

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
July 7, 2016**

A meeting of the Louisville Metro Planning Commission was held on July 7, 2016 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Commission members present:**

Donnie Blake, Chair  
Vince Jarboe, Vice Chair  
Jeff Brown  
Lula Howard  
Marilyn Lewis  
David Tomes  
Clifford Turner  
Emma Smith

**Commission members absent:**

Robert Kirchdorfer  
Rob Peterson

**Staff Members present:**

Emily Liu, Director, Planning and Design Services  
Joseph Reverman, Assistant Director, Planning and Design Services  
Brian Davis, Planning & Design Supervisor  
Brian Haberman, Planning Manager  
Brian Mabry, Planning Coordinator  
Julia Williams, Planning Supervisor  
Tony Kelly, MSD  
Jon Baker, Legal Counsel  
John G. Carroll, Legal Counsel  
Pamela M. Brashear, Management Assistant

The following matters were considered:

**PLANNING COMMISSION MINUTES**  
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**APPROVAL OF MINUTES**

**MAY 24, 2016 NIGHT HEARING PLANNING COMMISSION MEETING MINUTES**

On a motion by Commissioner Jarboe, seconded by Commissioner Howard, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on May 24, 2016.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis and Tomes**  
**NOT PRESENT FOR THIS CASE: Commissioners Kirchdorfer and Peterson**  
**ABSTAINING: Commissioners Smith and Turner**

**JUNE 16, 2016 PLANNING COMMISSION REGULAR MEETING MINUTES**

On a motion by Commissioner Howard, seconded by Commissioner Lewis, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on June 16, 2016.

**The vote was as follows:**

**YES: Commissioners Brown, Howard, Jarboe, Lewis, Smith and Turner**  
**NOT PRESENT FOR THIS CASE: Commissioners Kirchdorfer and Peterson**  
**ABSTAINING: Commissioners Blake and Tomes**

**PLANNING COMMISSION MINUTES**  
**July 7, 2016**

**PUBLIC HEARING**

**CASE NO. 16AMEND1008**

Request:	Amend the Land Development Code Related to Conservation Subdivisions
Project Name:	Conservation Subdivisions LDC Text Amendment
Location:	Multiple properties in Louisville Metro
Owner:	Multiple Owners
Applicant:	Louisville Metro
Representative:	Louisville Metro
Jurisdiction:	Louisville Metro
Council District:	Louisville Metro
Case Manager:	<b>Brian Davis, AICP, Planning Manager</b>

Notice of this public hearing appeared in **The Courier Journal**.

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.)

**Agency Testimony:**

00:07:20 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

01:17:00 Commissioners Tomes would like to eliminate the FAR figure and just use lot coverage. Commissioner Howard added, "If the Conservation Subdivision is allowing for flexibility, I see the floor area ratio (FAR) as being a problem." Ms. Liu replied, "Currently, the only zoning district that does not have a FAR is downtown." There needs to be consistency.

01:22:42 Commissioner Howard said the commissioners received an email from Mr. Bardenwerper and want to make sure Mr. Davis addresses it – dealing with purpose and 'supposed' standard.

01:23:44 Mr. Baker discussed the difference between zoning/subdivision regulations and discretionary/ministerial decisions.

01:30:03 Mr. Carroll asked staff how they feel about the removal of 7.11.5C per Mr. Bardenwerper's letter.

1:33:51 Mr. Kelly remarked, "I suggest removing this portion if making any decisions today to revise and bring it back at a later time to base the incentive off of the rainfall volume they're treating. Currently, anytime a project across the county disturbs

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over an acre of ground, they have to treat the first .6 inches of rain. In this case all subdivisions obviously are over an acre so they will have to treat the first .6 inches of rain in their green calculations.”

**The following spoke in favor of this request:**

Mike Jones, 10117 Wiegley Avenue, Louisville, Ky. 40223  
David A. Mindel, 1151 Jefferson Boulevard, Louisville, Ky. 40219  
Pat Durham, 2114 Highland Springs Place, Louisville, Ky. 40245

**Summary of testimony of those in favor:**

01:36:04 Mr. Jones supports the 4500 square feet in R-4 for flexibility as well as diversity. “Flexibility is very important to us.”

01:39:54 Mr. Mindel remarked, “We want regulations that will work and people can use. Also, I’m concerned that it does not get subjective because right now on the R-4 Subdivision, if you meet the minimum lot area and lot width, you get approved.”

