



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 Keisha Dorsey (D-3)
Committee Member Kevin Triplett (D-15)
Committee Member Markus Winkler (D-17)
Committee Member Nicole George (D-21)
Committee Member Robin Engel (R-22)

Tuesday, February 25, 2020

1:00 PM

Council Chambers

Call to Order

Chair Person Flood called the meeting to order at 1:12 p.m.

Roll Call

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

Present: 7 - 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), Committee Member Nicole George (D-21), and Committee Member Robin Engel (R-22)

Non-Committee Member(s)

Council Member Paula McCraney (D-7), 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

1. [O-051-20](#)

AN ORDINANCE CLOSING AN UNIMPROVED RIGHT-OF-WAY BETWEEN COOPER CHURCH DRIVE AND PRESTON HIGHWAY AND BEING IN LOUISVILLE METRO (CASE NO. 19-STRCLOSURE-0013).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [19-STRCLOSURE-0013.pdf](#)

[O-051-20 V.1 022020 Closure of ROW between Cooper Church Dr and Preston Hwy 19-STRCLOSURE-0013.pdf](#)

[O-051-20 V.1 022020 ATTACH Closure Plat 19-STRCLOSURE-0013.pdf](#)

[19-STRCLOSURE-0013 PC and LDT minutes.pdf](#)

[19-STRCLOSURE-0013 legal desc.pdf](#)

[19-STRCLOSURE-0013 Plat 01.23.20.pdf](#)

[19-STRCLOSURE-0013 staff rpts.pdf](#)

A motion was made by Committee Member Triplett, 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.

Chair Person Flood noted that there was 100% consent from adjacent property owners.

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

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

No: 1 - Winkler

2. [O-049-20](#)

AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY AND OR-1 OFFICE/RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 4508, 4510 AND 4512 OUTER LOOP CONTAINING 0.867 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0073).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [19-ZONE-0073.pdf](#)

[19-ZONE-0073_Other PC and LDT minutes.pdf](#)

[O-049-20 V.1 022020 Rezoning from R4 & OR1 to C1 at 4508-4512](#)

[Outer Loop 19ZONE0073.pdf](#)

[19-ZONE-0073_staff rpts.pdf](#)

[19-ZONE-0073_legal desc.pdf](#)

[19-ZONE-0073_Appl Justification Stmt.pdf](#)

[19-ZONE-0073_citizen letters.pdf](#)

[19-ZONE-0073_Plan_02.06.20.pdf](#)

[2020.02.06 PC Minutes_19-ZONE-0073 IMEDIATE](#)

[TRANSMITTAL.pdf](#)

[19-ZONE-0073_Detailed District Development Plan and Binding](#)

[Elements.pdf](#)

A motion was made by Committee Member Dorsey, 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.

Chair Person Flood expressed appreciation for the business staying in the Okolona area.

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

Yes: 7 - Flood, Reed, Dorsey, Triplett, Winkler, George, and Engel

3. [R-031-20](#)

A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE LAND DEVELOPMENT CODE REGULATIONS WITH REGARD TO NEIGHBORHOOD MEETINGS.

Sponsors: Primary Paula McCraney (D-7)

Attachments: [R-031-20 V.1 022020 Request PC Review LDC for Neighborhood Meetings.pdf](#)

Chair Person Flood stated the item would be held until Planning and Design Services staff could prepare a presentation on the topic.

This item was held in committee.

4. [O-050-20](#)

AN ORDINANCE CONCERNING THE ADOPTION OF THE BOWMAN AREA NEIGHBORHOODS PLAN AND APPROVING ITS EXECUTIVE SUMMARY AS AN AMENDMENT TO THE PLAN 2040 COMPREHENSIVE PLAN (CASE NO. 19AREAPLAN0003).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [2020.02.25 MC Planning Zoning Committee.pdf](#)

[O-050-20 V.1 022020 Bowman Area Neighborhoods Plan](#)

[19AREAPLAN0003.pdf](#)

[19AREAPLAN0003_PC Minutes_01.23.20.pdf](#)

[19AREAPLAN0003 Bowman Area Neighborhoods Plan PC Staff Report.pdf](#)

[19AREAPLAN0003 Bowman Area Neighborhoods](#)

[Plan BOOK reducedsize.pdf](#)

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

Michael King, Office of Advanced Planning and Sustainability, gave a presentation on the Planning Commission's recommendation.

Council Member Coan and Council Member Hollander stated support for the proposal and discussed the purpose of neighborhood plans.

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

Yes: 7 - Flood, Reed, Dorsey, Triplett, Winkler, George, and Engel

5. [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.

6. [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.4 CAM 022520 Case No 19AMEND1003.pdf](#)
[19amend1003_MC PRES_022520.pdf](#)
[O-259-19 V.3 CAM 021120 Case No 19AMEND1003.pdf](#)
[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](#)

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

Julia Williams, Planning and Design Services, referenced a presentation in regards to proposed amendments.

Committee Member Winkler, Chair Person Flood, Julia Williams, and Travis Fiechter, Jefferson County Attorney's Office, discussed the language appropriate for an amendment to Section 10.1.4.A.

