



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

Action Summary - Tentative Planning and Zoning Committee

Chair Person Madonna Flood (D-24)
Vice Chair Scott Reed (R-16)
Committee Member Barbara Shanklin (D-2)
Committee Member Keisha Dorsey (D-3)
Committee Member Kevin Triplett (D-15)
Committee Member Markus Winkler (D-17)
Committee Member Robin Engel (R-22)

Tuesday, December 3, 2019

1:00 PM

Council Chambers

THIS IS CONSIDERED A SPECIAL MEETING

Call to Order

Chair Person Flood called the meeting to order at 1:04 p.m.

Roll Call

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

Committee Member Dorsey arrived at 1:21 p.m.

Present: 6 - Chair Person Madonna Flood (D-24), Vice Chair Scott Reed (R-16), Committee Member Keisha Dorsey (D-3), Committee Member Kevin Triplett (D-15), Committee Member Markus Winkler (D-17), and Committee Member Robin Engel (R-22)

Excused: 1 - Committee Member Barbara Shanklin (D-2)

Non-Committee Member(s)

Council Member Barbara Sexton Smith (D-4), Council Member Brandon Coan (D-8), and Council Member Bill Hollander (D-9)

Support Staff

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

Clerk(s)

David B. Wagner, Assistant Clerk
Connie Dearing, Assistant Clerk

Pending Legislation

Chair Person Flood stated Items 7 through 9 would be held in committee and Items 2 and 3 would be considered first.

1. [O-373-19](#)

AN ORDINANCE CHANGING THE ZONING FROM R-6 RESIDENTIAL MULTI-FAMILY AND OR-2 OFFICE-RESIDENTIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 768, 810, and 850 BARRET AVENUE AND 1236 EAST BRECKENRIDGE STREET CONTAINING 9.6742 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0046)(AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-373-19 V.2 CAM 120319 Rezoning from R6 & OR2 to C2 at 768-850 Barret Ave 19ZONE0046.pdf](#)
[19-zone-0046.pdf](#)

[O-373-19 V.1 110719 Rezoning from R6 & OR2 to C2 at 768-850 Barret Ave 19ZONE0046.pdf](#)
[19-ZONE-0046 PC Minutes \(1\).pdf](#)

[19-ZONE-0046 Other Minutes.pdf](#)

[19-ZONE-0046 Staff Reports.pdf](#)

[19-ZONE-0046 Public Materials.pdf](#)

[19-ZONE-0046 Miscellaneous.pdf](#)

[19-ZONE-0046 Oct 17, 2019 PC Mins.pdf](#)

A motion was made by Committee Member Dorsey, seconded by Committee Member Winkler, that this Ordinance be untabled. The motion carried without objection.

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

A motion was made by Council Member Sexton Smith, seconded by Committee Member Dorsey, that this Ordinance be amended as follows:

- Insert "subject to the following conditions of approval" at the end of the second WHEREAS statement
- Strike "binding elements as set forth in the minutes of the Planning Commission in Case No. 19ZONE0046" at the end of Section I and insert "following conditions of approval: 1. The following land uses shall be excluded on the property: a. Automobile rental agencies b. Automobile repair garages c. Automobile sales agencies d. Boat Sales and related storage e. Used car sales areas, provided that no repair or reconditioning of automobiles or storage of cars shall be permitted except when enclosed in a building. 2. Prior to development of any phase of this project, including clearing or grading, the applicant, developer, or property owner shall obtain approval of a Detailed District Development Plan. Such plan shall require approval by the Louisville Metro Council after a public meeting by the Planning Commission in accordance with Chapter 11, Part 4.7 of the Land Development Code."

The motion to amend carried by a voice vote.

Council Member Sexton Smith stated there were concerns the Metro Council would approve a rezoning without a development plan. She supports the proposal since the property is owned by Louisville Metro, it will increase surrounding property values, ample time was taken to proceed through the approval process, it was in the vicinity of property determined to be surplus by Louisville Metro earlier this year, and with the addition of the Conditions of Approval.

Council Member Coan stated his opposition to the proposal because it would be improper to rezone a property without knowing how it would be developed, the property will eventually be privately owned, uncertainty surrounding the project, and potentially setting a bad precedent.

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

District 4 Council Member Sexton Smith had a vote on this zoning case and voted YES.

