

**MINUTES OF THE MEETING
OF THE
POLICIES AND PROCEDURES COMMITTEE**

September 12, 2014

A meeting of the Policies & Procedures Committee was held on, Friday, September 12, 2014 at 10:00 a.m. in the Metro Development Center (1st Floor Conference Room) located at 444 South 5th Street, Louisville, Kentucky.

Committee Members present were:

Chip White, Chair
Jeff Brown
Donnie Blake
Jonathan Baker
Steve Porter
Glenn Price
Deborah Bilitski
Vince Jarboe

Committee Members absent were:

David Proffitt

Staff Members present were:

Emily Liu, Director of Planning
Joseph Reverman, Planning Manager
Steve Hendrix, Planning Supervisor
Mike Hill, Planning Coordinator
Pamela Brashear, Management Assistant

The following matters were considered:

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Approval of Minutes

Minutes of the July 25, 2014 Policies and Procedures Committee meeting

Discussion:

Mr. Reverman and Committee members discussed whether or not the early notification language was approved at the July 25, 2014 meeting.

On a motion by Committee Member Brown, seconded by Committee Member Blake, the following resolution was adopted:

RESOLVED, the Policies and Procedures Committee does hereby **APPROVE** the minutes of their meeting held on July 25, 2014.

The vote was as follows:

YES: Committee Members Blake, Brown and White, Baker, Jarboe

NO: Committee Member Porter

NOT PRESENT: Committee Member Price

ABSTAINING: Committee Members Bilitski

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Community Facility Review Notification

DISCUSSION:

Mr. Reverman explained that this is a continuance of a discussion from the July 25, 2014 meeting to allow Committee member Jon Baker and Joe Reverman to discuss thresholds to trigger public meeting requirements for CFR's.

Barbara Kelly asked a question regarding potential MSD work that may or may not trigger a CFR review by the Planning Commission.

Teena Halbig discussed possible triggers for committee review. She would like thresholds to be added to require certain changes to the character of an area, in addition to the square footage of structures, to be sent to a Committee with notice sent to adjacent property owners.

There was discussion to require all proposals that meet the Category 2B threshold, as well as all Louisville Water Co. and MSD projects to be brought before a Committee of the Planning Commission.

On a motion by Committee Member Blake, seconded by Committee member Baker the following resolution was adopted:

RESOLVED, the Policies and Procedures Committee does hereby **APPROVE** the following changes to the Planning Commission Bylaws and Policies:

ARTICLE VII
Committees

Section 1. Standing Committees

4. Development Review Committee

d. Duties. It is the duty of this committee to:

3. By unanimous vote where a quorum is present, to give final approval on:

- G. Community Facilities Reviews, ~~if no public hearing is required, in accordance with KRS 100.324.~~ **that meet Category 2B thresholds, proposals by MSD and the Louisville Water Company, and other proposal referred by staff to the Development Review Committee for public review. For such proposals, notice shall be given in accordance with Category 3 procedures for the Community Design Review process. (Notice shall be given not less than 10 calendar days prior to the review session to first tier adjoining property owners. In addition, staff shall endeavor to assure that notice is given to all persons signed up to receive notification of development proposals within that Council District.)**

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**POLICIES
LOUISVILLE METRO PLANNING COMMISSION**

LAND DEVELOPMENT AND TRANSPORTATION (LD&T)/
DEVELOPMENT REVIEW COMMITTEE (DRC).....4.00

4.05 The Director of Planning and Design Services or designee is authorized to approve any of the following proposals:

4.05.13 Community Facility Reviews- that do not trigger review by the Development Review Committee as stated in Article VII, Section 1.A.4. of the Planning Commission Bylaws.

The vote was as follows:

YES: Committee Members Baker, Bilitski, Blake, Brown, Jarboe, White, Porter

NO: No one

ABSTAINING: No one

NOT PRESENT: Committee Members Price

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Early Notification

On a motion by Committee Member Porter, seconded by Committee Member Price, the following changes were proposed to the early notification language proposed at the previous Policies and Procedures Committee meeting:

changing to section G. to add “or a Conservation Subdivision” after the words Major Subdivisions, a change to paragraphs C, D and E from “not less than 7 calendar days” to not less than 14 calendar days,” and a change in paragraph E to add “Conservation Subdivisions” and “staff approvable cases.”

Steve Porter discussed the history of this proposal and some of the issues that others have raised with the proposal. Emily Liu and Joe Reverman had concerns with requiring notice for the filing of an application that was different than the notice required for the public meeting.

Teena Halbig asked for clarification on current notice requirements for amendments to binding elements.

There was extensive conversation regarding who should get notice in the early notification language.

Barbara Kelly asked about notice to registered neighborhood groups.

