



# Louisville Metro Government

601 W. Jefferson Street  
Louisville, KY 40202

## Action Summary - Tentative Planning and Zoning Committee

*Chair Madonna Flood (D-24)*

*Vice Chair Scott Reed (R-16)*

*Committee Member Keisha Dorsey (D-3)*

*Committee Member Jecorey Arthur (D-4)*

*Committee Member Cassie Chambers Armstrong (D-8)*

*Committee Member Kevin Triplett (D-15)*

*Committee Member Robin Engel (R-22)*

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Tuesday, March 16, 2021

1:00 PM

Council Chambers/Virtual

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### 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.**

**Present:** 7 - Committee Member Keisha Dorsey (D-3), Committee Member Jecorey Arthur (D-4), Committee Member Cassie Chambers Armstrong (D-8), Committee Member Kevin Triplett (D-15), Vice Chair Scott Reed (R-16), Committee Member Robin Engel (R-22), and Chair Madonna Flood (D-24)

### Non-Committee Member(s)

Council President David James (D-6), Council Member Paula McCraney (D-7), Council Member Bill Hollander (D-9), Council Member Nicole George (D-21), Council Member James Peden (R-23), and Council Member Brent Ackerson (D-26)

### Support Staff

Travis Fiechter, Jefferson County Attorney's Office

### Clerk(s)

Cheryl Woods, Assistant Clerk  
Sonya Harward, Clerk

**SPECIAL DISCUSSION**

1. [ID 21-0252](#)

**Review of the Landmarks Commission Designation of the Nelson Distillery Warehouse (100 Distillery Commons - 20-LANDMARK-0003) as a Local Landmark - THIS IS NOT A PUBLIC HEARING AND NO PUBLIC COMMENT WILL BE TAKEN.**

**Attachments:** [20-LANDMARK 0003 SitePhotos 081420 \(2\).pdf](#)  
[20LANDMARK0003.pdf](#)  
[20-LANDMARK-0003 HistorySummary 081420 \(3\).pdf](#)  
[20-LANDMARK-0003 NationalRegister 081420 \(3\).pdf](#)  
[Barrel House - Ltr Landmark Preservation Commission 9-28-20 \(16922145\) \(1\).PDF](#)  
[Drafteportproposeddedesignation NelsonDistilleryWarehouse 102920 final edits.pdf](#)  
[Engineering structural Assesment \(2\).pdf](#)  
[petitioner NPS App photos.pdf](#)  
[PropertyOwner\\_emailtopetitioner100 Distillery Commons.pdf](#)  
[PropertyOwner 100 Distillery Commons.pdf](#)  
[PropertyOwner Barrel House - Ltr Landmark Preservation Commission 9-28-20 \(16922145\) \(1\) \(1\).PDF](#)  
[PropertyOwner Barrel HouseTC.pdf](#)  
[PropertyOwner Engineering structural Assesment \(2\).pdf](#)  
[PropertyOwner EngineerResume - Steve.pdf](#)  
[PropertyOwner History of 100 Distillery Commons 1974 to 2020 final.pdf](#)  
[propertyowner video links.pdf](#)  
[DistilleryCommons designationreport12172020\\_final.pdf](#)  
[Landmark status for Nelson Distillery.pdf](#)  
[petitioner NPS App photos.pdf](#)  
[Nelson Distillery Warehouse in the Irish Hill Neighborhood.pdf](#)  
[Nelson Distillery Warehouse\\_comment.pdf](#)  
[The Nelson Distillery.pdf](#)  
[Nelson Distillery Warehouse Individual Landmark Support.pdf comment.pdf](#)  
[Nelson Distillery Warehouse \(NDW\).pdf](#)  
[Warehouse nomination.pdf](#)  
[Nelson Distillery Warehouse\\_publiccomment.pdf](#)  
[Nelson Distillery landmark status.pdf](#)  
[publiccomment Nelson Warehouse.pdf](#)  
[public\\_commentNelson Distillery \(1\).pdf](#)  
[Landmarks Minutes 12.17.20.pdf](#)  
[DistilleryCommons designationreport12172020\\_final.pdf](#)  
[JCAO Electronic Signature research.pdf](#)  
[Distillery landmarking support.pdf](#)  
[I Support landmarking the Nelson Distillery.pdf](#)  
[Nelson Distillery.pdf](#)

[IRISH HILL NEIGHBORHOOD'S NELSON DISTILLERY WAREHOUSE.pdf](#)  
[PK Letter of Support Nelson Distillery Warehouse.pdf](#)  
[Support the Preservation of the Nelson Distillery.pdf](#)  
[Landmarks Presentation 100 Distillery Commons \(002\).pdf](#)

Cynthia Elmore Johnson, Planning and Design Services, gave a presentation.

