

**MINUTES FOR CASE NO. 17AMEND1001 ONLY
LOUISVILLE METRO PLANNING COMMISSION
JUNE 29, 2017**

A meeting of the Louisville Metro Planning Commission was held on June 29, 2017, at 1:00 p.m. at the Old Jail Building, 514 W Liberty Street, Louisville, KY 40202.

Commissioners present:

Marilyn Lewis, Chair pro tem
Jeff Brown
Ramona Lindsey
Laura Ferguson
David Tomes
Rich Carlson

Commissioners absent:

Robert Peterson
Lula Howard
Vince Jarboe, Chair
Emma Smith

Staff members present:

Emily Liu, Planning Director
Brian Davis, Planning Manager
Ken Baker, Planning Manager
Laura Mattingly, Planner II
Joel Dock, Planner II
Jay Lucket, Planner I
Julia Williams, Planning Supervisor
Brian Mabry, Planning Supervisor
Tammy Markert, Transportation Planning Supervisor
Paul Whitty, Legal Counsel
John Carroll, Legal Counsel
James Carey, Legal Counsel
Kristen Loeser, Management Assistant

The following matters were considered:

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June 29, 2017

PUBLIC HEARING

CASE NUMBER 17AMEND1001

Project Name: Private Institutional Uses in Single-Family Zoning Districts
LDC Text Amendment
Location: Multiple properties in Louisville Metro
Owner: n/a
Applicant: Louisville Metro
Representative: Louisville Metro
Jurisdiction: Louisville Metro
Council District: All Council Districts
Case Manager: Brian Mabry, AICP, Planning Supervisor

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 meeting 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:

01:31:40 Brian Mabry presented the request to amend the LDC related to private institutional uses in single-family zoning districts (R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N). On June 8, 2017, Metro Council passed Ordinance No. 96, Series, 2017 that places a 90-day moratorium on development of new private institutional uses in single-family zoning districts and directs the Planning Commission, through Staff, to research changes to the LDC related to such uses in such districts. The Planning Committee met regarding the case on June 9, 2017, and generally agreed with the concerns and direction given in the moratorium Ordinance.

01:37:15 Mr. Mabry provided some background on the research undertaken by Staff related to this request.

01:45:00 Mr. Mabry gave the Commissioners an overview of the amendment options that can be found on pages 16 through 23 in the Staff Report.

02:04:25 Commissioner Carlson and Mr. Mabry discussed the general consensus of the June 9, 2017 Planning Committee meeting.

02:06:13 In response to Commissioner Lindsey, Mr. Mabry stated that daycare centers, transitional housing, and other similar organizations are not included in this request.

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02:06:45 Mr. Whitty asked if the recommendation to remove “religious buildings” from the definition of “institutional use” is in consideration of the potential liability of the Religious Land Use and Institutionalized Persons Act (RLUIPA). Mr. Mabry stated that this is partly the reasoning and that there is already a lengthy definition for “religious building” in the LDC.

The following spoke in favor of the request:

Metro Councilman Brandon Coan, District 8

Summary of testimony of those in favor:

02:07:52 Councilman Coan stated that he was the sponsor of this ordinance and is in favor of it generally, but he does have some concerns. He agrees with the City of Cincinnati in that they require a Conditional Use Permit (CUP) for most institutional uses (public or private) with no specific standards.

He does not think religious buildings should be exempt in this case and stated that RLUIPA very clearly mandates that places of worship are not regulated any differently from any other similar secular uses. He does not feel that lots should be differentiated based on size, as stated in Option 2. Lastly, he is concerned about how the proposed definition of “institutional use” will affect charter schools as these schools may increase in number (see recording for full testimony.)

02:12:40 Mr. Whitty commented that going forward, the Commissioners should keep in mind that the regulation of property is based on use, not the owner.

02:13:20 Commissioners’ deliberation

Commissioners Tomes and Brown agree with Option 1. Commissioner Brown does not think that a proposal should be treated differently because of the size of the lot in this situation.

Chair pro tem Lewis and Commissioners Ferguson and Carlson also prefer Option 1 and would like to see “religious buildings” put back into the definition of “institutional use.”

Commissioner Lindsey agrees about the definition of “institutional use”, but she would prefer Option 2. She thinks the CUP process could put a burden on individuals seeking to repurpose a small, abandoned property.

02:18:00 There was further discussion between the Commissioners regarding the definition of “institutional use.”

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02:25:00 On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposed amendments to the LDC related to private institutional uses in single-family zoning districts comply with the applicable guidelines and policies of Cornerstone 2020, and

WHEREAS, the Planning Commission further finds that the proposed amendments to the LDC related to private institutional uses in single-family zoning districts comply with Objectives C2.1, C4.1, C4.6 and G4.3 of Cornerstone 2020. In addition, the proposed amendments to the LDC related to private institutional uses in single-family zoning districts comply with Guideline 3, Compatibility, Policy A6, Traffic; Guideline 3, Compatibility, Policy A7, Noise; and Guideline 13, Landscape Character, Policy A6, Buffers for Incompatible Uses. The proposed amendments contain setback, parking, noise, buffering, traffic, and operating hours provisions in order to promote compatibility with the surroundings and mitigate nuisances, and

WHEREAS, the Planning Commission further finds that the proposed amendments to the LDC related to private institutional uses in single-family zoning districts comply with Guideline 15, Community Facilities, Policy A5, Compatibility; Guideline 15, Community Facilities, Policy A6, Impact on Residential Areas; and Guideline 15, Community Facilities, Policy A14, Schools of Cornerstone 2020. The listed policies encourage community facilities to be compatible with their surroundings and the proposed LDC text amendments impose compatibility requirements on the privately owned and/or operated counterparts of community facilities, private institutional uses; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council and other legislative bodies to amend the LDC related to private institutional uses in single-family zoning districts with the following revisions:

1. The Commission recommends using the definition for “institutional use” as written on page 20 of the Staff Report, noting the inclusion of “religious buildings.”
2. The Commission accepts what is being proposed as Option 1 for the Conditional Use Permit requirements and the addition of section 4.2.65 for the private institutional uses in single-family zoning districts.
3. The Commission strikes the recommendation for the additional definition under “Institutional Use, Publicly Owned and/or Operated.”

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The vote was as follows:

Yes: Brown, Carlson, Lewis, Ferguson, Tomes, and Lindsey

Absent: Howard, Smith, Jarboe, and Peterson

Abstain: None

No: None

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ADJOURNMENT

The hearing for this case ended at approximately 3:30 p.m.

Chairman

Division Director