



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 S. Brandon Coan (D-8)
Committee Member Bill Hollander (D-9)
Committee Member Scott Reed (R-16)
Committee Member Robin Engel (R-22)
Committee Member Brent Ackerson (D-26)

Tuesday, December 5, 2017

1:30 PM

Council Chambers

Call to Order

Chair Person Flood called the meeting to order at 1:34 p.m.

Roll Call

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

Committee Member Ackerson arrived at 1:36 p.m. and Committee Member Engel arrived at 1:51 p.m.

- Present:** 6 - Chair Person Madonna Flood (D-24), Vice Chair Glen Stuckel (R-17), Committee Member S. Brandon Coan (D-8), Committee Member Bill Hollander (D-9), Committee Member Robin Engel (R-22), and Committee Member Brent Ackerson (D-26)
- Excused:** 1 - Committee Member Scott Reed (R-16)

Non-Committee Member(s)

Council Member Cindi Fowler (D-14)

Support Staff

Paul Whitty, Jefferson County Attorney's Office
John Carroll, Jefferson County Attorney's Office
Travis Fiechter, Jefferson County Attorney's Office

Clerk(s)

David B. Wagner, Assistant Clerk

Pending Legislation

1. [O-407-17](#)

AN ORDINANCE CLOSING THE REMAINING PORTION OF AN UNNAMED 12 FOOT ALLEY NORTH OF FRANKLIN STREET TERMINATING AT NORTH SHELBY STREET CONTAINING 2,826 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 17STREETS1015).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-407-17 V.1 113017 Closure of Remainder of Unnamed 12' Alley N of Franklin St & Ending at N Shleby St 17STREETS1015.pdf](#)
[O-407-17 V.1 113017 ATTACH Plat.pdf](#)
[17streets1015.pdf](#)
[MC Transmittal 17STREETS1015 Approved Minutes.pdf](#)
[MC Transmittal 17STREETS1015 Other Minutes.pdf](#)
[MC Transmittal 17STREETS1015 Staff Reports.pdf](#)
[MC Transmittal 17STREETS1015 Legal Description.pdf](#)

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

Brian Davis, Planning and Design Services, spoke to the item and gave a presentation.

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

Yes: 5 - Flood, Stuckel, Coan, Hollander, and Ackerson

Excused: 1 - Reed

Absent: 1 - Engel

2. [O-408-17](#)

AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO CM COMMERCIAL MANUFACTURING AND CHANGING THE FORM DISTRICT FROM NEIGHBORHOOD TO SUBURBAN MARKETPLACE CORRIDOR ON PROPERTY LOCATED AT 6605 WEST ORELL ROAD CONTAINING 12.89 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 17ZONE1019) (AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-408-17 V.2 CAM 120517 Rezoning from R4 to CM and from N FD to SMC FD at 6605 W Orell Rd 17ZONE1019.pdf](#)
[O-408-17 V.1 113017 Rezoning from R4 to CM and from N FD to SMC FD at 6605 W Orell Rd 17ZONE1019.pdf](#)
[17ZONE1019.pdf](#)
[MC Transmittal 17ZONE1019 Approved Minutes.pdf](#)
[MC Transmittal 17ZONE1019 Other Minutes.pdf](#)
[MC Transmittal 17ZONE1019 Staff Reports.pdf](#)
[MC Transmittal 17ZONE1019 Legal Description.pdf](#)
[MC Transmittal 17ZONE1019 Justification Statement.pdf](#)
[MCTransmittal 17ZONE1019 Approved Plan.pdf](#)

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

Brian Davis, Planning and Design Services, spoke to the item and gave a presentation. Council Member Fowler spoke to the item.

A motion was made by Chair Person Flood, seconded by Committee Member Ackerson, that this Ordinance be amended by adding the following Binding Element #8: A change in use requires review and approval by the Metro Council. The motion to amend carried by a voice vote.

Paul Whitty, Jefferson County Attorney's Office, spoke to the item.