The following spoke to this item:

- Council Member Hollander
- Committee Member Chambers Armstrong
- Committee Member Triplett
- Vice Chair Reed
- Committee Member Arthur
- Chair Flood
- Council Member Ackerson

The following was discussed:

Council Member Hollander stated that there was no reference to the term "economic hardship" in the hearing nor an argument that this met the criteria for a economic hardship. He also stated there was no documentation called for in the written standard guidelines that were published on the website for meeting an economic hardship exemption and guidelines for demolition. He also stated the applicant made a decision not to seek an economic hardship exemption.

- The current owner of the Nelson Distillery Warehouse placed the building on National Registry of Historic Preservation
- Question about how the Metro Council is reviewing landmark cases
- Question whether this Resolution should be before the Metro Council
- Questions and concerns about the structure integrity of the building and the occupancy
- Questions about whether the building has been vacant since the 1970's
- There is a process in the Landmarks Ordinance for properties that are designated landmarks to file an application for demolition and submit the economic hardship to go to the Architecture Review Committee, and if it is turned down, it would then go to the Landmarks Commission to be presented
  - Question about whether the letter from the engineering firm about the structure building carries any weight
  - Question and concerns about people landmarking other people's property
  - Question and concerns about the Landmark Commission's decision and whether Metro Council has to abide by those decisions
  - Question about whether the interior ventilation, the whiskey barrel racks, and the fire safety was the reason the Nelson Distillery Warehouse was put on the National Registry of Historic Preservation
  - Questions and concerns about the administrative law principles and recognition of the procedure and the decision that was made
  - Question regarding whether there has been a landmark designation over the objection of the owner since the Metro Council gave itself the authority to reverse landmark decisions that has not been overturned by the Metro Council
  - In 2012, the Cavalier building in Portland was a petition oriented designation they initiated the process to overturn at Metro Council, but the property owner

reached an agreement with the neighborhood and the Metro Council chose not to go forward with the review  
 - Also, a property on Broadway at the corner of Baxter that was petition oriented designation that did not go forward with the Metro Council review because the deadline was missed

**Pending Legislation**

2. [R-021-21](#)

**A RESOLUTION OVERTURNING THE DECISION OF THE LANDMARKS COMMISSION DESIGNATING THE PROPERTY LOCATED AT 211-215 WEST MUHAMMAD ALI BOULEVARD (CASE NO. 20-LANDMARK-0001) IN LOUISVILLE METRO AS A LOCAL LANDMARK.**

**Sponsors:** Primary David James (D-6) and Primary Jecorey Arthur (D-4)

**Attachments:** [R-021-21 V.1 031121 Overturn Oddfellows Landmark Designation.pdf](#)

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

Committee Member Arthur stated that he would be voting yes and that he decided to be a primary sponsor because of desegregation being tied to this building and secondly interpretation of the designation.

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

**Yes:** 5 - Arthur, Triplett, Reed, Engel, and Flood

**No:** 1 - Chambers Armstrong

**Absent:** 1 - Dorsey

3. [O-086-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 4801 MANS LICK ROAD AND 1936 BLUEGRASS AVENUE (4801 MANS LICK ROAD INCLUDES PARCEL ID NOS. 067H00100000 AND 067H00190000) CONTAINING APPROXIMATELY 10.22 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0096).**

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

**Attachments:** [O-086-21 V.1 031121 Zoning at 4801 Manslick Rd and 1936 Bluegrass Ave.pdf](#)  
[20-ZONE-0096.pdf](#)  
[20-ZONE-0096 Applicant Studies.pdf](#)  
[20-ZONE-0096 LDT Minutes.pdf](#)  
[20-ZONE-0096 Legal Description.pdf](#)  
[20-ZONE-0096 Opposition Letters.pdf](#)  
[20-ZONE-0096 PC Minutes.pdf](#)  
[20-ZONE-0096 Staff Reports.pdf](#)  
[20-ZONE-0096 plan 012021.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.

The following spoke to this item:

- Chair Flood
- Committee Member Triplett

The following was discussed:

- Question regarding whether there is a geotechnical report available online
- A traffic study was completed and stated that Manslick Road was at its capacity
- Questions about the staff report mentioning removing existing binding elements
- Concerns about this location being a troubling place for affordable housing

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.

