



Louisville Metro Government

Action Summary - Tentative Planning and Zoning Committee

Chair Madonna Flood (D-24)

Vice Chair Scott Reed (R-16)

Committee Member Jecorey Arthur (D-4)

Committee Member Bill Hollander (D-9)

Committee Member Kevin Triplett (D-15)

Committee Member Nicole George (D-21)

Committee Member Robin Engel (R-22)

Tuesday, February 22, 2022

1:00 PM

Council Chambers/Virtual

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

Call to Order

Chair Flood called the meeting to order at 1:01 p.m.

Roll Call

Chair Flood introduced the committee members and non-committee members present. A quorum was established.

***NOTE: All committee members and non-committee members present attended virtually, except Committee Member George, and Committee Member Hollander, who attended in Chambers.**

Present: 6 - Committee Member Jecorey Arthur (D-4), Committee Member Bill Hollander (D-9), Committee Member Kevin Triplett (D-15), Vice Chair Scott Reed (R-16), Committee Member Nicole George (D-21), and Chair Madonna Flood (D-24)

Excused: 1 - Committee Member Robin Engel (R-22)

Non-Committee Member(s)

Council Member Barbara Shanklin (D-2), Council Member Cassie Chambers Armstrong (D-8), and Council Member Amy Holton Stewart (D-25)

Support Staff

Travis Fiechter, Jefferson County Attorney's Office
Laura Ferguson, Jefferson County Attorney's Office

Clerk(s)

Cheryl Woods, Assistant Clerk
Sonya Harward, Clerk

Pending Legislation

1. [O-022-22](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 2100 AND 2044 BUECHEL BANK ROAD AND 4134 R BARDSTOWN ROAD CONTAINING APPROXIMATELY 8.85 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0127).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-022-22 V.1 020322 Zoning at 2100 and 2044 Buechel Bank Road and 4134 R Bardstown Road.pdf](#)
[21-ZONE-0127.pdf](#)
[21-ZONE-0127 Applicant's Presentation.pdf](#)
[21-ZONE-0127 Citizen Comments.pdf](#)
[21-ZONE-0127 Justification.pdf](#)
[21-ZONE-0127 Legal Description.pdf](#)
[21-ZONE-0127 Other Minutes.pdf](#)
[21-ZONE-0127 PC Minutes_010622.pdf](#)
[21-ZONE-0127 Plan_011122.pdf](#)
[21-ZONE-0127 Staff Reports.pdf](#)

A motion was made by Committee Member Arthur, seconded by Committee Member Triplett, that this Ordinance be recommended for approval.

The following spoke to this item:

- Council Member Shanklin
- Travis Fiechter, Jefferson County Attorney's Office

The following was discussed:

- Concern about the traffic flow on Buechel Bank Road
- Concerns about the repairs on Bardstown Road

Council Member Shanklin requested to table this zoning item until she is able to speak with Public Works about the projects at the location.

A motion was made by Committee Member Triplett, seconded by Committee Member Arthur, that this Ordinance be tabled.

The motion to table carried by a voice vote.

2. [O-050-22](#)

AN ORDINANCE RELATING TO THE CLOSURE OF LINDE LANE CONTAINING APPROXIMATELY 25,407 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 21STRCLOSURE0028).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-050-22 V.1 021722 21STRCLOSURE0028 Closure of Linde Lane.pdf](#)
[O-050-22 ATTACH Road Closing Plat.pdf](#)
[21-STRCLOSURE-0028.pdf](#)
[21-STRCLOSURE-0028 Legal Description.pdf](#)
[21-STRCLOSURE-0028 Public Hearing Minutes.pdf](#)
[21-STRCLOSURE-0028 Staff Report.pdf](#)
[21-STRCLOSURE-0028 Street Closure Plat.pdf](#)

A motion was made by Committee Member Triplett, seconded by Committee Member Arthur, that this Ordinance be recommended for approval.

Brian Davis, Planning and Design Services, gave a presentation on the Planning Commission's recommendation.

Chair Flood stated that this is in Council Member Mark Fox's District and he is in support of the closure.

