



# Louisville Metro Government

## 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, August 31, 2021

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 1:07 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, excepts Committee Member Dorsey, Committee Member Arthur, and Committee Member Triplett, 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 Mark Fox (D-13)

#### Support Staff

Travis Fiechter, Jefferson County Attorney's Office

#### Clerk(s)

Cheryl Woods, Assistant Clerk

Sonya Harward, Clerk

**Pending Legislation**

1. [O-419-21](#)

**AN ORDINANCE RELATING TO THE CLOSURE OF AN UNNAMED ALLEY EAST OF SOUTH PRESTON STREET BETWEEN 432 EAST JEFFERSON STREET AND 323 SOUTH PRESTON STREET CONTAINING APPROXIMATELY 0.013 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20STRCLOSURE0019).**

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

**Attachments:** [O-419-21 V.1 082621 20STRCLOSURE0019 Closure of an Unnamed Alley East of S Preston St between 432 E Jefferson St and 323 S Preston.pdf](#)  
[20-STRCLOSURE-0019.pdf](#)  
[20-STRCLOSURE-0019 PC Minutes 8-5-21.pdf](#)  
[21-STRCLOSURE-0019 Other Minutes.pdf](#)  
[21-STRCLOSURE-0019 Staff Report.pdf](#)  
[21-STRCLOSURE-0019 Plat.pdf](#)  
[ORD 133 2021.pdf](#)

A motion was made by Committee Member Triplett, seconded by Committee Member Arthur, 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:

- Committee Member Arthur
- Brian Davis

The following was discussed:

- Question about whether the reason for closure of the alley and whether to put the fence was put up due to trespassing and security

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

**Yes:** 6 - Arthur, Chambers Armstrong, Triplett, Reed, Engel, and Flood

**Absent:** 1 - Dorsey

2. [O-420-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 16907, 16907R, 16909 AND 17401 AIKEN ROAD CONTAINING APPROXIMATELY 254.31 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0001) (AS AMENDED).**

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

- Attachments:** [O-420-21 V.2 CAM 091421 Zoning at 16907, 16907R, 16909 & 17401 Aiken Road.pdf](#)  
[O-420-21 V.1 082621 Zoning at 16907, 16907R, 16909 & 17401 Aiken Road \(lf.pdf](#)  
[O-420-21 PROPOSED CAM 091421 Zoning at 16907 16907R 16909 17401 Aiken Road.pdf](#)  
[21-ZONE-0001.pdf](#)  
[21-ZONE-0001 PC Minutes 8-5-21.pdf](#)  
[21-ZONE-0001 Other Minutes.pdf](#)  
[21-ZONE-0001 Staff Reports.pdf](#)  
[21-ZONE-0001 Legal Description.pdf](#)  
[21-ZONE-0001 Applicant Booklets.pdf](#)  
[21-ZONE-0001 Applicant Studies.pdf](#)  
[21-ZONE-0001 Statement of Compliance.pdf](#)  
[21-ZONE-0001 Traffic Impact Studies.pdf](#)  
[21-ZONE-0001 Plan 051721.pdf](#)

This item was held in committee.

3. [O-421-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 7312 RIVER ROAD CONTAINING APPROXIMATELY 3.74 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0003) (AS AMENDED).**

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

- Attachments:** [O-421-21 V.2 CAM 091421 Zoning at 7312 River Road.pdf](#)  
[O-421-21 V.1 082621 Zoning at 7312 River Road.pdf](#)  
[O-421-21 PROPOSED CAM 091421 Zoning at 7312 River Rd.pdf](#)  
[21-ZONE-0003.pdf](#)  
[21-ZONE-0003 PC Minutes 8-5-21.pdf](#)  
[21-ZONE-0003 PC Minutes.pdf](#)  
[21-ZONE-0003 Other Minutes.pdf](#)  
[21-ZONE-0003 Staff Reports.pdf](#)  
[21-ZONE-0003 Legal Description.pdf](#)  
[21-ZONE-0003 Applicant Study.pdf](#)  
[21-ZONE-0003 Booklets.pdf](#)  
[21-ZONE-0003 Justification Statement.pdf](#)  
[21-ZONE-0003 Opposition Booklets.pdf](#)  
[21-ZONE-0003 Plan.pdf](#)

This item was held in committee.

