



# Louisville Metro Government

## Action Summary - Tentative

### Planning and Zoning Committee

*Chair Madonna Flood (D-24)*

*Vice Chair Scott Reed (R-16)*

*Committee Member Phillip T. Baker (D-6)*

*Committee Member Ben Reno-Weber (D-8)*

*Committee Member Jennifer Chappell (D-15)*

*Committee Member Betsy Ruhe (D-21)*

*Committee Member Robin Engel (R-22)*

*Committee Member Khalil Batshon (R-25)*

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October 03, 2023

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 1:06 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 in Chambers, except Council Member Blackwell and Vice Chair Reed, who attended virtually.

**Present:** 7 – Committee Member Phillip T. Baker (D-6), Committee Member Jennifer Chappell (D-15), Vice Chair Scott Reed (R-16), Committee Member Betsy Ruhe (D-21), Committee Member Robin Engel (R-22), Chair Madonna Flood (D-24) and Committee Member Khalil Batshon (R-25)

**Excused:** 1 – Committee Member Ben Reno-Weber (D-8)

#### Non-Committee Members(s)

Council Member Tammy Hawkins (D-1), Council Member Jecorey Arthur (I-4), Council Member Andrew Owen (D-9), Council Member Rick Blackwell (D-12), Council Member Anthony Piagentini (R-19) and Council Member Jeff Hudson (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-210-23** AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 7791 DIXIE HIGHWAY CONTAINING APPROXIMATELY 0.26 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 23ZONE0051).

9/19/2023 Planning and Zoning Committee Held  
 10/03/2023 Planning and Zoning Committee Recommended for Approval  
 Action Required By: November 31, 2023

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

A motion was made by Committee Member Chappell, seconded by Committee Member Batshon, 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:

- Committee Member Chappell
- Brian Davis
- Chair Flood
- Council Member Blackwell
- Committee Member Batshon
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The following was discussed:

- Question about whether would be only for auto sales
- Question about whether the area was currently in use
- Question about the location of the proposed sidewalk

Council Member Blackwell stated he is in support of this item.

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

District 12 Council Member Blackwell had a vote on this zoning case and voted YES.

**Yes:** 6 – Flood, Reed, Baker, Chappell, Ruhe, Batshon

**Excused:** 1- Reno Weber

**Absent:** 1 - Engel

2. **O-222-23** AN ORDINANCE RELATING TO THE ZONING AND FORM DISTRICT OF PROPERTIES LOCATED AT 13000-13012 FACTORY LANE CONTAINING APPROXIMATELY 4.88 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 23ZONE0022).

10/3/2023 Planning and Zoning Committee Tabled  
 Action Required By: December 7, 2023

**\*\*Council Member Anthony Piagentini (R-19) can vote on this zoning change\*\***

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

A motion was made by Committee Member Baker, seconded by Committee Member Batshon, 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:

- Committee Member Ruhe
- Brian Davis

The following was discussed:

- Question about whether the area would be able to handle the traffic flow

A motion was made by Committee Member Baker, seconded by Committee Member Ruhe, that this Ordinance be tabled.

The motion to table carried by a voice vote.

- 3. O-224-23 AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 13110 OLD HENRY ROAD (PARCEL ID NOS. 002307040000 AND 002301270000) CONTAINING APPROXIMATELY 9.87 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 23ZONE0141).**

10/3/2023 Planning and Zoning Committee Recommended for Approval  
*Action Required By: December 7, 2023*

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

A motion was made by Committee Member Ruhe, seconded by Committee Member Baker, 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:

- Committee Member Ruhe
- Brian Davis
- Travis Fiechter, Jefferson County Attorney's Office
- Committee Member Batshon

The following was discussed:

- Question about what the precise use of this zoning district would be
- Question about whether truck parking and storage would be utilized in this zoning

Chair Flood stated that this item is in President Winkler's District, and he is in support of the change in zoning.

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

**Yes:** 5 – Flood, Reed, Baker, Ruhe, Batshon

4. **O-225-23** AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 8204, 8212, 8302 AND 8306 GLASER LANE CONTAINING APPROXIMATELY 14.22 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 23ZONE0052).

