



# Louisville Metro Government

601 W. Jefferson Street  
Louisville, KY 40202

## Action Summary - Final Planning and Zoning Committee

*Chair Person Madonna Flood (D-24)*  
*Vice Chair Scott Reed (R-16)*  
*Committee Member Keisha Dorsey (D-3)*  
*Committee Member Kevin Triplett (D-15)*  
*Committee Member Markus Winkler (D-17)*  
*Committee Member Nicole George (D-21)*  
*Committee Member Robin Engel (R-22)*

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Tuesday, January 12, 2021

11:00 AM

Council Chambers

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### THIS IS CONSIDERED A SPECIAL MEETING

#### Call to Order

Chair Flood called the meeting to order at 11:03 a.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 George who attended in Chambers.

#### Support Staff

Travis Fiechter, Jefferson County Attorney's Office

#### Clerk(s)

Cheryl Woods, Assistant Clerk  
Sonya Harward, Clerk

## Public Hearing

### 1. [ID 20-1737](#)

#### **PUBLIC HEARING REGARDING THE REVISED DETAILED DISTRICT DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 105 ROCHESTER DRIVE IN LOUISVILLE METRO.**

**Attachments:** [RES 124 2020.pdf](#)

[Speakers for Public Hearing on Jan. 12, 2021.pdf](#)

Joe Reverman, Planning and Design Services, gave a presentation on the Planning Commission's recommendation.

The following spoke to this item:

- Committee Member George
- Joe Reverman
- Committee Member Triplett
- Chair Flood
- Travis Fiechter, Jefferson County Attorney's Office

The following was discussed:

- The 200 feet set-back is in a zoning district with higher buffer that allows a wide variety of commercial and industrial uses
- The 200 feet set-back exist because there s a provision in the code that requires higher intensity for commercial and industrial uses that would require a 200 feet set-back from residential uses
- Planning Commission did not consider the 200 feet set-back
- General provision in the Land Development Code, that can be waived
- The Planning Commission had previously approve for 20 feet set-back
- The proposal would be giving 90 feet building set-back away from the property line
- If Council approves the proposal Planning and Design Services, would request a change to Binding Element #8 referring to the eastern edge of Building B, it should have referred to the western edge of the building

The following spoke in favor of the Revised District Development Plan:

- Cheryl Tyndall, Colliers International, gave a presentation
- Ashley Bartley, Qk4
- Anthony Delnoce, BAE Systems

Travis Fiechter responded to statements and questions.

The following was discussed:

- New jobs are created
- Set-back 90 feet instead of the original 20 feet
- 15 trees will be installed for privacy to the residents
- 8 feet tall security privacy fence will be installed 20 feet back from property line
- Location is the former Naval Ordinance

- The existing building is 170 square feet

The following spoke against the Revised District Development Plan:

- Susan Copasss-Cheng, Heritage Green
- Jamie Cox, Vice Cox and Townsend, PLLC
- Meredith Cheng, Heritage Green
- Robin Amsbary, Heritage Green
- Rebecca Katz

The following responded to statements and questions:

- Joe Reverman
- Cheryl Tyndall

The following was discussed:

- Concern about the core value of community
- Concern about noise and air quality
- Question and concerns about the safety variable for residents that live at Heritage Green Apartments
- Questions about whether there was enough research conducted
- Questions and concerns about the transparency to the public
- Concern about 200 square feet buffer and the backdoors of the residence being 50 square feet from the property line
- Transparency of all tests being completed
- Planning Commission required a noise study
- There will be a second noise study required within 12 months after development completed
- Baseline noise test has been completed
- Doors have been relocated to the east side of the building so no human traffic will be on that side of the building
- Concern about the security fence being cut on a regular bases with bolt cutters
- Security fence will be replaced

The following provided rebuttal:

- Anthony Delnoce, BAE Systems
- Cheryl Tyndall, Colliers International

The following was discussed during rebuttal:

- Create more jobs
- Products are under contract in Louisville
- Very large parts are being made
- Long lasting commitment to Louisville
- Privacy fence

Chair Flood stated that in reference issues surrounding the fence, they could contact Code Enforcement, call 311, or contact there Council Person.

Committee Member Winkler asked question what prevent construction at the northeast corner.

Anthony Delonce stated the parts are very large and there are very strict standards, therefore they would need to be contained to Building A for military standards.

Committee Member George stated that burdens will be put on the neighbors of Heritage Green Apartments to absorb the impact with noise and enforcement, therefore she would be supporting overturning the Planning Commission's initial waiver.

