



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

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)

Tuesday, April 13, 2021

1:00 PM

Council Chambers/Virtual

Call to Order

Chair Flood called the meeting to order at 1:01 p.m.

Call to Order

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 - 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)

Absent: 1 - Committee Member Keisha Dorsey (D-3)

Non-Committee Member(s)

Council Member Kevin Kramer (R-11), Council Member Cindi Fowler (D-14), and Council Member James Peden (R-23)

Support Staff

Travis Fiechter, Jefferson County Attorney's Office

Clerk(s)

Cheryl Woods, Assistant Clerk
Lisa Franklin Gray, Assistant Clerk

Pending Legislation

1. [O-116-21](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 6600, 6700 & 6725 SOUTH HURSTBOURNE PARKWAY AND 5800, 5802 & 5930 WATTERSON TRAIL CONTAINING APPROXIMATELY 31.34 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0096). (AS AMENDED)

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-116-21 V.2 CAM 041321 Zoning at 6600 6700 6725 South Hurstbourne Pkwy and 5800 5802 5930 watterson Tr.pdf](#)
[O-116-21 PROPOSED CAM 041321 Zoning at 6600 6700 6725 South Hurstbourne Pkwy and 5800 5802 5930 watterson Tr.pdf](#)
[O-116-21 V.1 032521 Zoning at 6600 6700 6725 South Hurstbourne Pkwy and 5800 5802 5930 watterson Tr.pdf](#)
[19-ZONE-0096.pdf](#)
[19-ZONE-0096 PC Minutes.pdf](#)
[19-ZONE-0096 LDT Minutes.pdf](#)
[19-ZONEPA-0075 PRE-APP Staff Report.pdf](#)
[19-ZONE-0096 LD&T Staff Report 121020.pdf](#)
[19-ZONE-0096 Planning Commission Staff Report.pdf](#)
[19-ZONE-0096 ZONING DESCRIPTIONS revised Feb. 2021.pdf](#)
[3580-STAR HILL- ROAD REALIGNMENT EXHIBIT-2020-08-07.pdf](#)
[applicant BE 113020.msg](#)
[Jeanette Binding Elements 113020.docx](#)
[19-ZONE-0096 REVISED PLAN 021721.pdf](#)

A motion was made by Committee Member Triplett, 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.

A motion was made by Chair Flood, seconded by Committee Member Triplett, that this Ordinance be amended by adding the following Binding Element:

"15. Clearing of trees greater than 4 inches in caliper shall not be permitted until construction plans have been submitted to Louisville Metro Construction Review or Transportation Plan Review. Submittal of roadway construction plans shall only permit clearing necessary for the construction of the roadways. This shall not preclude the mowing of underbrush or clearing necessary for geotechnical work."

The motion to amend carried by a voice vote.

A motion was made by Chair Flood, seconded by Committee Member Engel, that this Ordinance be amended by adding the following Binding Element:

"16. 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 carried by a voice vote.

A motion was made by Chair Flood, seconded by Vice Chair Reed, that this Ordinance be amended by amending Binding Element 12 as follows:

- Strike "and post" and add the following sentence after the first sentence: "Any homeowners who opt to have a pre-blast survey conducted shall be provided copies of all materials resulting from that survey, including any photo and/or videos."

The motion to amend carried by a voice vote.

The following spoke to this item:

- Chair Flood
- Committee Member Engel
- Joe Reverman, Planning and Design Services
- Emily Lui, Planning and Design Services
- Travis Fiechter, Jefferson County Attorney's Office
- Council Member Peden
- Brian Davis

The following was discussed:

- Question about whether it was discussed to put sidewalks in the area
- This section of Hurstbourne Parkway is a state road and sidewalks were not stated as part of the proposal
- Typically sidewalks are not put in until more development is put in and that is a part of the Land Development Code
- If your roadway is rated an F in Oldham County you are not allowed to move forward
- Question and concerns about blasting within 500 feet of the property owners
- Question about why the reference to the binding element in C1 was not taken into consideration

A motion was made by Chair Flood, seconded by Committee Member Arthur, that this amended Ordinance be tabled.

The motion to table carried by a voice vote.

2. O-440-20

AN ORDINANCE RELATING TO THE TIME AND LOCATION OF PLANNING COMMISSION PUBLIC HEARINGS DURING STATES OF EMERGENCY

Sponsors: Primary Cindi Fowler (D-14)

Attachments: O-440-20 V.1 091720 Planning Commission Night Meetings.pdf

Proposed Bylaw Amendment - Sept 2020_v9.pdf

PC Bylaws and Policies 2020.09.17.pdf

This item remained held in committee.

