



# Louisville Metro Government

601 W. Jefferson Street  
Louisville, KY 40202

## Action Summary - Tentative 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, July 20, 2021

1:00 PM

Council Chambers

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### THIS IS CONSIDERED A SPECIAL MEETING

#### Call to Order

Chair Flood called the meeting to order at 1:03 p.m.

#### Roll Call

Chair Flood introduced the committee members and non-committee members present. A quorum was established.

**Present:** 6 - 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), and Chair Madonna Flood (D-24)

**Excused:** 1 - Vice Chair Scott Reed (R-16)

#### Non-Committee Member(s)

Council Member James Peden (R-23), 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

### 1. [O-298-21](#)

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 3042 HIKES LANE CONTAINING APPROXIMATELY 9.48 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0090). (AS AMENDED)**

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

**Attachments:** [O-298-21 V.2 CAM 072021 Zoning at 3042 Hikes Lane.pdf](#)

[O-298-21 V.1 062421 Zoning at 3042 Hikes Lane.pdf](#)

[20-ZONE-0090.pdf](#)

[20-ZONE-0090 PC Minutes 06.07.21.pdf](#)

[20-ZONE-0090 LDT Minutes 05.13.21.pdf](#)

[20-ZONE-0090 staff rpts.pdf](#)

[20-ZONE-0090 legal desc.pdf](#)

[20-ZONE-0090 Plan 06.07.21.pdf](#)

[20-ZONE-0090 karst survey.pdf](#)

[20-ZONE-0090 traffic study.pdf](#)

[20-ZONE-0090 appl justification stmt.pdf](#)

[20-ZONE-0090 Applicant presentation 06.07.21.pdf](#)

[20-ZONE-0090 Citizen Comments Final.pdf](#)

A motion was made by Committee Member Triplett, seconded by Committee Member Engel, 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 this item is in Council Member Ackerson's (D-26) district and he did not have any points to offer at this time.

The following spoke on this item:

- Chair Flood
- Travis Fiechter, Jefferson County Attorney's Office
- Joe Reverman, Planning and Design Services
- Committee Member Triplett
- Committee Member Engel
- Brian Davis
- Committee Member Chambers Armstrong

The following item was discussed:

- Question about adding the statement "with final approval of the Metro Council" to binding element #9 and binding element #11
- Question and concerns about whether there is a flood plan in this area
- The Metropolitan Sewer District has studied the plan and stamped for

approval

- Question about whether there was a traffic study
- There was a left turn analysis traffic study done on this item
- Question about whether Hikes Lane is 4 or 5 lanes
- There are 276 units at this property

A motion was made by Chair Flood, seconded by Committee Member Triplett that the binding element #9 be amended as shown in the attached document titled "O-298-21 V.2 CAM 072021 Zoning at 3042 Hikes Lane.pdf"

The motion to amend carried by a voice vote.

A motion was made by Chair Flood, seconded by Committee Member Dorsey, that the binding element #11 be amended as shown in the attached document titled "O-298-21 V.2 CAM 072021 Zoning at 3042 Hikes Lane.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:** 6 - Dorsey, Arthur, Chambers Armstrong, Triplett, Engel, and Flood

**Excused:** 1 - Reed

2. [O-301-21](#)

**AN ORDINANCE AMENDING THE METRO LAND DEVELOPMENT CODE RELATING TO TREES AND TREE CANOPY (19AMEND1003 AND ORDINANCE NO. 050, SERIES 2020).**

**Sponsors:** Primary Madonna Flood (D-24) and Additional Bill Hollander (D-9)

**Attachments:** [O-301-21 V.1 062421 Amend LDC Related to Trees.pdf](#)

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

The following spoke to this item:

- Chair Flood
- Committee Member Dorsey
- Joe Reverman, Planning and Design Services

Chair Flood stated that the language was just to clarify that no one can take the option of just paying a fee-in-lieu.

The following was discussed:

- The language states that the option not to plant trees has to be in writing
- Questions and concerns about if trees are found to be sick or dead
- Before developing takes place the health of the trees are addressed
- If the trees are damaged and not able to be preserved they are not counted toward the percentage of the tree canopy

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

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

**Excused:** 1 - Reed

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

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

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

- Attachments:** [O-158-21 V.2 CAM 072121 Zoning at 6600 and 6702 Cooper Chapel Rd.pdf](#)  
[O-158-21 V.1 042221 Zoning at 6600 and 6702 Cooper Chapel Rd.pdf](#)  
[20-ZONE-0066.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](#)

A motion was made by Committee Member Dorsey, 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.

