



# Louisville Metro Government

## Action Summary - Tentative 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, February 8, 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 1:01 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, except Committee Member Hollander, Committee Member George, and Council Member Chambers Armstrong, who attended in Chambers.

**Present:** 6 - Committee Member Jecorey Arthur (D-4), Committee Member Bill Hollander (D-9), Vice Chair Scott Reed (R-16), Committee Member Nicole George (D-21), Committee Member Robin Engel (R-22), and Chair Madonna Flood (D-24)

**Excused:** 1 - Committee Member Kevin Triplett (D-15)

#### Non-Committee Member(s)

Council Member Keisha Dorsey (D-3) and Council Member Cassie Chambers Armstrong (D-8)

#### 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-003-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 5402 AND 5406 COOPER CHAPEL ROAD CONTAINING APPROXIMATELY 9.24 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0108).**

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

**Attachments:** [O-003-22 V.1 020322 Zoning at 5402 & 5406 Cooper Chapel Road.pdf](#)

[21-ZONE-0108.pdf](#)

[21-ZONE-0108\\_PC Min\\_12.16.21.pdf](#)

[21-ZONE-0108\\_LDT Min\\_11.11.21.pdf](#)

[21-ZONE-0108\\_Legal Desc.pdf](#)

[21-ZONE-0108\\_Staff Rpts.pdf](#)

[21-ZONE-0108\\_Applicant's FOF.pdf](#)

[21-ZONE-0108\\_citizen email.pdf](#)

[21-ZONE-0108\\_Plan\\_12.16.21.pdf](#)

[21-ZONE-0108\\_Soil Report.pdf](#)

[21-ZONE-0087\\_Justification Stmt.pdf](#)

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

**Brian Davis, Planning and Design Services, gave a presentation on the Planning Commission's recommendation.**

**The following spoke to this item:**

- Chair Flood
- Travis Fiechter, Jefferson County Attorney's Office
- Committee Member Engel

**The following was discussed:**

- Question about whether a binding element should be added stating a certain amount of money to be turned over to the homeowner's association once the development is complete.

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

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

**Excused:** 1 - Triplett

2. [O-007-22](#)

**AN ORDINANCE RELATING TO THE CLOSURE OF A PORTION OF AN UNNAMED ALLEY BETWEEN GREENWOOD AVENUE AND GRAND AVENUE CONTAINING APPROXIMATELY 4,000 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 21STRCLOSURE0030).**

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

**Attachments:** [O-007-22 V.1 020322 21STRCLOSURE0030 Closure of a Portion of an Unnamed Alley Between Greenwood Ave and Grand Ave.pdf](#)  
[21-STRCLOSURE-0030.pdf](#)  
[21-STRCLOSURE-0030\\_all minutes.pdf](#)  
[21-STRCLOSURE-0030\\_legal desc.pdf](#)  
[21-STRCLOSURE-0030\\_plat\\_12.16.21.pdf](#)  
[21-STRCLOSURE-0030\\_staff rpt\\_12.09.21.pdf](#)

A motion was made by Committee Member Arthur, 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.

Chair Flood stated this is in Council Member Green's District and that she spoke with her and she is in support of this alley closure.

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

3. [O-009-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 11651 AND 11661 BLANKENBAKER ACCESS DRIVE CONTAINING APPROXIMATELY 3.73 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0061).**

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

**Attachments:** [O-009-22 V.1 020322 Zoning at 11651 & 11661 Blankenbaker Access Drive.pdf](#)  
[20-ZONE-0061.pdf](#)  
[20-ZONE-0061\\_PC Minutes\\_12.16.21.pdf](#)  
[20-ZONE-0061\\_LDT Minutes\\_11.11.21.pdf](#)  
[20-ZONE-0061\\_legal desc.pdf](#)  
[20-ZONE-0061\\_Applicants FOF.pdf](#)  
[20-ZONE-0061\\_Applicants Justification Stmt.pdf](#)  
[20-ZONE-0061\\_Plan\\_102221.pdf](#)  
[20-ZONE-0061\\_staff rpts.pdf](#)

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

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

The following spoke to this item:

- Chair Flood
- Joe Reverman, Planning and Design Services

The following was discussed:

- Question about whether the fire department had been contacted about the removal of the gate

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

Yes: 6 - Arthur, Hollander, Reed, George, Engel, and Flood

Excused: 1 - Triplett

4. [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).**

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

**Attachments:** [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 Engel, seconded by Committee Member Hollander, that this Ordinance be recommended for approval.

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

The following spoke to this item:

- Chair Flood
- Committee Member George
- Travis Fiechter, Jefferson County Attorney's Office
- Committee Member Hollander

The following was discussed:

- Question about whether this item had a compliance issue
- Question about whether any permits were granted after 2019
- Question about whether the entire house was renovated
- Question about whether the square footage is above market rate

Committee Member George stated that she recommends rejecting the development plan, and overturning the Planning Commission's decision

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

The motion to table carried by a voice vote.