3. [O-011-21](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 8816-8820 W. MANSLICK ROAD CONTAINING APPROXIMATELY 11.28 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0091).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-011-21 V.1 012821 Zoning at 8816-8820 W Manslick.pdf](#)

[19-ZONE-0091.pdf](#)

[19-ZONE-0091.pdf](#)

[19-ZONE-0091 Booklet.pdf](#)

[19-ZONE-0091 Finding of Facts.pdf](#)

[19-ZONE-0091 Justification Statement.pdf](#)

[19-ZONE-0091 Legal Description.pdf](#)

[19-ZONE-0091 Other Minutes.pdf](#)

[19-ZONE-0091 PC Minutes.pdf](#)

[19-ZONE-0091 Staff Reports.pdf](#)

[19-ZONE-0091 Plan 011521.pdf](#)

This item remained held in committee.

4. [O-041-21](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 6106 S. WATTERSON TRAIL CONTAINING APPROXIMATELY 12.70 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0074). (AS AMENDED)

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-041-21 V.2 CAM 041321 Zoning at 6106 S. Watterson Trail.pdf](#)

[O-041-21 PROPOSED CAM 041321 Zoning at 6106 S. Watterson Trail.pdf](#)

[O-041-21 V.1 021121 Zoning at 6106 S. Watterson Trail.pdf](#)

[20-ZONE-0074.pdf](#)

[20-ZONE-0074.pdf](#)

[20-ZONE-0074 Legal Description.pdf](#)

[20-ZONE-0074 Opposition Letters.pdf](#)

[20-ZONE-0074 Other Minutes.pdf](#)

[20-ZONE-0074 Staff Reports.pdf](#)

[20-ZONE-0074 Statement of Compliance.pdf](#)

[20-ZONE-0074 Plan for Planning Commission 012121.pdf](#)

[20-ZONE-0074 PC Minutes.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.

A motion was made by Committee Member Triplett, seconded by Committee Member Engel, that this Ordinance be amended by adding the following Binding Element:

"18. Site construction for the single family lots shall begin within nine (9) months of site construction of the apartments. Any violation of this binding element shall result in a stop-work-order being issued against construction of the apartments."

The motion to amend carried by a voice vote.

A motion was made by Chair Flood, seconded by Committee Member Triplett, that this Ordinance be amended by adding the following Binding Element:

"19. The areas dedicated to single family lots on the plan shown to the Planning Commission in Case No. 20ZONE0074 shall not be eligible for multi-family development."

The motion to amend carried by a voice vote.

A motion was made by Chair Flood, seconded by Committee Member Triplett, that this Ordinance be amended by adding the following Binding Element:

"20. 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 carried by a voice vote.

The following spoke to this item:

- Chair Flood
- Council Member Peden
- Brian Davis
- Joe Reverman, Planning and Design Services
- Travis Fiechter, Jefferson County Attorney's Office
- Committee Member Arthur

The following was discussed:

- Questions and concerns about the housing that has to start within 9 months of the start of the construction being enforced
- Question about whether a stop work order can be put into the binding elements
- Questions about changing the zoning from single family homes to apartments
- Development plan to the north and the development plan to the east will start at the same time as this development and, the developer with the development plan to the west mentioned he was just trying to get it rezoned to sell it

- The development plan to the west has also expired
- The next development will have a Crossroads grocery store owned by the Houchens Corporation

The motion 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 YES.

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

5. [O-090-21](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 8127 WATTERSON TRAIL CONTAINING APPROXIMATELY 62.56 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0020) (AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-090-21 V.2 CAM 041321 Zoning at 8127 Watterson Trail.pdf](#)
[O-090-21 V.1 031121 Zoning at 8127 Watterson Trail.pdf](#)
[20-ZONE-0020.pdf](#)
[20-ZONE-0020.pdf](#)
[20-ZONE-0020 PC Minutes.pdf](#)
[20-ZONE-0020 LDT Minutes.pdf](#)
[20-ZONE-0020 Staff Reports.pdf](#)
[20-ZONE-0020 Legal Description.pdf](#)
[20-ZONE-0020 Applicant Justification.pdf](#)
[20-ZONE-0020 Letters of Opposition.pdf](#)
[20-ZONE-0020 Applicant Booklets.pdf](#)
[20-ZONE-0020 Plan Pg 1.pdf](#)
[20-ZONE-0020 Plan Pg 2.pdf](#)
[02.22.21 PC Minutes Night Hearing.pdf](#)

A motion was made by Committee Member Triplett, 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.

A motion was made by Chair Flood, seconded by Committee Member Triplett, that this Ordinance be amended by amending Binding Element 12 as follows:

12. Strike "and post" and adding the following sentence after the first sentence: " Any homeowners who opt to have a pre-blast survey conducted shall be provided copies of all materials resulting from that survey, including any photo and/or videos."

A motion to amend carried by a voice vote.

The following spoke to this item:

- Chair Flood
- Travis Fiechter, Jefferson County Attorney's Office
- Council Member Kramer
- Brian Davis
- Joe Reverman, Planning and Design Services
- Committee Member Arthur

The following was discussed:

- Question about the blasting in Binding Element #13
- The blasting in Binding Element #13 was added at the Planning Commission hearing
- Questions and concerns about the pre-blast survey when the homeowner experiences damage from the blast and pays for the survey
- Question about whether the pre-blast report protects the homeowner in case they have to go to court
- Question about whether the concern was language in a report for a pre-blast survey or a post-blast survey
- The general traffic flow was one of the primary concerns
- There was also concern about the height of the structures
- The intent is during construction to keep the neighborhood roads closed until they had the final surface put on them

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

The motion to table carried by a voice vote.

