

14AMEND1003 - ATTACHMENT #11 - PUBLIC COMMENTS

COMMENT #	DATE	COMMENTS	ITEM #	COMMENT	PDS STAFF RESPONSE TO COMMENT
1	6/4/2014	Michael McMahan	INF	<p>On double frontage/triple frontage and corner lots the infill system is flawed...How can one build to two block faces to the same setback dimensions if the streets are not parallel. Various questions related to the proposed infill. Even if the streets are parallel...Shouldn't the primary street be the one that dominates regulation system.</p> <p>and the secondary street be non-critical? A hardship problem is created in a suburban neighborhood form district on a double frontage and/or corner lot that has 2-3 streets to contend with by having an infill requirement on primary structures or accessory structures. In the traditional form district the street side yard, it is reasonable. In the suburban form district, the lot becomes very difficult to be usable with 30 foot setbacks on all 2-3 streets within an R4 and 25 foot setbacks within an R5. If I am missing the correct understanding, please clarify. Is it not correct that a variance would be required even if the property owner wanted to expand in the front yard even if they met the setback because of the existing block face, isn't it all treated as infill even with an existing building? On building height, how is that measured? On a sloping lot double frontage, is it measured from the front street side? But which street side on a double frontage, the closest street? A walk out basement ranch is considered a single story or a two story? and is that measured to the peak or an average?</p>	<p>In a series of emails PDS staff answered Mr. McMahan's various questions related to the proposed infill regulation system.</p>
2	6/30/2014	Teena Halbig, Floyds Fork Environmental Association	DRP	<p>It took 2 years and finally a letter from Tom Fitzgerald to get the Community Facility Review (CFR) process (for pump stations, etc.) where special districts like MSD and LWC, etc. must comply with the state statute to hold public hearings in certain cases. That got fixed. Nevertheless, there is NO POSTING of the DATE, TIME or PLACE of the PUBLIC hearing on the property.</p> <p>Floyds Fork Environmental Association is asking Louisville Metro Council to address and fix this problem with a LDC amendment to say "Community Facility Reviews (CFR's) that need a public hearing will have a sign posted in a visible place on the property by Planning & Design Services to state the date, time and place of the public hearing."</p>	<p>Some case types (Rezoning, CUP's, Variances, Street Closings) are required to have signs posted on the subject property prior to a public meeting/hearing, while other case types (Subdivisions, Plan Certain and Category 3 Development Plans, Community Facility Reviews), are not required to have a sign posted prior to their public meeting.</p>

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3	5/28/2014	TARC - Aida Copic, Nick Seivers	FAH #1	<p>TARC is concerned that the Major Transit Corridor language is inconsistent with other Transportation sub-committee recommendations and issues in its effect. It is unclear whether the definition will actually be changed except for the name. It is unclear whether the definition has been qualified to now apply only to routes that operate on roads classified as arterials. It is unclear whether the Major Transit Corridor requirement for service 7 days a week and 30 minute daytime headways is still in effect. Level of transit service varies greatly between routes, segments of routes, and over the roads where transit operates. 1 mile is too great a distance for many to walk. This distance makes transit use impractical. The requirement 4.5.2.F. does not speak to the completeness of the pedestrian environment between the neighborhood and the transit service. 1 mile is significantly different in areas with curvilinear streets where the practical distance of walking is much greater and often involves the pedestrian sharing the road with cars. Must the development qualify for both 4.5.2.F.1 and 4.5.2.F.2? Would the development get the same number of points for one or the other? TARC recommends leaving the name unchanged at Major Transit Corridor and amending the definition to "the segments of Louisville Metro streets on which in some combination of routes, the number of trips on a typical weekday exceed sixty (60) trips and service is operated seven (7) days a week." This would replace the current definition. This change assures that the neighborhood will have adequate transit service for many types of trips throughout the day. Defining transit service by number of trips also clarifies and simplifies how to measure the level of service. The number of trips on any segment of road is readily available and simple to aggregate when multiple routes operate on the same segment. I would like to emphasize that TARC will be in support of the LDC amendments that support affordable housing development. Likewise we support any measures that will promote walking and bicycling and reduction in number of parking spaces. It is important to clarify, regardless what terminology is being used, definitions or distances, transit and TARC support affordable housing incentives and livability as part of the LDC amendments.</p>	<p>One of the top priorities of the FAH sub-committee was to explore ways to improve the existing Alternative Development Incentives tool as well as increase the opportunities for it to be utilized. One of the changes was to make it easier for a ADI development to obtain points in the points system related to proximity to transit corridors. The sub-committee felt that tying this point opportunity directly to "Major Transit Corridor", which is very specifically defined in the LDC (seven day service, 30 minute headways, etc.) might be too restrictive and a lower threshold could be used instead in this particular point category. The group came up with "Arterial Corridor" and also decided to increase point opportunities in this category by increasing the distance from ¼ to 1 mile. A new proximity to bus route point category has also been added. I've made several "clean up" changes to this section after reviewing your comments to attempt to clear up any confusion. There is no plan to change or delete the LDC definition of Major Transit Corridor, but that term will no longer be utilized in the ADI section. Instead this point opportunity will be attached to proximity to arterial roads regardless of whether there is a TARC route utilizing them or not. Again, another point opportunity for proximity to bus routes is added. The change from ¾ to 1 mile is just casting a wider net in an attempt to make ADI more flexible/appealing. 2 points would be given if the ADI development is located within one mile from an arterial level road. An additional 0.5 point is given for ADI developments located within ½ mile from a bus route.</p>
4	6/17/2014	Cathy Hinko - Metropolitan Housing Coalition	FAH	<p>Thank you for all your hard work on shepherding a community input process that allowed anyone to participate. I know that in the Fair and Affordable Housing Sub-committee there were 43 people who participated at some point. I think that a community process was a great idea.</p> <p>As for Round Two, I support the proposed changes. I know there are still some areas that will need further work, but in general I support the changes.</p> <p>I particularly want to support the recommendations of the Fair and Affordable Housing Sub-committee and stress that the recommendations should be read as a whole, not separately considered. The recommendations take us on a continuum of desired behavior and appropriate flexibility to give the greatest flexibility and yield to those using incentives to have mixed residential housing types for people of mixed incomes. That is not only a public good in itself, but may serve to have Louisville avoid liability for zoning that only increases segregation of people in protected classes under the Fair Housing Act.</p> <p>I would like to include MHC's 2013 State of Metropolitan Housing Report in the record as well as the 2010 publication, The State of Fair Housing in Louisville. These documents can be found at the MHC website, www.metropolitanhousing.org.</p>	<p>PDS Staff appreciates the support for these proposed text amendments related to fair and affordable housing.</p>

