

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)

Tuesday, December 7, 2021

1:00 PM

Council Chambers/Virtual

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, Council Member George, and Council Member Fox, 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), Council Member Nicole George (D-21), and Council Member James Peden (R-23)

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-646-21

AN ORDINANCE RELATING TO THE DECISION OF THE DEVELOPMENT REVIEW COMMITTEE OF THE PLANNING COMMISSION TO APPROVE THE REVISED DISTRICT DEVELOPMENT PLAN PROPOSED IN CASE NO. 21-DDP-0048.

Sponsors: Primary Nicole George (D-21)

<u>Attachments:</u> 0-646-21 V.1 120221 DDP-0048 Rejection.pdf

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

Council Member George stated that she recommends rejecting the development plan and overturn the Planning Commissions decision. She also stated that despite three public hearing the binding elements are not sufficient to address the concerns laid out in the whereas clauses.

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

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

Absent: 1 - Engel

2. O-612-21

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 9301-9309 SMYRNA PARKWAY AND PARCEL ID NOS. 066202630000 AND 066202760000 CONTAINING APPROXIMATELY 8.8 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0121) (AS AMENDED).

Attachments: O-612-21 V.2 FAM 121621 Zoning at 9301-9309 Smyrna Parkway.pdf

O-612-21 V.1 120221 Zoning at 9301-9309 Smyrna Parkway.pdf

20-ZONE-0121.pdf

20-ZONE-0121 PC Minutes.pdf

20-ZONE-0121 Other Minutes.pdf

20-ZONE-0121 Staff Pres 100721.pdf

20-ZONE-0121 Staff Reports.pdf

20-ZONE-0121 Legal Description.pdf

20-ZONE-0121 Justification Statement.pdf

20-ZONE-0121.pdf

21062894 2.pdf

20-ZONE-0121 TreeExhibit 082021.pdf

20-ZONE-0121 Water Wetland Delineation Report.pdf

20-ZONE-0121 Plan 082021.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:

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

The following was discussed:

- Question about whether there is a fee-in-lieu being paid for the tree canopy requirements
- Question about whether there is a requirement to have an area with a shaded parking lot
- There is no street requirement where the trees are to be planted
- The total tree canopy is to be 35%
- The new plan was approved on August 20, 2021 and no fee-in-lieu was purposed

The motion carried by the following vote and the 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

3. O-623-21

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 6406 LEISURE LANE CONTAINING APPROXIMATELY 12.26 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0044).

Sponsors: Primary Madonna Flood (D-24)

Attachments: O-623-21 V.1 120221 Zoning at 6406 Leisure Lane.pdf

21-ZONE-0044.pdf

21-ZONE-0044 PC minutes 11.04.21.pdf

21-ZONE-0044 LDT minutes 10.14.21.pdf

21-ZONE-0044 legal desc.pdf

21-ZONE-0044 Appl Justification Stmt.pdf

21-ZONE-0044 applicant justification.pdf

21-ZONE-0044 citizen comments.pdf

21-ZONE-0044 LeftTurnAnalysis 061521.pdf

21-ZONE-0044 Plan 11.04.21.pdf

21-ZONE-0044 staff rpts.pdf

21-ZONE-0044 wetlands.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.

Council Member Peden stated that these are all new streets.

The motion carried by the following vote and the 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

4. O-624-21

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 5217 SPRINGDALE ROAD CONTAINING APPROXIMATELY 17.97 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0106) (AS AMENDED).