Deborah Bilitski asked to discuss procedures for staff approvable proposals.

Deborah Bilitski made a motion to amend the motion to add language that states this policy is not applicable to staff approvable proposals. Steve Porter did not accept the motion to amend the motion.

Steve Porter made a motion to amend the motion to exclude non-hearing variances from the policy.

RESOLVED, the Louisville Metro Policies and Procedures Committee does hereby **DENY** the suggested early notification language including the changes discussed above due to a lack of a majority vote.

The vote was as follows:

YES: Committee Members Porter

NO: Baker, Bilitski, Blake, Brown, Jarboe, Price, White

ABSTAINING: No one

NOT PRESENT: No one

Emily Liu asked the Committee to discuss a start date for this policy if a version is approved at this meeting.

On a motion by Committee Member Bilitski, seconded by Committee Member Blake, the July 2, 2013 version of the early notification policy shall be approved with the following changes. Under paragraph A, G and F add the words “or Conservation Subdivision.” At the end of paragraph A,

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add “this provision shall not be applicable to staff approvable proposals.” And the policy shall go into effect on January 1, 2015.

Committee member Brown asked to clarify that paragraph H will be deleted. Committee member Bilitski verified that paragraph H shall be deleted.

Committee member Price asked that Modified Conditional Use Permits be removed from the policy. This discussion was eventually dropped.

RESOLVED, the Louisville Metro Policies and Procedures Committee does hereby **APPROVE** the following early notification language including the changes discussed above be added to the Planning Commission Policies and Procedures.

- A. Notice of Filing of Application – Notice of any initial application (including applications by governmental entities), filed with the division of Planning & Design Services (PDS), related to (a) a zoning map or form district amendment, (b) a Detailed District Development Plan, General District Development Plan or detailed development plan for planned district developments, revised detailed district development plan or revised general district development plan, (c) a modification, deletion, or addition of a binding element or a condition of approval, (d) a conditional use permit, (e) a variance (except non-hearing variances), (f) a waiver, (g) a major subdivision or conservation subdivision, shall be given to certain persons or entities by the methods indicated in paragraph C. below. The submittal date shall be the date when PDS accepts the application as administratively complete, meaning an application determined to contain the information necessary to initiate agency review. For case types that require the pre-application process (i.e. zoning/form district map amendment, conditional use permit), this notification requirement shall be applied only to the pre-application submittal, and shall not be required at the time the formal application is submitted. Once notice for an application has been given according to this section, no additional notice shall be required just because of changes in the application, unless the application has become a new case in the system. The notice required by this section, however, shall be in addition to any notice of further actions or hearings otherwise required by statute, ordinance or other regulation. This provision shall not be applicable to staff approvable proposals.
- B. The notice shall include the property address, the assigned case number, the name of the case manager, and a brief description of the request.
- C. For applications mentioned in paragraph A above notice shall be given by the applicant, by depositing in the United States mail not more than fourteen (14) days following the submittal date of the application to persons required to receive notice of public meetings according to the current Land Development Code and Planning Commission Policies and Procedures, Email notification shall also be given to any person subscribed to the Notification for Development Proposals List for the Council District in which the subject property is located.
- D. It shall be the duty of the applicant to furnish to the Division of Planning and Design Services the names and addresses of the parties notified as required above and a copy of the notice sent within seven (7) calendar days after such notices are mailed. Records maintained by the Jefferson County Property Valuation Administrator (PVA) may be relied upon conclusively to determine the identity and address of said owners. In the event a property described in this section is held in a cooperative or condominium form of ownership, the person entitled to notice under this section shall be the president or chairperson of the owner group that administers the property in common ownership. A joint notice may be mailed to two or more co-owners of a property described in this section where those co-owners are listed in the Property Valuation Administrator’s records as having the same address.

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- E. If the applicant does not submit the confirmation that the mailing took place within the fourteen (14) day period as mentioned in the preceding paragraph, then Planning & Design Services staff will cease all review of the application in question. Once the applicant submits the mailing confirmation to Planning & Design Services staff, then the application will be reinserted into the next current review cycle within the Case Management System, or the application will be docketed for public meeting if determined ready and complete by the case manager. The applicant will be responsible for any added costs associated with processing additional public meeting notices and/or meeting cancellation notices.

- H. Cases that are noticed for their public meeting or neighborhood meeting less than fourteen (14) days after application submittal shall be exempt from these application notification requirements.

The vote was as follows:

YES: Committee Members Baker, Bilitski, Blake, Brown, Jarboe, Price, White
NO: Porter
ABSTAINING: No one
NOT PRESENT: No one

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The meeting was adjourned at approximately 11:45 a.m.

Chairman

Division Director