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6	6/25/2014	Pat Murrell, President League of Women Voters of Louisville	FAH #1-5	The League of Women Voters of Louisville believes that decent, suitable, desirable, and affordable housing should be available for all in our community. We support both governmental and private initiatives which will increase the development of permanent, affordable housing for both renters and homeowners. Therefore, we support the Land Development Code Revisions, as proposed by the Fair & Affordable Housing LDC Subcommittee. These are found in section FAH Items 1 through 5. These revisions offer incentives to developers to provide diversity housing and provide bonuses for affordable housing. These revisions allow for multi-family residential mixes in additional zones. This is important in making possible more age integration. These revisions and incentives also may lead to less racial segregation.	The League of Women Voters of Louisville believes that decent, suitable, desirable, and affordable housing should be available for all in our community. We support both governmental and private initiatives which will increase the development of permanent, affordable housing for both renters and homeowners. Therefore, we support the Land Development Code Revisions, as proposed by the Fair & Affordable Housing LDC Subcommittee. These are found in section FAH Items 1 through 5. These revisions offer incentives to developers to provide diversity housing and provide bonuses for affordable housing. These revisions allow for multi-family residential mixes in additional zones. This is important in making possible more age integration. These revisions and incentives also may lead to less racial segregation.
7	6/30/2014	David Wagner, PDS Staff	MIS	The definition for "family", and all references to it, should be removed from The LDC and Comprehensive Plan. Each citizen in Louisville Metro could have a different definition of struggle with defining the terms "family" and "dwelling what "family" means to them personally and those opinions could also be altered by The unit". Over time the makeup of families has changed events in a citizen's life. More importantly to we who enforce land use regulations, it is which makes defining the term "family" that much more difficult – perhaps even impossible – to ensure compliance with such an ambiguous term. However, when we use a More tangible definition to identify amenities necessary for residential living (such as The definition for "Dwelling Unit"), we have a greater ability to reference to family. The American Planning Association enforce land use regulations because those amenities are much less likely to significantly warn that the definition of family has been widely change over a long period of time. for example, Single Family residential and Multi-Family litigated and cautions that the Federal Fair Housing Act, residential would be re-worded in one of The following ways: Single Dwelling residential-state law, case law and local attorneys should be and Multi-Dwelling residential, Single Unit residential and Multi-Unit residential, Single consulted before drafting or adopting a definition of Dwelling Unit residential and Multi-Dwelling Unit Residential. In a related comment, The last sentence of the definitions of "Dwelling" and "Dwelling recommendation on this topic can be formulated. Unit" should be identical I believe.	The definition for "family", and all references to it, should be removed from The LDC and Comprehensive Plan. Each citizen in Louisville Metro could have a different definition of struggle with defining the terms "family" and "dwelling what "family" means to them personally and those opinions could also be altered by The unit". Over time the makeup of families has changed events in a citizen's life. More importantly to we who enforce land use regulations, it is which makes defining the term "family" that much more difficult – perhaps even impossible – to ensure compliance with such an ambiguous term. However, when we use a More tangible definition to identify amenities necessary for residential living (such as The definition for "Dwelling Unit"), we have a greater ability to reference to family. The American Planning Association enforce land use regulations because those amenities are much less likely to significantly warn that the definition of family has been widely change over a long period of time. for example, Single Family residential and Multi-Family litigated and cautions that the Federal Fair Housing Act, residential would be re-worded in one of The following ways: Single Dwelling residential-state law, case law and local attorneys should be and Multi-Dwelling residential, Single Unit residential and Multi-Unit residential, Single consulted before drafting or adopting a definition of Dwelling Unit residential and Multi-Dwelling Unit Residential. In a related comment, The last sentence of the definitions of "Dwelling" and "Dwelling recommendation on this topic can be formulated. Unit" should be identical I believe.

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8	7/1/2014	Robert Chatham	MIS	<p>In general, I did a review of the 2006 LDC with a focus on how an individual could develop and construct commercial & large scale solar installations. I could not find an ordinance/use/regulation that allow for these types of uses/installations. I would highly recommend that an ordinance or use be drafted and incorporated into the LDC. This will prepare the Metro area for future solar projects without forcing applicants to go thru the Conditional Use or Variance process. I would also promote solar development on brownfield sites. Best option for brownfields.</p>	<p>In 2011 a new land use category called Accessory Alternative Energy Systems was added to the LDC as a Permitted Use with Special Standards. This includes solar collection equipment and is intended for residential and commercial properties. Additionally, the LDC includes a Conditional Use Permit category called Non-Emergency Generator and Non-Accessory Alternative Energy System, which is intended for larger scale commercial/industrial energy collection operations. Perhaps in the future if there is more demand for this activity that these existing LDC regulations can not accommodate then the topic could be revisited at that time.</p>
9 (continued to next page)	6/20/2014	Michael Trabue	PCUP	<p>In response to the invitation to the public to submit comments and questions regarding the proposed amendments to the Metro Land Development Code (LDC), which were discussed at the open house held at the Metro Development Center on June 10, 2014, I am submitting the following comments, questions, and suggestions relating specifically to the use of residential dwellings in areas of Louisville that are zoned R-5B for what is commonly referred to as "vacation rentals."</p> <p>Although the LDC does not define "vacation rentals" per se, Chapter 1, Part 2, Definitions, of the LDC does define the phrase "Residential Use" as "Uses associated with permanent residential occupancy in the form of a dwelling unit (permanent means for at least 30 days in duration). Specific uses such as bed and breakfast, boarding and lodging houses, hotels, motels, and extended stay facilities where stays can be less than 30 days in duration shall be considered commercial uses." The term "Dwelling" is defined by the LDC as "a building or portion thereof designed and used exclusively for residential occupancy. This term does not include hotels or motels."</p> <p>"Commercial Use" is defined by the LDC as "A nonresidential use classification that permits the buying and selling of commodities and services."</p> <p>The Kentucky Revised Statutes, Chapter 139, pertaining to Sales and Use Taxes, provides for the imposition of a tax upon all retailers at the rate of (6%) of the gross receipts derived from the furnishing of "The rental of any room or rooms, lodgings, or accommodations furnished by any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The tax shall not apply to rooms, lodgings, or accommodations supplied for a continuous period of thirty (30) days or more to a person." KRS 139.200(2). Furthermore, KRS 92A.390 provides for the imposition of a "Transient Room Tax", which is to be added to the basic room rate when calculating the sales tax base, as well as providing authority for local governmental entities to levy their own transient tourist taxes.</p>	<p>While this comment specifically inquires about vacation rentals within the R-5B Residential Two-Family District (only 198 acres, or 0.08% of Jefferson County), this comment can be applied to any residential zoning district in our community. The concept of regulating vacation rentals was not discussed by the LDC Main Committee or any of its sub-committees. Further research on this topic would need to occur before PDS staff could make a recommendation on vacation rentals. Enforcement on this issue just like all other zoning issues is largely conducted on a complaint driven basis. Due to current staffing issues (2 zoning enforcement officers for all of Louisville Metro) it is virtually impossible to continually monitor situations like these. Once a complaint is made the zoning enforcement officers would then begin an investigation into the matter and I see no reason why they would not utilize various internet resources in their investigation as Mr. Trabue has suggested.</p>