Yes: 6 - Flood, Reed, Dorsey, Triplett, Winkler, and Engel

Excused: 1 - Shanklin

2. [O-378-19](#)

AN ORDINANCE CHANGING THE ZONING FROM C-2 COMMERCIAL TO PDD PLANNED DEVELOPMENT DISTRICT ON PROPERTY LOCATED AT 2294, 2300, 2338, (TB 74A LOTS 12 & 15), & 2340 LEXINGTON ROAD & 2501, 2503, 2509, 2511, & 2515 GRINSTEAD DRIVE CONTAINING 3.523 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 16ZONE1044)(AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-378-19 V.2 CAM 120319 Rezoning from C2 to PDD at 2294-2340 Lexington Rd & 2501-2515 Grinstead Dr 16ZONE1044.pdf](#)
[O-378-19 PROPOSED CAM 120319 16ZONE1044 Approval \(as amended\).pdf](#)
[16zone1044.pdf](#)
[O-378-19 V.1 110719 Rezoning from C2 to PDD at 2294-2340 Lexington Rd & 2501-2515 Grinstead Dr 16ZONE1044.pdf](#)
[16ZONE1044 PC Minutes \(1\).pdf](#)
[16ZONE1044 Other Minutes.pdf](#)
[16ZONE1044 LDT Minutes.pdf](#)
[16ZONE1044 LDT Staff Report.pdf](#)
[16ZONE1044 Staff Reports.pdf](#)
[16ZONE1044 Legal Description.pdf](#)
[16ZONE1044 Applicant Justification.pdf](#)
[16ZONE1044 Traffic Study.pdf](#)
[16ZONE1044 Neighborhood Plan.pdf](#)
[16ZONE1044 Booklet.pdf](#)
[16ZONE1044 Pattern Book.pdf](#)
[16ZONE1044 Public Materials \(1\).pdf](#)
[16ZONE1044 Public Materials \(2\).pdf](#)
[16ZONE1044 Plan.pdf](#)
[16ZONE1044 Oct. 17, 2019 PC Mins.pdf](#)

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

Council Member Coan stated he would recuse himself from discussion on Items 2 and 3 since he performed work for the developer related to the subject properties.

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

Travis Fiechter, Jefferson County Attorney's Office, read proposed amendments into the record.

A motion was made by Chair Person Flood, seconded by Committee Member Triplett, that this Ordinance be amended as follows:

- Insert "and comparable to the market rate units" after the word "rented" in the first paragraph of Binding Element #7
- Insert "and shall certify that the developer/owner has made a good faith effort to verify that the tenants/purchasers were income eligible at the time of rental/purchase" at the end of the second sentence in the fourth paragraph of Binding Element #7
- Insert "Prior to selling any affordable units, the developer/owner shall work with Planning & Design Services staff to develop provisions that will cover any subsequent transfers of ownership during the affordability period, which shall be for 15 years from the date of certificate of occupancy for such unit. Such provisions shall be negotiated and agreed to prior to the sale of any units." at the end of the fourth paragraph of Binding Element #7
- Replace the fourth sentence of Binding Element #11 with "Developer shall meet in advance of blasting with the owners or other legal representatives of any of the forgoing properties who request a meeting and shall provide each property owner (or other legal representative) with a copy of the pre-blast survey, including photographs and videos, affecting such property."
- Insert "Any changes in the binding elements shall require a public hearing at the Planning Commission level and final approval by the Metro Council." as new Binding Element #12

Committee Member Winkler asked for clarification of the amendments regarding the future sale of affordable units and Travis Fiechter, Jefferson County Attorney's Office, provided clarification. Council Member Sexton Smith asked for further clarification and Laura Ferguson, Jefferson County Attorney's Office, provided clarification.

Council Member Hollander stated the amendments to Binding Element #7 were intended to ensure affordable units were reserved for individuals meeting the income eligibility requirements.

The motion to amend carried by a voice vote.

Council Member Hollander expressed concerns about the approval process for the project, noting that at least three organizations opposed it, the original design was never going to be built, the charrettes were not collaborative enough, and the ex parte communications were inappropriate. While not dispositive of his vote, he further stated he supported the proposal as the current use of the site was not beneficial to the community, higher density uses in urban edge neighborhoods should be encouraged, the traffic in the area would increase but remain acceptable, and affordable units were being provided.

Chair Person Flood reminded everyone that Metro Council based their decisions on zoning matters only on the record from the public hearing held by the Planning Commission and any information received after the public hearing had been closed was not considered.