A motion was made by Chair Person Flood, seconded by Committee Member Ackerson, that this amended Ordinance be amended by adding the following Binding Element #9: No storage of coal ash/fly ash or any hazardous chemical shall be permitted on this site. 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 14 Council Member Fowler had a vote on this zoning case and voted YES.

Yes: 6 - Flood, Stuckel, Coan, Hollander, Engel, and Ackerson

Excused: 1 - Reed

3. [O-411-17](#)

AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY AND C-2 COMMERCIAL TO CM COMMERCIAL/ MANUFACTURING AND CHANGING THE FORM DISTRICT FROM NEIGHBORHOOD TO SUBURBAN MARKETPLACE CORRIDOR ON PROPERTY LOCATED AT 11905 DIXIE HIGHWAY CONTAINING 2.2 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 17ZONE1022) (AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-411-17 V.2 CAM 120517 Rezoning from R4 & C2 to CM and from N FD to SMC FD at 11905 Dixie Hwy 17ZONE1022.pdf](#)
[PROPOSED FAM O-411-17.pdf](#)

[O-411-17 V.1 113017 Rezoning from R4 & C2 to CM and from N FD to SMC FD at 11905 Dixie Hwy 17ZONE1022.pdf](#)
[17ZONE1022.pdf](#)

[MC Transmittal 17ZONE1022 PC Minutes.pdf](#)

[MC Transmittal 17ZONE1022 Other Minutes.pdf](#)

[MC Transmittal 17ZONE1022 Staff Reports.pdf](#)

[MC Transmittal 17ZONE1022 Applicant Justification.pdf](#)

[MC Transmittal 17ZONE1022 Legal Description.pdf](#)

[MC Transmittal 17ZONE1022 Approved Plan.pdf](#)

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

Brian Davis, Planning and Design Services, spoke to the item and gave a presentation. Paul Whitty, Jefferson County Attorney's Office, and Council Member Fowler spoke to the item.

A motion was made by Chair Person Flood, seconded by Vice Chair Stuckel, that this Ordinance be amended by adding the following Binding Element #11: No storage of coal ash/fly ash or any hazardous chemical shall be permitted on this site. The motion to amend carried by a voice vote.

Emily Liu, Planning and Design Services, spoke to the item.

A motion was made by Chair Person Flood, seconded by Committee Member Engel, that this amended Ordinance be amended by adding the following Binding Element #12: The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection. 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 14 Council Member Fowler had a vote on this zoning case and voted YES.

Yes: 6 - Flood, Stuckel, Coan, Hollander, Engel, and Ackerson

Excused: 1 - Reed

4. [O-412-17](#)

AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 8107 BLUE LICK ROAD CONTAINING .65 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 17ZONE1028) (AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-412-17 V.2 CAM 120517 Rezoning from R4 to C1 at 8107 Blue Lick Rd 17ZONE1028.pdf](#)
[O-412-17 V.1 113017 Rezoning from R4 to C1 at 8107 Blue Lick Rd 17ZONE1028.pdf](#)
[17ZONE1028.pdf](#)
[MC Transmittal 17ZONE1028 PC Minutes.pdf](#)
[MC Transmittal 17ZONE1028 Other Minutes.pdf](#)
[MC Transmittal 17ZONE1028 Staff Reports.pdf](#)
[MC Transmittal 17ZONE1028 Applicant Boundary Survey.pdf](#)
[MC Transmittal 17ZONE1028 Legal Description.pdf](#)
[MC Transmittal 17ZONE1028 Approved Plan.pdf](#)

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

Brian Davis, Planning and Design Services, spoke to the item and gave a presentation. Emily Liu, Planning and Design Services, and Paul Whitty, Jefferson County Attorney's Office, spoke to the item.

A motion was made by Chair Person Flood, seconded by Committee Member Ackerson, that this Ordinance be amended by adding the following Binding Element #9: The business may not open until the proper change in use permits have been obtained and all the binding elements and conditions of approval have been met. The motion to amend carried by a voice vote.

A motion was made by Chair Person Flood, seconded by Committee Member Engel, that this amended Ordinance be forwarded to Metro Council without a recommendation.