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9 (cont.)	6/20/2014	Michael Trabue	PCUP	<p>The language of KRS 139.200(2) and the definitions of "residential use" and "dwelling" contained in the Metro Land Development Code make clear the distinction between what is commonly understood to mean the permitted leasing of residential dwellings in an R-5B zoning district, on the one hand, and the regularly furnishing of rooms, lodgings, or other accommodations to transients that constitutes commercial uses not permitted in R-5B zoning districts, the gross receipts of which are subject to Kentucky sales tax and transient tourist taxes.</p> <p>The Kentucky Court of Appeals elaborated upon this distinction in the case of Hyatt v. Court, No. 2008-CA-001474-MR. In this case, it was alleged that a restrictive covenant in a deed prohibiting the use of the property for a "commercial purpose" had been violated by the defendants' use of their property. The Court found that the defendants had, among other things, advertised their fully furnished home on the internet for minimum periods of 2 night stays, charged a cleaning fee, and a charge for Kentucky sales tax. There was a specific check-in and check-out time. The defendants provided linens, paper products, and other amenities. The defendants also paid the required Marshall County and Kentucky transient tourist room taxes. Writing the opinion for the Court, Judge Michelle Keller (now Kentucky Supreme Court Justice Keller) stated that "it is not what the tenants do to occupy their time while on the property that is forbidden, it is the fact that the property is being held out for remuneration in much the same manner as a hotel or motel that is restricted."</p> <p>Restrictive covenants in a deed and zoning regulations specifying the permitted uses of property within the zoning district serve the same purpose. They each constitute mutual, reciprocal, equitable easements of the nature of servitudes in favor of owners of other lots.</p> <p>The questions I would like to put before the Metro Department of Planning & Design Services are as follows:</p> <ol style="list-style-type: none"> 1) What, if any, proposals or discussions have been considered regarding the use of residential dwellings in R-5B zoned districts in Louisville for "vacation rentals" which will be presented to the Planning Commission at the public hearing scheduled for August 11, 2014, at 1:00 P.M. in the Old Jail Building? 2) Does the Metro Department of Planning & Design Services consider the monitoring of internet listings that appear on websites such as VRBO (Vacation Rentals By Owner), HomeAway, and Airbnb.com, to be enforcement mechanisms that Metro Code Enforcement could or should be utilizing to enforce the Metro Land Developing Code, rather than requiring citizen complaints, prior to initiating enforcement action? 3) Does the listing of a "vacation rental" in R-5B zoning districts constitute a prima facie case for Metro Code Enforcement to initiate action? 4) What coordination or cooperation is there between the Metro Planning & Design Services, Code Enforcement, and the Metro Revenue Commission to facilitate the enforcement of prohibited uses of residential dwellings in R-5B zoning districts? <p>The infrequent and irregular renting of residential dwellings to transient guests during events such as the Kentucky Derby is distinguishable from the situation considered by the Kentucky Court of Appeals in Hyatt v. Court, as well as the regularly holding out of residential dwellings for "vacation rentals" in R-5B zoning districts such as those advertised on the internet. This is a growing phenomenon in Louisville. The failure of the Metro Council, Planning & Zoning Commission, and Code Enforcement to publicly and specifically state its position(s) in this regard can only invite judicial redress of an issue that is clearly an administrative prerogative.</p>	
10	6/25/2014	Don Keeling, President - St. James Court Association	PCUP #26	<p>The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with each B&B to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site.</p> <p>The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.</p>	

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11	6/25/2014	Howard Rosenberg, Old Louisville Neighborhood Council	PCUP #26	<p>I am writing you concerning the proposed changes to the Bed and Breakfast regulations. I am Chairperson, Old Louisville Neighborhood Council (OLNC), the representative body for the following neighborhood associations that make up the Old Louisville Preservation/Landmarks District: 1300 Association, Belgavia Association, Central Park with bed and breakfast facilities approved as a West Association, South Fourth Street Association, Garvin Gate Association, Limerick Conditional Use Permit to be increased from two events Association, Ouerbacker Association, St. James Court Association, Second Street to 12 events per year. Approval of each outdoor event Association, Third Street Association, Toonerville Association, and West St. Catherine Association.</p> <p>On June 24, 2014 at the regularly scheduled monthly meeting of the OLNC, a vote was taken and the majority of the voting representatives were opposed to any changes in the allowed number of events, two (2) in Bed & Breakfast facilities.</p> <p>A concern I have is why was this issue not initially brought before the Zoning and Land Usage standing committee of the OLNC? This would seem to me to have been the appropriate first step in this process. ZALU would have heard the request and then brought its recommendations before the OLNC for a vote. This step in the process seems to have been missed.</p>	<p>The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.</p>
12	6/25/2014	Marilyn Lattis	PCUP #26	<p>As a resident on St. James Court I too wish to request there be no changes to the current B&B regulations. There are appropriate venues for two day events in nearby downtown Louisville. Parking is always premium in our neighborhood. Plus the additional disruption of providing for two day events would be quite disturbing.</p>	<p>The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.</p>