4. [O-422-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 7507½ AND 7509 MT. WASHINGTON ROAD AND PARCEL ID NO. 008601810000 CONTAINING APPROXIMATELY 23.5 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0023) (AS AMENDED).**

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

**Attachments:** [O-422-21 V.2 CAM 083121 Zoning at 7507 ½ & 7509 Mt. Washington Rd and Parcel Id No. 008601810000.pdf](#)  
[O-422-21 V.1 082621 Zoning at 7507 ½ & 7509 Mt. Washington Rd and Parcel Id No. 008601810000.pdf](#)  
[21-ZONE-0023.pdf](#)  
[21-ZONE-0023 PC Minutes 8-5-21.pdf](#)  
[21-ZONE-0023 Other Minutes.pdf](#)  
[21-ZONE-0023 Staff Reports.pdf](#)  
[21-ZONE-0023 Legal Description.pdf](#)  
[21-ZONE-0023 Statement of Compliance.pdf](#)  
[21-ZONE-0023 Traffic Impact Study.pdf](#)  
[21-ZONE-0023 Applicant Booklet.pdf](#)  
[21-ZONE-0023 Plan\\_040521.pdf](#)  
[ORD 136 2021.pdf](#)

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

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

A motion was made by Chair Flood, seconded by Committee Member Engel, that this Ordinance be amended the following language to Binding Element #16, as read into the record as follows by adding:

" No homeowners' association funds shall be used by the developer to fulfill either the developer's obligations under Plan 2040 or any improvement submitted as part of the approved development plan, including but not limited to plantings and paving. Notwithstanding the foregoing, the homeowners' association funds may be used for the post-construction maintenance obligations of common elements, including maintenance of the condominium open space."

The motion to amend carried by a voice vote.

A motion was made by Chair Flood, seconded by Committee Member Dorsey, that this Ordinance be amended by adding Binding Element 18, read into the record as follows:

"18. Any increase in density on the property, any changes in use on the property, and/or any amendments to the binding elements shall be reviewed before the Planning Commission with final action to be determined by Metro Council."

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

5. [O-325-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 6001 OUTER LOOP CONTAINING APPROXIMATELY 15.05 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0120).**

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-325-21 V.1 072921 Zoning at 6001 Outer Loop.pdf](#)

[20-ZONE-0120.pdf](#)

[20-ZONE-0120.pdf](#)

[20-ZONE-0120 staff rpts.pdf](#)

[20-ZONE-0120 PC Staff Report 091621.pdf](#)

[09162021 PC Minutes - 20-ZONE-0120 Only.pdf](#)

[20-ZONE-0120 PC Min\\_06.07.21.pdf](#)

[20-ZONE-0120 legal desc.pdf](#)

[20-ZONE-0120\\_LDT Min\\_05.13.21.pdf](#)

[20-ZONE-0120 Appl Booklet.pdf](#)

[20-ZONE-0120 Appl Justification stmt.pdf](#)

[20-ZONE-0120 citizen comments.pdf](#)

[20-ZONE-0120 Plan\\_090121.pdf](#)

This item remained held in committee.

6. [O-329-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 9418 PIROUETTE AVENUE CONTAINING APPROXIMATELY 8.92 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0117) (AS AMENDED).**

Sponsors: Primary Madonna Flood (D-24)

