



# Louisville Metro Government

601 W. Jefferson Street  
Louisville, KY 40202

## Action Summary - Final 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, June 1, 2021

12:00 PM

Council Chambers/Virtual

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### THIS IS CONSIDERED A SPECIAL MEETING

#### Call to Order

Chair Flood called the meeting to order at 12:03 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 Vice Chair Reed who attended in Chambers.**

**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 Member Donna Purvis (D-5), Council Member Paula McCraney (D-7), Council Member Stuart Benson (R-20), Council Member Nicole George (D-21), and Council Member James Peden (R-23)

#### Support Staff

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

#### Clerk(s)

Cheryl Woods, Assistant Clerk  
Sonya Harward, Clerk

## Pending Legislation

### 1. [O-232-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 3506 DUTCHMANS LANE CONTAINING APPROXIMATELY 0.2 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0110).**

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

**Attachments:** [O-232-21 V.1 052021 Zoning at 3506 Dutchmans Lane.pdf](#)

[20-ZONE-0110.pdf](#)

[20-ZONE-0110 staff rpts.pdf](#)

[20-ZONE-0110 PC min.pdf](#)

[20-ZONE-0110 LDT min.pdf](#)

[20-ZONE-0110 legal desc.pdf](#)

[20-ZONE-0110 Plan\\_04.15.21.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.

Chair Flood stated that she had not heard from Council Member Ackerson's office.

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

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

### 2. [O-235-21](#)

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON REZONING, CONDITIONAL USE PERMITS AND PLAN CERTAIN, CATEGORY 2B AND 3 DEVELOPMENT PLAN APPLICATIONS PROPOSING LIMITED USE CATEGORY 2 IN AREA IIC OF THE TYLER TOWN CENTER PLANNED DEVELOPMENT DISTRICT PENDING A REVIEW AND RECOMMENDED CHANGES BY THE PLANNING COMMISSION.**

**Sponsors:** Primary Stuart Benson (R-20)

**Attachments:** [O-235-21 V.1 052021 Temp Moratorium on Rezoning Catgory 2B and 3 Dev.pdf](#)

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

The following spoke to this item:

- Council Member Benson

- Chair Flood
- Joe Reverman, Planning and Design Services
- Council Member Peden

The following was discussed:

- Questions and concerns about a 24-hour carwash being put on one of the last two lots left in the residential area
- Questions and concerns about the noise from a carwash with senior citizens living in the condominiums in the area
- Questions about the time limit on the moratorium being 180 days
- Questions and concerns about the water pressure from a carwash
- The water pressure was considered by the Planning Commission

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

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

3. [R-041-21](#)

**A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE TYLER TOWN CENTER PLANNED DEVELOPMENT DISTRICT WITH REGARD TO LIMITED USE CATEGORY 2.**

Sponsors: Primary Stuart Benson (R-20)

Attachments: [R-041-21 V.1 052021 Requesting Review Tyler Town Ctr Planned Dev District.pdf](#)

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

Council Member Benson stated that he wants the Planning Commission to review this Resolutions and make recommendations to the Council. He had questions and concerns about the hours of operation and what happens to the last two lots.

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

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

4. [O-158-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 6600 AND 6702 COOPER CHAPEL ROAD CONTAINING APPROXIMATELY 18.56 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0066).**

Sponsors: Primary Madonna Flood (D-24)

**Attachments:** [O-158-21 V.1 042221 Zoning at 6600 and 6702 Cooper Chapel Rd.pdf](#)  
[20-ZONE-0066.pdf](#)  
[04.05.21 PC Minutes Night Hearing.pdf](#)  
[20-ZONE-0066 Other Minutes.pdf](#)  
[20-ZONE-0066 Staff Reports.pdf](#)  
[20-ZONE-0066 Applicant Booklet.pdf](#)  
[20-ZONE-0066 Applicant Justification.pdf](#)  
[20-ZONE-0066 Legal Description.pdf](#)  
[20-ZONE-0066 Letters of Opposition.pdf](#)  
[20-ZONE-0066 Plan.pdf](#)

This item remained held in committee.