5. [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.**

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

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

This item was held in committee.

6. [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 was held in committee.

7. [O-018-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 10212 AND 10302 OAK GROVE ROAD CONTAINING APPROXIMATELY 68.57 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0059).**

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

**Attachments:** [O-018-22 V.1 020322 Zoning at 10212 and 10302 Oak Grove Road.pdf](#)  
[21-ZONE-0059.pdf](#)  
[21-ZONE-0059\\_PC Minutes\\_12.16.21.pdf](#)  
[21-ZONE-0059\\_LDT Minutes\\_11.11.21.pdf](#)  
[21-ZONE-0059\\_Legal Desc.pdf](#)  
[21-ZONE-0059\\_Staff Rpts.pdf](#)  
[21-ZONE-0059\\_09.27.21\\_Oak Grove Traffic study.pdf](#)  
[21-ZONE-0059\\_11.11.21\\_Oak Grove Traffic study.pdf](#)  
[21-ZONE-0059\\_applicant\\_justification.pdf](#)  
[21-ZONE-0059\\_Citizen Comments.pdf](#)  
[21-ZONE-0059\\_DENIED Plan\\_102921.pdf](#)  
[21-ZONE-0059\\_KarstSurvey\\_090121.pdf](#)

This item was held in committee.

8. [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](#)

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

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

The following spoke to this item:

- Chair Flood
- Travis Fiechter, Jefferson County Attorney's Office

- Joe Reverman, Planning and Design Services

The following was discussed:

- Question about whether this is market rate or affordable housing
- Question about whether it would be necessary to add a binding element about affordable housing
- Question and concerns about the site having 49% tree canopy

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

Yes: 6 - Arthur, Hollander, Reed, George, Engel, and Flood

Excused: 1 - Triplett

9. [O-023-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 10700 WESTPORT ROAD CONTAINING APPROXIMATELY 4.2 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0034).**

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

**Attachments:** [O-023-22 V.1 020322 Zoning at 10700 Westport Road.pdf](#)

[21-ZONE-0034.pdf](#)

[21-ZONE-0034 Applicant's Presentation.pdf](#)

[21-ZONE-0034 Citizens Comments.pdf](#)

[21-ZONE-0034 Justification.pdf](#)

[21-ZONE-0034 Legal Description.pdf](#)

[21-ZONE-0034 Other Minutes.pdf](#)

[21-ZONE-0034 PC Minutes\\_010622.pdf](#)

[21-ZONE-0034 Plan 101321.pdf](#)

[21-ZONE-0034 Staff Reports.pdf](#)

[21-ZONE-0034 Traffic Study.pdf](#)

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

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

Chair Flood stated this item is in Council Member Winkler's District and that she spoke with him and he is in support of this change in zoning.

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

Yes: 6 - Arthur, Hollander, Reed, George, Engel, and Flood

Excused: 1 - Triplett

10. [O-680-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 4520 POPLAR LEVEL ROAD CONTAINING APPROXIMATELY 85.6 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0121).**

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

- Attachments:** [O-680-21 V.1 010622 Zoning at 4520 Poplar Level Road.pdf](#)  
[21-ZONE-0121.pdf](#)  
[21-ZONE-0121\\_PC Minutes\\_12.02.21.pdf](#)  
[21-ZONE-0121\\_LDT Minutes\\_11.11.21.pdf](#)  
[21-ZONE-0121\\_Legal Description.pdf](#)  
[21-ZONE-0121\\_Applicant Justification Stmt.pdf](#)  
[21-ZONE-0121\\_Applicants Booklet.pdf](#)  
[21-ZONE-0121\\_Plan\\_12.02.21.pdf](#)  
[21-ZONE-0121\\_Staff Reports.pdf](#)  
[21-ZONE-0121\\_Traffic Study\\_11.01.21.pdf](#)

**This item was held in committee.**

11. [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 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](#)

**This item remained held in committee.**

12. [O-636-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 9500 GOLDERS GREEN CIRCLE CONTAINING APPROXIMATELY 9.44 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0112) (AS AMENDED).**

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

- Attachments:** [O-636-21 V.2 CAM 120721 Zoning at 9500 Golders Green Circle.pdf](#)  
[O-636-21 V.1 120221 Zoning at 9500 Golders Green Circle.pdf](#)  
[21-ZONE-0112.pdf](#)  
[21-ZONE-0112.pdf](#)  
[November 18, 2021 PC Minutes Case 21-ZONE-0112.pdf](#)  
[21-ZONE-0112 Other Minutes.pdf](#)  
[21-ZONE-0112 Staff Reports.pdf](#)  
[21-ZONE-0112 Legal Description.pdf](#)  
[21-ZONE-0112 Statement of Compliance.pdf](#)  
[21-ZONE-0112 Booklet.pdf](#)  
[Pre=-app plan SITE PLAN-PRE APP-2021-06-14.pdf](#)

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

The following spoke to this item:

- Travis Fiechter, Jefferson County Attorney's Office
- Chair Flood
- Committee Member Hollander
- Vice Chair Reed
- Committee Member Engel

The following was discussed:

- Question and concerns about the approval of the development
- When the development was being refinanced an issue with the blueprint was discovered
- There were two units that should not have been built
- Question about the density in Binding Element #8
- Question about the options with the two extra units
- Question and concerns about whether going to court was an option

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

The motion to table carried by a voice vote.