The following spoke to this item:

- Chair Flood
- Council Member Peden
- Committee Member Triplett
- Travis Fiechter, Jefferson County Attorney's Office
- Committee Member Chambers Armstrong

The following was discussed:

- Questions about whether there is blasting associated with this contract
- Question and concerns about adding sidewalks for pedestrians to be able walk through the area
- Questions and concerns about the narrow roads and no mass transit available
- Questions and concerns whether the location is market rate housing
- Questions and concerns about the notes that Metro Parks Department had about the drainage, utilities and environment

- Questions and concerns with the notes that Metro Parks Department had about how the connection was designed
- Questions and concerns about the \$50,000 expense cap for the applicant
- Question and concerns about getting language added from the Jefferson County Attorney's Office about pre-blasting and post-blasting surveys before the Metro Council meeting next Thursday
- This site does comply with tree canopy regulations
- Concerns about needing more rental units and density

A motion was made by Council Member Peden, seconded by Chair Flood that this Ordinance be amended to add the following binding element:

"8. Prior to the issuance of Certificates of Occupancy, the applicant shall construct an access between the subject property and the McNeely Lake Park multi-use path, the design of which shall be created in consultation with and approved by the Louisville the Metro Parks Department prior to Construction Plan approval. The applicant's expense on the project shall not exceed \$50,000."

The motion to amend carried by a voice vote.

A motion was made by Committee Member Dorsey, seconded by Chair Flood that this Ordinance be amended to the following binding element:

"9. Any significant changes or alterations to the proposed structures (e.g. building height, number of units, number of buildings), 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 was 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:

District 23 Council Member Peden had a vote on this zoning case and voted NO.

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

**Excused:** 1 - Reed

4. [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) (AS AMENDED).**

Sponsors: Primary Madonna Flood (D-24)

**Attachments:** [O-174-21 V.2 CAM 072021 Boarding and Group Housing Regulations.pdf](#)  
[O-174-21 ATTACH CAM 072011 Text Amendments.pdf](#)  
[O-174-21 V.1 042221 Boarding and Group Housing Regulations.pdf](#)  
[O-174-21 ATTACH Text Amendments.pdf](#)  
[21-LDC-0001 BoardingAndGroupHousing\\_CouncilPresentation\\_4-27-21 \(002\).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 Dorsey, seconded by Vice Chair Engel, that this Ordinance be recommended for approval.**

**Joe Haberman, Planning and Designs Services, gave a presentation.**

**The following spoke to this item:**

- Committee Member Engel
- Joe Haberman
- Committee Member Triplett
- Committee Member Dorsey
- Committee Member Arthur

**The following was discussed:**

- Question about whether group housing is the same as transitional housing and boarding houses
- Question about how employees factor into the Conditional Use Permits (CUP) for transitional housing
- Boarding houses are not allowed to have employees under this Ordinance
- Question about whether the parking standards were changed
- The parking standards are one space per employee in suburban form, in the traditional form it is one half a space per employee
- With the CUP transitional or group housing would have to specify the number of employees they have
- The annual license does require a fee and the Metro Council is in control of the amount
- Question about whether there is a specific density regarding the number of

facilities allowed in an area

- The facilities would have to be 1000 feet apart from each other
- The Codes and Regulations Department is responsible for the licensing of the facilities
- Question about why the non-profits renting single family homes for people in group settings question from them were not address
- Single family homes would need a CUP
- Facilities requiring a CUP are limited to four boarders for a single family residential zoning and eight boarders in a multi-family residential zoning
- The restrictions are also based on the number of bedrooms in the facility

A motion was made by Chair Flood, seconded by Committee Member Dorsey that this Ordinance be amended as shown in the attached document titled "O-174-21 V.2 CAM 072021 Boarding and Group Housing Regulations.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:** 6 - Dorsey, Arthur, Chambers Armstrong, Triplett, Engel, and Flood

**Excused:** 1 - Reed

#### 5. [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](#)

A motion was made by Committee Member Dorsey, seconded by Committee

Member Triplett, that this Ordinance be recommended for approval.

The following spoke to this item:

- Chris French, Planning and Design Services
- Chair Flood
- Council Member Peden

The following was discussed:

- This Ordinance does not impact in-field developments; it only impacts new developments
- Question about where the 15 feet. setback starts

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

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

Excused: 1 - Reed

6. [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](#)

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

Chris French, Planning and Design Services, gave a presentation.

