

**CITY OF LYNDON
ORDINANCE 8-26-19**

**AN ORDINANCE RELATING TO THE APPROVAL OF A CHANGE IN ZONING
FROM C-1 TO C-2, APPROVAL OF A DETAILED DISTRICT DEVELOPMENT PLAN
AND BINDING ELEMENTS ON PROPERTY LOCATED AT 10330 MORAT AVENUE,
BEING IN THE CITY OF LYNDON (CASE NUMBER 19ZONE1031)**

WHEREAS, the City Council of the City of Lyndon has received and reviewed the findings and recommendations made by the Louisville Metro Planning Commission at its meeting on August 1st, 2019, recorded in the approved minutes from that meeting, and

WHEREAS, the Planning Commission recommended to the City Council of the City of Lyndon that, (a) the Applicant's request to change the zoning from C-1 to C-2 on property located at 10330 Morat Avenue be approved, (b) that the Applicant's Detailed District Development Plan be approved, (c) that the Applicant's requested waiver from LDC section 5.8.1.B to omit sidewalks along Morat Avenue be denied, (d) that the Applicant's requested waiver from LDC section 5.9.2.A.1.b.i to omit the pedestrian connection between the sidewalk and the building entrance be denied; (e) that the Applicant be subject to certain agreed upon binding elements, all detailed in Case No. 19ZONE1031, and finally, (f) that the City of Lyndon's approval be further conditioned on additional binding elements outlined below,

AND WHEREAS, the Applicant herein described have agreed to all the binding elements on said property, which are conditions of approval and are set out fully herein,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LYNDON:

Section 1. That subject to full compliance with the restrictions contained in all the binding elements placed on this site in Case Number 19ZONE1031, the City of Lyndon Council does hereby approve, (a) Applicant's request to change the zoning from C-1 to C-2 on property located at 10330 Morat Avenue, (b) Applicant's Detailed District Development Plan. The City of Lyndon Council's approval is conditioned upon the binding elements detailed in Case No. 19ZONE1031 and on additional binding elements set out below. In accordance with the recommendation of the Planning Commission, the City Council of the City of Lyndon hereby denies, (c) the Applicant's requested waiver from LDC section 5.8.1.B to omit sidewalks along Morat Avenue and (d) the Applicant's requested waiver from LDC section 5.9.2.A.1.b.i to omit the pedestrian connection between the sidewalk and the building entrance be denied. Further, the City of Lyndon Council does hereby specifically adopt in full (incorporated as if set out in full herein) the findings set out in the record of Case 19ZONE1031.

Section 2. The following shall be additional binding elements which shall be applicable and enforceable concerning the current and future use of the property described in 19ZONE1031:

1. The development shall be in accordance with the approved district development plan any changes/ additions/ alterations of any binding element(s), or to the approved district development plan, shall be submitted to the Planning Commission and to the City of Lyndon for review and approval; any changes/ additions/ alterations not so referred shall not be valid.
2. 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 property owner/ developer must obtain approval (including City of Lyndon approval), of a detailed plan for screening (buffering/ landscaping) as described in Article 12 prior to requesting a building permit. Lyndon may require more landscaping that required by code.

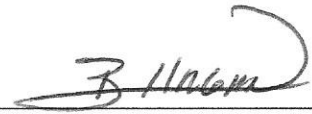
All binding elements and/or conditions of approval set out herein have been accepted in total, without exception, by the entity requesting this approval.

Section 3. This Ordinance shall take effect upon its passage, approval and publication as required by law.

FIRST READING: August 26, 2019

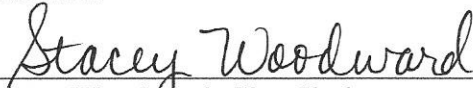
SECOND READING: September 23, 2019

PASSED AND APPROVED September 23, 2019



Brent Hagan, Mayor

ATTEST:



Stacey Woodward, City Clerk

In Favor: 7

Opposed: 0

I HEREBY ATTEST THAT I, AS THE AUTHORIZED REPRESENTATIVE OF THE APPLICANT/DEVELOPER HEREIN, HAVE READ FULLY UNDERSTOOD AND FULLY AGREED TO ALL THESE BINDING ELEMENTS AND CONDITIONS OF APPROVAL.

BY: Aason Murphy
(PRINT NAME)

ITS: Member
(PRINT TITLE)

Aason Murphy
Signature of Applicant/Developer