



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

Action Summary - Final Planning/Zoning, Land Design and Development Committee

Chair Person Madonna Flood (D-24)
Vice Chair Glen Stuckel (R-17)
Committee Member Tom Owen (D-8)
Committee Member Pat Mulvihill (D-10)
Committee Member Kelly Downard (R-16)
Committee Member Marilyn Parker (R-18)
Committee Member Brent Ackerson (D-26)

Wednesday, August 31, 2016

3:30 PM

Council Chambers

THIS IS CONSIDERED A SPECIAL MEETING

Call to Order

Chair Person Flood called the meeting to order at 3:35 PM.

Roll Call

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

Present: 6 - Chair Person Madonna Flood (D-24), Vice Chair Glen Stuckel (R-17), Committee Member Tom Owen (D-8), Committee Member Pat Mulvihill (D-10), Committee Member Kelly Downard (R-16), and Committee Member Marilyn Parker (R-18)

Excused: 1 - Committee Member Brent Ackerson (D-26)

Non-Committee Members

Council Member Jessica Green (D-1), Council Member Barbara Shanklin (D-2), Council Member Mary Woolridge (D-3), Council Member David James (D-6), Council Member Angela Leet (R-7), Council Member Rick Blackwell (D-12), Council Member Vicki Aubrey Welch (D-13), Council Member Cindi Fowler (D-14), and Council Member Dan Johnson (D-21)

Support Staff

Jon Baker, John Carroll and Paul Whitty, Jefferson County Attorney's Office

Clerk

H. Stephen Ott, CKMC

Pending Legislation

1. [O-278-16](#)

AN ORDINANCE AMENDING CHAPTER 1, PART 2 AND CHAPTER 4, PART 2 OF THE LAND DEVELOPMENT CODE PERTAINING TO BIODIGESTERS - APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A (CASE NO. 16AMEND1007)(AS AMENDED).

Sponsors: Primary David James (D-6), Primary Barbara Shanklin (D-2), Primary Mary C. Woolridge (D-3) and Primary Vicki Aubrey Welch (D-13)

Attachments: [O-278-16 ATTACH WELCH COMMENT AMENDING LDC BIODIGESTERS](#)
[O-278-16 ATTACH JAMES COMMENT AMENDING LDC BIODIGESTERS](#)
[O-278-16 PPP Biodigesters Special P&Z Mtg 08-31-16](#)
[O-278-16 BioDigester Public Comments July 2016](#)
[08-31-16 Handout from Speaker Hixson](#)
[08-31-16 Handout from Speaker Hudson](#)
[16AMEDN1007 Post Distribution Comments](#)
[16AMEND1007 Biodigesters Staff Report](#)
[16AMEND1007 Planning Commission Draft With Recommendations](#)
[16AMEND1007 Planning Commission Presentation](#)
[Attachment 1 Zoning Classifications Eligible for Biodigesters w CUP Under Current LDC Regulations](#)
[Attachment 2 ORD 037 2015 \(AS AMENDED\) - Biodigester Moratorium](#)
[Attachment 3 Research Summary](#)
[Attachment 4 Interested Party Comments](#)
[Attachment 6 Zoning Classifications in Louisville Metro](#)
[Attachment 7 Locations Potentially Eligible for Biodigesters](#)
[Attachment 8 Community Forum notes](#)
[ERG2016](#)
[ERG2016-Guide115](#)
[August 4, 2016 PC Minutes Case No. 16AMEND1007 ONLY](#)
[August 1, 2016 PC Night Hearing](#)

A motion was made by Vice Chair Stuckel, seconded by Committee Member Mulvihill, that this Ordinance be recommended for approval.

Chairwoman Flood opened the meeting to public comment regarding biodigesters, for which persons previously signed up to speak per instructions provided. The following persons spoke:

For - Bishop Lyons

Against - Clarence Hickson and Bonetta Hudson

Brian Mabry and Emily Liu, Planning and Design Services, spoke to the item and gave a presentation.

A motion was made by Vice Chair Stuckel, seconded by Chair Person Flood, that this Ordinance be amended by adding "airport" in the first paragraph of 4.2.63 following "assisted living facility" and also in section A.

A friendly amendment by Committee Member Mulvihill to add "daycare" was accepted by the motioner and seconder, but was withdrawn by request to offer separately.

The motion to amend carried by a voice vote.

A motion was made by Committee Member Mulvihill and seconded by Chair Person Flood, that this Ordinance be amended by deleting "or" between "home" and "assisted" and adding "daycare" in the first paragraph of 4.2.63 and also in section A.

The motion to amend carried by a voice vote.

A motion was made by Chair Person Flood and seconded by Vice Chair Stuckel to accept the "text amendment for language change" in 4.2.63, E. provided by Brian Mabry, Planning and Design Services.

The motion to amend carried by a voice vote.

A motion was made by Committee Member Mulvihill that this Ordinance be amended by increasing the minimum distance from the nearest existing residential use to 5,283 feet and cannot be modified.

The motion to amend failed for lack of a second.

A motion was made by Committee Member Owen and seconded by Committee Member Downard, that this Ordinance be amended by striking the following sentence from 4.2.63, A. (fourth line from top), "This provision may be waived or modified to no less than 1,320 feet by the Board of Zoning Adjustment upon consideration of factors including, but not limited to, nearby land uses, scale, capacity, design, operational history of the applicant and of the technology, traffic, noise, odor, appearance, potential risks of pollution, fires, or explosion, and type of feedstock".

The motion to amend carried by a voice vote.

A motion was made Chair Person Flood and seconded by Committee Member Downard, that this Ordinance be amended by deleting "may" in the first line of 4.2.63, M. and inserting "shall".

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, Stuckel, Owen, Mulvihill, Downard, and Parker

Excused: 1 - Ackerson

Adjournment

Without objection Chair Person Flood adjourned the meeting at 5:03pm.

***NOTE:** Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on September 8, 2016.