Travis Fiechter stated the options are to approve the new plan the Planning Commission recommends or reject the new plan of encroachment into the 200 feet buffer, or to approve on condition by adding binding elements, or send the 200 feet waiver discussion to the Planning Commission for a separate notice hearing.

Travis Fiechter stated that a decision has to be made today because of the 60-day time limit.

Robin Amsbary asked to speak after the rebuttal and stated that she used the most recent documents that were available to the public for her comments, and that the new plans were not made available to the public until now, and she questioned whether that is legal.

Committee Member George stated that during, the Planning Commission meeting, members of the public, including neighbors who were watching, would not have a full understanding of what a potential impact would be because as it was stated the design would not be fully vetted, meaning decisions about equipment had not been made or could not be made to the public and therefore an assessment of noise, for example, would not be understood.

Cheryl Tyndall stated the design had been known and from a confidentiality stand point could not be fully shared. The building would be fully insulated and BAE Systems will be required to meet every code and be compliant.

Chair Flood requested that Travis Fiechter explain the additional discussion on the 200 feet buffer.

Travis Fiechter stated that if the new proposed plan were to be approved on condition that the Planning Commission hold a hearing and determine that the buffer is appropriate that would send the matter to the Planning Commission where a notice hearing on that topic, if the Planning Commission were to approve the waiver, the plan would continue as it is. If the Planning Commission were to deny the waiver, the plan would be out of compliance and would need to be revised or discarded entirely.

Travis Fiechter stated that if the Planning and Zoning Committee felt that other than the single issue of the 200 feet buffer that the plan is acceptable, that would be the only way to go, there would not be enough time to take the matter to the Planning Commission's and bring it back for the reconsideration of the Planning Commission action.

Committee Member Engel asked a question about the 60-day deadline.

Travis Fiechter stated that the end date would be on the next Metro Council meeting date.

Chair Flood requested the Planning and Zoning Committee go into deliberations.

Committee Member George stated she is requesting that the original waiver passed from the Planning Commission be overturned, given that there was not enough time to go back to Planning Commission.

## Pending Legislation

### 2. [O-587-20](#)

**AN ORDINANCE RELATING TO THE DECISION OF THE PLANNING COMMISSION TO APPROVE THE REVISED DISTRICT DEVELOPMENT PLAN PROPOSED IN CASE NO. 20-DDP-0047.**

**Sponsors:** Primary Nicole George (D-21)

**Attachments:** [O-587-20 PROPOSED FABS Revised District Dev 20-DDP-0047.pdf](#)

[O-587-20 V.1 121020 Revised District Dev 20-DDP-0047 .pdf](#)

[BAE Systems Expansion Presentation.pdf](#)

[20-DDP-0047 Staff Pres.pdf](#)

[20-DDP-0047 Appeal Staff Report Addendum 111920.pdf](#)

[20-DDP-0047 DRC Staff Report 101420.pdf](#)

[9-14-04 Development Plan, Approved 2004.pdf](#)

[20-DDP-0047 Applicant Waiver Justification.pdf](#)

[20-DDP-0047 Landscape Exhibit 100520.pdf](#)

[20-DDP-0047 Plan 100520.pdf](#)

[20-DDP-0047 Staff Pres DRC 101420.pdf](#)

[20-DDP-0047 Staff Pres DRC 101420.ppt](#)

[20-DDP-00471 DRC 2020-10-14.pptx.pdf](#)

[20-DDP-00471 DRC Applicant Presentation 2020-10-14.pdf](#)

[Appeal Request HG.pdf](#)

[Mailing Affidavit PC.pdf](#)

[20-DDP-0047 MainFile 11.19.20.pdf](#)

[20-DDP-0047 Plan 11.19.20.pdf](#)

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

**Committee Member George made a motion, seconded by Committee Member Triplett, to overturn the Planning Commission's decision with the understanding that the text of an amendment to that effect would need to be introduced at a full meeting of the Council.**

**By the following vote, the Committee recommended that the Council overturn the Planning Commission's decision and the Ordinance was sent to Old Business:**

**NOTE: Chair Flood stated after the vote that the matter would be forwarded to the full Council with the expectation of an amendment by substitution. That document, titled "O-587-20 PROPOSED FABS Revised District Dev 20-DDP-0047.pdf" can be found attached hereto.**

**Yes:** 7 - Flood, Reed, Dorsey, Triplett, Winkler, George, and Engel

## **Adjournment**

**Without objection, Chair Flood adjourned the meeting at 12:45 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 January 28, 2021.