

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
OCTOBER 6, 2016**

A meeting of the Louisville Metro Planning Commission was held on October 6, 2016 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Vince Jarboe, Chair
Marilyn Lewis, Vice Chair
Jeff Brown
David Tomes (Arrived at approximately 1:09 p.m.)
Lula Howard
Emma Smith
Rob Peterson
Clifford Turner
Rich Carlson

Commission members absent:

Robert Kirchdorfer

Staff Members present:

Emily Liu, Planning Director
Brian Davis, Planning Manager
Brian Mabry, Planning Supervisor
Julia Williams, Planning Supervisor
John G. Carroll, Legal Counsel
Jonathan Baker, Legal Counsel
Sue Reid, Management Assistant

The following matters were considered:

**PLANNING COMMISSION MINUTES
OCTOBER 6, 2016**

APPROVAL OF MINUTES

SEPTEMBER 19, 2016 PLANNING COMMISSION PUBLIC HEARING (NIGHT HEARING) MINUTES

00:03:29 On a motion by Vice Chair Lewis, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission Public Hearing (Night Hearing) conducted on September 19, 2016.

The vote was as follows:

YES: Commissioners Carlson, Howard, Smith, Turner, Peterson, Brown, Vice Chair Lewis and Chair Jarboe

NO: No one

NOT PRESENT: Commissioners Kirchdorfer and Tomes

**PLANNING COMMISSION MINUTES
OCTOBER 6, 2016**

PUBLIC HEARING

CASE NO. 9-58-89/15424

Case Number: 9-58-89/15424 BE Citation

Property Address: 9201 Blue Lick Road

Case Manager: John Carroll, Assistant County Attorney

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

None.

00:04:34 On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case Number 9-58-89/15424 to the October 20, 2016 Planning Commission Public Hearing.

The vote was as follows:

YES: Commissioners Carlson, Howard, Smith, Turner, Peterson, Brown, Vice Chair Lewis and Chair Jarboe

NO: No one

NOT PRESENT: Commissioners Kirchdorfer and Tomes

**PLANNING COMMISSION MINUTES
OCTOBER 6, 2016**

PUBLIC HEARING

CASE NO. 9-36-96 BE

Request: 9-36-96 BE Citation

Location: 9609 National Turnpike

Case Manager: Jonathan Baker, Assistant County Attorney

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

None.

00:04:34 On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case Number 9-36-96 BE to the October 20, 2016 Planning Commission Public Hearing.

The vote was as follows:

YES: Commissioners Carlson, Howard, Smith, Turner, Peterson, Brown, Vice Chair Lewis and Chair Jarboe

NO: No one

NOT PRESENT: Commissioners Kirchdorfer and Tomes

**PLANNING COMMISSION MINUTES
OCTOBER 6, 2016**

PUBLIC HEARING

CASE NO. 15ZONE1036

Request: Set a location for the night hearing for 15ZONE1036 on November 9, 2016

Project Name: Bardstown Pavilion

Location: 9505-9517, 9601, 9608-9610, 9700, & 9703 Bartley Dr., 7500, 7600, & 7602 Bardstown Road, & 7512 Cedar Creek Road

Owner: Chester Dwight & Sheil Logsdon, Stephen & Betsy Clark, Dwight & Jane Stewart, Madge & Etal Chalmers, Mark Minton & Nancy Richardson, WM & Marietta Harkness, Gary & Susanne Jenkins Revocable Trust, Susanne Jenkins Revocable Trust & Craig Jack & Patricia Whitney

Applicant: Devonshire/Reit

Representative: Land Design and Development; Bardenwerper Talbott and Roberts PLLC

Jurisdiction: Louisville Metro

Council District: 22-Robin Engel

Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

NOTE: Commissioner Tomes arrived at approximately 1:09 p.m.

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

**PLANNING COMMISSION MINUTES
OCTOBER 6, 2016**

PUBLIC HEARING

CASE NO. 15ZONE1036

00:05:45 Julia Williams presented options for locations to hold the night hearing for Case Number 15ZONE1036, scheduled for November 9, 2016. Ms. Williams responded to questions from the Commissioners (see recording for detailed presentation).

00:15:09 Commissioners' deliberation

00:17:16 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **SET THE LOCATION** at **Fern Creek High School** for hearing Case Number 15ZONE1036 on November 9, 2016 at 6:00 p.m.