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13	6/26/2014	Jean Christensen	PCUP #26	<p>I have been examining the Bed and Breakfast Conditional Use Permit, Section 4.2.9.D which I find to be extraordinarily obtuse for I find no answers to the following questions that arise because of the text:</p> <p>First. Does the limitation to 12 events mean 12 singular events or can it be interpreted to mean 24 events that happen to have 12 contiguous days? I am under the impression that residents of Old Louisville believe the second interpretation to be the case.</p> <p>Second: the approval process is completely unclear.</p> <p>Problem #1: The limitation of 200 feet between dwelling will involve most likely 3 separate ones, but perhaps 2 more, depending on where the measurements are made. This should be clarified.</p> <p>Problem #2 concerns the approval process.</p> <p>Who is to give the approval? And in what form is it to be delivered?</p> <p>Who might that be if that owner is absentee or non-resident?</p> <p>What happens to the residents of the dwelling if the owner is absentee but gives approval? Have they no standing in the matter?</p> <p>At what point in the process is the approval/approvals to be obtained?</p> <p>How is such approval(s) registered?</p> <p>What happens when an owner does NOT give approval?</p> <p>Unclear language could result in controversy and dissension between residents; it should be clarified at the very least. Until then I would hope that the number of events be restricted to what is presently allowed and that the present process be continued, if, indeed, it is functioning well.</p>	<p>The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.</p>
14	6/26/2014	Sandy Richardson	PCUP #26	<p>I would like to register my "no" vote for making changes to the existing regulations for Bed & Breakfast businesses. As a resident of St. James Court, a recognized National Historical Area, I am not in favor of allowing Bed and Breakfasts, which should be just that, a place to sleep and to have breakfast, to have parties an average of one week-end a month. Would you appreciate it if your neighbor had a party one week-end a month for up to 2 days? We proudly host The St. James Court Art Show, Shakespeare in the Park, the Holiday House Tour, the Hidden Garden Tour, Weddings on the St. James Court Greens and numerous other events, including our neighbors' occasional parties--all of which impact our lives and particularly our parking space. That seems like enough to me.</p> <p>Please vote no on this proposal.</p>	<p>The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.</p>
15	6/30/2014	Doug Weede	PCUP #26	<p>It would be very unfair to homeowners if the changes in the the land development code (to allow B&B's to have up to 12-2 day outdoor events in residential areas) is passed. Businesses operating in residential zones should blend in to the neighborhood and allow residents to continue to enjoy their homes/property as intended for their family. If the B&Bs wish to become special event spaces they should be required to seek a zoning change to a C-2. Please vote against the proposal to allow this change in the land development code to happen.</p>	<p>The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.</p>

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16	6/30/2014	Chris Fralick	PCUP #26	I understand there is a proposal to change the land development code to allow Bed & Breakfasts to have up to 12 permitted 2-day outdoor events in residential areas. This is presented as a change to the LDC Main Committee that unfair to homeowners who purchased homes in residential communities expecting to live in a quiet and peaceful environment. This proposal would allow an event virtually every weekend of the summer when homeowners wish to enjoy peace and quiet on their decks and patios. I understand bed and breakfasts that are in a residential zone are currently required to operate in a manner that goes unnoticed to neighboring residents. They should not be allowed to become "event sights" when they are in neighborhoods zoned residential. Neighborhood residents should not have to deal with the noise and traffic issues this create. Restaurants with outdoor dining and music, which is what this would allow these bed and breakfasts to become, require a C-2 zoning. Please vote against these proposals.	The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.
17	6/30/2014	tlw0416@twc.com	PCUP #26	I am told that you are the person to whom I need to write about my opposition to the land development code's proposed changes related to Bed & Breakfasts. I vehemently oppose the proposed changes to allow B&B's to have two day outdoor events, up to 12 of them, in residential areas. If this is permitted, it would bring many negative aspects to the residential areas like noise pollution and traffic issues. I think this would also mean a zoning change would be needed to make this change. I am asking you to vote against this proposed change.	The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.
18	7/1/2014	Janice Theriot	PCUP #26	Please do not approve the B&B changes. Imagine how you would feel if you purchased your house in a residential neighborhood only to find that the house next door has turned into an event venue. Now add to this the frustration you will feel if you must park on the street and the house next door can host events without providing any event parking! I live in Old Louisville which is protected with numerous regulations designed to preserve the historic nature of the neighborhood. My house on the corner of Belgravia Court and St. James was built as part of a designed residential area. I do not want my neighbors to have the ability to create a bed and breakfast that hosts events. It would be noisy, disruptive and completely block parking, disrupting my use and enjoyment of my property. Our houses are mere feet apart at most (my house is actually built up against the house next door). The voices of people on my neighbors' porches or in their back yards carry right to my house. It's fine if my neighbors are outside using their homes as personally homes; the noise isn't constant. But it will be intolerable if my neighbors host events that could be as often as 12 multi-day events each year. That's insane. And where will these people park? Right where I park! Bed and breakfast establishments are not hotels, they are not event venues. There are places where home owners can host overnight guests. They should be operated by home owners, not employees, and thus profitable based solely on their overnight guests. Any B&B that tells you that they must host events to be profitable is operating as a hotel with employees. They should scale back operations to fit in with a residential neighborhood and their neighbors.	The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.

