, said point being 70° Right of centerline station 320 + 14.15 Ramp 1 Jefferson Freeway, thence continuing with said Right-of-Way line North 19° 21' 11" East, 323.72 feet (K.D.O.T.) to a point 45 feet Right of centerline station 323 + 58.91 feet Ramp 1 Jefferson Freeway, thence with a radius 522.46 feet an arc length of 263.81 feet (K.D.O.T.) to a point 45 feet Right of centerline station 325 + 00.00 Ramp 1, Jefferson Freeway, thence continuing with said Right-of-Way line North 15° 26' 11" East, 91.04 feet (K.D.O.T.) to a point 60 feet Right of centerline station 326 + 81.01, thence North 4° 07' 50" East, 27.39 feet to a point 60 feet Right of centerline station 327 + 03.40 said point also being on the south line of a tract of land owned by Emmett L. and Geneva Gray, thence with said Gray line, leaving the Right-of-Way line of Ramp 1, North 74° 18' 18" East, 115.11 feet (K.D.O.T.) to the southeast corner of the Gray tract, said point being 159.51 feet Right of centerline station 156 + 35.69 on Old Henry Road (ultimate), Jefferson Freeway, thence with the easterly line of the Gray tract North 15° 33' 30" West, 141.37 feet (K.D.O.T.) to a point in the Right-of-Way line of Old Henry Road (ultimate), said point being 120 feet Right of centerline station 157 + 18.56 on Old Henry Road (ultimate), thence with the southerly Right-of-Way line of Old Henry Road (ultimate) North 47° 07' 30" East, 652.70 feet (K.D.O.T.) to a point, said point being 120 feet Right of centerline station 161 + 70.26, said point also being a point in the West line of the William Bush tract, thence with said line South 15° 33' 30" East, 245.28 feet (K.D.O.T.) to an iron pipe in the southwest corner of the William Bush tract, thence with the southerly line of the same tract North 72° 18' 54" East, 1,101.50 feet (D) to a post corner, thence with another line of the Bush tract South 16° 45' 20" East, 1,443.94 (D) feet to a point in the northeast corner of the Roy K. & Mildred Newton tract thence with the northerly line of said tract South 71° 41' 25" West, 1,051.09 feet (D) to an iron pipe in the northwest corner of the aforementioned Newton tract, thence with the westerly line of said tract South 16° 45' 00" East, 1,018.76 feet (D) to a corner, thence South 29° 45' West, 870.21 feet (D) to a corner, thence South 18° 20' East 252.45 feet (D) to a point in the

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 300 N. 10th St.

feet (D) to a point, thence South 62° 30' West, 248.30 feet (D) to the point of beginning, containing 159.131 acres more or less.

Section 2. This ordinance shall take effect upon passage and approval.



COUNTY JUDGE/EXECUTIVE
MITCH McCONNELL


Date of Adoption December 13, 1983

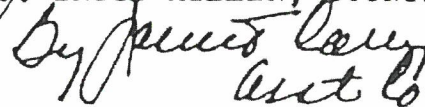
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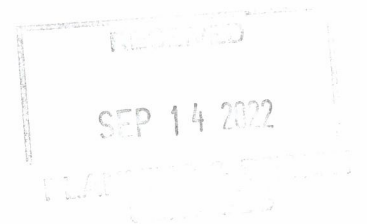


AUGUSTA C. SCOTT
FISCAL COURT CLERK

APPROVED AS TO FORM AND LEGALITY:



J. BRUCE MILLER, COUNTY ATTORNEY

Act to Atty

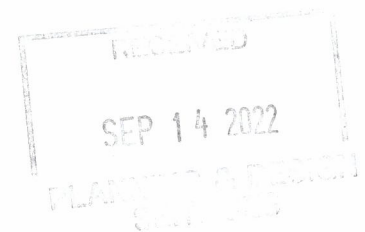


DOCKET NO. 9-62-82
Proposed Usage: Quarry
Date of Approval
by Fiscal Court: December 13, 1983

Location: on the northwest side of Aiken Road, 1320 feet more or less northeast of the L & N Railroad right-of-way and 5600 feet more or less southwest of Aiken Road at its intersection with Factory Lane.

BINDING ELEMENTS:

1. Blasting will be done in a manner designed to achieve the safe levels recommended in United States Bureau of Mines Reports of Investigations Number 8485 (Page 57, Paragraph 4) and Number 8507 Appendix B, Page 73 (Siskind et al 1980). A seismograph will be located on site and be operated during any blasting operations on site. The recording will note date, time, operator and location at the nearest point on applicant's property to nearest residence or on property of nearest residence. The seismological records shall be available along with the blasting log for the inspection of all interested parties for a period of 3 years after the blasting ceases on this site.
2. A Conditional Use Permit must be obtained from the Board of Zoning Adjustment to allow the quarry operation.
3. The development plan must be reapproved by the Water Management, Transportation Engineering and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation.
4. These binding elements may be amended as provided for in the Zoning District Regulations.



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#9-62-82



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