10/3/2023 Planning and Zoning Committee Tabled  
 Action Required By: December 7, 2023

**\*\*Council Member Jeff Hudson (R-23) can vote on this zoning change\*\***

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

A motion was made by Committee Member Chappell, seconded by Committee Member Baker, 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:

- Council Member Hudson
- Travis Fiechter, Jefferson County Attorney’s Office
- Chair Flood
- Committee Member Chappell

The following was discussed:

- Question about the square footage allowed
- Question about the difference between R4 and R5 zonings

Council Member Hudson stated he is in support of this item with binding elements.

A motion was made by Committee Member Chappell, seconded by Committee Member Ruhe, that this Ordinance be tabled.

The motion to table carried by a voice vote.

5. **O-071-23** AN ORDINANCE CREATING A NEW CHAPTER OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) ~~PROTECTING DESIGNATING HISTORICALLY BLACK NEIGHBORHOODS AS PROTECTED COMMUNITIES IN LOUISVILLE METRO FROM DIRECT, INDIRECT AND CULTURAL DISPLACEMENT, TO BE KNOWN AS THE ANTI-DISPLACEMENT HISTORICALLY BLACK NEIGHBORHOODS LAW, AND AMENDING LMCO 92.15. (AS AMENDED)~~

7/18/2023 Planning and Zoning Committee Held  
 8/1/2023 Planning and Zoning Committee Held  
 8/15/2023 Planning and Zoning Committee Amended, Tabled  
 8/29/2023 Planning and Zoning Committee Tabled  
 9/19/2023 Planning and Zoning Committee Held  
 10/3/2023 Planning and Zoning Committee Amended; Tabled  
 Action Required By: October 2023

**Sponsors:** Jecorey Arthur, Kumar Rashad

A motion was made by Committee Member Ruhe, seconded by Committee Member Baker, that this Ordinance be untabled.

The following spoke to this item:

- Council Member Arthur
- Chair Flood

A motion was made by Committee Member Ruhe, seconded by Committee Member Baker, that this Ordinance be amended as shown in the attached document titled "O-071-23 V.3 CAM 100323 Historically Black Neighborhoods As Protected Communities.pdf."

The motion to amend carried by a voice vote.

The following spoke to the amendment:

- Vice Chair Reed
- Council Member Arthur
- Laura Ferguson, Jefferson County Attorney's Office
- Chair Flood
- Council Member Hawkins
- Jeff O'Brien, Economic Development
- Committee Member Batshon
- Committee Member Ruhe
- Committee Member Engel
- Council Member Owen
- Council Member Hawkins
- Council Member Piagentini

The following was discussed:

- Question about whether the appointment would be a Mayoral appointed position
- Question and concerns about sub-divided parcels
- Question about whether board members would be required to live in the area
- Question about whether farmland and green fields will be covered
- Concerns about commission compensation
- Questions about whether Metro resources would be limited due to lack of access
- Question regarding endorsement of this Ordinance by the Mayor's Office
- Concerns about the development of the projects slowing down
- Concerns about the conversion of non-residential properties to residential ones
- Concerns about Landlord –Tenant Rental Act
- Affordability must be a priority for developments that receive assistance from Metro
- Questions and concerns about which communities will receive Metro funding
- Question about the impact on tax increment financing (TIFs)
- Question about the meaning of culture displacement
- Under the anti-displacement law, the communities would have to be income affordable
- Question about how long the process for analysis is to be done to build on properties
- TIFs and industrial revenue bonds (IRB) are required for private performance
- Question about whether there is any up-front cash that goes to a developer
- The developer is reimbursed for developments
- Question about what the percentage is for city TIFs

- Question about whether the housing needs assessment breaks down what the housing needs are
- Concerns about whether the Ordinance will help the people with the least social economic and political capital
- Concerns about whether the proposed 60% AMI will make it difficult to build affordable housing
- Questions about the positive impacts of gentrification
- Question about whether the displacement assessment has been written
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A motion was made by Committee Member Batshon, seconded by Committee Member Engel, that this Ordinance be tabled.

The motion to tabled carried by a voice vote.