5. [O-174-21](#)

**AN ORDINANCE AMENDING SEVERAL SECTIONS OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE (“LDC”) REGARDING BOARDING AND GROUP HOUSING REGULATIONS (CASE NO. 21-LDC-0001).**

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

**Attachments:** [O-174-21 V.1 042221 Boarding and Group Housing Regulations.pdf](#)  
[21-LDC-0001 BoardingAndGroupHousing\\_CouncilPresentation\\_4-27-21 \(002\).pdf](#)  
[O-174-21 ATTACH Text Amendments .pdf](#)  
[21-LDC-0001 PC Minutes 04.15.21.pdf](#)  
[21-LDC-0001 BoardingAndGroupHousing\\_PlanningCommissionPresentation\\_4-15-21.pdf](#)  
[21-LDC-0001 staff report BoardingAndGroupHousing\\_Planning Commission 04-15-21.pdf](#)  
[Attachment 1\\_21-LDC-0001 BoardingAndGroupHousingAmendments\\_DRAFT\\_4-15-2021.pdf](#)  
[Attachment 2\\_Metro Council Resolution 016 2019.pdf](#)  
[Attachment 3\\_Community Meeting Webex Chat Comments\\_10-2020.pdf](#)  
[Attachment 4 BoardingAndGroupHousing\\_CommunityMeetingsPresentation\\_10-2020.pdf](#)  
[Attachment 5 Public Comment Forms as of 4-8-2021.pdf](#)  
[Attachment 6\\_NARRStandards\\_11-2018.pdf](#)

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

Joe Haberman, Planning and Design Services, gave a presentation.

The following spoke to this item:

- Council Member Peden
- Chair Flood
- Joe Haberman
- Committee Member Triplett

The following was discussed:

- Questions about whether the capacity limits include on-site employees
- Questions and concerns about whether the on-site parking would cause safety issues with overcrowding
- Questions about whether the management plan could have language added to include all employees
- Questions and concerns about whether there is parking limits with group housing
- The parking requirements were just revised and Planning and Design Services did not suggest any changes
- The change that Metro Council recently made for the parking requirements for institutional living in the suburban form is one per resident, and the parking requirement for traditional form is one per two residents
- Questions and concerns about tabling this Ordinance to have time to re-evaluate and examine the parking issues

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

The motion to table carried by a voice vote.

6. [O-199-21](#)**AN ORDINANCE AMENDING CHAPTERS 9 AND 11 OF THE METRO LAND DEVELOPMENT CODE RELATING TO REQUIRED NOTICE OF DEVELOPMENT ACTIVITY AS SUGGESTED IN PLAN 2040 COMPREHENSIVE PLAN (“PLAN 2040”).**

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

**Attachments:** [O-199-21 V.1 050621 Amending Chapters 9 and 11 of Land Development Code.pdf](#)  
[LDC Reform Presentation Phase I June 1 PZ Committee CF.pdf](#)  
[LDCChanges\\_Round1\\_Recommendations\\_FINAL.pdf](#)  
[21-LDC-0002\\_Planning Commission StaffReport\\_04202021.pdf](#)  
[04.20.21 PC Minutes Night Hearing.pdf](#)  
[21-LDC-0002 Resolution.docx.pdf](#)  
[21-LDC-0002 LDC Reform Report NoticeRequirement 01272021.pdf](#)  
[2021.02.08 Planning Committee Minutes.pdf](#)  
[2021.03.22 Planning Committee Minutes.pdf](#)  
[Flyers\\_Bundled.pdf](#)  
[LDC Reform All Comments Received.pdf](#)  
[LDC Reform MC Resolution\\_Signed.pdf](#)  
[LDC Reform PC Resolution\\_Signed.pdf](#)  
[LDC Reform Presentation Phase I Planning Commission 042021\\_CF \[Autosaved\].pdf](#)  
[PlanningCommissionPresentation\\_Intro\\_04202021.pdf](#)

**Clerk's Note:** Chris French, Planning and Design Services, gave a presentation (attached hereto), and Committee Member Arthur made general comments (see referenced attachment) regarding O-199-21, O-200-21, O-201-21, O-202-21, and O-203-21 during this meeting before O-199-21 was called.