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COMMENT #	DATE	COMMENTS	COMMITTEE	ITEM #	COMMENT	PDS STAFF RESPONSE TO COMMENT
19	7/1/2014	Bill Holladay		PCUP #26	As a resident of St. James Court and Vice President of the St. James Court Association I want to express my opposition to the proposed changes in the B&B regulations that would allow twelve outside events per year of two days duration each. To change the regulation would allow far reaching ramifications on the very dense Old Louisville residential neighborhood. The current B&B guidelines allow those interested in being innkeepers the opportunity to ply their trade while protecting those of us who wish to enjoy the peaceful quiet of our neighborhood.	The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.
20	7/1/2014	Kyle Bender		PCUP #26	I am just learning from concerned neighbors of an upcoming hearing/voting that would allow B&B's to operate additional events. I am also surprised that I did not know about these changes as I am an active member within the neighborhood and it seemed that this was trying to be slipped or passed through. I ask that this be turned down as it adds to the already aggravating parking situation, including a noise concern. This is a residential neighborhood. Residences that were homes should be used as just that. Residences should not be able to be converted to B&B's, which seems to be just another name for "event venue". I thought there were stricter restrictions from preventing these types of things from occurring, especially in a historic area. I ask you please take this concern into great consideration before allowing these changes.	The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.
21	7/1/2014	Todd McGill		PCUP #26	I am writing to express my concern of possible upcoming changes to Bed and Breakfast rules/restrictions, especially with events. I live in Old Louisville, specifically on St Shames Ct, where I knew parking was limited, however, to add events would only make parking almost impossible. Plus the addition of the noise level with so many possible events is concerning. It would seem to me a bed and breakfast should be just that, a place for someone to stay overnight, however, these changes are making it an event venue. It appears that a bed and breakfasts are not able to sustain financially as what they are intended, and now they need to operate as an event place. This is my concern, no more B&B's need to be added because they can't make it as it's intended use, please do not allow additional events and please do not remove any restrictions of guidelines for B&B's. This would only disrupt peaceful living and add go an already difficult parking situation, especially in bed and breakfasts that also do not have parking for these large number of proposed events. I please ask that this proposal not be passed.	The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.

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22	7/2/2014	Herb & Marjorie Fink	PCUP #26	We understand that proposals are quietly being formulated and processed to allow changes to the Land Development Code concerning bed and breakfast functions. We further understand that the changes proposed would allow more outdoor social events to occur at B&B's - perhaps up to 12 such events per year. We live next to a B&B, The Columbine, at 1707 South 3rd Street. The present owners of The Columbine undertake a very professional B&B with no outdoor disturbing and distracting events and their B&B blends perfectly into our neighborhood. However, previous owners of The Columbine did undertake outdoor events which were distracting and disturbing with overburdened parking, noise and debris in yards and in the public way. We request no changes to the existing B&B ordinances.	The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.
23	7/8/2014	Thomas Duffy	PCUP #26	I live near a bed and breakfast that is doing well and not having outdoor events. The first owners had horrible parties a few years back and impaired people were wandering the neighborhood. The noise was a problem and police had to be called at late hours. It was similar to fraternity parties. Please make NO changes to the present bed and breakfast Land development code. I have heard that proposals are being considered to allow more social events. This is not good for our neighborhood is residential and nearby neighbors to a bed and breakfast can be put in duress with this proposed change.	The Permitted/Conditional Use Permit sub-committee presented a change to the LDC Main Committee that would allow the number of outdoor events associated with bed and breakfast facilities approved as a Conditional Use Permit to be increased from two events to 12 events per year. Approval of each outdoor event would still be required to be obtained from any owner of residentially zoned property within 200 feet of the site. The LDC Main Committee recommended the change for approval. The Planning Commission may discuss this proposal further at the August 11th public hearing and make a recommendation to the legislative bodies.

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COMMENT #	DATE	COMMENTS	ITEM #	COMMENT	PDS STAFF RESPONSE TO COMMENT
24	6/30/2014	Doug Yates, Chairman, Eastwood Village Council	FORM #9 & INF	<p>The Eastwood Village Council is very pleased to have attended your review of the Round Two Text Amendments to Louisville's Land Development Code.</p> <p>We would like to see the LDC to prioritize village center development in rural areas and hope the discussions related to rural form districts will address the need for that priority. Please consider using an Eastwood Village Council member as a representative for that subcommittee as it is formed.</p> <p>As one of two unincorporated Village Centers in outer Jefferson County, we would like to see more small scale commercial development using the village center model as a companion to subdivision growth in greater Jefferson County and as an antidote to suburban sprawl. Planned infrastructure grids encouraging village center commercial and transit development would improve quality of life characteristics in rural areas of Jefferson County and can only happen if incentives are provided for infrastructure development for infill properties. A planning team consisting of the P+D+T, LGE, MSD and Louisville Water Co. could and should develop a grid for rural development starting with village centers not ending with them as has been the case with Eastwood. We can no longer provide water sources for properties without providing corresponding sewer systems for the treatment of waste.</p> <p>We think Village Center establishment is an essential component to the commercial and residential development of outer Jefferson County. Village Center Form Districts should be established or enhanced in rural areas, as an antidote to suburban sprawl. Developing infrastructure of Village Centers as foci of small scale density development amongst subdivisions and industrial parks should be required. By virtue of the small scale and necessary infill required to increase Village Center density in our older rural areas, tools to enhance or incentivize the building of utility infrastructure is essential for the development of small scale commercial development within these villages. To make the small scale infill commercial districts a successful business model, we must develop new tools to incentivize small scale commercial development and infill development and return the ability to use liens that are deferred to when property is sold, as companions to existing programs that allow developers to recover initial infrastructure costs.</p> <p>We would propose that Eastwood offers a perfect test case for how to increase the number of foci of mixed use density of development in older established small mixed use developed areas in outer Jefferson County. They have a great potential for further right sized development, due to their adjacency to The Parklands of Floyds Fork and hopefully improved infill standards as in Items #1-5. The Beckley Creek Park has become an incredible recreational asset for our neighborhood. Besides its enhancement of recreational opportunities for our neighborhood and Village Center residents, we are primed for significant commercial growth but alas no sewers. The Park's existence has been justified as not just a recreational feature but an economic engine to improve the development opportunities and the corresponding increased availability of jobs in outer Jefferson County.</p> <p>We would like to see the LDC changed to provide the tools Eastwood can use to further develop its commercial and transit district. We would also like to see a system setup that prioritizes an infrastructure grid for village centers before nearby subdivisions are developed.</p>	<p>One of the recommended future efforts included under FORM #9 is related to analyzing the benefits of the creation of a new rural form district within Louisville/Jefferson County. Although the logistics of that effort have not yet been determined, it will certainly be all inclusive to those who are interested in participating in the discussions and meetings.</p>
25	7/1/2014	Deb Delor, Eastwood Village Council	FORM #9	<p>The Eastwood Village Council is extremely interested in how a rural form district is developed by Louisville Metro Government and the Planning, Design and Transportation team. Please consider a representative of the Eastwood Village Council when you convene subcommittee meetings on the issue of Rural Form Districts.</p> <p>We see the great benefit of conscious development in outer Jefferson County using foci of density like Village Centers and their corresponding infill or new development by using incentives for building utility infrastructure that aids infill development. The Village Center can become a hub for networks of utilities as well as service centers for transportation. These unincorporated areas do not have a tax base but for Metro Government. Neglecting right sized economic development would position our outer areas to be further candidates for suburban sprawl. We would like to see village centers prioritized for infrastructure development when subdivisions are planned for rural and older developed centers in outer Jefferson County.</p>	<p>One of the recommended future efforts included under FORM #9 is related to analyzing the benefits of the creation of a new rural form district within Louisville/Jefferson County. Although the logistics of that effort have not yet been determined, it will certainly be all inclusive to those who are interested in participating in the discussions and meetings.</p>