The vote was as follows:

YES: Commissioners Carlson, Howard, Smith, Turner, Peterson, Brown, Tomes, Vice Chair Lewis and Chair Jarboe

NO: No one

NOT PRESENT: Commissioner Kirchdorfer

**PLANNING COMMISSION MINUTES
OCTOBER 6, 2016**

PUBLIC HEARING

CASE NO. 16AMEND1000

Request: Amend the Land Development Code Related to Clinics

Project Name: Clinics Text Amendment

Location: Multiple properties in Louisville Metro

Owner: Multiple Owners

Applicant: Louisville Metro

Representative: Louisville Metro

Jurisdiction: Louisville Metro

Council District: 26 – Brent Ackerson

Case Manager: Joseph Haberman, AICP, Planning Manager

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:18:34 Brian Mabry presented the case on behalf of the Case Manager, Joseph Haberman, and showed a Powerpoint presentation. Mr. Mabry responded to questions from the Commissioners (see recording and staff report for detailed presentation).

The following spoke in favor of this request:

Attorney David Davidson, 50 E. Rivercenter Blvd., Suite 1400, Covington, KY 41011
Dr. Joann Schulte, 400 E. Gray Street, Louisville, KY 40202
Dr. Lori Nation, 1402 Browns Lane, Louisville, KY 40207

**PLANNING COMMISSION MINUTES
OCTOBER 6, 2016**

PUBLIC HEARING

CASE NO. 16AMEND1000

Summary of testimony of those in favor:

00:47:00 David Davidson spoke in favor of the request (see recording for detailed presentation).

00:54:54 Dr. Joann Schulte, Director of Louisville Metro Public Health & Wellness, spoke in favor of the request (see recording for detailed presentation).

00:58:46 Dr. Lori Nation spoke in favor of the request (see recording for detailed presentation).

01:05:00 Dr. Schulte responded to questions from the Commissioners (see recording for detailed presentation).

01:09:40 Dr. Nation responded to questions from the Commissioners (see recording for detailed presentation).

01:10:24 Dr. Schulte responded to questions from the Commissioners (see recording for detailed presentation).

01:10:57 Mr. Davidson responded to questions from the Commissioners (see recording for detailed presentation).

01:15:50 The Commissioners posed questions to the three speakers in favor of the request, as well as Mr. Mabry (see recording for detailed presentation).

The following spoke in opposition to the request:

No one spoke.

01:23:44 Commissioners' deliberation

01:32:36 On a motion by Commissioner Peterson, seconded by Commissioner Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the subject amendments to the LDC comply with the applicable guidelines and policies of Cornerstone 2020, and

**PLANNING COMMISSION MINUTES
OCTOBER 6, 2016**

PUBLIC HEARING

CASE NO. 16AMEND1000

WHEREAS, the Commission further finds that the subject amendments to the LDC comply with Guideline 3, Compatibility, of Cornerstone 2020. Ensure that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive areas in the community. The amendment requires a Conditional Use Permit for hospitals and medical clinics, and

WHEREAS, the Commission further finds that the subject amendments to the LDC comply with Guideline 6, Economic Growth and Sustainability, of Cornerstone 2020: Provide a positive culture for attracting and sustaining business within Louisville and Jefferson County, and

WHEREAS, the Commission further finds that the subject amendments to the LDC comply with Goal A1, Land, of Cornerstone 2020: Ensure the availability of necessary usable land to facilitate commercial, industrial, and residential development, and

WHEREAS, the Commission further finds that the subject amendments to the LDC comply with Goal D1, Business Climate, of Cornerstone 2020: Create and sustain a climate which stimulates business and economic growth in Jefferson County; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission in Case Number 16AMEND1000 does hereby **RECOMMEND APPROVAL** to Louisville Metro Council to Amend the Land Development Code Related to Clinics as follows, based on the testimony today, the staff report and the Potential Findings for Text Amendment.

PROPOSED AMENDMENT

1.2.2 Definitions

* * * * *

Medical Clinic - A facility which provides treatment which requires observation and recovery normally lasting 1 to 5 hours, for illness, injury, abnormality or pregnancy. Such facilities may also provide examination, diagnosis, ambulatory care, **and** outpatient services, **and counseling services**, but do not provide overnight care. This term includes **drug clinics that treat persons addicted to controlled substances as a primary function. A medical office, hospital or government agency providing drug treatment that is incidental to other services shall not be considered a medical clinic.**

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PLANNING COMMISSION MINUTES
OCTOBER 6, 2016

PUBLIC HEARING

CASE NO. 16AMEND1000

Hospital - A facility licensed and regulated by the Commonwealth of Kentucky, which provides diagnosis, acute and post-acute care and treatment of illness, injury, abnormality or pregnancy. Such facilities usually include clinical laboratory services, X-ray services, surgery, obstetric care, etc. This term includes the following types of facilities: mental institutions and sanitariums; mental health receiving centers; and detoxification centers.

