



# Louisville Metro Government

## Action Summary - Final 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, April 19, 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 Chair Flood, Committee Member Hollander, Committee Member Triplett, 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 Member Angela Bowens (D-1), Council Member Donna Purvis (D-5), Council Member Kevin Kramer (R-11), and Council Member Cindi Fowler (D-14)

### 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-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 Triplett, that this Ordinance be untabled.**

**Chair Flood stated this item is in Council Member Shanklin's District and that she spoke with her and she is satisfied with the zoning change.**

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

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

**Absent:** 1 - Engel

2. [O-097-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 2430 PORTLAND AVENUE CONTAINING APPROXIMATELY 0.2328 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0070) (AS AMENDED).**

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

**Attachments:** [O-097-22 V.2 CAM 032222 Zoning at 2430 Portland Avenue.pdf](#)

[O-097-22 V.1 031722 Zoning at 2430 Portland Avenue.pdf](#)

[21-ZONE-0070.pdf](#)

[21-ZONE-0070\\_Justification Statement.pdf](#)

[21-ZONE-0070\\_Legal Description.pdf](#)

[21-ZONE-0070\\_Other Minutes.pdf](#)

[21-ZONE-0070\\_PC Minutes\\_02.17.2022.pdf](#)

[21-ZONE-0070\\_Plan.pdf](#)

[21-ZONE-0070\\_Public Materials.pdf](#)

[21-ZONE-0070\\_Staff Reports.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 (see attached).**

**The following spoke to this item:**

- Chair Flood
- Council Member Purvis
- Travis Fiechter, Jefferson County Attorney's Office
- Joe Reverman, Planning and Design Services

**The following was discussed:**

- Question about whether the studio and art gallery will operate as a retail sales and services business
- Question about whether there will be a common space area for the community
- Common space area was not discussed by the applicant
- There will be no parking in the driveway
- There will be one parking space in the rear for employee and one turn around space

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

**District 5 Council Member Purvis had a vote on this zoning case and voted YES.**

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

3. [O-119-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 2328 AND 2400 LOWER HUNTERS TRACE AND 2403 CADY COURT CONTAINING APPROXIMATELY 11.27 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0134).**

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

**Attachments:** [O-119-22 V.1 041422 Zoning at 2328 & 2400 Lower Hunters Trace & 2403 Cady Court.pdf](#)  
[21-ZONE-0134.pdf](#)  
[21-ZONE-0134 Applicant Presentation.pdf](#)  
[21-ZONE-0134 Citizen Comments.pdf](#)  
[21-ZONE-0134 Justification Statement.pdf](#)  
[21-ZONE-0134 Left Turn Lane Warrants.pdf](#)  
[21-ZONE-0134 Legal Description.pdf](#)  
[21-ZONE-0134 Other Minutes.pdf](#)  
[21-ZONE-0134 Plan 030422.pdf](#)  
[21-ZONE-0134 Staff Reports.pdf](#)  
[21-ZONE-0134 PC Minutes 03.21.22.pdf](#)

This item was held in committee.

4. [O-120-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 9021 TAYLORSVILLE ROAD CONTAINING APPROXIMATELY 1.49 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0075) (AS AMENDED).**

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

**Attachments:** [O-120-22 V.2 CAM 041922 Zoning at 9021 Taylorsville Road.pdf](#)  
[O-120-22 V.1 041422 Zoning at 9021 Taylorsville Road.pdf](#)  
[21-zone-0075.pdf](#)  
[21-ZONE-0075 03.03.22 PC Minutes.pdf](#)  
[21-ZONE-0075 Applicant Presentation.pdf](#)  
[21-ZONE-0075 Findings of Fact.pdf](#)  
[21-ZONE-0075 Justification Statement.pdf](#)  
[21-ZONE-0075 Karst Survey Letter.pdf](#)  
[21-ZONE-0075 Legal Description.pdf](#)  
[21-ZONE-0075 Other Minutes.pdf](#)  
[21-ZONE-0075 Plan 011222.pdf](#)  
[21-ZONE-0075 Staff Reports.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 (see attached).

The following spoke to this item:

- Chair Flood
- Travis Fiechter, Jefferson County Attorney's Office
- Laura Ferguson, Jefferson County Attorney's Office
- Joe Reverman, Planning and Design Services

The following was discussed:

- Question about whether the use of categories were binded out
- Question about whether Binding Element #3 has uses in the staff report that require approval by the Planning Commission

A motion to recommend for approval was made by Chair Flood, seconded by Committee Member Arthur, that this Ordinance be tabled.

The motion to table carried by a voice vote.