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COMMENT #	DATE	COMMENTS	ITEM #	COMMENT	PDS STAFF RESPONSE TO COMMENT
26	7/1/2014	Doug Yates, Chairman, Eastwood Village Council	FORM #9	The Eastwood Village Council is extremely interested in how a rural form district is developed by Louisville Metro Government and the Planning, Design and Transportation FORM #9 team. We see the great benefit of conscious development and prioritization of village center development in conjunction with residential growth in outer Jefferson County. Using foci of mixed use density like Village Centers provide, and the corresponding requirements for infill development, necessitates incentives for building utility infrastructure that aids infill development in Village Centers. Planned infrastructure grid patterns starting with Village Center development should precede nearby subdivision development in rural areas. The Village Center can become a hub for the networks of utilities as well as service centers for transportation serving nearby residential developments. Water, sewers and electric should be part of the planned infrastructure grid for village centers and subdivisions. These unincorporated areas do not have a tax base but for Metro Government. Neglecting right sized economic development would position our outer areas to be further candidates for suburban sprawl. We would like to have a representative serve on the committee addressing rural form districts.	One of the recommended future efforts included under FORM #9 is related to analyzing the benefits of the creation of a new rural form district within Louisville/Jefferson County. Although the logistics of that effort have not yet been determined, it will certainly be all inclusive to those who are interested in participating in the discussions and meetings.
27	5/28/2014	TARC - Aida Copic, Nick Seivers	TRAN - (various)	With the conclusion of the Move Louisville initiative TARC will work with Metro Departments engaged in transportation planning and land use development to develop new language around transit, pedestrian, bicycle, and car infrastructure. We hope to work with this or a successor committee to integrate transit supportive design into the Land Development Code as desired by public participants in the Move Louisville process and described in the recommendations of the Move Louisville plan expected to be complete at the end of 2014. New development standards around transit should consider: <ol style="list-style-type: none"> 1. incentives for density and parking reductions based on the transit level of service 5 days a week. 2. improvements for transit facilities linked to type of transit service to accommodate customers regardless of level of service, particularly peak hour stop activity. For example, commuter routes, express routes, etc. TARC recommends that all transit related amendments to the code and definitions be put on hold until the conclusion of the Move Louisville initiative so that all parts coordinate with those recommendations.	The LDC Main Committee has decided to delay action on the majority of the transit related text amendments until the Move Louisville Transportation Study has been completed later this year. At that time many of the transit related items found within the transportation sub-committee report (Attachment #8) will be revisited.
28	5/28/2014	TARC - Aida Copic, Nick Seivers	TRAN #32	<i>Off-street parking reductions related to transit.</i> TARC recommends replacing "transit route" with "Major Transit Corridor" and retaining the 10% parking reduction on any site within 1,000 feet of a transit route. See comments in the Fair and Affordable Housing section. The effect would scale the reduction of parking to the current availability of transit services. Many areas in Traditional Form Districts were built originally around transit and so have the infrastructure that makes travel by foot, bus, or bike easy. With over 60 transit trips per weekday adjacent to the site, the developer, resident, employee, or customer should be assured of a continued and predictable transit presence significantly minimizing the need to store vehicles on-site. <i>Transit Standards</i> The Move Louisville initiative is underway. TARC, working with Metro agencies, will revisit development standards for transit when the Move Louisville recommendations are complete. <i>Sidewalk Standards</i> A complete sidewalk network complements the transit network. The on-site and off-site safety, comfort, accessibility, and practicality components of the "last mile" should be considered with every site plan review.	The intent of this transportation sub-committee's recommendation is to decrease the amount of required parking and encourage more bike/pedestrian movement, particularly in the traditional areas. By using the more general term "transit route" this reduction would be applicable in many more areas, and it would simply be easier to use, rather than determining whether a street qualifies as a major transit corridor and trying to figure out how many trips per day or time between trips. We are trying to simplify the LDC as much as possible.