6. [R-020-21](#)

A RESOLUTION DIRECTING THE PLANNING COMMISSION TO REVIEW THE COMPLETE STREETS PORTION OF THE COMPREHENSIVE PLAN AS ADOPTED IN 2019.

Sponsors: Primary Nicole George (D-21)

Attachments: [R-020-21 V.1 031121 Complete Streets Policy to ensure uniform compliance.pdf](#)

This item remained held in committee.

7. [O-086-21](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 4801 MANSLICK ROAD AND 1936 BLUEGRASS AVENUE (4801 MANSLICK ROAD INCLUDES PARCEL ID NOS. 067H00100000 AND 067H00190000) CONTAINING APPROXIMATELY 10.22 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0096).

Sponsors: Primary Madonna Flood (D-24)

- Attachments:** [O-086-21 V.1 031121 Zoning at 4801 Manslick Rd and 1936 Bluegrass Ave.pdf](#)
[20-ZONE-0096.pdf](#)
[20-ZONE-0096.pdf](#)
[20-ZONE-0096 Applicant Studies.pdf](#)
[20-ZONE-0096 LDT Minutes.pdf](#)
[20-ZONE-0096 Legal Description.pdf](#)
[20-ZONE-0096 Opposition Letters.pdf](#)
[20-ZONE-0096 PC Minutes.pdf](#)
[20-ZONE-0096 Staff Reports.pdf](#)
[20-ZONE-0096_plan_012021.pdf](#)

This item remained tabled in committee.

8. [O-087-21](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 1213 HINES COURT CONTAINING APPROXIMATELY 1.0 ACRE AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0088).

Sponsors: Primary Madonna Flood (D-24)

- Attachments:** [O-087-21 V.1 031121 Zoning at 1213 Hines Ct.pdf](#)
[20-ZONE-0088.pdf](#)
[20-ZONE-0088.pdf](#)
[20-ZONE-0088 PC Minutes.pdf](#)
[20-ZONE-0088 LDT Minutes.pdf](#)
[20-ZONE-0088 Staff Reports.pdf](#)
[20-ZONE-0088 Legal Description.pdf](#)
[20-ZONE-0088 Letters of Opposition.pdf](#)
[20-ZONE-0088 Plan.pdf](#)

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

Chair Flood read a statement from Council Member Piagentini and stated he is in favor of this zoning change.

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

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

Absent: 1 - Dorsey

9. [O-088-21](#)

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 8300 COOPER CHAPEL ROAD CONTAINING APPROXIMATELY 29.69 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0057)(AMENDED BY SUBSTITUTION).

Sponsors: Primary Madonna Flood (D-24)

Attachments: [O-088-21 V.2 CABS 041321 Zoning at 8300 Cooper Chapel Rd.pdf](#)

[O-088-21 V.1 031121 Zoning at 8300 Cooper Chapel Rd.pdf](#)

[20-ZONE-0057_Staff.pdf](#)

[20-ZONE-0057_Staff.pdf](#)

[20-ZONE-0057 PC Minutes.pdf](#)

[20-ZONE-0057 LDT Minutes.pdf](#)

[20-ZONE-0057 Staff Reports.pdf](#)

[20-ZONE-0057 Legal Description.pdf](#)

[20-ZONE-0057 Applicant Justification.pdf](#)

[20-ZONE-0057 Applicant Studies.pdf](#)

[20-ZONE-0057 Letters of Opposition.pdf](#)

[20-ZONE-0057 SlopeStabilitySurvey_112320.pdf](#)

[20-ZONE-0057 Plan.pdf](#)

[O-088-21 PROPOSED CABS 041321 Zoning at 8300 Cooper Chapel Rd.pdf](#)

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

Council Member Peden stated that this was not a unanimous decision of the Planning Commission and that he has written an override to the Planning Commission decision and would like to deny the zoning change at 8300 Cooper Chapel Road. Council Member Peden stated the apartment development is also in a rural area.

Chair Flood stated there is nothing close to the development unless you have transportation.

Travis Fiechter, Jefferson County Attorney's Office, read the clauses in the proposed amendment that is into record.

A motion was made by Chair Flood, seconded by Vice Chair Reed, that this Ordinance be amended by substitution as shown in the attached document "O-088-21 V.2 CABS 041321 Zoning at 8300 Cooper Chapel Rd.pdf."

The motion to amend by substitution carried by a voice vote.

The motion to approve 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 YES.

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

Absent: 1 - Dorsey

Adjournment

Without objection, Chair Flood adjourned the meeting at 2:37 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 22, 2021.