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

The following spoke to this item:

- Committee Member Engel
- Laura Ferguson, Jefferson County Attorney's Office
- Chair Flood
- Council Member Peden
- Emily Liu, Planning and Design Services
- Committee Member Arthur
- Committee Member Chambers Armstrong
- Vice Chair Reed

The following was discussed:

- Question about the data source being used coming from Louisville/Jefferson County Information Consortium (LOJIC)

- The address extraction tool Metro Safe data comes from is Enhanced 911 (E911) which is the data that LOJIC manages and will be used
- Notices will be going to current residents who resides at the address
- Planning Commission decided to leave the policies and procedures as data available for Metro Government in the Land Development Code for flexibility
- Questions and concerns about whether the Developer or Planning and Design Services staff will be notifying the properties that need to be noticed
- Jefferson County Property Valuation Administration (PVA) will be used for owners' addresses
- Question about whether the data will be listed in the Ordinance
- Questions and concerns about the number of people to be notified, to maximize instead of minimize the number of property owners notified
- Questions and concerns about someone who should have received notice and did not
- Questions about using Facebook or social media as a broader way to do notifications
- Questions about why the word "renter" was not used as the "current resident"
- Current resident was used to make sure mail went to the address in case the homeowner does not live at the address
- Question and concerns about the time frame of notices
- Question and concerns about whether the Developer will have to prove someone has received the notice or prove they mailed out the notices
- Developers to sign an affidavit stating they are not lying under the penalty of perjury as proof they sent out the notices
- Questions about whether the state of Kentucky requires residents to record deed transfers

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

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

7. [O-200-21](#)**AN ORDINANCE AMENDING CHAPTERS 1 AND 4 OF THE METRO LAND DEVELOPMENT CODE RELATING TO URBAN AGRICULTURE AS SUGGESTED IN PLAN 2040 COMPREHENSIVE PLAN (“PLAN 2040”).**

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

**Attachments:** [O-200--21 V.1 050621 Amending Chp 1 and 4 Urban Agriculture.pdf](#)  
[LDC Reform Presentation Phase I June 1 PZ Committee CF.pdf](#)  
[LDCChanges\\_Round1\\_Recommendations\\_FINAL.pdf](#)  
[21-LDC-0003\\_Planning Commission StaffReport\\_04202021.pdf](#)  
[04.20.21 PC Minutes Night Hearing.pdf](#)  
[21-LDC-0003 Resolution.docx.pdf](#)  
[21-LDC-0003\\_LDC Reform Report Urban Agriculture\\_01272021.pdf](#)  
[2021.02.08 Planning Committee Minutes.pdf](#)  
[2021.03.22 Planning Committee Minutes.pdf](#)  
[Flyers\\_Bundled.pdf](#)  
[LDC Reform All Comments Received.pdf](#)  
[LDC Reform MC Resolution\\_Signed.pdf](#)  
[LDC Reform PC Resolution\\_Signed.pdf](#)  
[LDC Reform Presentation Phase I Planning Commission 042021\\_CF \[Autosaved\].pdf](#)  
[PlanningCommissionPresentation\\_Intro\\_04202021.pdf](#)  
[LDC Reform Presentation Phase I June 1 PZ Committee CF.pdf](#)

**Clerk's Note:** Chris French, Planning and Design Services, gave a presentation (attached hereto), and Committee Member Arthur made general comments (see referenced attachment) regarding O-199-21, O-200-21, O-201-21, O-202-21, and O-203-21 during this meeting before O-199-21 was called.

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

The following spoke to this item:

- Committee Member Chambers Armstrong
- Vice Chair Reed
- Council Member Peden

The following was discussed:

- Codes and Regulations Department will be conducting the enforcement with urban agriculture and pollinator gardens
- Questions and concerns about whether those who apply for the use of the gardens would be responsible for maintaining the gardens
- Questions about whether a homeowners association could prohibit the use of the gardens
- Questions and concerns about who would regulate the gardens



- Concerns about the gardens being maintained
- Questions and concerns about who would decide what is and is not a garden, or whether it is just a yard that needs cutting

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

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

8. [O-201-21](#)

**AN ORDINANCE AMENDING CHAPTERS 1 AND 4 OF THE METRO LAND DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS AS SUGGESTED IN PLAN 2040 COMPREHENSIVE PLAN (“PLAN 2040”).**