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COMMENT #	DATE	COMMENTER	ITEM #	COMMENT	PDS STAFF RESPONSE TO COMMENT
29	6/9/2014	Jackie Green	LAND/TRAN	We need fewer acres devoted to parking and more trees.	Significant additional parking space reductions are proposed in this Round Two effort. Tree canopy reduction opportunities are being reduced, while additional tree preservation related changes are likely to come in a future effort.
30	6/10/2014	Judy Lyons - Sierra Club	LAND #18	Tree canopy waivers should be eliminated since there are multiple ways to comply with the tree canopy requirements including a fee-in-lieu of planting (with the fee to be used specifically for planting trees in a needed area). Waivers are counter to the Mayor's intent to increase tree canopy in the Metro area.	The Land Development Code, like the vast majority of zoning ordinances, includes the ability for an applicant/property owner to request relief from its various regulations either in the form of a waiver or variance. The relief has to be justified by the applicant and decided upon by the Planning Commission, Board of Zoning Adjustments or other committee.
31	6/10/2014	Pat Ballard	LAND	1) Very concerned there is no discussion of burying utility lines in order to preserve existing tree canopy as surrounding cities have done to achieve benefits listed in item two below. 2) Tree canopy waivers are wholly confusing - completely inconsistent with stated goal of increasing tree canopy to reduce heat island, reduce runoff and improve health and economic development desirability of our city. 3) Off-site plantings and fee-in-lieu alternatives to meeting canopy requirements are fraught with peril for the unwary.	The concept of burying utility lines is not a land use issue and is not addressed in the Land Development Code.
32	6/20/2014	Emily Chandler - Louisville Sustainability Council	LAND	Mayor Greg Fischer created the Louisville Metro Tree Advisory Commission through an Executive Order in February 2012 in order "to protect, preserve and increase Louisville's existing tree canopy". The Commission (LMTAC) has conducted a thorough review of Chapter 10, Part 1, Tree Canopy Regulation, of the Land Use Development Code. LMTAC has determined two sections to be in direct opposition to the mission with which it has been charged. Therefore, the Commission recommends the changes listed below:	
33	6/20/2014	Emily Chandler - Louisville Sustainability Council	LAND #3	Revise Section 10.1.3 Methods of Compliance. The LMTAC believes that the "fee in lieu" payment should go to a non-profit entity designated by the City as opposed to a "city tree account" to ensure that the funds are spent on the planting and maintenance of trees. Therefore, "city" needs to be removed from "designated city tree account".	The language proposed under LAND #3 related to the new fee-in-lieu was drafted by the Landscaping/Tree Canopy LDC sub-committee. This issue can certainly be discussed at the August 11th Planning Commission public hearing.
34	6/20/2014	Emily Chandler - Louisville Sustainability Council	LAND #7	Delete Section 10.1.4.B Tree Canopy Reductions. There should be no reference to reducing the tree canopy in the part of the code that is intended to spell out what is required. Rather than providing a means for not meeting the current standards for tree canopy, the code should provide incentives for complying with this requirement. As seen in other cities, density and trees are not mutually exclusive. All citizens of Louisville Metro, no matter where they live, should have access to the benefit of trees. By allowing tree canopy reductions, the Code does not support the fair distribution of trees throughout all neighborhoods and geographical areas of Louisville Metro.	For as long as Louisville's Development Code has included tree canopy requirements it has also included a series of built in tree canopy reductions for certain high density/intensity developments in and around the urban center of the city. A statement in the LDC tree canopy reduction section reads, "These reductions in the tree canopy requirements have been created in an effort to support a more compact and efficient urban form and to support infill development opportunities." Portions of the LDC's section regarding tree canopy preservation are likely to be further revisited in the future after the City's tree inventory assessment has been completed.

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35	6/20/2014	Emily Chandler - Louisville Sustainability Council	LAND #18	<p>Revise Section 10.1.8 Waivers. LMTAC finds no reason to allow for any waivers to meeting. The Land Development Code, like the vast majority of the tree canopy requirements except in cases of financial hardship. The ways to comply zoning ordinances, includes the ability for an applicant/property owner to request relief from its Item # 3, Canopy Compliance Options). These "methods of compliance" include an various regulations either in the form of a waiver or alternative of paying a "fee in lieu" to a designated Metro Government account to be used variance. The relief has to be justified by the applicant solely for the planting and maintenance of the required amount of trees at sites and decided upon by the Planning Commission, Board of determined by the Urban Forester. Waivers for any other reason than the inability to pay Zoning Adjustments or other committee.</p> <p>the "fee in lieu" are unnecessary and undermine the intent and purpose of the Tree Canopy portion of the code as well as the stated goal of the Mayor and the efforts of LMTAC to significantly increase Louisville's tree canopy coverage.</p>	<p>The Land Development Code, like the vast majority of the ability for an applicant/property owner to request relief from its various regulations either in the form of a waiver or variance. The relief has to be justified by the applicant solely for the planting and maintenance of the required amount of trees at sites and decided upon by the Planning Commission, Board of Zoning Adjustments or other committee.</p>
36	6/21/2014	Thorne Vail	LAND	<p>Please accept my comments in regards to the proposed land development code revision that you are the coordinator for. As a degreed and professional horticulturist I would hope that my observations and expertise will be of some enlightenment in addressing Louisville's rather weak land development code.</p> <p>It is our responsibility to protect Louisville's precious and vulnerable flora for us and future generations. A healthy and vibrant tree canopy is critical for ameliorating global warming, for it's cooling effect and for its aesthetics. It is commendable that Louisville under the guidance of Mayor Fisher is planting many trees and yet it is equally important to strengthen our laws to protect our existing trees.</p> <p>Planting young trees will improve our city in the future but they usually take 2 or 3 years or more to become established, they are small, and they require weekly watering and care to become established and succeed. Numerous newly planted trees don't receive the care needed and never thrive or eventually die. Whereas, well established trees need very little care, are usually large resulting in shade and cooling, and are a great asset to our city right now. They need to be protected not destroyed.</p> <p>My suggestions are to strengthen the ordinance to protect existing trees in order to prevent developers and knowledgeable landowners from clear-cutting areas with established trees. The new ordinance should specify that no tree larger than 10" to 12" can be removed without the approval of the city forester or an appointed tree committee.</p> <p>It is also disappointing to see how established landscaping ordinances and buffer zones are regularly given waivers to suit the builders request while ignoring the reason they were created which is for the protection and privacy of the adjacent neighbors or nearby landowners.</p> <p>I fervently hope that these suggestions will be incorporated into the land development code which will benefit us all.</p>	<p>Portions of the LDC's section regarding tree canopy preservation are likely to be further revisited in the future after the City's tree inventory assessment has been completed.</p>
37	6/23/2014	Joshua Orr	LAND	<p>I am writing to support the changes proposed to the Tree Ordinance Development Code, as per the attached document (See comments #32-35 made by Emily Chandler, Louisville Sustainability Council). I live in the California neighborhood, a part of West Louisville, and the lack of tree canopy is duly noticed. I believe that these changes to the Code will effectively increase the possibility of reforestation occurring in my neighborhood.</p> <p>Is in support of changes proposed under Emily Chandler's comments (#32-35).</p>	
38	6/25/2014	Katy Schneider, Louisville Metro Tree Advisory Commission	LAND	<p>I am a Citizen Forester and an environmental scientist by training; and I support the LDC revisions presented by the LM Tree Advisory Council (Comments #32-35). There is NO excuse to allow developers to reduce the tree canopy for any reason.</p>	
39	6/27/2014	Amanda Fuller	LAND		

