



# Louisville Metro Government

## Action Summary - Final 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)*

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Tuesday, May 10, 2022

1:00 PM

Council Chambers/Virtual

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### THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

#### Call to Order

Chair Flood called the meeting to order at 1:03 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 Chair Flood, Committee Member Hollander, Committee Member Triplett, Committee Member George, and Committee Member Engel, who attended in Chambers.**

**Present:** 7 - 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), Committee Member Robin Engel (R-22), and Chair Madonna Flood (D-24)

#### Non-Committee Member(s)

Council Member Angela Bowens (D-1), Council Member Rick Blackwell (D-12), and Council Member Markus Winkler (D-17)

#### Support Staff

Travis Fiechter, Jefferson County Attorney's Office

#### Clerk(s)

Cheryl Woods, Assistant Clerk  
Sonya Harward, Clerk

## Pending Legislation

### 1. [O-157-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 10410 AND 10414 OLD PRESTON HIGHWAY CONTAINING APPROXIMATELY 9.93 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0104).**

**Attachments:** [O-157-22 V.1 042822 Zoning at 10410 & 10414 Old Preston Highway.pdf](#)  
[21-ZONE-0104.pdf](#)  
[21-ZONE-0104 PC Minutes.pdf](#)  
[21-ZONE-0104 Other Minutes.pdf](#)  
[21-ZONE-0104 Staff Reports.pdf](#)  
[21-ZONE-0104 Legal Description.pdf](#)  
[21-ZONE-0104 Statement of Compliance.pdf](#)  
[21-ZONE-0104 Applicant Booklet.pdf](#)  
[21-ZONE-0104 Applicant Studies.pdf](#)  
[21-ZONE-0104 Memo of Understanding.pdf](#)  
[21-ZONE-0104 Plan 050222.pdf](#)

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

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

The following spoke to this item:

- Chair Flood
- Brian Davis
- Committee Member Hollander

The following was discussed:

- Question about whether anything will be done to mitigate the traffic
- The development plan does not include any additional traffic proposals
- Question about who determines when a Global Outstanding Assessment (GOA) technical consultant will be contacted
- Question about whether a traffic study was done
- Question about whether a traffic signal will be installed in light of the State budget
- Question about whether Old Preston Highway is now owned by Metro Government

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

The motion to table carried by a voice vote.

2. [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 PROPOSED FAM 031722 Ordinance Amending LCD Relating to Truck Parking Requirements.pdf](#)  
[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 was held in committee.

3. [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.

4. [O-088-22](#)**AN ORDINANCE CREATING A NEW SECTION TO LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER 153 REGARDING THE EVIDENCE AND BASIS FOR DECISIONS OF THE LEGISLATIVE COUNCIL OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT IN ZONING CASES.**

**Sponsors:** Primary Bill Hollander (D-9)

**Attachments:** [O-088-22 V.1 030322 Creates a New LMCO Chp 153 Re Evidence and Basis for Decision of Zoning Matters.pdf](#)  
[Chapter 30 Fiscal Court.pdf](#)

This item remained held in committee.

5. [R-065-22](#)**A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE METRO LAND DEVELOPMENT CODE REGULATIONS WITH REGARD TO TREES AND TREE CANOPY (AS AMENDED).**

**Sponsors:** Primary Markus Winkler (D-17)

**Attachments:** [R-065-22 V.2 FAM 051922 Amend LDC Possible Tree Canopy Requirement Reductions.pdf](#)  
[R-065-22 V.1 041422 Amend LDC Possible Tree Canopy Requirement Reductions.pdf](#)  
[R-065-22 PROPOSED FAM 051922 Amend LDC Possible Tree Canopy Requirement Reductions.pdf](#)  
[RES 067 2022.pdf](#)

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

The following spoke to this item:

- Council Member Winkler
- Committee Member Hollander
- Joe Reverman, Planning and Design Services
- Committee Member Arthur
- Committee Member George
- Chair Flood

The following was discussed:

Council Member Winkler stated that when the Tree Ordinance was passed that Metro Council made a provision to exempt properties that were actively being developed. He also stated that Metro Council failed to account for infrastructure that was already partially developed, resulting in the undeveloped portions being subject to different requirements than the already developed ones.

