



# 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, March 22, 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 1:02 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 Committee Member Hollander, Committee Member Triplett and Committee Member George, who attended in Chambers.**

**Present:** 6 - 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), and Chair Madonna Flood (D-24)

**Excused:** 1 - Committee Member Robin Engel (R-22)

#### Non-Committee Member(s)

Council Member Paula McCraney (D-7) and Council Member Brent Ackerson (D-26)

#### Support Staff

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

#### Clerk(s)

Cheryl Woods, Assistant Clerk  
Sonya Harward, Clerk

## Pending Legislation

### 1. [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](#)

Committee Member George asked Joe Haberman whether he had any updates on this item.

Joe Haberman, Planning and Design Services, said he would gather information about the extension of the commercial zoning district use.

This item remained held in committee.

### 2. [O-098-22](#)

#### **AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 917 & 919 FOUNTAIN AVENUE AND 4700 WESTPORT ROAD CONTAINING APPROXIMATELY 0.59 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0117) (AS AMENDED).**

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

**Attachments:** [O-098-22 V.2 CAM 032222 Zoning at 917 & 919 Fountain Avenue and 4700 Westport Road.pdf](#)  
[O-098-22 V.1 031722 Zoning at 917 & 919 Fountain Avenue and 4700 Westport Road.pdf](#)  
[21-ZONE-0117.pdf](#)  
[21-ZONE-0117\\_Applicant's Presentation.pdf](#)  
[21-ZONE-0117\\_Justification Statement.pdf](#)  
[21-ZONE-0117\\_Legal Description.pdf](#)  
[21-ZONE-0117\\_Other Minutes.pdf](#)  
[21-ZONE-0117\\_PC\\_Minutes\\_02.17.2022.pdf](#)  
[21-ZONE-0117\\_Plan\\_011922.pdf](#)  
[21-ZONE-0117\\_Public Materials.pdf](#)  
[21-ZONE-0117\\_Staff Reports.pdf](#)

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

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

Council Member McCraney read the following Binding Element into record:

"10. Any significant changes or alterations to the proposed structures (e.g. building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property, and/or any amendments to the binding elements shall be reviewed before the Planning Commission with final action to be determined by Metro Council."

A motion was made by Council Member McCraney, seconded by Committee Member Triplett, that this Ordinance be amended by adding Binding Element 10, as read into the record.

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:

District 7 Council Member McCraney had a vote on this zoning case and voted YES.

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

**Excused:** 1 - Engel

**Absent:** 1 - George

3. [O-096-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 10105 VISTA HILLS BOULEVARD CONTAINING APPROXIMATELY 1.26 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0138) (AS AMENDED).**

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

**Attachments:** [O-096-22 V.2 CAM 032222 Zoning at 10105 Vista Hills Boulevard.pdf](#)

[O-096-22 V.1 031722 Zoning at 10105 Vista Hills Boulevard.pdf](#)

[21-ZONE-0138.pdf](#)

[21-ZONE-0138 Applicant Presentation.pdf](#)

[21-ZONE-0138 Justification Statement.pdf](#)

[21-ZONE-0138 Legal Description.pdf](#)

[21-ZONE-0138 Other Minutes.pdf](#)

[21-ZONE-0138 PC Minutes 02.17.2022.pdf](#)

[21-ZONE-0138 Plan 021122.pdf](#)

[21-ZONE-0138 Public Materials.pdf](#)

[21-ZONE-0138 Staff Reports.pdf](#)

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

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

A motion was made by Chair Flood, second by Committee Member Engel, that this Ordinance be amended by adding the following Binding Element:

"8. Any significant changes or alterations to the proposed structures (e.g. building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property, and/or any amendments to the binding elements shall be reviewed before the Planning Commission with final action to be determined by Metro Council."

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:** 5 - Arthur, Hollander, Triplett, Reed, and Flood

**Excused:** 1 - Engel

**Absent:** 1 - George

4. [O-097-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 2430 PORTLAND AVENUE CONTAINING APPROXIMATELY 0.2328 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0070) (AS AMENDED).**

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

- Attachments:** [O-097-22 V.2 CAM 032222 Zoning at 2430 Portland Avenue.pdf](#)  
[O-097-22 V.1 031722 Zoning at 2430 Portland Avenue.pdf](#)  
[21-ZONE-0070.pdf](#)  
[21-ZONE-0070 Justification Statement.pdf](#)  
[21-ZONE-0070 Legal Description.pdf](#)  
[21-ZONE-0070 Other Minutes.pdf](#)  
[21-ZONE-0070 PC Minutes 02.17.2022.pdf](#)  
[21-ZONE-0070 Plan.pdf](#)  
[21-ZONE-0070 Public Materials.pdf](#)  
[21-ZONE-0070 Staff Reports.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).