4. [O-087-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 1213 HINES COURT CONTAINING APPROXIMATELY 1.0 ACRE AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0088).**

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

**Attachments:** [O-087-21 V.1 031121 Zoning at 1213 Hines Ct.pdf](#)

- [20-ZONE-0088.pdf](#)
- [20-ZONE-0088 PC Minutes.pdf](#)
- [20-ZONE-0088 LDT Minutes.pdf](#)
- [20-ZONE-0088 Staff Reports.pdf](#)
- [20-ZONE-0088 Legal Description.pdf](#)
- [20-ZONE-0088 Letters of Opposition.pdf](#)
- [20-ZONE-0088 Plan.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.

The following spoke to this item:

- Committee Member Dorsey
- Brian Davis
- Committee Member Arthur

The following was discussed:

- Question about whether this area would be all market rate housing or if there would be affordable housing available
- Berrytown to the west of Hines Court is included in this area
- Route #31 Transit Authority of River City (TARC) public transportation is available
- Questions around the historic preservation of Berrytown being predominantly an African American area

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

The motion to table carried by a voice vote.

5. [O-088-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 8300 COOPER CHAPEL ROAD CONTAINING APPROXIMATELY 29.69 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0057).**

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

**Attachments:** [O-088-21 V.1 031121 Zoning at 8300 Cooper Chapel Rd.pdf](#)

[20-ZONE-0057\\_Staff.pdf](#)

[20-ZONE-0057 PC Minutes.pdf](#)

[20-ZONE-0057 LDT Minutes.pdf](#)

[20-ZONE-0057 Staff Reports.pdf](#)

[20-ZONE-0057 Legal Description.pdf](#)

[20-ZONE-0057 Applicant Justification.pdf](#)

[20-ZONE-0057 Applicant Studies.pdf](#)

[20-ZONE-0057 Letters of Opposition.pdf](#)

[20-ZONE-0057 SlopeStabilitySurvey 112320.pdf](#)

[20-ZONE-0057 Plan.pdf](#)

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

Brian Davis, Planning and Design Services, gave a presentation.

The following spoke to this item:

- Chair Flood
- Joe Reverman, Planning and Design Services
- Council Member Peden
- Brian Davis
- Committee Member Arthur
- Committee Member Engel

The following was discussed:

- Question about the timing of the road realignment on Cooper Chapel Road being in the 6-year plan
- Question about whether there is funding for Cooper Chapel Road
- The State has the funding for east/west part of Cooper Chapel Road, but the north/south part where Beulah Church Road will be extended to Cedar Creek is not set in stone
- There is a binding element that was added requiring a right turn lane on west bound Cooper Chapel Road to north bound Beulah Church Road, that would be done before the first certificate of occupancy is issued in case the Cooper Chapel Road corridor was not finished at that point
- The construction plans have already been started for the east/west part of Cooper Chapel Road
- Cooper Chapel Road project requires 20% funding from the city and the state is funding 80%
- Questions and concerns about the sinkholes, sinkhole collapsing features and underground springs
- Question and concerns about whether the area was checked by the Kentucky Glade Crest for pollinations and endangered species
- The closest landmark to this location is the Bullitt County line
- Plan 2040 has a housing component that has need for wider diversity of housing throughout the county
- Question and concerns about Transit Authority of River City (TARC) bus stop



being 3.1 miles away and with that distance TARC 3 would not be available for this location

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

The motion to table carried by a voice vote.

6. [O-089-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 1311 SOUTH SHELBY STREET CONTAINING APPROXIMATELY 1.58 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0111). (AS AMENDED)**

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

**Attachments:** [O-089-21 V.2 CAM 031621 Zoning at 1311 South Shelby St.pdf](#)

[O-089-21 V.1 031121 Zoning at 1311 South Shelby St.pdf](#)

[20-ZONE-0111.pdf](#)

[20-ZONE-0111 PC Minutes.pdf](#)

[20-ZONE-0111 LDT Minutes.pdf](#)

[20-ZONE-0111 Staff Reports.pdf](#)

[20-ZONE-0111 Legal Description.pdf](#)

[20-ZONE-0111 Applicant Booklet.pdf](#)

[20-ZONE-0111 Applicant Odor Mitigation.pdf](#)

[20-ZONE-0111 Justification Statement.pdf](#)

[20-ZONE-0111 Letter of Explanation.pdf](#)

[20-ZONE-0111 Letters of Support and Opposition.pdf](#)

[20-ZONE-0111 Plan 110920 \(1\).pdf](#)

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

Brian Davis, Planning and Design Services, gave a presentation.

