



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

Action Summary - Tentative 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)

Tuesday, September 8, 2020

1:00 PM

Council Chambers

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.**

Present: 6 - Chair 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), and Committee Member Nicole George (D-21)

Excused: 1 - Committee Member Robin Engel (R-22)

Non-Committee Member(s)

Council Member Barbara Sexton Smith (D-4), Council Member Brandon Coan (D-8), Council Member Bill Hollander (D-9), and Council Member James Peden (R-23)

Support Staff

Travis Fiechter, Jefferson County Attorney's Office

Clerk(s)

Cheryl Woods, Assistant Clerk
Sonya Harward, Clerk

Pending Legislation

1. [O-164-20](#)

AN ORDINANCE RELATING TO THE ALTERNATIVE PLAN FOR CONNECTIVITY FOR, AND THE ZONING OF, PROPERTIES LOCATED AT 7000 RIDGE CREEK ROAD 6601 SUNNY HILL ROAD, AND 7191 SOUTH HURSTBOURNE PARKWAY CONTAINING APPROXIMATELY 16.55 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE1029) (AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-164-20 V.2 090820 Rezoning at 7000 Ridge Creek Rd and 6601 Sunny Hill Rd 7191 S Hurstbourne Pkwy.pdf](#)
[O-164-20 V.1 042320 Rezoning at 7000 Ridge Creek Rd, 6601 Sunny Hill Rd & 7191 S Hurstbourne Pkwy 19ZONE1029.pdf](#)
[19ZONE1029.pdf](#)
[19-ZONE-1029 PC Minutes.pdf](#)
[19-ZONE-1029 Other Minutes.pdf](#)
[19-ZONE-1029 Staff Reports.pdf](#)
[19-ZONE-1029 Legal Description.pdf](#)
[19-ZONE-1029 Applicant Booklet.pdf](#)
[19-ZONE-1029 Applicant Booklet Pg 2.pdf](#)
[19-ZONE-1029 Justification Statement.pdf](#)
[19-ZONE-1029 Public Materials.pdf](#)
[19-ZONE-1029 Approved Plan.pdf](#)
[19-ZONE-1029 Amended Minutes.pdf](#)

Clerk's Note: The title had a technical error that was corrected.

A motion was by Committee Member Winkler, 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.

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

"9. In consultation with Louisville Metro Public Works, the owner/developer shall explore the possibility of installing a gate along the connection with Ridge Creek Road. Such gate shall comply with all Public Works and other safety requirements. If a gate is determined to be impracticable or a safety hazard, then the owner/developer shall instead be obligated to provide and maintain speed humps along Ridge Creek Road, if speed humps are warranted."

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 the following binding element:

"10. Any changes or alterations to the proposed structures (e.g. building height, number of units, number of buildings), 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 following spoke to this item:

- Council Member Peden
- Council Member Coan

The following was discussed:

- Which tree rules do this development follow
- Would they be able to clear cut everything there and replant whatever percentage of the canopy they see fit
- Connection is also parking lot for the 3 southern buildings
- Spaces not separated from the main road
- Spaces are parallel
- Parallel parking is permitted on public roads
- When the formal application is made the applicant is subject, to the regulation at the time it was filed

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

Yes: 6 - Flood, Reed, Dorsey, Triplett, Winkler, and George

Excused: 1 - Engel

2. [O-327-20](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 2962 BRECKENRIDGE LANE CONTAINING APPROXIMATELY 1.23 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0007).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-327-20 V.1 081120 Zoning at 2962 Breckenridge Ln.pdf](#)

[20-ZONE-0007.pdf](#)

[20-ZONE-0007_Other Mins_072820.pdf](#)

[20-ZONE-0007_Staff Reports_072820.pdf](#)

[20-ZONE-0007_Legal Description_072820.pdf](#)

[20-ZONE-0007_Justification Statement_072820.pdf](#)

[20-ZONE-0007_Public Materials_072820.pdf](#)

[20-ZONE-0007_Plan_072820.pdf](#)

[20-ZONE-0007_PC Minutes_073120.pdf](#)

A motion was made by Committee Member Triplett, seconded by Committee Member Dorsey, 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 Triplett
- Brian Davis

The following was discussed:

- Full service or drive thru carwash
- Concerns about the noise and traffic
- Hours of operation are 7 a.m. until 6 p.m.