**6. O-170-23 AN ORDINANCE AMENDING SECTION 150.110 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES REGARDING THE WRECKING OR DEMOLITION OF HISTORIC BUILDINGS OR STRUCTURES (THE “WRECKING ORDINANCE”).**

8/1/2023 Planning and Zoning Committee Held  
 8/15/2023 Planning and Zoning Committee Held  
 8/29/2023 Planning and Zoning Committee Tabled  
 9/19/2023 Planning and Zoning Committee Held  
 10/3/2023 Planning and Zoning Committee Held  
*Action Required By: January 2024*

**Sponsors:** Markus Winkler

This item remained held in committee.

**7. O-171-23 AN ORDINANCE AMENDING SECTIONS 32.250 TO 32.263 (THE “LANDMARKS ORDINANCE”) OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES. (AS AMENDED)**

8/1/2023 Planning and Zoning Committee Held  
 8/15/2023 Planning and Zoning Committee Held  
 8/29/2023 Planning and Zoning Committee Amended, Tabled  
 9/19/2023 Planning and Zoning Committee Held  
 10/3/2023 Planning and Zoning Committee Held  
*Action Required By: January 2024*

**Sponsors:** Markus Winkler

This item remained held in committee.

**8. R-099-23 A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE BOND PROCESS IN CHAPTER 7, PART 2 OF THE LAND DEVELOPMENT CODE.**

9/19/2023 Planning and Zoning Committee Held  
 10/3/2023 Planning and Zoning Committee Held  
*Action Required By: March 2024*

**Sponsors:** Anthony Piagentini (R-19)

This item remained held in committee.

**9. O-208-23 AN ORDINANCE RELATING TO THE DECISION OF THE PLANNING COMMISSION TO APPROVE THE REVISED DISTRICT DEVELOPMENT PLAN PROPOSED IN CASE NO. 23-DDP-0034 FOR THE PROPERTY LOCATED AT 4516 CANE RUN ROAD. (AMENDMENT BY SUBSTITUTION)**

9/19/2023 Planning and Zoning Committee Held  
 10/3/2023 Planning and Zoning Committee Amended; Recommended for Approval  
 Action Required By: March 2024

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

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

Brian Davis, Planning and Design Services, gave a recap on the previous presentation (see attached).

The following spoke to this item:

- Committee Member Chappell
- Council Member Hawkins
- Travis Fiechter, Jefferson County Attorney’s Office
- Committee Member Batshon

A motion was made by Committee Member Batshon, seconded by Committee Member Ruhe, that this Ordinance be amended by substitution as shown in the attached document titled “O-208-23 V.2 CABS 100323 Revised Detailed District Development Plan Proposed in 23-DDP-0034.pdf.”

The following spoke to this item:

- Council Member Hawkins
- Council Member Owen
- Travis Fiechter
- Committee Member Batshon
- Brian Davis
- Chair Flood
- Vice Chair Reed
- Committee Member Chappell

The following was discussed:

- Questions about whether the Council can review an existing development plan
- Question about whether the standard binding element would be added to this item
- Question about whether the proposed amendment by substitution would overturn the decision of the Planning Commission and maintain the existing plan
- The constituents want proposed townhomes
- Questions about whether the development was a low-income tax credit
- Question about whether R5A zoning townhomes could be approved without Metro Council’s approval
- Both townhomes and apartments are permitted in the R5A zone
- The project increased by 22 units
- Question about whether the public had a chance to speak to the proposed plan
- Questions and concerns about the percentage of the area median income (AMI)

- Concerns about whether there would be green space for the townhomes

The motion to amend by substitution 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 – Reed, Baker, Chappell, Ruhe, Engel, Batshon

**Excused:** 1- Reno-Weber

**Present:** 1 - Flood

- 10. R-114-23** A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE LAND DEVELOPMENT CODE REGARDING THE AMOUNT OF MONEY A DEVELOPER MUST LEAVE IN AN HOMEOWNERS ASSOCIATION'S ACCOUNT BEFORE TURNING CONTROL OVER TO THE HOMEOWNERS.

10/3/2023 Planning and Zoning Committee Held  
*Action Required BY: March 2024*

**Sponsors:** Jeff Hudson (R-23)

This item remained held in committee.

## Adjournment

Without objection, Chair Flood adjourned the meeting at 2:57 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 October 12, 2023.