Chair Flood stated that this item is in Council Member Donna Purvis's district, but that she has not heard back from that office.

The following spoke to this item:

- Committee Member Triplett
- Brian Davis

The following was discussed:

- Question and concerns about the origin of the three "no" votes
- Concerns about the traffic parking on Portland Avenue
- A turn around was added at the rear of the site behind the structure
- The rear of the structure is for employee parking
- This site was once a very old home
- Questions and concerns about the detailed plan that has been approved
- Question about whether the majority of the Commissioners were satisfied

Chair Flood read the following Binding Element into record:

"6. Any significant changes or alterations to the proposed structures (e.g. building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property, and/or any amendments to the binding elements shall be reviewed before the Planning Commission with final action to be determined by Metro Council."

A motion was made by Chair Flood, seconded by Committee Member Hollander, that this Ordinance be amended by adding Binding Element 6, as read into the record.

The motion to amend carried by a voice vote.

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

The motion to table carried without objection.

5. [O-011-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 4634 SOUTHCREST DRIVE CONTAINING APPROXIMATELY 0.24 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0021). (AMENDMENT BY SUBSTITUTION)**

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

**Attachments:** [O-011-22 V.2 CABS 032222 Zoning at 4634 Southcrest Drive.pdf](#)

[O-011-22 V.1 020322 Zoning at 4634 Southcrest Drive.pdf](#)

[21-ZONE-0021.pdf](#)

[21-ZONE-0021\\_PC Minutes\\_12.16.21.pdf](#)

[21-ZONE-0021\\_Other Minutes.pdf](#)

[21-ZONE-0021\\_Legal Desc.pdf](#)

[21-ZONE-0021\\_Appl Justification Stmt.pdf](#)

[21-ZONE-0021\\_Citizen emails.pdf](#)

[21-ZONE-0021\\_Plan\\_12.16.21.pdf](#)

[21-ZONE-0021\\_Staff Rpts.pdf](#)

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

Brian Davis, Planning and Design Services, gave a recap of the presentation (see attached).

Travis Fiechter, Jefferson County Attorney's Office, read into record the amendment by substitution.

A motion was made by Committee Member George, seconded by Chair Flood, that this Ordinance be amended by substitution as shown in the attached document titled "O-011-22 V.2 CABS 032222 Zoning at 4634 Southcrest Drive.pdf".

The motion to amend by substitution carried by a voice vote.

The following spoke to this item:

- Committee Member George
- Travis Fiechter
- Brian Davis

The following was discussed:

- Density and types of housing should be encouraged
- Non-conforming rights were not established
- The property was not in compliance when tenants moved in and rent was increased

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

**Yes:** 6 - Arthur, Hollander, Triplett, Reed, George, and Flood

**Excused:** 1 - Engel

6. [O-022-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 2100 AND 2044 BUECHEL BANK ROAD AND 4134 R BARDSTOWN ROAD CONTAINING APPROXIMATELY 8.85 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0127).**

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

**Attachments:** [O-022-22 V.1 020322 Zoning at 2100 and 2044 Buechel Bank Road and 4134 R Bardstown Road.pdf](#)  
[21-ZONE-0127.pdf](#)  
[21-ZONE-0127 Applicant's Presentation.pdf](#)  
[21-ZONE-0127 Citizen Comments.pdf](#)  
[21-ZONE-0127 Justification.pdf](#)  
[21-ZONE-0127 Legal Description.pdf](#)  
[21-ZONE-0127 Other Minutes.pdf](#)  
[21-ZONE-0127 PC Minutes\\_010622.pdf](#)  
[21-ZONE-0127 Plan\\_011122.pdf](#)  
[21-ZONE-0127 Staff Reports.pdf](#)

This item remained held in committee.