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

Yes: 6 - Flood, Reed, Dorsey, Triplett, Winkler, and George

Excused: 1 - Engel

3. [O-371-20](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 534-538 EAST BRECKINRIDGE STREET CONTAINING APPROXIMATELY 0.331 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0030).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-371.20 V.1 082520 Zoning at 534-538 E. Breckingridge St.pdf](#)

[20-ZONE-0030.pdf](#)

[20-ZONE-0030_PC Minutes_080520.pdf](#)

[20-ZONE-0030_Other Minutes_080520.pdf](#)

[20-ZONE-0030_Staff Reports_080520.pdf](#)

[20-ZONE-0030_Legal Description_080520.pdf](#)

[20-ZONE-0030_Applicant Booklet_080520.pdf](#)

[20-ZONE-0030_Applicant Justification_080520.pdf](#)

[20-ZONE-0030_Plan_080420.pdf](#)

A motion was made by Committee Member Triplett, seconded by Committee Member Winkler, 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 Old Business:

Yes: 6 - Flood, Reed, Dorsey, Triplett, Winkler, and George

Excused: 1 - Engel

4. [O-396-20](#)

AN ORDINANCE CLOSING A PORTION OF THE RIGHT-OF-WAY KNOWN AS ANDERSON STREET AND AN ASSOCIATED, UNNAMED ALLEY CONTAINING APPROXIMATELY 9,169 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 20STRCLOSURE0009).

Sponsors: Primary Barbara Sexton Smith (D-4)

- Attachments:** [O-396-20 V.1 090320 Closing Portion of Anderson St and Unnamed Alley.pdf](#)
[20-STRCLOSURE-0009.pdf](#)
[20-STRCLOSURE-0009_PC Minutes_082120.pdf](#)
[20-STRCLOSURE-0009_Staff Report_082120.pdf](#)
[20-STRCLOSURE-0009_Legal Description_082120.pdf](#)
[20-STRCLOSURE-0009_Platt_082120.pdf](#)

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

- Council Member Sexton Smith
- Brian Davis
- Joe Reverman, Planning and Design Services

The following was discussed:

- Public right-of-way
- Will be incorporated into the Health Equity Partners' properties
- YMCA of Greater Louisville is the applicant
- The street closure location will not have a negative impact to King Solomon Missionary Baptist Church on Anderson Street

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

Yes: 6 - Flood, Reed, Dorsey, Triplett, Winkler, and George

Excused: 1 - Engel

5. [O-403-20](#)

AN ORDINANCE AMENDING THE METRO LAND DEVELOPMENT CODE RELATING TO A REDUCTION OF MINIMUM PARKING REQUIREMENTS IN CERTAIN AREAS AS SUGGESTED IN PLAN 2040 COMPREHENSIVE PLAN (“PLAN 2040”) (CASE NO. 20-LDC-0001).

Sponsors: Primary Brandon Coan (D-8) and Primary Nicole George (D-21)

Attachments: [O-403-20 V.1 090320 Reduction of Minimum Parking Requirement.pdf](#)
[20-LDC-0001.pdf](#)
[20-LDC-0001_PC_Minutes.pdf](#)
[20-LDC-0001_Staff Report.pdf](#)

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

Chris French, Planning and Design Services, gave a presentation on the Planning Commission's recommendation.

The following spoke to this item:

- Committee Member George
- Council Member Coan

The following was discussed:

- This is one piece of a broad array of compressive improvements that will be made
- Reducing minimum parking requirements
- Cost of parking when you have lots of people parking compared to no one parking
- Parking is the biggest barrier of housing

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

Yes: 6 - Flood, Reed, Dorsey, Triplett, Winkler, and George

Excused: 1 - Engel

6. [O-404-20](#)

AN ORDINANCE AMENDING SECTION 8.2.1 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE (“LDC”) REGARDING CHANGING IMAGE SIGNS (CASE NO. 20-LDC-0002).

Sponsors: Primary James Peden (R-23)

Attachments: [O-404-20 V.1 090320 - Amend LDC 8.2.1 Re Changing Image Signs.pdf](#)
[20-LDC-0002.pdf](#)
[20-LDC-0002_PC_Minutes.pdf](#)
[20-LDC-0002_Staff Reports.pdf](#)

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

Chris French, Planning and Design Services, gave a presentation on the Planning Commission's recommendation.