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

**Attachments:** [O-201-21 V.1 050621 Amending Chp 1 and 4 Accessory Dwelling.pdf](#)  
[LDC Reform Presentation Phase I June 1 PZ Committee CF.pdf](#)  
[LDCChanges\\_Round1\\_Recommendations\\_FINAL.pdf](#)  
[21-LDC-0004 Planning Commission StaffReport 04202021.pdf](#)  
[04.20.21 PC Minutes Night Hearing.pdf](#)  
[21-LDC-0004 Resolution.docx.pdf](#)  
[21-LDC-0004\\_LDC\\_Reform\\_Report\\_ADU012721.pdf](#)  
[2021.02.08 Planning Committee Minutes.pdf](#)  
[2021.03.22 Planning Committee Minutes.pdf](#)  
[David Tomes Norton Commons ADU presentation.pdf](#)  
[Flyers\\_Bundled.pdf](#)  
[LDC Reform All Comments Received.pdf](#)  
[LDC Reform MC Resolution\\_Signed.pdf](#)  
[LDC Reform PC Resolution\\_Signed.pdf](#)  
[LDC Reform Presentation Phase I Planning Commission 042021\\_CF \[Autosaved\].pdf](#)  
[PlanningCommissionPresentation Intro 04202021.pdf](#)

**Clerk's Note:** Chris French, Planning and Design Services, gave a presentation (attached hereto), and Committee Member Arthur made general comments (see referenced attachment) regarding O-199-21, O-200-21, O-201-21, O-202-21, and O-203-21 during this meeting before O-199-21 was called.

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

The following spoke to this item:

- Vice Chair Reed
- Laura Ferguson, Jefferson County Attorney's Office
- Council Member Peden
- Emily Liu, Planning and Design Services
- Committee Member Triplett

- Council Member George

The following was discussed:

- Questions and concerns about living in a development with a homeowners association that does not allow accessory dwelling units, and whether the suburban city would have to change the Ordinance to regulate them
- Zoning approval would not override deed restrictions
- The Land Development Code is being sent to the suburban cities with zoning authority
- Question about whether all new developments will have to allow accessory dwelling units in them
- Accessory dwelling units will be monitored quarterly to show they are owner occupied
- Deed restrictions would be enforced by homeowners association
- Short-term rentals have to go through a conditional use permit and will be prohibited from being used as accessory dwelling units
- Questions and concerns about the challenges that accessory dwelling units would bring to a neighborhood
- Accessory dwelling units can include a structure for aging parents, or a college student, and an extension to the house
- Questions and concerns about the need for protection that can be used to keep outside investors from constructing accessory dwelling units on some blocks
- Accessory dwelling units can be in urban and suburban areas
- Old Louisville and Norton Commons currently have accessory dwelling units without owner occupied requirements
- Questions about the average home value in Old Louisville with accessory dwelling units
- Questions and concerns about financing accessory dwelling units

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

The motion to table carried by a voice vote.

9. [O-202-21](#)**AN ORDINANCE AMENDING CHAPTER 5 OF THE METRO LAND DEVELOPMENT CODE RELATING TO FRONT AND STREET SIDE SETBACKS AS SUGGESTED IN PLAN 2040 COMPREHENSIVE PLAN (“PLAN 2040”).**

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

**Attachments:** [O-202-21 V.1 050621 Amending Chapter 5 Front and Streetside Setbacks.pdf](#)  
[LDC Reform Presentation Phase I June 1 PZ Committee CF.pdf](#)  
[LDCChanges\\_Round1\\_Recommendations\\_FINAL.pdf](#)  
[21-LDC-0005\\_Planning Commission StaffReport\\_04202021.pdf](#)  
[04.20.21 PC Minutes Night Hearing.pdf](#)  
[21-LDC-0005 Resolution.docx.pdf](#)  
[21-LDC-0005 LDC Reform Report ResidentialSetbacks01272021.pdf](#)  
[2021.02.08 Planning Committee Minutes.pdf](#)  
[2021.03.22 Planning Committee Minutes.pdf](#)  
[Flyers\\_Bundled.pdf](#)  
[LDC Reform All Comments Received.pdf](#)  
[LDC Reform MC Resolution\\_Signed.pdf](#)  
[LDC Reform PC Resolution\\_Signed.pdf](#)  
[LDC Reform Presentation Phase I Planning Commission 042021\\_CF \[Autosaved\].pdf](#)  
[PlanningCommissionPresentation\\_Intro\\_04202021.pdf](#)