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

A motion was made by Committee Member Triplett, seconded by Committee Member Engel, that this Ordinance be amended as shown in the attached document titled "O-120-22 V.2 CAM 041922 Zoning at 9021 Taylorsville Road.pdf".

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 - Arthur, Hollander, Triplett, Reed, George, Engel, and Flood

5. [O-126-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 309 SOUTH SPRING STREET CONTAINING APPROXIMATELY 0.0942 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0039).**

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

**Attachments:** [O-126-22 V.1 041422 Zoning at 309 S Spring Street.pdf](#)

[21-zone-0039.pdf](#)

[21-ZONE-0039\\_03.17.22 PC Minutes.pdf](#)

[21-ZONE-0039\\_Justification Statement.pdf](#)

[21-ZONE-0039\\_Legal Description.pdf](#)

[21-ZONE-0039\\_Other Minutes.pdf](#)

[21-ZONE-0039\\_Plan\\_020922.pdf](#)

[21-ZONE-0039\\_Staff Reports.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 Designs Services, gave a presentation on the Planning Commission's recommendation (see attached).**

**Committee Member Hollander spoke on this item and stated he had no opposition to this zoning change.**

**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

6. [O-127-22](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 1247 SOUTH SHELBY STREET CONTAINING APPROXIMATELY 0.23 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0153).**

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

**Attachments:** [O-127-22 V.1 041422 Zoning at 1247 S Shelby Street.pdf](#)

[21-zone-0153.pdf](#)

[21-ZONE-0153\\_03.17.22 PC Minutes.pdf](#)

[21-ZONE-0153\\_Applicant Presentation.pdf](#)

[21-ZONE-0153\\_Citizen Comments.pdf](#)

[21-ZONE-0153\\_Justification Statement.pdf](#)

[21-ZONE-0153\\_Legal Description.pdf](#)

[21-ZONE-0153\\_Other Minutes.pdf](#)

[21-ZONE-0153\\_Plan\\_020722.pdf](#)

[21-ZONE-0153\\_Staff Reports.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 (see attached).**

**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

7. [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.**

8. [R-065-22](#)

**A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE METRO LAND DEVELOPMENT CODE REGULATIONS WITH REGARD TO TREES AND TREE CANOPY.**

**Sponsors:** Primary Markus Winkler (D-17)

**Attachments:** [R-065-22 V.1 041422 Amend LDC Possible Tree Canopy Requirement Reductions.pdf](#)

This item was held in committee.

9. [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 PROPOSED FAM 031722 Ordinance Amending LCD Relating to Truck Parking Requirements.pdf](#)  
[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 Committee Member Triplett, that Ordinance be recommended for approval.

Joe Haberman, Planning and Design Services, gave a brief overview from the previous presentation (see attached).

The following spoke to this item:

- Chair Flood
- Committee Member George
- Joe Haberman
- Committee Member Hollander

The following was discussed:

- Expansion permits heavy trucks to operate in districts M-1 and EZ-1
- During 2021, there were 220 notices of violations issued for parking of medium or heavy trucks
- Questions about whether the maps show previous or current Council Districts
- Questions and concerns about whether removing the Traditional Marketplace and Suburban Marketplace would make opportunity for gain in certain areas
- Question about how close the backup area would be to residential properties
- Question about housing proximity and separation requirements
- Question and concerns about strip malls becoming parking lots for heavy



trucks

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

The motion to table carried without objection.

10. [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 remained held in committee.

11. [O-105-22](#)

**AN ORDINANCE AMENDING ORDINANCE 279, SERIES 2019, THE COMPLETE STREETS POLICY AND ADOPTING THE POLICY AS AN AMENDMENT TO PLAN 2040, THE COMPREHENSIVE PLAN (CASE NO. COMPLETE STREETS AMENDMENTS) (AS AMENDED).**

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

**Attachments:** [O-105-22 V.2 CAM 041922 Amending Complete Streets.pdf](#)  
[O-105-22 V.1 031722 Amending Complete Streets.pdf](#)  
[Complete Streets Amendments\\_Other Minutes.pdf](#)  
[Complete Streets Amendments\\_PC Minutes\\_02.17.2022.pdf](#)  
[Complete Streets Amendments\\_Presentation.pdf](#)  
[Complete Streets Coalition\\_Bylaws.pdf](#)  
[Complete Streets\\_Edits Complete Streets Coalition 2022.pdf](#)  
[Complete Streets\\_Ordinance Edits Suggested\\_Final.pdf](#)  
[Complete Streets\\_RES 038 2021.pdf](#)

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

Committee Member George read the following amendment into record for Section 5.A.2.(c).111. Membership:

- a) The initial members of the CSC will be selected by the Director of Public Works, reviewed by the Public Works Committee and affirmed by Metro Council. The terms of the members shall be set forth in the rules governing the CSC.
- b) As the initial members terms' end, new members shall be selected by the Director of Public Works, reviewed by the Public Works Committee and

affirmed by Metro Council.

