



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 Andrew Owen (D-9)

Committee Member Jennifer Chappell (D-15)

Committee Member Robin Engel (R-22)

Committee Member Khalil Batshon (R-25)

Tuesday, July 30, 2024

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 1:03 p.m.

Roll Call

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

NOTE: All committee members and non-committee members present attended in Chambers, except Committee Member Chappell, who attended virtually.

Present: 8 – 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 Andrew Owen (D-9), Committee Member Jennifer Chappell (D-15), Committee Member Robin Engel (R-22), Committee Member Khalil Batshon (R-25)

Non-Committee Members(s)

Council Member Jecorey Arthur (I-4), Council Member Dan Seum, Jr (R-13), 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
Justin Soforo, Assistant Clerk

Pending Legislation

1. **O-141-24** AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 410-418 AND 436-438 EAST MAIN STREET AND 110 SOUTH JACKSON STREET CONTAINING APPROXIMATELY 1.97 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 24ZONE0012).

7/30/24 Planning and Zoning Committee Amended: Recommended for Approval
7/16/24 Planning and Zoning Committee Held
Action Required By: August 30, 2024

Sponsors: Madonna Flood (D-24)

A motion was made by Vice Chair Reed, seconded by Committee Member Batshon, that this Ordinance be recommended for approval.

Brian Davis, Office of Planning, gave a presentation on the Planning Commission's recommendation (see attached).

The following also spoke to this item:

- Vice Chair Reed
- Chair Flood
- Council Member Arthur
- Committee Member Batshon

Travis Fiechter, Jefferson County Attorney's Office, read the following proposed Binding Element #17 into the record:

"17. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council."

A motion was made by Chair Flood, seconded by Committee Member Owen, that this Ordinance be amended by adding Binding Element #17, as shown in the attached document titled "O-141-24 V.2 CAM 073024 Zoning at 410-418 and 436-438 E Main St and 110 S Jackson.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 4 Council Member Arthur had a vote on this zoning change and voted YES.

Yes: 8 – Flood (D-24), Reed (R-16), Baker (D-6), Reno-Weber (D-8), Owen (D-9), Chappell (D-15), Engel (R-22), Batshon (R-25)

2. O-156-24 AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 1113 AND 1115 LOGAN STREET CONTAINING APPROXIMATELY 0.17 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 24ZONE0024).

7/30/24 Planning and Zoning Committee Amended: Recommended for Approval
Action Required By: September 6, 2024

Sponsors: Madonna Flood (D-24)

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

Brian Davis, Office of Planning, gave a presentation on the Planning Commission's recommendation (see attached).

The following also spoke to this item:

- Chair Flood
- Committee Member Baker
- Committee Member Owen

Travis Fiechter, Jefferson County Attorney's Office, read the following proposed Binding Element #7 into the record:

"7. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council."

A motion was made by Committee Member Baker, seconded by Committee Member Reno-Weber, that this Ordinance be amended by adding Binding Element #7, as shown in the attached document titled "O-156-24 V.2 CAM 073024 Zoning at 1113 and 1115 Logan Street.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 – Flood (D-24), Reed (R-16), Baker (D-6), Reno-Weber (D-8), Owen (D-9), Engel (R-22), Batshon (R-25)

Present: 1 – Chappell (D-15)

3. **O-157-24** AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 9713 AND 9715 STARLET DRIVE CONTAINING APPROXIMATELY 0.513 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 24ZONE0028).

7/30/24 Planning and Zoning Committee Amended: Recommended for Approval
Action Required By: September 6, 2024

Sponsors: Madonna Flood (D-24)

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

Brian Davis, Office of Planning, gave a presentation on the Planning Commission's recommendation (see attached).

The following also spoke to this item:

- Chair Flood
- Travis Fiechter, Jefferson County Attorney's Office

Travis Fiechter read the following proposed Binding Element #9 into the record:

"9. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council."

A motion was made by Chair Flood, seconded by Committee Member Owen, that this Ordinance be amended by adding Binding Element #9, as shown in the attached document titled "O-157-24 V.2 CAM 073024 Zoning at 9713 and 9715 Starlet Drive.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 Seum had a vote on this zoning change and voted YES.

Yes: 8 – Flood (D-24), Reed (R-16), Baker (D-6), Reno-Weber (D-8), Owen (D-9), Chappell (D-15), Engel (R-22), Batshon (R-25)

4. **O-158-24** AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 908 AND 910 SOUTH ENGLISH STATION ROAD CONTAINING APPROXIMATELY 12.68 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 24ZONE0014).

7/30/24 Planning and Zoning Committee Amended: Recommended for Approval
Action Required By: September 6, 2024

Sponsors: Madonna Flood (D-24)

A motion was made by Committee Member Owen, seconded by Committee Member Reno-Weber, that this Ordinance be recommended for approval.

Brian Davis, Office of Planning, gave a presentation on the Planning Commission's recommendation (see attached).

Chair Flood stated that she spoke to Council Member Kevin Kramer and he is in support of this zoning item.

The following also spoke to this item:

- Chair Flood
- Council Member Chappell

Travis Fiechter, Jefferson County Attorney's Office, read the following proposed Binding Element #17 into the record:

"17. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council."

A motion was made by Chair Flood, seconded by Vice Chair Reed, that this Ordinance be amended by adding Binding Element #17, as shown in the attached document titled "O-158-24 V.2 CAM 073024 Zoning at 908 and 910 South English Station 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 – Flood (D-24), Reed (R-16), Baker (D-6), Reno-Weber (D-8), Owen (D-9), Engel (R-22), Batshon (R-25)

Present: 1 – Chappell (D-15)

5. **O-160-24** AN ORDINANCE RELATING TO THE ZONING AND FORM DISTRICT OF PROPERTIES LOCATED AT 3535, 3605 AND 3607 BELLS LANE CONTAINING APPROXIMATELY 1.72 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 24ZONE0010).

