



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)

Tuesday, March 8, 2022

1:00 PM

Council Chambers/Virtual

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

Call to Order

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 Holander, Committee Member Triplett, Council Member Piagentini, Committee Member George, and Committee Member Engel, who attended in Chambers.**

Present: 7 - 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), Committee Member Robin Engel (R-22), and Chair Madonna Flood (D-24)

Non-Committee Member(s)

Council President David James (D-6), and Council Member Anthony Piagentini (R-19)

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

Chair Flood called the meeting to order at 1:01 p.m.

1. [O-057-22](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 4516-4528 CANE RUN ROAD CONTAINING APPROXIMATELY 11.94 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0085).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-057-22 V.1 030322 Zoning at 4516-4528 Cane Run Road.pdf](#)

[21-ZONE-0085.pdf](#)

[21-ZONE-0085 Applicant Justification.pdf](#)

[21-ZONE-0085 Applicant's Presentation.pdf](#)

[21-ZONE-0085 Legal Description.pdf](#)

[21-ZONE-0085 Other Minutes.pdf](#)

[21-ZONE-0085 PC Minutes_020322.pdf](#)

[21-ZONE-0085 Plan_122721.pdf](#)

[21-ZONE-0085 Staff Reports.pdf](#)

A motion was made by Committee Member Triplett, 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
- Travis Fiechter, Jefferson County Attorney's Office
- Committee Member Arthur
- Committee Member George

The following was discussed:

- Question about whether the item should be held until the new Council Member for District 1 is elected
- Question about whether the 90-day rule is effective today

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

Yes: 7 - Arthur, Hollander, Triplett, Reed, George, Engel, and Flood

2. [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)”.

Sponsors: Primary Anthony Piagentini (R-19)

Attachments: [O-084-22 PROPOSED CAM 030822 MRDI Moratorium Mixed Residentil Dev Incentive.pdf](#)
[O-084-22 V.1 030322 MRDI Moratorium Mixed Residentil Dev Incentive.pdf](#)

This item was held in committee.

3. [R-046-22](#)

A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW SECTION 4.3.20 OF THE LAND DEVELOPMENT CODE TITLED “MIXED RESIDENTIAL DEVELOPMENT INCENTIVE (MRDI)”.

Sponsors: Primary Anthony Piagentini (R-19)

Attachments: [R-046-22 V.1 030322 Review of MRDi Mixed Residential Dev Incentive.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 Piagentini
- Emily Liu, Planning and Design Services
- Committee Member Hollander
- Committee Member George
- Chair Flood
- Committee Member Arthur
- Committee Member Engel

The following was discussed:

- The Mixed Residential Development Incentive ("MRDI") is an important tool for affordable housing development
- Question about whether the Planning Commission needs to modify the way this item is interpreted
- The Comprehensive Plan with Plan 2040 emphasizes the importance of affordable housing throughout the community
- Development companies have submitted three MRDI applications to Planning and Design Services
- Question about whether the first application has met all the standards required
- Question about whether the three applications received have been reviewed
- MRDI is a by-right permitted zoning district
- Developers who follow the MRDI route are required to offer affordable housing
- Question about why has the MRDI process has been rarely used since 2015

- Question about whether the Comprehensive Plan regulates MRDI
- A MRDI development must include both single-family and multi-family homes
- Transit Authority of River City ("TARC") routes are required for MRDI developments, or TARC routes may be added
- Question about whether the MRDI development needs to be overseen by the Metro Council Member in that District

The motion failed by a voice vote and the Resolution was sent to Old Business.

4. [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 was not called but the following was discussed:

Committee Member Hollander stated that he would give a brief explanation. He explained that there was an Ordinance in Jefferson County's Fiscal Court prior to the Merger which talked about ex parte communication with Fiscal Court members and zoning cases (see attached). He also stated the rules where from 2003.

Committee Member Hollander stated that if there is ex parte communication it shall be made public before a vote on a zoning case.

Committee Member Piagentini questioned whether there was guidance for zoning cases that involved ex parte communication to have a public discussion about the Ordinance outside of a meeting.

5. [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.

6. [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](#)

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

Joe Haberman, Planning and Designs Services, gave an overview of the previous presentation.

The following spoke to this item:

- Joe Reverman, Planning and Designs Services
- Joe Haberman
- Committee Member George
- Chair Flood

- Questions regarding the locations that truck parking is permitted
- The proposed changes continue to be allowed by-right in predominately industrial in nature M-2 and M-3 districts
- Proposed changes would expand the allowance by right to M-1, EZ-1 and W-3 districts under certain circumstances
- Proposed changes would also allow C-2 and C-3 districts with Conditional Use Permit ("CUP") in commercial districts
- Planning and Designs Services met with the Kentucky Trucking Association, and they confirmed that owner-operated trucks face parking issues
- Overnight truck parking is allowed in a C-2 zoning with a CUP
- Question about how to distinguish which shopping centers have C-1 and C-2 zoning
- Question about how separation requirements for trucks in a C-1 and C-2 zoning will be allowed in residential areas
- In the Ordinance, section J (Heavy Truck Parking and Storage) refers to the setbacks for trucks with hazardous materials
- Questions about whether expanding M-1 districts will allow for more enforcement
- Questions and concerns about whether there will be more enforcement for illegal truck parking
- Parking trucks on private property is a zoning violation
- Trucks parked on the street do not fall under the jurisdiction of zoning enforcement; they are regulated differently

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

Business:

Yes: 5 - Arthur, Triplett, Reed, George, and Engel

Present: 2 - Hollander, and Flood

7. [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 remained held in committee.

8. [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) (AMENDMENT BY SUBSTITUTION)(AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-018-22 V.2 CABS CAM 030822 Zoning at 10212 and 10302 Oak Grove Road.pdf](#)
[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](#)

A motion was made by Committee Member Triplett, 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.

Travis Fiechter, Jefferson County Attorney's Office, read into record a proposed amendment by substitution (see attached).

A motion was made by Committee Member Engel, seconded by Committee Member Triplett, that this Ordinance be amended by substitution, as shown in the attached document titled "O-018-22 V.2 CABS CAM 030822 Zoning at 10212

and 10302 Oak Grove Road.pdf".

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

The following spoke to this item:

- Committee Member Hollander
- Chair Flood
- Travis Fiechter
- Committee Member Engel
- Committee Member George
- Brian Davis
- Committee Member Triplett

The following was discussed:

- Question about whether the Applicant requested the item go back to the Planning Commission
- The Applicant has indicated they are open to making changes
- Question about whether the Applicant requested a hearing
- Question about whether the two-year rule waiver would apply
- Concerns and questions about the neighbors not being informed of the changes to the lots
- Questions and concerns about whether a new neighborhood meeting would be required or possibly occur
- Question about whether virtual neighborhood meetings would be allowed under the bylaw amendment
- Question about whether the 90-day rule would start over if the Planning Commission ran out of time

A motion was made by Vice Chair Reed, seconded by Committee Member Arthur, that this Ordinance be amended to include neighborhood meetings, as shown in the attached document titled " O-018-22 V.2 CABS CAM 030822 Zoning at 10212 and 10302 Oak Grove Road.pdf".

The motion to amend carried by voice vote.

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

Yes: 5 - Arthur, Hollander, Triplett, Reed, and Engel

No: 2 - George, and Flood

9. [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 PROPOSED 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](#)

This item was held in committee.

10. [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 was held in committee.

Adjournment

Without objection, Chair Flood adjourned the meeting at 3:01 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 17, 2022.