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COMMENT #	DATE	COMMENTS	ITEM #	COMMENT	PDS STAFF RESPONSE TO COMMENT
40	6/27/2014	Todd Eberle	LAND #3	<p>I feel strongly that the several "alternatives for compliance to tree canopy requirements" in Section 10.1.3 of the Land Development Code should be listed in order of specific methods descending priority, with the payment of a fee in lieu to a designated tree fund being the option of last resort. This would serve to clarify the provisions of the Section by making the options read with greater specificity, as well as more accurately reflect the overall intent of the Chapter, i.e. to maintain tree canopy to the greatest extent possible.</p> <p>Thus the confusing phrase in the introductory paragraph of 10.1.3, "at the applicant's discretion by any combination of" would be stricken. Also new language would be added at the end of each of the prioritized options, providing a definite sequencing of priorities which could read as follows:</p> <p>"10.1.3 Alternatives for (Methods of) Compliance</p> <p>The tree canopy requirements of this Part may be satisfied by the following means, in order of priority and availability:</p> <p>(A) Preservation of existing trees or tree stands on the development site. In the event that there is a demonstrated inability to accomplish (achieve?) the alternative compliance set out in this subsection (A) then the following alternative compliance option at subsection (B) shall become available;</p> <p>(B) Planting of new trees on the development site or as street trees on adjacent rights-of-way. In the event that there is a demonstrated inability to accomplish (achieve?) the alternative compliance options set out in either subsections (A) or (B), then the following alternative compliance option at subsection (C) shall become available;</p> <p>(C) Pay a fee in lieu, as determined by Planning and Design Services designee to a designated city tree account..."</p>	<p>While this prioritization of tree canopy compliance is an interesting idea, it is not one that was presented to the LDC Main Committee for consideration. The Planning Commission may discuss this idea at the August 11th public hearing.</p>
41	6/27/2014	Todd Eberle	LAND #18	<p>In that payment of a fee in lieu serves as a full waiver of tree preservation or tree planting activity on the part of a developer, it would not be necessary to provide the blanket exemption / waiver option for the developer found in Section 10.1.8 of the Code. This waiver provision completely circumvents the stated intent of Chapter 10 "to protect, conserve, preserve and replace trees..." Every development in Louisville should be required to be conducted with the same observation of, and concern for, the tree canopy standards which are necessary to protect the public health and safety of all citizens. To be sure, specific development sites may demonstrate an inability to meet tree canopy coverage requirements. However, the developer must then still observe the public need for regional tree canopy. Regardless of whether the developer is a local business or an out-of-state corporation, every entity must share responsibility for local tree canopy concerns through either tree preservation, tree planting or the "last resort" option of paying a fee in lieu to a designated fund. There should be no exemption or complete waivers. No one should be exempted from this critical effort to protect our future.</p>	<p>The Land Development Code, like the vast majority of zoning ordinances, includes the ability for an applicant/property owner to request relief from its various regulations either in the form of a waiver or variance. The relief has to be justified by the applicant and decided upon by the Planning Commission, Board of Zoning Adjustments or other committee.</p>

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COMMENT #	DATE	COMMENTS	ITEM #	COMMENT	PDS STAFF RESPONSE TO COMMENT
42	6/27/2014	Debra Richards Harlan	LAND	<p>Would like to see further discussion on this whole topic of tree canopies ESP 100 percent reductions in downtown form, where trees are most sorely needed and where the included tree canopy requirements it has also included a developer can well afford to comply off site in areas of need. Also giving rewards to reduce series of built in tree canopy reductions for certain high tree canopy requirements in return for density is a non starter.</p> <p>Also, I would like to see a comprehensive assessment of all non conforming surface parking lots, and so called temporary lots granted no compliance and still temporary after years reduction section reads, "These reductions in the tree and years. If they won't bring up to code then they are assessed accordingly. We have canopy requirements have been created in an effort to ignored the provisions that mandate compliance upon resurfacing and restriping for years. support a more compact and efficient urban form and to Stick trees in planters shouldn't constitute landscaping. Or gravel. The current status of support infill development opportunities." Portions of surface parking lots without any landscaping in downtown and along commercial corridors the LDC's section regarding tree canopy preservation are is shameful. Some system of accountability to ensure no heat island remains in perpetuity likely to be further revisited in the future after the City's is essential.</p> <p>Many Metro properties such as Animal House are sweltering without trees. Perhaps a site list of needy sites (I see dozens each and every day) and schools and locations where any reduction is paid forth in kind.</p> <p>I have not adequately studied parking but less is more and in no case shall parking abridge the pedestrian access.</p> <p>I am sure I have other concerns but these are most pressing.</p>	<p>For as long as Louisville's Development Code has included tree canopy requirements it has also included a series of built in tree canopy reductions for certain high density/intensity developments in and around the urban center of the city. A statement in the LDC tree canopy reduction section reads, "These reductions in the tree canopy requirements have been created in an effort to support a more compact and efficient urban form and to support infill development opportunities." Portions of the LDC's section regarding tree canopy preservation are likely to be further revisited in the future after the City's tree inventory assessment has been completed.</p>
43	6/30/2014	Doug Yates, Chairman, Eastwood Village Council	LAND	<p>The Eastwood Village Council is very interested in the maintenance of tree canopy while developers are preparing new sites for development. We can no longer bulldoze expanses preservation are likely to be further revisited in the of forests when we already have heat island issues in our county. To plant a few trees future after the City's tree inventory assessment has downtown and bulldoze acres of trees in the outer areas of the county, for commercial been completed. development, will by definition result in further heat island exacerbation. We would propose any plan for tree canopy take into account all of Jefferson County, not just the urban areas.</p>	<p>Portions of the LDC's section regarding tree canopy preservation are likely to be further revisited in the future after the City's tree inventory assessment has been completed.</p>