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

Yes: 6 - Flood, Reed, Dorsey, Triplett, Winkler, and Engel

Excused: 1 - Shanklin

3. [O-377-19](#)**AN ORDINANCE CLOSING AN UNNAMED ALLEY EAST OF ETLEY AVENUE AND BEING IN LOUISVILLE METRO (CASE NO. 18STREETS1021).**

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-377-19 V.1 110719 Closure of Unnamed Alley E of Etley Ave 18STREETS1021.pdf](#)
[O-377-19 V.1 110719 ATTACH Closure Plat 18STREETS1021.pdf](#)
[18STREETS1021 Staff Report.pdf](#)
[18STREETS1021 Legal Description.pdf](#)
[18STREETS1021 Oct. 17, 2019 PC Mins.pdf](#)

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

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

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

Yes: 6 - Flood, Reed, Dorsey, Triplett, Winkler, and Engel

Excused: 1 - Shanklin

4. [O-383-19](#)

AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 3331 FREYS HILL ROAD CONTAINING 4.69 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 18ZONE1063)(AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-383-19 V.2 CAM 120319 Rezoning from R4 to C2 at 3331 Freys Hill Rd 18ZONE1063.pdf](#)
[O-383-19 PROPOSED CAM 120319 18ZONE1063 Approval \(As Amended\).pdf](#)
[O-383-19 V.1 112119 Rezoning from R4 to C2 at 3331 Freys Hill Rd 18ZONE1063.pdf](#)
[18ZONE1063.pdf](#)
[18ZONE1063 Applicant Exhibits.pdf](#)
[18ZONE1063 Justification Statement.pdf](#)
[18ZONE1063 Legal Description.pdf](#)
[18ZONE1063 Public Materials.pdf](#)
[18ZONE1063 Plan.pdf](#)
[18ZONE1063_LDT Minutes.pdf](#)
[18ZONE1063_LDT Staff Report_092619.pdf](#)
[18ZONE1063_Planning Commission Staff Report_103119.pdf](#)
[2019.10.31 PC Minutes Case No. 18ZONE1063 ONLY.pdf](#)

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

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

Committee Member Winkler noted the site is adjacent to other commercial uses and Travis Fiechter, Jefferson County Attorney's Office, read proposed amendments into the record.

A motion was made by Committee Member Winkler, seconded by Committee Member Triplett, that this Ordinance be amended as follows:

- Replace the second sentence of Binding Element #1 with "Any changes/additions/alterations of any binding element(s) shall require a public hearing by the Planning Commission with final approval by the Louisville Metro Council; any changes/additions/alterations not so approved shall not be valid."**
- Insert "Any substantial change in the development plan i.e. density, elevation of units, or change in use shall require approval of the Louisville Metro Council after a public hearing by the Planning Commission." as new Binding Element #11**

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: 6 - Flood, Reed, Dorsey, Triplett, Winkler, and Engel

Excused: 1 - Shanklin

5. [R-166-19](#)

A RESOLUTION OVERTURNING THE DECISION OF THE LANDMARKS COMMISSION DESIGNATING THE PROPERTY LOCATED AT 2914 S. 3RD STREET AND 2911 S. 4TH STREET IN LOUISVILLE METRO AS A LOCAL LANDMARK (CASE NO. 19DESGNATION1000).

Sponsors: Primary Kevin Triplett (D-15)

Attachments: [R-166-19 V.1 112119 Overturn Landmarking of Holy Name Complex 19DESGNATION1000.pdf](#)

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

Committee Member Triplett asked the committee to support the Resolution. He believed the Landmarks Commission decision was erroneous because the school buildings have long been forgotten, the parish struggles in a desperate neighborhood in which it fills an important role, the Landmarks Commission did not consider the economic hardship to the owner, and the property owner is not in favor of the designation.

Council Member Coan agreed the Landmarks Commission should have considered the economic hardship to the owner though he does not support the Resolution because the committee did not have an in depth discussion on the merits of the designation based on the record. He asked if Metro Council had the authority to send the designation back to the Landmarks Commission to consider the economic hardship evidence. Travis Fiechter, Jefferson County Attorney's Office, responded that the new Landmarks Ordinance did not include a referral provision and acknowledged Metro Council had limited time to act on the designation.

Chair Person Flood and Committee Member Winkler stated they would like the referral provision added to the Landmarks Ordinance. Committee Member Winkler stated the economic hardship criteria should also be clarified. Committee Member Winkler asked about the timeframe for Metro Council action. Chair Person Flood stated final action was required by February 14, 2020 and Cynthia Elmore, Develop Louisville, stated the Landmarks Commission meets on the third Thursday each month.