- Question about whether the Planning Commission should review and make adjustments
- Question about what "pre-existing site" means
- The preservation requirements exempt general plans and preliminary subdivision plans that were approved prior to the date of adoption
- Question about whether Metro Council would know what sites are potentially going to be reduced or reversed for the tree canopy requirement
- Question and concerns about tree canopy requirements for industrial and warehouse areas
- "General Development Plans" are larger sites that show how the lot will be subdivided and where roads will be located
- "Detailed Development Plans" are approved with the intent to pull permits

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

Yes: 4 - Arthur, Triplett, Reed, and Engel

**No:** 2 - Hollander, and George

**Abstain:** 1 - Flood

6. [O-113-22](#)

**AN ORDINANCE CREATING A NEW SECTION TO LOUISVILLE/ JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER 153 REGARDING THE PROCESSING OF APPLICATIONS FOR ZONING MAP AMENDMENTS IF THERE ARE DELINQUENT TAXES OR VALID LIENS HELD BY LOUISVILLE METRO GOVERNMENT THAT ARE UNPAID.**

**Sponsors:** Primary Madonna Flood (D-24) and Primary Nicole George (D-21)

**Attachments:** [O-113-22 V.1 041422 New Sec of LMCO 153 Regard Zoning App and Delinquent Taxes.pdf](#)

This item was held in committee.

7. [O-154-22](#)

**AN ORDINANCE RELATING TO THE CLOSURE OF A PORTION OF THE RIGHT-OF-WAY OF FEGENBUSH LANE ADJACENT TO 5905 FEGENBUSH LANE CONTAINING APPROXIMATELY 3.87 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22STRCLOSURE0004).**

**Sponsors:** Primary Madonna Flood (D-24)

**Attachments:** [O-154-22 V.1 042822 22STRCLOSURE0004 Closure of a Portion 5905 Fegenbush Ln.pdf](#)  
[O-154-22 ATTACH Plat.pdf](#)  
[22-STRCLOSURE-0004.pdf](#)  
[PC Minutes.pdf](#)  
[Other Minutes.pdf](#)  
[Staff Reports.pdf](#)  
[Legal Description.pdf](#)  
[Justification Statement.pdf](#)  
[Applicant Booklet.pdf](#)

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

**Brian Davis, Planning and Design Services, gave a presentation on the Planning Commission's recommendation (see attached).**

**The following spoke to this item:**

- Chair Flood
- Committee Member Engel
- Committee Member Hollander
- Brian Davis
- Travis Fiechter, Jefferson County Attorney's Office
- Committee Member George

The following was discussed:

- Question about the location of the right-a-way on the conceptual exhibit (see attached)
- Question and concerns about whether Metro Government is giving the developer four acres of land without getting paid for it
- Questions and concerns about the developers motivation to close the road
- Concerns about there being no development plan
- Question about whether it is unusual to close a right-a-way prior to getting a development plan
- Question about whether the sell of a closed right-a-way is illegal under State law
- The street closure is not connected to a rezoning
- The land is now unused by Metro Government

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

The motion to table carried by a voice vote.

8. [O-155-22](#)

**AN ORDINANCE RELATING TO THE CLOSURE OF A PORTION OF TWO UNIMPROVED ALLEYS ADJACENT TO 1391 DIXIE HIGHWAY CONTAINING APPROXIMATELY 2,250 SQUARE FEET EACH (4,500 SQUARE FEET TOTAL) AND BEING IN LOUISVILLE METRO (CASE NO. 22STRCLOSURE0007).**