Chair Flood questioned whether the portion of the right-of-way would become part of the drainage system.

The motion carried by the following vote and the Ordinance was sent to the Consent Calendar:

Yes: 6 - Arthur, Hollander, Triplett, Reed, George, and Flood

Excused: 1 - Engel

3. [O-507-21](#)

AN ORDINANCE AMENDING THE METRO LAND DEVELOPMENT CODE RELATING TO TRUCK PARKING REQUIREMENTS (CASE NO. 21-LDC-0010).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-507-21 V.1 101421 Ordinance Amending LCD Relating to Truck Parking Requirements .pdf](#)
[2021-11-02_21_LDC-0010_HeavyTruckParking_PlanningCommittee.pdf](#)
[21-LDC-0010 PC Minutes.pdf](#)
[21-LDC-0010 Truck Parking Planning Commission SR 9-10-21 Attachment 2.pdf](#)
[21-LDC-0010 Truck. Parking Planning Commission SR 9-10-21.pdf](#)

This item remained held in committee.

4. [O-680-21](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 4520 POPLAR LEVEL ROAD CONTAINING APPROXIMATELY 85.6 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0121).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-680-21 V.1 010622 Zoning at 4520 Poplar Level Road.pdf](#)

[21-ZONE-0121.pdf](#)

[21-ZONE-0121_PC Minutes_12.02.21.pdf](#)

[21-ZONE-0121_LDT Minutes_11.11.21.pdf](#)

[21-ZONE-0121_Legal Description.pdf](#)

[21-ZONE-0121_Applicant Justification Stmt.pdf](#)

[21-ZONE-0121_Applicants Booklet.pdf](#)

[21-ZONE-0121_Plan_12.02.21.pdf](#)

[21-ZONE-0121_Staff Reports.pdf](#)

[21-ZONE-0121_Traffic Study_11.01.21.pdf](#)

A motion was made by Committee Member Triplett, seconded by Committee Member Arthur, that this Ordinance be recommended for approval.

The following spoke to this item:

- Committee Member George
- Joe Reverman, Planning and Design Services
- Travis Feichter, Jefferson County Attorney's Office
- Committee Member Hollander

The following was discussed:

- Questions and concerns about a traffic signal at Poplar Level and Durrett Lane
- Question about whether a traffic study will be done 90 days after the Certificate of Occupancy is issued
- Question about whether a gate will be put at the entrance of Breitenstein Road
- If a traffic signal is approved by Kentucky Transportation Cabinet it shall be installed by the developer

The motion carried by the following vote and the Ordinance was sent to Old Business:

Yes: 6 - Arthur, Hollander, Triplett, Reed, George, and Flood

Excused: 1 - Engel

5. [R-009-22](#)

A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE LAND DEVELOPMENT CODE AND DEVELOP RECOMMENDATIONS FOR NOTICE REQUIREMENTS WITH RESPECT TO ACCESSORY DWELLING UNITS PERMITTED BY RIGHT WITH SPECIAL STANDARDS.

Sponsors: Primary Anthony Piagentini (R-19) and Primary Scott Reed (R-16)

Attachments: [R-009-22 V.1 020322 Review of LDC for Notice Provisions with respect to ADUs permitted by right with special standards.docx](#)

This item remained held in committee.

6. [R-013-22](#)

A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE METRO LAND DEVELOPMENT CODE REGULATIONS WITH REGARD TO LEGISLATIVE BODY REVIEW OF COMMISSION ACTION ON DEVELOPMENT PLANS AND THE “TWO-YEAR RULE.”

Sponsors: Primary Cindi Fowler (D-14)

Attachments: [R-013-22 V.1 020322 Amend LDC Related To Council Review & 2 Year Rule.pdf](#)

This item remained held in committee.