Committee Member Triplett stated he believed the discussion period was over and wanted the Resolution to be voted on immediately. Chair Person Flood stated this issue often arises when someone attempts to landmark someone else's property.

Although a voice vote is permissible, Chair Person Flood called for a roll call vote. The motion carried by the following vote and the Resolution was sent to the Consent Calendar:

Yes: 6 - Flood, Reed, Dorsey, Triplett, Winkler, and Engel

Excused: 1 - Shanklin

6. [R-162-19](#)

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$2,100 FROM THE KENTUCKY HERITAGE COUNCIL TO FUND THE LOUISVILLE-JEFFERSON COUNTY METRO GOVERNMENT LANDMARKS BROCHURE PROJECT TO BE ADMINISTERED BY DEVELOP LOUISVILLE.

Sponsors: Primary Madonna Flood (D-24)

Attachments: [R-162-19 V.1 112119 Mayor Accept \\$2,100 for Landmarks Brochure Project.pdf](#)

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

Emily Liu, Planning and Design Services, discussed the Landmarks Brochure Project and Committee Member Dorsey expressed her appreciation for the additional resource for her constituents.

The motion carried by a voice vote and the Resolution was sent to the Consent Calendar.

7. [O-259-19](#)

AN ORDINANCE AMENDING THE METRO LAND DEVELOPMENT CODE RELATING TO TREES AND TREE CANOPY (19AMEND1003)(AS AMENDED).

Sponsors: Primary Bill Hollander (D-9) and Primary Madonna Flood (D-24)

Attachments: [O-259-19 V.2 CAM 111219 Case No 19AMEND1003.pdf](#)
[19amend1003_MC PRES_102919.pdf](#)
[19amend1003_MC PRES_101519.pdf](#)
[O-259-19 V.1 082219 Case No 19AMEND1003.pdf](#)
[19AMEND1003.pdf](#)
[19AMEND1003 Davey Urban Tree Canopy Assessment 2015.pdf](#)
[19amend1003_Ordinance_072619.pdf](#)
[19AMEND1003_other min.pdf](#)
[19AMEND1003_pc hearing 07.24.2019 mins.pdf](#)
[19amend1003_Planning Committee minutes.pdf](#)
[19amend1003_Public Comment and Presentations.pdf](#)
[19AMEND1003_staff reports.pdf](#)
[Tree Removal Permit Example.pdf](#)

This item remained tabled in committee.

8. [O-340-19](#)

AN ORDINANCE APPROVING THE SOUTH FLOYDS FORK VISION PLAN AND APPROVING ITS EXECUTIVE SUMMARY AS AN AMENDMENT TO THE PLAN 2040 COMPREHENSIVE PLAN (CASE NO. 19AREAPLAN0002).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-340-19 V.1 101019 South Floyds Fork Vision Plan 19AREAPLAN0002.pdf](#)
[19AREAPLAN0002 south floyds fork executive summary.pdf](#)
[102919 South Floyds Fork Metro Council.pdf](#)
[19AREAPLAN0002_Public Materials.pdf](#)
[19AREAPLAN_Minutes.pdf](#)
[19AREAPLAN0002_Legal Description.pdf](#)
[19AREAPLAN0002 South Floyds Fork Vision Plan_PC Staff Report.pdf](#)
[19AREAPLAN0002 south floyds fork plan.pdf](#)
[19AREAPLAN0002 south floyds fork appendix.pdf](#)

This item remained tabled in committee.

9. [O-370-19](#)

AN ORDINANCE AMENDING SECTION 6.1.3 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE (“LDC”) REGARDING ACCESS ROADWAYS FOR RESIDENTIAL DEVELOPMENTS (CASE NO. 19-LDC-0001).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-370-19 V.1 110719 Amend LDC 6.1.3 for Access Roadways for Residential Developments 19LDC0001.pdf](#)
[O-370-19 V.1 110719 ATTACH Amend LDC 6.1.3 19LDC0001.pdf](#)
[19-LDC-0001 Staff Report.pdf](#)
[2019.10.17 Amended PC Minutes Case No. 19-LDC-0001.pdf](#)

This item was held in committee.

Special Discussion

Chair Person Flood expressed her appreciation for the committee members serving on the committee in 2019 and stated a special meeting may be necessary in January with the number of upcoming zoning cases.

Committee Member Engel, Committee Member Winkler, and Vice Chair Reed expressed appreciation for Chair Person Flood's leadership to the committee.

Adjournment

Without objection, Chair Person Flood adjourned the meeting at 2:04 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 December 12, 2019.