**Sponsors:** Primary Madonna Flood (D-24)

**Attachments:** [O-155-22 V.1 042822 22STRCLOSURE0007 Closure of a Portion of 1391 Dixie Highway.pdf](#)  
[O-155-22 ATTACH Plat.pdf](#)  
[22-STRCLOSURE-0007.pdf](#)  
[22-STRCLOSURE-0007 PC Minutes.pdf](#)  
[22-STRCLOSURE-0007 Other Minutes.pdf](#)  
[22-STRCLOSURE-0007 Staff Reports.pdf](#)  
[22-STRCLOSURE-0007 Legal Description.pdf](#)  
[22-STRCLOSURE-0007 Justification Statement.pdf](#)  
[ORD 070 2022.pdf](#)

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

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

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

**Yes:** 7 - Arthur, Hollander, Triplett, Reed, George, Engel, and Flood

9. [O-119-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 2328 AND 2400 LOWER HUNTERS TRACE AND 2403 CADY COURT CONTAINING APPROXIMATELY 11.27 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0134).**

**Sponsors:** Primary Madonna Flood (D-24)

**Attachments:** [O-119-22 V.1 041422 Zoning at 2328 & 2400 Lower Hunters Trace & 2403 Cady Court.pdf](#)  
[O-119-22 PROPOSED CABS 053122 Zoning at 2328 & 2400 Lower Hunters Tr & 2403 Cady Ct.pdf](#)  
[21-ZONE-0134.pdf](#)  
[21-ZONE-0134 Applicant Presentation.pdf](#)  
[21-ZONE-0134 Citizen Comments.pdf](#)  
[21-ZONE-0134 Justification Statement.pdf](#)  
[21-ZONE-0134 Left Turn Lane Warrants.pdf](#)  
[21-ZONE-0134 Legal Description.pdf](#)  
[21-ZONE-0134 Other Minutes.pdf](#)  
[21-ZONE-0134 Plan 030422.pdf](#)  
[21-ZONE-0134 Staff Reports.pdf](#)  
[21-ZONE-0134 PC Minutes 03.21.22.pdf](#)

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

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

The following spoke to this item:

- Council Member Blackwell
- Brian Davis
- Travis Fiechter, Jefferson County Attorney's Office
- Committee Member Triplett
- Committee Member George
- Committee Member Arthur
- Committee Member Hollander
- Chair Flood

The following was discussed:

- Concerns about the traffic flow in the area
- Questions and concerns about transitioning from single family homes to three-story apartments
- Questions and concerns about the density in the area
- Questions about the length of the turn lane
- The length of the turn lane is 75 feet
- Question about whether the fence would be on the Cady Drive side



- Question about whether the fence would keep Shacklette Elementary School seperated
- Questions and concerns about the property density and size
- Question about whether there is an entrance to the development from Cady Court
- The development has two egress points to it
- Concerns about crime and section-8 in the area
- Homeowners' are concerned regarding property value in the area

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

The motion to table carried by a voice vote.

10. [O-156-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 1203 PAYNE STREET CONTAINING APPROXIMATELY 0.11 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0068).**

**Attachments:** [O-156-22 V.1 042822 Zoning at 1203 Payne Street.pdf](#)

[21-ZONE-0068.pdf](#)

[21-ZONE-0068 PC Minutes.pdf](#)

[21-ZONE-0068 Other Minutes.pdf](#)

[21-ZONE-0068 Staff Reports.pdf](#)

[21-ZONE-0068 Legal Description.pdf](#)

[21-ZONE-0068 Statement of Compliance.pdf](#)

[21-ZONE-0068 Applicant Booklet.pdf](#)

[21-ZONE-0068 Demonstration of Appropriateness.pdf](#)

[21-ZONE-0068 Plan.pdf](#)

[ORD 071 2022.pdf](#)

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

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

Committee Member Hollander spoke on this item and stated he was in support of this zoning change.

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

Yes: 7 - Arthur, Hollander, Triplett, Reed, George, Engel, and Flood

## Adjournment

Without objection, Chair Flood adjourned the meeting at 2:39 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 May 19, 2022.