The motion to forward to Metro Council without a recommendation carried by the following vote and the amended Ordinance was sent to Old Business:

Yes: 6 - Flood, Stuckel, Coan, Hollander, Engel, and Ackerson

Excused: 1 - Reed

5. [O-413-17](#)

AN ORDINANCE CHANGING THE ZONING FROM OR-1 OFFICE/RESIDENTIAL AND R-7 MULTI-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 5024 AND 5026 SOUTH THIRD STREET AND 307 KINGSTON AVENUE CONTAINING .44 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 17ZONE1036).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-413-17 V.1 113017 Rezoning from OR1 & R7 to C1 at 5024-5026 S Third St & 307 Kingston Ave 17ZONE1036.pdf](#)
[17ZONE1036.pdf](#)
[MC Transmittal 17ZONE1036 Approved PC Minutes.pdf](#)
[MC Transmittal 17ZONE1036 Other Minutes.pdf](#)
[MC Transmittal 17ZONE1036 Staff Reports.pdf](#)
[MC Transmittal 17ZONE1036 Legal Descriptions.pdf](#)
[MC Transmittal 17ZONE1036 Applicant Justification.pdf](#)
[MC Transmittal 17ZONE1036 Applicant Survey.pdf](#)
[MC Transmittal 17ZONE1036 Approved Plan.pdf](#)

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

Brian Davis, Planning and Design Services, spoke to the item and gave a presentation. Paul Whitty, Jefferson County Attorney's Office, and Ray Manley, District 21 Legislative Assistant, spoke to the item.

A motion was made by Committee Member Coan, seconded by Committee Member Hollander, that this Ordinance be forwarded to Metro Council without a recommendation.

The motion to forward to Metro Council without a recommendation carried by the following vote and the Ordinance was sent to Old Business:

Yes: 6 - Flood, Stuckel, Coan, Hollander, Engel, and Ackerson

Excused: 1 - Reed

6. [O-406-17](#)

AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO C-N NEIGHBORHOOD COMMERCIAL ON PROPERTY LOCATED AT 4922 BROWNSBORO ROAD CONTAINING 1.4 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 17ZONE1025).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-406-17 V.1 113017 Rezoning from R4 to CN at 4922 Brownsboro Rd 17ZONE1025.pdf](#)
[17ZONE1025.pdf](#)
[MC Transmittal 17ZONE1025 Approved Minutes.pdf](#)
[MC Transmittal 17ZONE1025 Other Minutes.pdf](#)
[MC Transmittal 17ZONE1025 Staff Reports.pdf](#)
[MC Transmittal 17ZONE1025 Legal Description.pdf](#)
[MC Transmittal 17ZONE1025 Booklets.pdf](#)
[MC Transmittal 17ZONE1025 Justification.pdf](#)
[MC Transmittal 17ZONE1025 Approved Plan.pdf](#)

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

Brian Davis, Planning and Design Services, spoke to the item and gave a presentation. Committee Member Engel read a statement from Council Member Angela Leet.

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

Yes: 6 - Flood, Stuckel, Coan, Hollander, Engel, and Ackerson

Excused: 1 - Reed

7. [O-387-17](#)

AN ORDINANCE REPEALING SECTION 150.110 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ("LMCO") AND ENACTING A NEW SECTION 150.110 RELATING TO WRECKING OR DEMOLITION OF HISTORIC BUILDINGS OR STRUCTURES.

Sponsors: Primary S. Brandon Coan (D-8)

Attachments: [O-387-17 PROPOSED CABS -TRACKED CHANGES- 120517 Replacing LMCO 150.110 Relating to Demo of Historic Structures.pdf](#)
[O-387-17 PROPOSED CABS -CLEAN- 120517 Replacing LMCO 150.110 Relating to Demo of Historic Structures.pdf](#)
[O-387-17 V.1 110917 Replacing LMCO 150.110 Relating to Demo of Historic Structures.pdf](#)

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

Committee Member Coan and Emily Liu, Planning and Design Services, spoke to the item.