Committee Member Arthur stated that he was in support of this Ordinance, and he also stated that there were letters in support and opposition of the Ordinance with the residents in Shelby Park area on pages 13 and 14 that are attached.

There was a discussion about binding element #8.

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

- Amend binding element #8 by deleting the last sentence which states: "Any amendment to this binding element shall require the review by the Planning Commission in a full public hearing with a recommendation of approval or denial to the Louisville Metro Council."

- Add binding element #10 which states: "Any amendment to these binding elements shall require the review by the Planning Commission in a full public

hearing with a recommendation of approval or denial to the Louisville Metro Council for final disposition."

The motion to amend carried by a voice vote.

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

Yes: 7 - Dorsey, Arthur, Chambers Armstrong, Triplett, Reed, Engel, and Flood

7. [O-090-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 8127 WATTERSON TRAIL CONTAINING APPROXIMATELY 62.56 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0020).**

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

**Attachments:** [O-090-21 V.1 031121 Zoning at 8127 Watterson Trail.pdf](#)

[20-ZONE-0020.pdf](#)

[20-ZONE-0020 PC Minutes.pdf](#)

[20-ZONE-0020 LDT Minutes.pdf](#)

[20-ZONE-0020 Staff Reports.pdf](#)

[20-ZONE-0020 Legal Description.pdf](#)

[20-ZONE-0020 Applicant Justification.pdf](#)

[20-ZONE-0020 Letters of Opposition.pdf](#)

[20-ZONE-0020 Applicant Booklets.pdf](#)

[20-ZONE-0020 Plan Pg 1.pdf](#)

[20-ZONE-0020 Plan Pg 2.pdf](#)

[02.22.21 PC Minutes Night Hearing.pdf](#)

This item was held in committee.

8. [R-020-21](#)

**A RESOLUTION DIRECTING THE PLANNING COMMISSION TO REVIEW THE COMPLETE STREETS PORTION OF THE COMPREHENSIVE PLAN AS ADOPTED IN 2019.**

**Sponsors:** Primary Nicole George (D-21)

**Attachments:** [R-020-21 V.1 031121 Complete Streets Policy to ensure uniform compliance.pdf](#)

This item was held in committee.

9. [O-440-20](#)

**AN ORDINANCE RELATING TO THE TIME AND LOCATION OF PLANNING COMMISSION PUBLIC HEARINGS DURING STATES OF EMERGENCY**

**Sponsors:** Primary Cindi Fowler (D-14)

**Attachments:** [O-440-20 V.1 091720 Planning Commission Night Meetings.pdf](#)  
[Proposed Bylaw Amendment - Sept 2020\\_v9.pdf](#)  
[PC Bylaws and Policies 2020.09.17.pdf](#)

This item remained held in committee.

10. [O-011-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 8816-8820 W. MANSLICK ROAD CONTAINING APPROXIMATELY 11.28 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0091).**

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

**Attachments:** [O-011-21 V.1 012821 Zoning at 8816-8820 W Manslick.pdf](#)  
[19-ZONE-0091.pdf](#)  
[19-ZONE-0091 Booklet.pdf](#)  
[19-ZONE-0091 Finding of Facts.pdf](#)  
[19-ZONE-0091 Justification Statement.pdf](#)  
[19-ZONE-0091 Legal Description.pdf](#)  
[19-ZONE-0091 Other Minutes.pdf](#)  
[19-ZONE-0091 PC Minutes.pdf](#)  
[19-ZONE-0091 Staff Reports.pdf](#)  
[19-ZONE-0091 Plan 011521.pdf](#)

This item remained held in committee.

11. [O-041-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 6106 S. WATTERSON TRAIL CONTAINING APPROXIMATELY 12.70 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0074).**

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

**Attachments:** [O-041-21 V.1 021121 Zoning at 6106 S. Watterson Trail.pdf](#)  
[20-ZONE-0074.pdf](#)  
[20-ZONE-0074 Legal Description.pdf](#)  
[20-ZONE-0074 Opposition Letters.pdf](#)  
[20-ZONE-0074 Other Minutes.pdf](#)  
[20-ZONE-0074 Staff Reports.pdf](#)  
[20-ZONE-0074 Statement of Compliance.pdf](#)  
[20-ZONE-0074 Plan for Planning Commission 012121.pdf](#)  
[20-ZONE-0074 PC Minutes.pdf](#)

This item remained held in committee.

## **Adjournment**

**Without objection, Chair Flood adjourned the meeting at 2:45 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 25, 2021.