7. [O-018-22](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 10212 AND 10302 OAK GROVE ROAD CONTAINING APPROXIMATELY 68.57 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0059).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-018-22 V.1 020322 Zoning at 10212 and 10302 Oak Grove Road.pdf](#)
[21-ZONE-0059.pdf](#)
[21-ZONE-0059_PC Minutes_12.16.21.pdf](#)
[21-ZONE-0059_LDT Minutes_11.11.21.pdf](#)
[21-ZONE-0059_Legal Desc.pdf](#)
[21-ZONE-0059_Staff Rpts.pdf](#)
[21-ZONE-0059_09.27.21_Oak Grove Traffic study.pdf](#)
[21-ZONE-0059_11.11.21_Oak Grove Traffic study.pdf](#)
[21-ZONE-0059_applicant_justification.pdf](#)
[21-ZONE-0059_Citizen Comments.pdf](#)
[21-ZONE-0059_DENIED Plan_102921.pdf](#)
[21-ZONE-0059_KarstSurvey_090121.pdf](#)

This item remained held in committee.

8. [O-636-21](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 9500 GOLDERS GREEN CIRCLE CONTAINING APPROXIMATELY 9.44 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0112) (AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-636-21 V.3 CAM 022222 Zoning at 9500 Golders Green Circle.pdf](#)

[O-636-21 PROPOSED CAM 022222 Zoning at 9500 Golders Green Circle.pdf](#)

[O-636-21 V.2 CAM 120721 Zoning at 9500 Golders Green Circle.pdf](#)

[O-636-21 V.1 120221 Zoning at 9500 Golders Green Circle.pdf](#)

[21-ZONE-0112.pdf](#)

[21-ZONE-0112.pdf](#)

[November 18, 2021 PC Minutes Case 21-ZONE-0112.pdf](#)

[21-ZONE-0112 Other Minutes.pdf](#)

[21-ZONE-0112 Staff Reports.pdf](#)

[21-ZONE-0112 Legal Description.pdf](#)

[21-ZONE-0112 Statement of Compliance.pdf](#)

[21-ZONE-0112 Booklet.pdf](#)

[Pre--app plan SITE PLAN-PRE APP-2021-06-14.pdf](#)

A motion was made by Committee Member Triplett, seconded by Committee Member Arthur, that this Ordinance be recommended for approval.

Travis Fiechter, Jefferson County Attorney's Office, stated that this is a unique and exceptional case and it is not indicative of a pattern that should be repeated.

Chair Flood spoke to the item and read into the record a proposed amendment (see attached).

A motion was made by Committee Member Arthur, seconded by Committee Member Triplett, that this Ordinance be amended as shown in the attached document titled "O-636-21 V.3 CAM 022222 Zoning at 9500 Golders Green Circle.pdf" as read into the record.

The motion carried by the following vote and the amended Ordinance was sent to Old Business:

Yes: 6 - Arthur, Hollander, Triplett, Reed, George, and Flood

Excused: 1 - Engel

9. [O-637-21](#)**AN ORDINANCE AMENDING THE METRO LAND DEVELOPMENT CODE RELATING TO CHANGES IN THE CHILD CARE REGULATIONS (CASE NO. 21-LDC-0013) (AS AMENDED).**

Sponsors: Primary Madonna Flood (D-24), Additional Cassie Chambers Armstrong (D-8) and Additional Jecorey Arthur (D-4)

Attachments: [O-637-21 V.3 CAM 022222 Ordinance Amending LDC Relating to Child Care Regulations.pdf](#)
[O-637-21 V.2 CAM 020822 Ordinance Amending LDC Relating to Child Care Regulations.pdf](#)
[O-637-21 V.1 120221 Ordinance Amending LDC Relating to Child Care Regulations.pdf](#)
[O-637-21 PROPOSED CAM \(3\) 022222 Ordinance Amending LDC Relating to Child Care Regulations .pdf](#)
[O-637-21 PROPOSED CAM \(2\) 020822 Ordinance Amending LDC Relating to Child Care Regulations.pdf](#)
[O-637-21 PROPOSED CAM \(1\) 020822 Ordinance Amending LDC Relating to Child Care Regulations.pdf](#)
[712 W Ashland Ave Case Report.pdf](#)
[2011 Patricia Dr Case Report.pdf](#)
[4740 W Rutland Ave Case Report.pdf](#)
[Daycare service requests 2020 to present.docx.pdf](#)
[Metro Council Child Care Changes 111821.pdf](#)
[November 18, 2021 PC Minutes Case 21-LDC-0013.pdf](#)
[21-LDC-0013 Staff Report.pdf](#)
[21-LDC-0013 Additional Staff Info.pdf](#)
[21-LDC-0013 Proposed Findings.pdf](#)
[21-LDC-0013 Comment Forms.pdf](#)
[GLI Letter RE Child Care Zoning Changes \(Arthur\).pdf](#)

