

**ORDINANCE NO. \_\_\_\_\_, SERIES 2021**

**AN ORDINANCE RELATING TO THE DECISION OF THE PLANNING COMMISSION TO APPROVE THE REVISED DISTRICT DEVELOPMENT PLAN PROPOSED IN CASE NO. 20-DDP-0047 (AMENDMENT BY SUBSTITUTION).**

**SPONSORED BY: COUNCIL MEMBER NICOLE GEORGE**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has reviewed the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the “Planning Commission”) and the findings and decision of the Planning Commission as set out in the minutes and records of the Planning Commission in Case No. 20-DDP-0047; and

**WHEREAS**, the Planning and Zoning Committee of the Council held a public hearing on 20-DDP-0047 on January 12, 2021; and

**WHEREAS**, the plan approved by the Planning Commission included a 30-ft encroachment into what was believed to be a 50-foot require setback; and

**WHEREAS**, the mitigation efforts proposed by the applicant would place a burden on the abutting residential property to report noncompliance; and

**WHEREAS**, the abutting residential property, a roughly 500-unit apartment complex formerly known as the historic Americana Apartments which once served as barrack-like housing for those employed at the former Naval Ordinance Station, is now inhabited largely by immigrants and refugees who have no such connection to the site’s current usage; and

**WHEREAS**, at that hearing the applicant presented a revised plan which would increase the setback beyond what was proposed at the Planning Commission; and

**WHEREAS**, at that same hearing it was revealed that the M-2 use which the applicant originally proposed requires a 200-foot setback per Land Development Code Section 2.6.1.A.1; and

**WHEREAS**, the 200-foot setback is meant to protect neighboring residential properties from some of the potentially serious intrusions created by an M-2 use, such as noise, pollution, light, and general safety; and

**WHEREAS**, the revised plan shown to the Planning and Zoning Committee proposed a 90-foot setback, necessitating a waiver of 110 feet; and

**WHEREAS**, the public was not adequately notified of either the 200-foot setback or the revised plan to provide adequate comment on the proposal; and

**WHEREAS**, the plan approved by the Planning Commission represented an even more significant intrusion into that 200-foot setback; and

**WHEREAS**, the Council finds that a waiver allowing a 30-foot encroachment into the 50-foot setback as discussed by the Planning Commission was inappropriate to grant under the circumstances; and

**WHEREAS**, the Council finds that a waiver allowing a 110-foot encroachment into the 200-foot setback would also have been inappropriate to grant under the circumstances; and

**WHEREAS**, the Council rejects the findings of the Planning Commission for the revised district development plan in Case No. 20-DDP-0047 and rejects the recommendation of the Planning Commission as set out in said minutes and records, leaving the district development plan which existed before that hearing in place.

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

**SECTION I:** That the revised district development plan for the property located at 105 Rochester Drive and being in Louisville Metro, as proposed and more particularly described in the minutes and records of the Planning Commission in Case No. 20-DDP-0047, is hereby rejected.

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

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Sonya Harward  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVE AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

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