13. [O-637-21](#)

**AN ORDINANCE AMENDING THE METRO LAND DEVELOPMENT CODE RELATING TO CHANGES IN THE CHILD CARE REGULATIONS (CASE NO. 21-LDC-0013) (AS AMENDED).**

**Sponsors:** Primary Madonna Flood (D-24), Additional Cassie Chambers Armstrong (D-8) and Additional Jecorey Arthur (D-4)

**Attachments:** [O-637-21 V.2 CAM 020822 Ordinance Amending LDC Relating to Child Care Regulations.pdf](#)  
[O-637-21 PROPOSED CAM \(2\) 020822 Ordinance Amending LDC Relating to Child Care Regulations.pdf](#)  
[O-637-21 V.1 120221 Ordinance Amending LDC Relating to Child Care Regulations.pdf](#)  
[O-637-21 PROPOSED CAM \(1\) 020822 Ordinance Amending LDC Relating to Child Care Regulations.pdf](#)  
[712 W Ashland Ave Case Report.pdf](#)  
[2011 Patricia Dr Case Report.pdf](#)  
[4740 W Rutland Ave Case Report.pdf](#)  
[Daycare service requests 2020 to present.docx.pdf](#)  
[Metro Council Child Care Changes 111821.pdf](#)  
[November 18, 2021 PC Minutes Case 21-LDC-0013.pdf](#)  
[21-LDC-0013 Staff Report.pdf](#)  
[21-LDC-0013 Additional Staff Info.pdf](#)  
[21-LDC-0013 Proposed Findings.pdf](#)  
[21-LDC-0013 Comment Forms.pdf](#)  
[GLI Letter RE Child Care Zoning Changes \(Arthur\).pdf](#)

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

The following spoke to this item:

- Council Member Chambers Armstrong
- Emily Liu, Planning and Design Services
- Stuart Sparks, Public Works
- Joel Dock, Planning and Design Services
- Chair Flood
- Committee Member George
- Joe Haberman, Planning and Design Services
- Laura Ferguson, Jefferson County Attorney's Office
- Committee Member Arthur
- Committee Member Hollander

The following was discussed:

- The amendment would require pick-up and drop-off plans to be verified at the time of zoning confirmation
- All child care facilities will require a zoning confirmation letter from Planning and Design Services
- One space for each non-resident employee plus an area designated for the safe loading and unloading of passengers which is assigned either off-street or on-street will be required
- A total of no more than 4 non-resident employee parking spaces are required
- Pick-up and drop-off zones will be designated by Public Works
- Child care parking changes (see attached)
- Question about whether anyone from Planning and Design Services, zoning section checked back further than year 2020 for complaints

- There where three complaints on child care home facilities
- Questions and concerns about the limitations on the search for child care and daycare facilities
- With the conversion from the Hansen software to the Accela software some inspection notes were lost
- Question about whether there where reoccurring issues with the daycares and home care facilities
- Questions about the Conditional Use Permits (CUP) process
- Questions and concerns about whether there are home child care facilities that are operating in a R-5 zoning district without a CUP
- Questions about the changes made in Senate Bill 148 and the regulations on home child care facilities
- Family child care homes with six or fewer children are regulated by the State
- The State certifies family child care facilities and the State does the fire inspections
- Question about improving parking plans with Jefferson County Public School designated areas for car riders' pick-up and drop-offs
- Question about whether there is a residential zone that would not be a permitted use area for child care home facilities with six or fewer children
- Question about the Government shut down of child care facilities during the pandemic
- Question about whether the R-4 zoning subdivision's with deed restrictions would allow them to share in expansion of home child care facilities
- If a daycare or a home child care facility is on the regulated approved child care list, Public Works will authorize the pick-up/drop-off zone
- Question about whether the square footage of a house or building would determine how many children are allowed to be kept at the facility
- A home child care facility can have ten children if four of the ten are related

A motion was made by Committee Member Engel, seconded by Committee Member Arthur, that this Ordinance be amended as shown in the attached document titled "O-637-21 V.2 CAM 020822 Ordinance Amending LDC Relating to Child Care Regulations.pdf".

The motion to amend carried by a voice vote.

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

The motion to table carried by a voice vote.

## Adjournment

Without objection, Chair Flood adjourned the meeting at 2:49 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 February 17, 2022.