Attachments: O-624-21 V. 2 CAM 120721 Zoning at 5217 Springdale Road.pdf

O-624-21 V.1 120221 Zoning at 5217 Springdale Road.pdf

21-ZONE-0106.pdf

21-ZONE-0106 PC minutes 11.04.21.pdf

21-ZONE-0106 Other minutes.pdf

21-ZONE-0106 legal desc.pdf

21-ZONE-0106 Appl Justification Stmt.pdf

21-ZONE-0106 Applicants Booklet.pdf

21-ZONE-0106 citizen comments.pdf

21-ZONE-0106 Karst Study.pdf

21-ZONE-0106 Noise Impact Analysis.pdf

21-ZONE-0106 Plan 11.04.21.pdf

21-ZONE-0106 staff rpts.pdf

21-ZONE-0106 Traffic Impact Study.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:

- Chair Flood
- Vice Chair Reed
- Brian Davis

The following was discussed:

- Concerns about Binding Element 13 which addresses concerns from the neighbors
- Concerns about traffic and drainage on Springdale Road
- Developer has agreed to preserve Lover's Lane

A motion was made by Chair Flood, seconded by Committee Member Triplett, that this Ordinance be amended as shown in the attached document titled "O-624-21 V. 2 CAM 120721 Zoning at 5217 Springdale 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 - Dorsey, Arthur, Chambers Armstrong, Triplett, Reed, Engel, and Flood

5. <u>O-631-21</u>

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 1230 AND 1230R HELCK AVENUE CONTAINING APPROXIMATELY 4.96 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0033).

Sponsors: Primary Madonna Flood (D-24)

Attachments: O-631-21 V.1 120221 Zoning at 1230 and 1230R Helck Avenue.pdf

21-ZONE-0033.pdf

November 18, 2021 PC Minutes Case 21-ZONE-0033.pdf

21-ZONE-0033 Other Minutes.pdf

21-ZONE-0033 Staff Reports.pdf

21-ZONE-0033 Legal Description.pdf

21-ZONE-0033 Statement of Compliance.pdf

21-ZONEE-0033 Booklet.pdf

21-ZONE-0033 Letters of Opposition.pdf

21-ZONE-0033 Plan 092021.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:

- Chair Flood
- Council Member George

The following was discussed:

- Question about what the difference is between jurisdictional and non-jurisdictional wetland
- Concerns with the previous proposal that traffic be directed into the Preston Oaks apartment complex $\,$
- Ongoing concerns with flooding and drainage issues
- Support for the zoning to remain as R-4

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

District 21 Council Member George had a vote on this zoning case and voted YES.

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

6. O-632-21

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 10501 AND 10511 PRESTON HIGHWAY CONTAINING APPROXIMATELY 4.48 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0081) (AS AMENDED).

Attachments: O-632-21 V.2 CAM 120721 Zoning at 10501 and 10511 Preston

Highway.pdf

O-632-21 V.1 120221 Zoning at 10501 and 10511 Preston

Highway.pdf 21-ZONE-0081.pdf

November 18, 2021 PC Minutes 21-ZONE-0081.pdf

21-ZONE-0081 Other Minutes.pdf

21-ZONE-0081 Staff Reports.pdf

21-ZONE-0081 Legal Description.pdf

21-ZONE-0081 Statement of Compliance.pdf

21-ZONE-0081 Applicant Studies.pdf

21-ZONE-0081 Letters of Support.pdf

21-ZONE-0081 Plan 110521.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.

The following spoke to this item:

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

The following was discussed:

- Questions and concerns about the location of the access road
- Question about whether the Thornton's intersection is lighted
- Concerns about the traffic backup on the Outer Loop

A motion was made by Council Member Peden, seconded by Chair Flood, that this Ordinance be amended as shown in the attached document titled "O-632-21 V.2 CAM 120721 Zoning at 10501 and 10511 Preston Highway.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:

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

7. O-633-21

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 12407 REHL ROAD CONTAINING APPROXIMATELY 3.2 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0107).

Sponsors: Primary Madonna Flood (D-24)

Attachments: O-633-21 V.1 120221 Zoning at 12407 Rehl Road.pdf

21-ZONE-0107.pdf

November 18, 2021 PC Minutes Case 21-ZONE-0107.pdf

21-ZONE-0107 Other Minutes.pdf

21-ZONE-0107 Staff Reports.pdf

21-ZONE-0107 Legal Description.pdf

21-ZONE-0107 Statement of Compliance.pdf

21-ZONE-0107 Plan 092721.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 that this zoning change was previously in Council Member Benson's district and he is in support of this item, and after the rezoning the item is now in Council Member Kramer"s district.