A motion was made by Committee Member Triplett, seconded by Committee Member Arthur, that this Ordinance be untabled.

The following spoke to this item:

- Council Member Chambers Armstrong
- Vice Chair Reed
- Emily Liu, Planning and Design Services
- Committee Member George
- Chair Flood
- Joel Dock, Planning and Design Services
- Committee Member Triplett
- Committee Member Arthur
- Committee Member Hollander

The following was discussed:

- The state child care law applies to all facilities

- Question about capping the number of children in a child care home at 12 including related children
- Kentucky law uses 12 as the number of children to be at child care home of a primary residence of the care giver
- Question about whether the Ordinance would apply to subdivision's with deed restrictions
- Concerns about parking restrictions in subdivisions with homeowner's associations
- Question about the Conditional Use Permit (CUP) process and whether it can be revoked if state requirements are not being followed
- Question about R-4 and R-5 zoning areas and the CUP process
- State certified child care homes can have up to six children with the exception of an additional four that are related
- Question about the difference between a certified child care home and a certified child care center
- Type 2 child care facilities have 7-12 children, whereas child care centers can have any number of children
- Question about who would be responsible for monitoring child care facilities locally
- Question and concerns about the parking in the dense area
- An annual parking plan would need to be approved if you have seven or more children
- Question about whether a CUP should be required for 6-12 unrelated children in a facility
- Question about the CUP changes in residential zoned areas
- Question about whether Code and Regulations Department has expressed any concerns
- Question and concerns about the number of employees for ten children all under the age of two
- Question about whether the local fire departments will be notified that a home is a child care facility

A motion was made by Committee Member Arthur, seconded by Committee Member Hollander, that this Ordinance be amended as shown in the attached document titled "O-637-21 V.3 CAM 022222 Ordinance Amending LDC Relating to Child Care Regulations.pdf"

The motion to amend carried by a voice vote.

A motion was made by Committee Member Hollander, seconded by Committee Member Arthur, that this Ordinance be amended as shown in the attached document titled "O-637-21 V.2 CAM 020822 Ordinance Amending LDC Relating to Child Care Regulations.pdf"

The motion to amend carried by a voice vote.

The motion to recommend for approval carried by the following vote and the amended Ordinance was sent to Old Business:

Yes: 5 - Arthur, Hollander, Reed, George, and Flood

No: 1 - Triplett

Excused: 1 - Engel

10. [O-011-22](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 4634 SOUTHCREST DRIVE CONTAINING APPROXIMATELY 0.24 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0021).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-011-22 V.1 020322 Zoning at 4634 Southcrest Drive.pdf](#)

[21-ZONE-0021.pdf](#)

[21-ZONE-0021_PC Minutes_12.16.21.pdf](#)

[21-ZONE-0021_Other Minutes.pdf](#)

[21-ZONE-0021_Legal Desc.pdf](#)

[21-ZONE-0021_Appl Justification Stmt.pdf](#)

[21-ZONE-0021_Citizen emails.pdf](#)

[21-ZONE-0021_Plan_12.16.21.pdf](#)

[21-ZONE-0021_Staff Rpts.pdf](#)

A motion was made by Committee Member Triplett, seconded by Vice Chair Reed, that this Ordinance be untabled.

The sponsor requested the item be re-tabled.

A motion was made by Committee Member Hollander, seconded by Committee Member Arthur, that this Ordinance be tabled.

The motion to table carried by a voice vote.

Adjournment

Without objection, Chair Flood adjourned the meeting at 2:54 p.m.

Note: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council meeting on March 3, 2022.