7/30/24 Planning and Zoning Committee Held
Action Required By: September 6, 2024

****Council Member Tammy Hawkins (D-1) can vote on this zoning change****

Sponsors: Madonna Flood (D-24)

This item was held in committee.

6. **R-064-24** A RESOLUTION REQUESTING THAT THE PLANNING COMMISSION, THROUGH THE LOUISVILLE METRO OFFICE OF PLANNING AND PURSUANT TO SECTION 6.3.3 OF THE LAND DEVELOPMENT CODE (“LDC”), INITIATE THE STREET CLOSURE PROCEDURE TO PERMANENTLY CLOSE THE PORTION OF EAST ST. CATHERINE STREET BETWEEN LOGAN STREET AND STEVE MAGRE ALLEY LOCATED IN LOUISVILLE METRO.

7/30/24 Planning and Zoning Committee Recommended for Approval
Action Required By: January 2024

Sponsors: Phillip T. Baker (D-6)

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

The following spoke to this item:

- Committee Member Baker
- Brian Davis, Office of Planning
- Committee Member Chappell
- Laura Ferguson, Jefferson County Attorney’s Office
- Committee Member Owen

The motion carried by a voice vote and the Resolution was sent to the Consent Calendar.

7. **O-129-24** AN ORDINANCE AMENDING SECTIONS 1.2.2 AND 4.3.26 AND CREATING SECTION 4.4.13 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE (“LDC”) AND AMENDING SECTION 90.11 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) REGARDING SMOKING RETAIL STORES (CASE NO. 23-LDC-0002).

7/30/24 Planning and Zoning Committee Amended: Recommended for Approval
7/16/24 Planning and Zoning Committee Held
6/11/24 Planning and Zoning Committee Tabled
Action Required By: December 2024

Sponsors: Madonna Flood (D-24),

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

The following also spoke to this item:

- Council Member Hudson
- Laura Ferguson, Jefferson County Attorney’s Office
- Committee Member Batshon

Upon discussion of the proposed amendment attached in the system, Council Member Hudson read into the record the following additional change:

“SECTION IV

- (F) Any license under this section ~~may~~shall be denied, suspended, or revoked by the Director of Louisville Metro Public Health for one or more of the following reasons:”

A motion was made by Committee Member Batshon seconded by Committee Member Chappell, that the stated amendment be added to the Proposed amendment attached in the system titled “O-129-24 PROPOSED CAM 073024 Amend LDC 1.2.2 and 43.3.26 and Create 4.4.13 and Amend LMCO 90.11 Regarding Smoking Retail Stores pdf.”

The motion to amend carried by a voice vote.

Laura Ferguson read proposed amendments into the record as shown in the additional document titled “O-129-24 V.2 CAM 073024 Amend LDC 1.2.2 and 43.3.26 and Create 4.4.13 and Amend LMCO 90.11 Regarding Smoking Retail Stores pdf.”

The following also spoke the proposed amendments:

- Chair Flood
- Committee Member Batson

A motion was made by Committee Member Batshon, seconded by Committee Member Chappell, that this Ordinance be amended as shown in the attached document title “O-129-24 V.2 Cam 073024 Amend LDC 1.2.2 and 4.3.26 and Create 4.4.13 and Amend LMCO 90.11 Regarding Smoking Retail Stores.pdf.”

The motion to amend carried by a voice vote.

The discussion continued and the following spoke to the amended ordinance:

- Committee Member Chappell
- Laura Ferguson
- Council Member Hudson
- Chair Flood
- Committee Member Batshon

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

Yes: 8 – Flood (D-24), Reed (R-16), Baker (D-6), Reno-Weber (D-8), Owen (D-9), Chappell (D-15), Engel (R-22), Batshon (R-25) .

8. O-130-24 AN ORDINANCE AMENDING SECTION 1.2.2 AND CREATING SECTIONS 4.2.67, 4.3.30 AND 4.3.31 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE (“LDC”) REGARDING MEDICAL CANNABIS (MARIJUANA) USE (CASE NO. 24-LDC-0007).

7/30/24 Planning and Zoning Committee Amended: Recommended for Approval
7/16/24 Planning and Zoning Committee Tabled
6/11/24 Planning and Zoning Committee Tabled
Action Required By: December 2024

Sponsors: Madonna Flood (D-24), Jecorey Arthur (I-4), Dan Seum, Jr. (R-13), Phillip T. Baker (D-6), Scott Reed (R-13)

A motion was made by Vice Chair Reed, seconded by Committee Member Owen, that this Ordinance be untabled.

The motion to untable carried without objection.

A motion was made by Committee Member Chappell, seconded by Vice Chair Reed, that this Ordinance be amended by substitution as shown in the attached document

titled “O-130-24 V.2 CABS 073024 Amend LDC 1.2.2 and Create LDC 4.2.67 4.3.30 and 4.3.31 Regarding Medical Cannabis (Marijuana) Use.pdf.”

The following spoke to the proposed amendment:

- Council Member Seum
- Committee Member Seum
- Committee Member Engel
- Chair Flood
- Committee Member Baker
- Vice Chair Reed
- Committee Member Chappell
- Council Member Arthur
- Council Member Hudson

Vice Chair Reed and Committee Member Baker requested to be added as co-sponsors to this Ordinance.

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:7 – Flood (D-24), Reed (R-16), Baker (D-6), Reno-Weber (D-8), Owen (D-9), Chappell (D-15), Batshon (R-25)

No: 1 - Engel (R-22)

Adjournment

Without objection, Chair Flood adjourned the meeting at 2:31 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 August 8, 2024.