The following spoke to this item:

- Council Member Peden
- Chris French
- Chair Flood

The following was discussed:

- Question about whether all limitations on the Floor Area Ratio (FAR) are being removed
- The FAR will be removed from residential zone districts that will remain in office districts, commercial and industrial zones
- Setbacks will limit developments on the lots and also will restrict heights
- Jefferson County is one of the few areas that still uses FAR in residential areas

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

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

**Excused:** 1 - Reed

7. [O-244-21](#)

**AN ORDINANCE RELATING TO THE CLOSURE OF AN UNNAMED ALLEY RUNNING PARALLEL AND TO THE EAST OF SOUTH 20TH STREET AND NORTH OF MAGAZINE STREET CONTAINING APPROXIMATELY 2,000 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 21STRCLOSURE0001).**

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

**Attachments:** [O-244-21 V.1 061021 Unnamed Alley Running E. 20th St N Magazine St.pdf](#)  
[21-STRCLOSURE-0001.pdf](#)  
[21-STRCLOSURE-0001.pdf](#)  
[21-STRCLOSURE-0001 PC min 005.06.21.pdf](#)  
[21-STRCLOSURE-0001 legal desc.pdf](#)  
[21-STRCLOSURE-0001 plat.pdf](#)  
[21-STRCLOSURE-0001 staff rpt.pdf](#)

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

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

Committee Member Dorsey abstained from voting because she is a member of Magazine Street Seventh Day Adventist Church which is affiliated with this item.

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

**Yes:** 5 - Arthur, Chambers Armstrong, Triplett, Engel, and Flood

**Excused:** 1 - Reed

**Abstain:** 1 - Dorsey

8. [O-258-21](#)

**AN ORDINANCE RELATING TO THE CLOSURE OF A PORTION OF CEDAR CREEK ROAD BETWEEN 7509 AND 7710 CEDAR CREEK ROAD CONTAINING APPROXIMATELY 6,015.84 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 21STRCLOSURE0008).**

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

**Attachments:** [O-258-21 V.1 061021 Closure of a Portion of Cedar Creek Road Between 7509 and 7710 Cedar Creek Road.pdf](#)  
[21-STRCLOSURE-0008.pdf](#)  
[21-STRCLOSURE-0008.pdf](#)  
[21-STRCLOSURE-0008 PC minutes 05.20.21.pdf](#)  
[21-STRCLOSURE-0008 LDT minutes 05.13.21.pdf](#)  
[21-STRCLOSURE-0008 PC Staff Report.pdf](#)  
[21-STRCLOSURE-0008 Closure Plat 05.20.21.pdf](#)

A motion was made by Committee Member Dorsey, 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.

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

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

Excused: 1 - Reed

9. [O-259-21](#)

**AN ORDINANCE RELATING TO THE CLOSURE OF A PORTION OF THE RIGHT-OF-WAY OF FEGENBUSH LANE ADJACENT TO 5905 FEGENBUSH LANE CONTAINING APPROXIMATELY 3.87 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21STRCLOSURE0004).**

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

**Attachments:** [O-259-21 V.1 061021 Closure of a Portion of the Right-of-Way of Fegenbush Lane adjacent to 5905 Fegenbush Lane.pdf](#)  
[21-STRCLOSURE-0004.pdf](#)  
[21-STRCLOSURE-0004.pdf](#)  
[21-STRCLOSURE-0004 Plan 032221.pdf](#)  
[21-STRCLOSURE-0004 PC minutes 05.20.21.pdf](#)  
[21-STRCLOSURE-0004 LDT minutes.pdf](#)  
[21-STRCLOSURE-0004 staff rpts.pdf](#)  
[21-STRCLOSURE-0004 legal desc and plat 05.20.21.pdf](#)

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

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

The following spoke to this item:

- Chair Flood
- Council Member Peden

- Brian Davis
- Laura Ferguson, Jefferson County Attorney's Office
- Committee Member Chambers Armstrong
- Joe Reverman, Planning and Design Services

The following item was discussed:

- Question about whether right-of-ways are traditionally closed when they are not associated with anything
- Question about why Metro Government surpluses this right-of-way
- Question about whether the action was brought on by the applicant
- Question about whether the easements will stay in tact
- There are two separate processes: one process is the surplus resolution, which is the sale of property that the government owns, and the 2nd process is that the public roads are dedicated right-of-ways that land owners have either condemned or dedicated to create the road
- Question about whether Metro Government can do a closure on a State road
- Question about whether Metro Government giving away the right-of-way and whether they would have to pay to get it back
- Question about whether Metro Government can ask for the right-of-way to be dedicated back

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

**Yes:** 2 - Triplett, and Engel

**No:** 4 - Dorsey, Arthur, Chambers Armstrong, and Flood

**Excused:** 1 - Reed

## 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 July 29, 2021.