The following spoke to this item:

- Council Member Peden
- Chris French
- Travis Fiechter, Jefferson County Attorney's Office

The following was discussed:

- What constitutes "not visible" to the property
- Design criteria would make it eligible to seek a waiver
- Fifty percent of the multi residential in District 23 is on commercial property
- Concern about light tress pass and direct blockage

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

Yes: 6 - Flood, Reed, Dorsey, Triplett, Winkler, and George

Excused: 1 - Engel

7. [O-405-20](#)**AN ORDINANCE AMENDING SECTION 1.2.2 AND CREATING SECTION 4.3.24 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE (“LDC”) REGARDING SMOKING RETAIL STORES (CASE NO. 20-LDC-0003).**

Sponsors: Primary Brandon Coan (D-8)

Attachments: [O-405-20 V.2 CAM 090820 Regarding Smoking Retail Stores .pdf](#)
[O-405-20 V.1 090320 Regarding Smoking Retail Stores .pdf](#)
[20-LDC-0003.pdf](#)
[20-LDC_0003_PC Minutes.pdf](#)
[20-LDC-0003_Staff Report.pdf](#)

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

Chris French, Planning and Design Services, gave a presentation on the Planning Commission's recommendation.

A motion was made by Committee Member Triplett, seconded by Committee Member Reed, that this Ordinance be amended as stated by Council Member Coan and shown below:

Smoking Retail Store – a store that primarily sells tobacco, tobacco products and/or electronic smoking devices. For the purposes of this definition primarily means that either store devotes 10 percent or more of floor area of the retail space and/or derives 51 percent or more of gross sales receipts from the sale of tobacco, tobacco products and/or electronic smoking devices.

Tobacco or Tobacco Products – any cigarette, cigar, snuff, smokeless tobacco product, smoking tobacco, chewing tobacco, and any kind or form of tobacco prepared in a manner suitable for chewing or smoking, or both, or any kind or form of tobacco that is suitable to be placed in a person's mouth. Tobacco or tobacco products excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Electronic Smoking Device – any product containing or delivering nicotine, or any other substance intended for human consumption that can be used by a person in any manner or in any form for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor. Electronic Smoking Device also includes any fitment, add-on, auxiliary or attachment type device that is designed to be utilized in conjunction with or during the usage of an electronic smoking device.

The motion to amend carried by a voice vote.

The following spoke to this item:

- Committee Member Triplett
- Council Member Coan
- Council Member Peden
- Rebecca Hollenbach, Department of Public Health and Wellness
- Travis Fiechter, Jefferson County Attorney's Office
- Chair Flood
- Committee Member Dorsey
- Jeff O'Brien, Develop Louisville

The following was discussed:

- Question whether this set up as non-conforming rights
- Louisville's smoke-free law which requires tobacco retailers to get an annual license
- License will be \$10 annually
- Whoever sells tobacco or electronic smoking devices will need to register to make sure in compliance with local, state and federal laws
- For zoning if 51% of sales is tobacco, tobacco products and electronic smoking devices
- If a shop does not sell tobacco it does not fall under this Ordinance
- If 1% of business is tobacco, you would have to be licensed
- You can not open a vap shop if there is one within 300 feet
- Land Development Code penalty ranges from \$10 to \$500 per violation or losing license
- Review through equity lens
- Consideration for elderly being impacted by air quality or nuisance
- Including mechanism to where you can consume
- Many locations that sell tobacco and electronic smoking devices are in minority areas
- How to make less accessible to youth
- More low-income and minority use tobacco products and electronic smoking devices at a higher rate

A motion was made by Chair Flood, seconded by Committee Member Dorsey, that this Ordinance be tabled. The motion to table carried by a voice vote.

8. [O-370-19](#)

AN ORDINANCE AMENDING SECTION 6.1.3 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE ("LDC") REGARDING ACCESS ROADWAYS FOR RESIDENTIAL DEVELOPMENTS (CASE NO. 19-LDC-0001).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-370-19 V.1 110719 Amend LDC 6.1.3 for Access Roadways for Residential Developments 19LDC0001.pdf](#)
[O-370-19 V.1 110719 ATTACH Amend LDC 6.1.3 19LDC0001.pdf](#)
[19-LDC-0001 Staff Report.pdf](#)
[2019.10.17 Amended PC Minutes Case No. 19-LDC-0001.pdf](#)

This item was held in committee.

Adjournment

Without objection, Chair Flood adjourned the meeting at 2:40 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 17, 2020.