A motion was made by Committee Member Winkler, seconded by Committee Member Triplett, that this amended Ordinance be amended by inserting 'as of the date of passage of this Ordinance' after the word 'coverage' in Section 10.1.4.A, Paragraph 2, Line 5. The motion to amend carried by a voice vote.

Committee Member Winkler, Council Member Coan, Vice Chair Reed, Chair Person Flood, and Council Member Hollander discussed the language appropriate for an amendment to Section 10.1.4.A regarding the percentage of tree preservation required and ensuring the Council had adequate time to review the amendments.

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

- Insert 'a percentage between 20% and' before '10%' in Section 10.1.4.A, Paragraph 3
- Insert 'Only the minimum reduction necessary in the required preserved tree canopy shall be granted. As many trees as possible on the site shall be preserved.' as a new Section 10.1.4.A.3

The motion to amend carried by a voice vote.

A motion was made by Committee Member Winkler, seconded by Committee Member Dorsey, that this amended Ordinance be amended by striking '25%' and inserting '30%' in Table 10.1.1 for Industrial Land Use.

Chair Person Flood, Julia Williams, Council Member Coan, Committee Member Winkler, Vice Chair Reed, Committee Member Engel, Committee Member Dorsey, Council Member Hollander, Committee Member George, and Jeff O'Brien, Develop Louisville, discussed the reason the Planning Commission recommended 25%, the 5% industrial land use reduction option for using heat island green technology, alternate options to comply with the tree canopy requirements, percentage of industrial buildings that implemented white or green roofs in the last year, whether the amendment would have the desired effect of increasing tree canopy coverage, and the percentage of developments that would be able to meet the requirements.

Following an inconclusive voice vote, Chair Person Flood called for a roll call vote and the motion to amend carried by the following vote:

Yes: 4 - Dorsey, Triplett, Winkler, and George

No: 2 - Reed, and Engel

Present: 1 - Flood

Committee Member Winkler and Julia Williams discussed proposed amendments to Section 10.2.8.A. regarding street trees.

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

- Insert 'in Traditional Forms' after 'commercial' in the seventh sentence of Section 10.2.8.A
- Strike '20' and insert '25' for Type B trees in the seventh sentence of Section 10.2.8.A
- Strike '15' and insert '20' for Type C trees in the seventh sentence of Section 10.2.8.A
- Insert '(Traditional Forms)' after 'uses' in the eighth sentence of Section 10.2.8.A

The motion to amend carried by a voice vote.

A motion was made by Committee Member Winkler, seconded by Committee Member Triplett, that this amended Ordinance be amended by inserting a new Section 10.2.14, titled 'Tree Planting Compliance', to read as follows and renumber the remaining sections as appropriate:

- If a Landscape Buffer Area (LBA) or Interior Landscape Area (ILA) cannot meet the tree planting requirements in the buffer or ILA then the site may utilize the fee in lieu as described in Chapter 10.1.3.A.3.c.6 per tree that cannot be planted within the LBA or ILA.

Julia Williams, Committee Member Winkler, Vice Chair Reed, and Committee Member Triplett discussed the necessity of the amendment.

The motion to amend carried by a voice vote.

A motion was made by Committee Member Winkler to call the previous question. The motion to call the previous question failed due to the lack of a second.

Council Member Hollander stated support and a desire for the amended Ordinance to be passed out of committee.

Council Member Coan, Julia Williams, Travis Fiechter, Council Member Hollander, and Chair Person Flood discussed a proposed amendment in Section 10.1.3.

A motion was made by Committee Member George that this amended Ordinance be amended in Section 10.1.3 but the motion was withdrawn upon further discussion that the desired language was already included within the amended Ordinance.

Committee Member Engel, Council Member Hollander, Julia Williams, and Chair Person Flood discussed the two year look back policy and whether the item should be passed out of committee.

Council Member Coan discussed preserving existing tree canopy versus planting new trees and asked for a committee member to move amendments to increase the range of development sites that would be required to preserve 20% of existing tree canopy and to strike Section 10.1.5.A.2 regarding double tree canopy credit for plotting the dripline on the site plan.

A motion was made by Vice Chair Reed, seconded by Committee Member Engel, that this amended Ordinance be tabled but the motion was withdrawn to allow further discussion.

Committee Member George and Jeff O'Brien discussed the background of the proposed language that was the subject of Council Member Coan's request for amendments.

A motion was made by Vice Chair Reed, seconded by Committee Member Engel, that this amended Ordinance be tabled but the motion was withdrawn to allow further discussion.

Council Member Coan, Jeff O'Brien, and Committee Member Dorsey discussed

whether preserving 20% of existing tree canopy was required or incentivized.

A motion was made by Vice Chair Reed, seconded by Committee Member Engel, that this amended Ordinance be tabled. Following an inconclusive voice vote, Chair Person Flood called for a roll call vote and the motion to table carried by the following vote:

Yes: 4 - Flood, Reed, Dorsey, and Engel

No: 3 - Triplett, Winkler, and George

7. [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.

Adjournment

Without objection, Chair Person 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 March 5, 2020.