A motion was made by Vice Chair Stuckel, seconded by Committee Member Hollander, that this Ordinance be tabled. The motion to table carried by a voice vote and the Ordinance was tabled.

8. [O-409-17](#)

AN ORDINANCE AMENDING LMCO CHAPTERS 32.840 AND 32.850 WITH RESPECT TO COMPENSATION FOR PLANNING COMMISSION AND BOARD OF ZONING ADJUSTMENT MEMBERS (AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-409-17 V.2 CAM 120517 Compensation for Planning Comm and Board of Zoning Adjustment Mbrs.pdf](#)
[O-409-17 V.1 113017 Compensation for Planning Comm and Board of Zoning Adjustment Mbrs.pdf](#)

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

The following spoke to the item:

- Emily Liu, Planning and Design Services
- Paul Whitty, Jefferson County Attorney's Office
- Chair Person Flood
- Deborah Bilitski, Develop Louisville

A motion was made by Committee Member Ackerson, seconded by Committee Member Engel, that this Ordinance be amended by:

- Striking through '75' and replacing it with '100' on Line 4 of Section I
- Striking through '2,250' and replacing it with '3,000' on Line 5 of Section I
- Striking through '75' and replacing it with '100' on Line 4 of Section II
- Striking through '2,250' and replacing it with '3,000' on Line 5 of Section II

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, Coan, Hollander, Engel, and Ackerson

Excused: 1 - Reed

9. [O-375-17](#)

AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES ("LMCO") SECTION 164.30 ET SEQ., THE SYSTEM DEVELOPMENT CHARGE, TO REQUIRE INCREASED CONTRIBUTIONS AND ELIMINATE THE SUNSET PROVISION.

Sponsors: Primary Julie Denton (R-19)

Attachments: [O-375-17 V.1 102617 System Development Charge Increase.pdf](#)

This item was held in committee per the request of Council Member Julie Denton as stated by Chair Person Flood.

10. [O-417-17](#)

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON REZONING, CONDITIONAL USE PERMIT, MAJOR SUBDIVISION, AND PLAN CERTAIN, CATEGORY 2B AND 3 DEVELOPMENT PLAN APPLICATIONS FOR RESIDENTIAL DEVELOPMENT IN THE SYSTEM DEVELOPMENT CHARGE AREA.

Sponsors: Primary Julie Denton (R-19)

Attachments: [O-417-17 V.1 113017 Temporary Moratorium on Rezoning and Development Plan Applications in System Development Charge Area.pdf](#)
[O-417-17 V.1 113017 EXHIBIT A - Map of System Development Charge Areas.pdf](#)
[O-417-17 REFERENCE System Development Charges for Roadways Report.pdf](#)

This item was held in committee per the request of Council Member Julie Denton as stated by Chair Person Flood.

11. [R-168-17](#)

A RESOLUTION REQUESTING THE PLANNING COMMISSION TO REVIEW THE LAND DEVELOPMENT CODE REGULATIONS WITH REGARD TO THE PRESERVATION OF TREES AND TO INCREASE THE PERIMETER TREE PRESERVATION REQUIREMENTS.

Sponsors: Primary Julie Denton (R-19)

Attachments: [R-168-17 V.1 102617 Request PC to Review LDC Tree Preservation Requirements Increase.pdf](#)

This item was held in committee per the request of Council Member Julie Denton as stated by Chair Person Flood.

12. [R-189-17](#)

A RESOLUTION REQUESTING THE LOUISVILLE/JEFFERSON COUNTY PLANNING COMMISSION TO ADOPT A REGULATION PROVIDING FOR APPEALS TO THE METRO COUNCIL IN SUBDIVISION CASES.

Sponsors: Primary Julie Denton (R-19)

Attachments: [R-189-17 V.1 113017 PC Regulation for Appeals to MC Subdivision Cases.pdf](#)

This item was held in committee per the request of Council Member Julie Denton as stated by Chair Person Flood.

Adjournment

Without objection, Chair Person Flood adjourned the meeting at 3:09 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 December 14, 2017.