* * * * *

Office Use, Medical (“Medical Office”) – An office use that provides personal medical, dental, and health services, including those related to prevention, diagnosis, treatment and rehabilitation, provided by physicians, dentists, nurses, and other health personnel. This term does not include hospitals and medical clinics as such uses are specifically defined in this Land Development Code. The term also does not include a government agency providing medical or health service that is incidental to other service.

* * * * *

Rehabilitation Home - A building or group of buildings providing residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and generally have 24-hour-a-day supervision. A rehabilitation home is not transitional housing. This definition does not apply to residential care facilities regulated by KRS 100.982. **This term does not include uses more specifically defined in this Land Development Code, such as hospitals and medical clinics.**

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4.2.1 Intent and Applicability

Certain land uses due to their extent, nature of operation, limited application, or relationship to natural resources are considered as exceptional cases. The uses listed in this Part may be permitted in certain districts by Conditional Use Permit following a public hearing before the Board of Zoning Adjustment provided such uses will not have an adverse effect on neighboring property, are not in conflict with the goals and plan elements of the Comprehensive Plan, the proposed uses are essential to or will promote the public health, safety, and the general welfare in one or more zones, and are in compliance with the listed standards and requirements.

The following uses are subject to the Conditional Use Permit process:

<u>Section</u>	<u>Conditional Use</u>
4.2.29	Hospitals <u>and Medical</u> Clinics, and Other Medical Facilities

PLANNING COMMISSION MINUTES
OCTOBER 6, 2016

PUBLIC HEARING

CASE NO. 16AMEND1000

4.2.29 Hospitals and Medical Clinics, and Other Medical Facilities

~~Facilities requiring a Certificate of Need issued by the Commonwealth of Kentucky, including hospitals~~ Hospitals and medical clinics, and other medical facilities, may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. ~~Signs - One~~ In form districts where nonresidential freestanding signs are not permitted, a single freestanding on-premise sign, not ~~to~~ exceeding 80 square feet in area ~~or~~ and not exceeding 10 feet in height, may be placed at each ~~of the~~ major entrances, ~~except in districts where signs are allowed. Attached signs may be located at any height. Attached signs shall be designed in accordance with form district requirements, but the~~ The Board shall determine reserves the right to approve the size and location of all attached signs.
- B. All buildings and structures shall be at least 30 feet from any property line.
- C. Medical Clinics shall provide an indoor waiting area(s) for clients. The waiting area shall be large enough to accommodate the clients arriving for services.
- D. Parking for medical clinics shall be adequate to accommodate the maximum number of clients expected to be at the site at one time.
- E. Such facilities shall be located on or near a collector or arterial street with reasonable access to public transportation.

NOTE: The provisions of this Section 4.2.29 do not apply to Medical Offices as such are defined in this Land Development Code.

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**PLANNING COMMISSION MINUTES
OCTOBER 6, 2016**

PUBLIC HEARING

CASE NO. 16AMEND1000

Table 9.1.2B Minimum and Maximum Motor Vehicle Parking Based on Use

USE CATEGORY Office/ Financial	SPECIFIC USES	MINIMUM SPACES REQUIRED	MAXIMUM SPACES ALLOWED
Office	Medical/Dental/ Veterinary Office or <u>Medical</u> Clinic	1 space for each 250 sq. ft. of gross floor area in suburban form districts. 1 space for each 500 sq. ft. of gross floor area in traditional form districts.	1 space for each 150 sq. ft. of gross floor area, <u>except in cases in which additional parking is required by the Board of Zoning Adjustment for facilities receiving a conditional use permit pursuant to section 4.2.29</u>

The vote was as follows:

YES: Commissioners Carlson, Howard, Smith, Turner, Peterson, Brown, Tomes, Vice Chair Lewis and Chair Jarboe

NO: No one

NOT PRESENT: Commissioner Kirchdorfer

**PLANNING COMMISSION MINUTES
OCTOBER 6, 2016**

STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

Director Liu stated there is an all-day KIPDA training scheduled for the end of October, and she will be sending additional information to the Commissioners.

ADJOURNMENT

The meeting adjourned at approximately 2:34 p.m.

Chair

Planning Director