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

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

8. O-634-21

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 14015 OLD HENRY TRAIL CONTAINING APPROXIMATELY 2.81 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0113).

Sponsors: Primary Madonna Flood (D-24)

Attachments: O-634-21 V.1 120221 Zoning at 14015 Old Henry Trail.pdf

November 18, 2021 PC Minutes Case No. 21-ZONE-0113.pdf

21-ZONE-0113 Other Minutes.pdf

21-ZONE-0113 Staff Reports.pdf

21-ZONE-0113 Legal Description.pdf

21-ZONE-0113 Statement of Compliance.pdf

21-ZONE-0113 Interested Party Comments.pdf

21-ZONE-0113 Plan 092021.pdf

Planning Comm Old Henry Road.pdf

This item was held.

9. O-635-21

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 10511 WEST MANSLICK ROAD CONTAINING APPROXIMATELY 15.67 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0119) (AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: O-635-21 V.2 CAM 120721 Zoning at 10511 West Manslick Road.pdf

O-635-21 V.1 120221 Zoning at 10511 West Manslick Road.pdf

21-ZONE-0119.pdf

November 18, 2021 PC Minutes Case 21-ZONE-0119.pdf

21-ZONE-0119 Other Minutes.pdf

21-ZONE-0119 Staff Reports.pdf

21-ZONE-0119 Legal Description.pdf

21-ZONE-0119 Justification Statement.pdf

21-ZONE-0119 Applicant Studies.pdf

21-ZONE-0119 plan 102021.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.

Council Member Fox stated that the only concern that was expressed to him was the roadway in the infrastructure, and that he spoke in support of this item.

A motion was made by Council Member Fox, seconded by Chair Flood, that this Ordinance be amended as shown in the attached document titled "O-635-21 V.2 CAM 120721 Zoning at 10511 West Manslick 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:

District 13 Council Member Fox had a vote on this zoning case and voted YES.

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

10. O-636-21

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 9500 GOLDERS GREEN CIRCLE CONTAINING APPROXIMATELY 9.44 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0112) (AS AMENDED).

Attachments: O-636-21 V.2 CAM 120721 Zoning at 9500 Golders Green Circle.pdf

O-636-21 V.1 120221 Zoning at 9500 Golders Green Circle.pdf

21-ZONE-0112.pdf

November 18, 2021 PC Minutes Case 21-ZONE-0112.pdf

21-ZONE-0112 Other Minutes.pdf

21-ZONE-0112 Staff Reports.pdf

21-ZONE-0112 Legal Description.pdf

21-ZONE-0112 Statement of Compliance.pdf

21-ZONE-0112 Booklet.pdf

Pre=-app plan SITE PLAN-PRE APP-2021-06-14.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.

The following spoke to this item:

- Chair Flood
- Brian Davis
- Joe Reverman, Planning and Zoning
- Travis Fiechter, Jefferson County Attorney's Office

The following was discussed:

- Question about why there are two more buildings on the location than what was on the plan
- Question about whether there was refinancing
- The footprint of the building was permitted
- Question about whether there were other remedies other than changing the zoning that could have occurred

A motion was made by Chair Flood, seconded by Committee Member Triplett, that this Ordinance be amended as shown in the attached document titled "O-636-21 V.2 CAM 120721 Zoning at 9500 Golders Green Circle.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 - Dorsey, Arthur, Chambers Armstrong, Triplett, Reed, Engel, and Flood

11. O-638-21

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT SCHUTTE STATION PLACE (PARCEL ID NO. 003905510000) CONTAINING APPROXIMATELY [12.97] 7.93 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0103) (AS AMENDED).