A motion was made by Committee Member George, seconded by Committee Member Arthur, that this Ordinance be amended as read into record.

The motion to amend carried by a voice vote.

Nathan Keitch, Public Works, gave an overview of the previous presentation (see attached).

The following spoke to this item:

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

The following was discussed:

- Question about whether all Council Districts will have geographic representation
- Question about whether there is a limit number of members on the coalition
- Question about whether the coalition reflects the entire community
- The coalition consists of 11 members
- Question about whether the names and districts of the commission's members will be made public

Laura Ferguson, Jefferson County Attorney's Office, read the following amendment into record for Section 5.A.2.(c).111. Membership:

- c) Appointments under a) and b) shall comply with LMCO 32.001(c).

A motion was made by Committee Member George, seconded by Committee Member Hollander, that this Ordinance be amended as read into record.

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 - Arthur, Hollander, Triplett, Reed, George, Engel, and Flood

12. [O-113-22](#)

**AN ORDINANCE CREATING A NEW SECTION TO LOUISVILLE/ JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER 153 REGARDING THE PROCESSING OF APPLICATIONS FOR ZONING MAP AMENDMENTS IF THERE ARE DELINQUENT TAXES OR VALID LIENS HELD BY LOUISVILLE METRO GOVERNMENT THAT ARE UNPAID.**

**Sponsors:** Primary Madonna Flood (D-24) and Primary Nicole George (D-21)

**Attachments:** [O-113-22 V.1 041422 New Sec of LMCO 153 Regard Zoning App and Delinquent Taxes.pdf](#)

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

The following spoke to this item:

- Chair Flood
- Laura Ferguson, Jefferson County Attorney's Office
- Joe Reverman, Planning and Design Services
- Committee Member Hollander

The following was discussed:

- Inability to build other properties if delinquent taxes or fines are owed
- The developer would have to provide statements from the Revenue Commission and the Office of Management and Budget ("OMB") proving that there are no liens on the properties that they own or are invested in by them
- This Ordinance prohibits investors who are Limited Liability Company ("LLC") members that owe Louisville Metro money on other properties owned by their LLC from building other properties
- Questions about identifying which shareholders own more than 10% of a corporation's voting stock
- Question about whether more than 10% ownership of a company has to be disclosed
- Questions and concerns about whether the corporations should expose all the LLC members
- There will be no payment arrangements
- Question about whether OMB and Revenue Commission approval will be required to sign off
- Question about whether all owners need to be listed in the applications

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

The motion to table carried by a voice vote.

**13. [O-131-22](#)**

**AN ORDINANCE RELATING TO THE REVISED DETAILED DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 6605 WEST ORELL ROAD CONTAINING APPROXIMATELY 12.89 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21DDP0083)(AS AMENDED).**

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

**Attachments:** [O-131-22 V.2 CAM 041922 Revised Detailed District Dev Plan at 6605 West Orell Road.pdf](#)  
[O-131-22 V.1 041422 Revised Detailed District Dev Plan at 6605 West Orell Road.pdf](#)  
[21-DDP-0083.pdf](#)  
[21-DDP-0083\\_03.17.22 PC Minutes.pdf](#)  
[21-DDP-0083\\_Applicant Presentation.pdf](#)  
[21-DDP-0083\\_Legal Description.pdf](#)  
[21-DDP-0083\\_Plan\\_022822.pdf](#)  
[21-DDP-0083\\_Staff Report.pdf](#)

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

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

The following spoke to this item:

- Chair Flood
- Council Member Fowler
- Committee Member Engel

The following was discussed:

- Question about whether the binding elements will stick with the property
- This location was approved for warehouse use in 2017
- Question and concern about the density of the development and how many units will be built
- Question about making these two-story buildings instead of three-story buildings
- The developer agreed to build one building as a two-story building
- Question about which building on the W. Orell side would be a two-story
- Building #3 will be a two-story building

A motion was made by Chair Flood, seconded by Committee Member Engel, that this Ordinance be amended as shown in the attached document titled "O-131-22 V.2 CAM 041922 Revised Detailed District Dev Plan at 6605 West Orell Road.pdf".

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 - Arthur, Hollander, Triplett, Reed, George, Engel, and Flood

## **Adjournment**

**Without objection, Chair Flood adjourned the meeting at 2:47 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 April 28, 2022.