**Clerk's Note:** Chris French, Planning and Design Services, gave a presentation (attached hereto), and Committee Member Arthur made general comments (see referenced attachment) regarding O-199-21, O-200-21, O-201-21, O-202-21, and O-203-21 during this meeting before O-199-21 was called.

This item remained held in committee.

10. [O-203-21](#)

**AN ORDINANCE AMENDING CHAPTERS 2 AND 7 OF THE METRO LAND DEVELOPMENT CODE RELATING TO TWO FAMILY RESIDENTIAL USE IN THE MULTI-FAMILY AND OFFICE/RESIDENTIAL ZONES AND THE FLOOR AREA RATIO REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS AND THE CONSERVATION SUBDIVISION PROVISION AS SUGGESTED IN PLAN 2040 COMPREHENSIVE PLAN (“PLAN 2040”).**

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

**Attachments:** [O-203-21 050621 V.1 Amending Chp 2 and 7 Two Family Residential.pdf](#)  
[LDC Reform Presentation Phase I June 1 PZ Committee CF.pdf](#)  
[LDCChanges\\_Round1\\_Recommendations\\_FINAL.pdf](#)  
[21-LDC-0006\\_Planning Commission StaffReport\\_04202021.pdf](#)  
[04.20.21 PC Minutes Night Hearing.pdf](#)  
[21-LDC-0006 Resolution.docx.pdf](#)  
[21-LDC-0006\\_LDC\\_Reform\\_Report\\_FARandTwoFamilyMFR\\_01272021.pdf](#)  
[2021.02.08 Planning Committee Minutes.pdf](#)  
[2021.03.22 Planning Committee Minutes.pdf](#)  
[Flyers\\_Bundled.pdf](#)  
[LDC Reform All Comments Received.pdf](#)  
[LDC Reform MC Resolution\\_Signed.pdf](#)  
[LDC Reform PC Resolution\\_Signed.pdf](#)  
[LDC Reform Presentation Phase I Planning Commission 042021\\_CF \[Autosaved\].pdf](#)  
[PlanningCommissionPresentation\\_Intro\\_04202021.pdf](#)

**Clerk’s Note:** Chris French, Planning and Design Services, gave a presentation (attached hereto), and Committee Member Arthur made general comments (see referenced attachment) regarding O-199-21, O-200-21, O-201-21, O-202-21, and O-203-21 during this meeting before O-199-21 was called.

This item remained held in committee.

11. [O-157-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 9301-9309 SMYRNA PARKWAY AND PARCEL ID NOS. 066202630000 AND 066202760000 CONTAINING APPROXIMATELY 8.8 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0121).**

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

**Attachments:** [O-157-21 V.1 042221 Zoning at 9301-9309 Smyrna Pkwy.pdf](#)  
[20-ZONE-0121.pdf](#)  
[20-ZONE-0121 PC Minutes.pdf](#)  
[20-ZONE-0121 Other Minutes.pdf](#)  
[20-ZONE-0121 Staff Reports.pdf](#)  
[20-ZONE-0121 Legal Description.pdf](#)  
[20-ZONE-0121 Justification Statement.pdf](#)  
[20-ZONE-0121 Water Wetland Delineation Report.pdf](#)  
[20-ZONE-0121 Plan.pdf](#)

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

The following spoke to this item:

- Council Member Peden
- Travis Fietcher, Jefferson County Attorney's Office
- Chair Flood

The following was discussed:

- Question about whether the 20% tree canopy threshold has been reached on-site with the trees that are there
- The Developer is hoping to include trees on the lot across the street
- Currently only 17% tree canopy has been reached
- Remarks on tabling this Ordinance and drawing up a Binding Element for the tree canopy

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

The motion to table carried by a voice vote.

## Adjournment

Without objection, Chair Flood adjourned the meeting at 3:00 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 June 10, 2021.