**Attachments:** [O-329-21 V.2 CAM 083121 Zoning at 9418 Piroutte River Rd.pdf](#)  
[O-329-21 V.1 072921 Zoning at 9418 Piroutte River Rd.pdf](#)  
[20-ZONE-0117.pdf](#)  
[20-ZONE-0117 PC Mins2.pdf](#)  
[20-ZONE-0117 PC Minutes.pdf](#)  
[20-ZONE-0117 Other Minutes.pdf](#)  
[20-ZONE-0117 Staff Reports.pdf](#)  
[20-ZONE-0117 Applicant Booklet.pdf](#)  
[20-ZONE-0117 Legal Description.pdf](#)  
[20-ZONE-0117 Statement of Compliance.pdf](#)  
[20-ZONE-0117 Traffic Study.pdf](#)  
[20-ZONE-0117 Plan.pdf](#)  
[ORD 135 2021.pdf](#)

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

A motion was made by Council Member Fox, seconded by Chair Flood, that this Ordinance be amended by adding Binding Element 14, as read into the record as follows:

"14. Developer shall notify the Planning Commission and its staff when construction of the project is complete. Between the second and third year after construction is complete, Developer shall, at its own cost and expense, conduct a traffic count complying with Public Works standards at the intersection of Pirouette Avenue and Glissade Drive. If a four-way stop is warranted and approved by Public Works after review of said traffic count, Developer shall fund construction of the four-way stop. Developer's obligations under this binding element shall cease five years after construction of the project is complete."

The motion to amend carried by a voice vote.

The following spoke to this item:

- Chair Flood
- Council Member Fox
- Brian Davis, Planning and Design Services

The following was discussed:

- Question about whether the plan reflects 20% tree canopy and not 10%
- Developer is in compliance with the tree canopy regulation
- A total of nine people spoke in opposition of this re-zoning at the Planning Commission meeting

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

District 13 Council Member Fox had a vote on this zoning case and voted NO.

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

## Special Discussion

### 7. [ID 21-1120](#)

#### LAND DEVELOPMENT CODE REFORM - DAYCARE AND CHILD CARE CENTERS

Attachments: [DayCareProviderResults.pdf](#)

The following spoke to this item:

- Committee Member Chambers Armstrong
- Emily Liu, Planning and Design Services
- Chair Flood
- Committee Member Dorsey
- Committee Member Arthur

The following was discussed:

- Question about what can be done from a zoning perspective to increase the places that would be appropriate to have child care facilities
- There was a 10% lost of daycare/child care facilities due to the Pandemic
- Currently there is no Ordinance or Resolution related to this discussion
- Louisville Metro is currently facing a shortage in daycare/child care facilities
- Affordable childcare is identified as the third highest rated priority for the citizens of Louisville
- Healthy neighborhoods was a priority and daycare/child care was mentioned with them also
- Question about getting started with public engagement and getting feedback
- Question about getting directions from the Metro Council to get started
- Question about the State regulation on child care facilities regarding them being certified or licensed
- Question about whether the State requires licenses if a facilities has 10 or more children
- Question about what is in the second phase of the Land Development Code revisions
- Phase 2 has 25 items and daycare is one of them
- Question about affordable housing and tiny housing being first on the list
- Question about changing the zoning for child care facilities
- Commercial zoning in C1 and C2 allows child care facilities and are very flexible
- R4 and R5 zonings are 65% of Jefferson County's land and do not allow Conditional Use Permits for daycare/child care facilities
- Louisville Metro is the most restrictive city for daycare/childcare facilities in the country
- Public school,s that have after school care have to be licensed
- Conditional Use Permits were previously used in R4 and R5 zonings
- R4 and R5 zoning areas were restricted from having daycare/child care facilities previously to retain the look of residential
- Questions and concerns about how to make childcare affordable
- Daycare/child care facilities are not allowed in residential or employment areas
- R1, R2, and R3 zoning does allow daycare/child care facilities in the zoning areas

- Question about whether there would need to be a Resolution to start the process
- Planning and Designs Services is requesting Metro Council to give them direction and authorization to start the process for the rezoning
- With any finances left at the end of the year a request has been made for Planning and Design Services to have \$100,000 to hire an outside agency for infrastructure within Louisville as it pertains to the Land Development Code

## **Adjournment**

Without objection, Chair Flood adjourned the meeting at 2:02 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 September 9, 2021.