Mr. Mindel also gave a power point presentation showing examples of more green space on Conservation Subdivisions than the Standard R-4 Subdivisions. Each site is different. There needs to be more incentives for developers to save and plant trees.

01:55:00 Mr. Durham represents the Building Industry Association. Flexibility will be well received by the public. “We as an industry face, quite frequently, criticism from the public that we don’t save enough tree canopy or provide enough tree coverage in our subdivisions. This gives us the rebuttal to that and the opportunity to explain that this is a good thing for the environment, for planning and being well received by the public.”

**The following spoke neither for nor against the request:**

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299  
Chuck Kavanaugh, 8500 Nottingham Parkway, Louisville, Ky. 40222

**Summary of testimony of those neither for nor against:**

01:57:20 Mr. Porter made the following suggestions: 7.11.3D – change 12 months to 24 months; 7.5.2 change 12 to 24; 7.11.9 – perennial streams 7.11.4 full credit conservation area to allow a developer to get credit for preserving the intermittent streams and add F (pg.7.11-10); pg. 7.11.9 – cut 100% to 50% (prefers 0 - 25%), doesn’t make sense to give credit for unbuildable land; 7.11.14 – Scenario 2 – change

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30-34.99 to 5%; 15.20.25 and 15.20.30 – if reduced to 0-25%, then use Scenario 1, no change, then use Scenario 2.

02:05:33 Mr. Kavanaugh stated that adequate incentives need to be provided. He likes Scenario 2.

**Deliberation**

02:14:33 Commissioner Turner requests additional information.

Commissioner Smith wants to know the legal issues involved with this case.

Chairman Blake would like to see significant changes to the regulations. The case needs to be brought back with the following discussion items: minimum lot size and average lot size; conversations about language and legal issues regarding the purpose; usable green space; density requirements and calculations on chart 1 and 2; language; at least 1 week for MSD to look at; tree credit; floor area ratio (FAR);

Commissioner Jarboe stated he would like to see more incentives given for trees being saved. He also agrees with Mr. Porter regarding giving incentives to developers for saving intermittent streams.

Commissioner Tomes said he's glad the idea of flexibility has gotten through – "It's not one size fits all." The design for open space will need to be good to receive incentives.

Commissioner Tomes also stated the following: Scenario 2 makes more sense; proposes studying some building types to answer "Do the standards we set suit the product you're building?"; agrees with Mr. Porter regarding the intermittent streams with addition of F; likes the higher credit; and retain the 4500 square foot lots.

Commissioner Howard agrees with Mr. Mindel regarding 7.11.2 and agrees with Scenario 2.

02:47:30 Chairman Blake summarized: Commissioners seem to be in agreement with the average lot size of 4500 square feet and Scenario 2 regarding density; higher level for the trees and not distinguishing between the amount of lots; Suggests staff take a look at the potential of allowing smaller lots with design standards – Asked Commissioners Howard and Tomes to send some design standards to staff; intermittent streams getting credit; floor area ratio.

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**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.**

On a motion by Commissioner Howard, seconded by Commissioner Jarboe, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to allow the applicant/staff time to address some of the comments made today.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Smith, Tomes and Turner**

**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and Peterson**

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**STANDING COMMITTEE REPORTS**

**Land Development and Transportation Committee**

Vince Jarboe will remain as Chair and Marilyn Lewis is being appointed the Vice Chair.

**Site Inspection Committee**

No report given.

**Planning Committee**

No report given.

**Development Review Committee**

David Tomes will remain as Chair and Robert Peterson is being appointed the Vice Chair. Emma Smith has been added as a voting member of this committee.

**Policy and Procedures Committee**

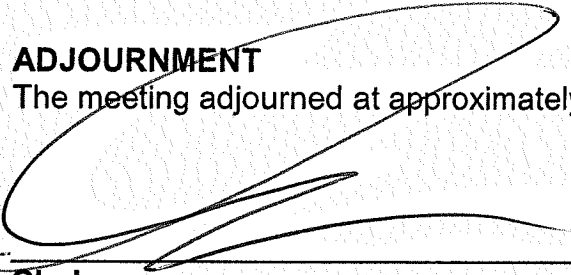
Marilyn Lewis is appointed Chair and Vince Jarboe the Vice Chair. Emma Smith has been added as a voting member of this committee.

**CHAIRPERSON/DIRECTOR'S REPORT**

No report given.

**ADJOURNMENT**

The meeting adjourned at approximately 4:00 p.m.



Chair



Planning Director