7. [O-105-22](#)

**AN ORDINANCE AMENDING ORDINANCE 279, SERIES 2019, THE COMPLETE STREETS POLICY AND ADOPTING THE POLICY AS AN AMENDMENT TO PLAN 2040, THE COMPREHENSIVE PLAN (CASE NO. COMPLETE STREETS AMENDMENTS) (AS AMENDED).**

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

**Attachments:** [O-105-22 V.2 CAM 041922 Amending Complete Streets.pdf](#)  
[O-105-22 V.1 031722 Amending Complete Streets.pdf](#)  
[Complete Streets Amendments\\_Other Minutes.pdf](#)  
[Complete Streets Amendments PC Minutes\\_02.17.2022.pdf](#)  
[Complete Streets Amendments\\_Presentation.pdf](#)  
[Complete Streets Coalition\\_Bylaws.pdf](#)  
[Complete Streets\\_Edits Complete Streets Coalition 2022.pdf](#)  
[Complete Streets\\_Ordinance Edits Suggested\\_Final.pdf](#)  
[Complete Streets\\_RES 038 2021.pdf](#)

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

Nathan Keltch, Public Works, gave a presentation (see attached).

The following spoke to this item:

- Chair Flood
- Committee Member George
- Committee Member Arthur
- Vice Chair Reed
- Committee Member Hollander
- Laura Ferguson, Jefferson County Attorney's Office

The following was discussed:

- Questions about the types of projects for which Complete Streets Checklists ("CSC") would be used
- What the CSC's implementation date would be
- Question about the conception of the CSC
- Question about the draft checklist
- Question about what is being done to ensure everything is being broad and diverse
- Question about whether the CSC will add to the market cost of roads
- Question about whether Metro Council would need to be more involved
- Question about whether it is possible to change the language to include Public Works and Metro Council

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

The motion to table carried by a voice vote.

8. [R-009-22](#)

**A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE LAND DEVELOPMENT CODE AND DEVELOP RECOMMENDATIONS FOR NOTICE REQUIREMENTS WITH RESPECT TO ACCESSORY DWELLING UNITS PERMITTED BY RIGHT WITH SPECIAL STANDARDS (AS AMENDED).**

**Sponsors:** Primary Anthony Piagentini (R-19) and Primary Scott Reed (R-16)

**Attachments:** [R-009-22 V.2 CAM 032222 Review of LDC for Notice Provisions with respect to ADUs permitted by right with special standards.pdf](#)  
[R-009-22 PROPOSED CAM 032222 Review of LDC for Notice Provisions with respect to ADUs permitted by right with special standards.pdf](#)  
[R-009-22 V.1 020322 Review of LDC for Notice Provisions with respect to ADUs permitted by right with special standards.docx](#)

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

Vice Chair Reed stated that this Resolution request that the Planning Commission review the notice requirements so that notification can be provided to Metro Council offices with Homeowners' Associations in their Districts regarding Accessory Dwelling Units ("ADUs").

A motion was made by Chair Flood, seconded by Vice Chair Reed, that this Resolution be amended by:

- striking the following: "adjoining property owners (first tier, and possibly second tier) and current residents for such properties"



- adding the following: "so that the Council Members may be able to inform potentially impacted groups, such as homeowners' associations"
- striking the following: "and interested parties registered on the Neighborhood Notice List"

The motion to amend carried by a voice vote.

The following spoke to this item:

- Vice Chair Reed
- Emily Liu, Planning and Design Services
- Chair Flood
- Committee Member Arthur
- Committee Member Hollander

The following was discussed:

- Planning and Designs Services has created a website with information about ADUs
- All ADUs are available and posted online and updated monthly
- All ADUs require a building permit
- Question about whether a Conditional Use Permit ("CUP") will be required for an ADU
- The CUP requires a two-year notification
- An ADU with special standard can be approved at staff level
- Question about whether homeowners who belong to a Homeowners' Association are privy to what that association can and cannot do

A motion was made by Committee Member Hollander, seconded by Committee Member Arthur, that this Resolution be amended by striking the following: "be provided to interested parties, including, but not limited to."

The motion to amend carried by a voice vote.

The motion to recommend for approval carried by a voice vote and the amended Resolution was sent to Old Business.

9. [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.

10. [O-084-22](#)

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE USE OF SECTION 4.3.20 OF THE LAND DEVELOPMENT CODE TITLED “MIXED RESIDENTIAL DEVELOPMENT INCENTIVE (MRDI)”.**

**Attachments:** [O-084-22 SPONSORSHIP WITHDRAWN 030322 MRDI Moratorium Mixed Residentil Dev Incentive.pdf](#)  
[O-084-22 PROPOSED CAM 030822 MRDI Moratorium Mixed Residentil Dev Incentive.pdf](#)

Sponsorship has been withdrawn.

11. [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.

## Adjournment

Without objection, Chair Flood adjourned the meeting at 2:23 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 April 14, 2022.