Sponsors: Primary Madonna Flood (D-24)

Attachments: O-638-21 V.2 CAM 120721 Zoning at Schutte Station Place.pdf

O-638-21 V.1 120221 Zoning at Schutte Station Place.pdf

21-ZONE-0103.pdf

November 18, 2021 PC Minutes Case 21-ZONE-0103 and

21-AMEND-0009.pdf

21-ZONE-0103 PC LDT Minutes.pdf

21-ZONE-0103 Staff Reports.pdf

21-AMEND-0009 Staff Report.pdf

21-ZONE-0103 Legal Description.pdf

21-ZONE-0103 Elevations 092921.pdf

21-ZONE-0103 Booklets Studies.pdf

21-ZONE-0103 Plan 102721.pdf

A motion was made by Committee Member Engel, 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.

Chair Flood stated that this zoning change was previously in Council Member Benson's district and he spoke in support of the item, and after the rezoning the item is now in Council Member Kramer's district.

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-638-21 V.2 CAM 120721 Zoning at Schutte Station Place.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 - Dorsey, Arthur, Chambers Armstrong, Triplett, Reed, Engel, and Flood

12. O-588-21

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 5661 WEST INDIAN TRAIL AND PARCEL ID NO. 104500730000 CONTAINING APPROXIMATELY 4.8 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0091)(AS AMENDED).

<u>Attachments:</u> O-588-21 V.2 CAM 111621 Zoning at 5661 W Indian Trail and Parcel

ID No 10450730000.pdf

O-588-21 V.1 111121 Zoning at 5661 W Indian Trail and Parcel ID No

10450730000.pdf 21-ZONE-0091.pdf

21-ZONE-0091 PC Min 10.21.21.pdf

21-ZONE-0091 LDT Min 09.09.21.pdf

21-ZONE-0091_staff rpts.pdf

21-ZONE-0091 Appl Booklet.pdf

21-ZONE-0091 Applicants FOF.pdf

21-ZONE-0091 Plan 080221.pdf

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

Council Member Fox stated that he contacted Jeff Brown with Public Works and was told that West Indian Trail is not a part of the Metro Governments road system.

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

District 21 Council Member George had a vote on this zoning case and voted YES.

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

Absent: 1 - Dorsey

13. O-637-21

AN ORDINANCE AMENDING THE METRO LAND DEVELOPMENT CODE RELATING TO CHANGES IN THE CHILD CARE REGULATIONS (CASE NO. 21-LDC-0013).

<u>Sponsors:</u>Primary Madonna Flood (D-24), Additional Cassie Chambers Armstrong (D-8) and Additional Jecorey Arthur (D-4)

Attachments: O-637-21 V.1 120221 Ordinance Amending LDC Relating to Child

Care Regulations.pdf

Metro Council Child Care Changes 111821.pdf

November 18, 2021 PC Minutes Case 21-LDC-0013.pdf

21-LDC-0013 Staff Report.pdf

21-LDC-0013 Additional Staff Info.pdf

21-LDC-0013 Proposed Findings.pdf

21-LDC-0013 Comment Forms.pdf

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

Joe Haberman, Planning and Design Services, gave a presentation (see attached).

The following spoke to this item:

- Committee Member Armstrong
- Committee Member Arthur
- Committee Member Dorsey
- Joe Haberman

The following was discussed:

- Concerns about childcare shortage
- The reason 1 out of 4 women are out of work is because of a childcare shortage
- Questions and concerns about having quality childcare
- Questions and concerns about affordable childcare
- Questions and concerns about enforcement with zoning

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

The motion to table carried by a voice vote.

14. 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 V.1 101421 Ordinance Amending LCD Relating to Truck

Parking Requirements (.pdf

2021-11-02 21 LDC-0010 HeavyTruckParking PlanningCommittee.pd

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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

This item remained held in committee.

Adjournment

Without objection, Chair Flood adjourned the meeting at 3:00 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 December 16, 2021.