

**MINUTES OF THE MEETING
OF THE
PLANNING COMMITTEE**

February 13, 2014

A meeting of the Planning Committee was held on, Thursday, February 13, 2014 at 10:15 a.m. at the Metro Development Center, located at 444 S. 5th Street, Louisville, Kentucky.

Committee Members present were:

Robert Kirchdorfer - Chair
Donnie Blake
Jeff Brown
Lula Howard
Clifford Turner (arrived at 10:20 a.m.)

Committee Members absent were:

Barbara Kelly
David Tomes
Chuck Kavanaugh

Staff Members present were:

Michael Hill, Planning Coordinator
Joseph Reverman, Planning Supervisor
Emily Liu, Assistant Director, Planning & Design Services
Chris Cestaro, Planning & Design Services (minutes)

The following matters were considered:

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Minutes to be approved

Approval of September 12, 2013 Planning Committee Minutes

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

RESOLVED, that the Planning Committee does hereby **APPROVE** the minutes of its meeting conducted September 12, 2013.

The vote was as follows:

YES: Committee Members Blake and Howard.

NO: No one.

NOT PRESENT: Committee Members Kelly, Tomes, Kavanaugh, and Turner.

ABSTAINING: Committee Brown and Kirchdorfer.

After the vote was taken, Commissioner Blake made a point of order that one of the members of the Planning Committee, Tawana Hughes, has not been able to attend meetings, and for that reason is not being counted anymore as a member of this Committee for purposes of quorum.

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Case No. 14AMEND1000

Land Development Code Text Amendment – W-1 & W-2 Waterfront Districts

Michael Hill presented the case and displayed a map showing where the W-1 and W-2 zoning districts are located (see staff report for detailed presentation.) The request is specifically to allow taverns in these zoning districts. He said there are some developments planned for these areas (primarily, mixed use and multi-family residential). This will allow flexibility for future non-residential development that may not meet the definition of a “restaurant” but may be a tavern or pub-type use. The text of the proposed amendment is in the staff report.

The second part of the proposal is to add language to clarify that restaurants within the W-1 & W-2 zoning districts are allowed to have outdoor alcohol sales and consumption upon obtaining the appropriate ABC license. The intent has always been to allow this activity at restaurants in the W-1 & W-2 zones, but the LDC is not clear on the issue.

He added that “indoor” should be added to the amendment – this was accidentally omitted from the staff report.

Commissioner Blake asked what type of notice is required for this when it goes to public hearing. Emily Liu, Director of Planning and Design Services, said neighborhood groups were notified. Mr. Hill said that, unlike a rezoning, there are no first- or second-tier groups. An ad is also placed in the Courier-Journal.

In response to a question from Commissioner Kirchdorfer, Mike Kimmel, from Waterfront Development Corporation, pointed out the locations of the W-1 zoning on the map. Mr. Hill added that all of the W-1, W-2 and W-3 in the downtown area are in the Waterfront Overlay District. So any proposal for new construction in one of these areas would still have to go before the Waterfront Development Corporation. John Carroll, legal counsel for the Planning Committee, said that Waterfront Development Corporation controls the overlay district, and would approve the design and approve wherever these taverns or outdoor uses would be.

Ms. Liu said there had been an inquiry from a restaurant in a W-2 wanting to do outdoor dining with alcohol sales. This amendment would help in future interpretations. Mr. Carroll said this would help with the River Park Place development – there is a plan to put a café into the building. Mike Kimmel, with Waterfront Development Corporation, said there is a plan right now to do a

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restaurant just behind the building that is completed. He explained more about the project, and said there was a large area planned for outdoor dining/wedding receptions/etc.

In response to a question from Commissioner Turner, Mr. Kimmel explained about the Pagett House and its location. They discussed the total number of proposed units for the River Park Place development. There is underground parking planned for the whole site.

Commissioner Howard asked if the Waterfront Overlay District Committee has reviewed the whole project and is aware of everything planned. Mr. Kimmel said they had, and added that he is the Overlay Administrator and was aware of all proposals.

Commissioner Kirchdorfer asked about a tavern amendment that was heard last year. Mr. Hill said that applied to the Old Louisville TNZD – what used to be referred to as a “neighborhood pub” is now referred to as a “tavern”. These businesses do not require 50% food sales like a restaurant.

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

RESOLVED, the Louisville Metro Planning Committee does hereby **RECOMMEND** that Case No. 14AMEND1000, a Land Development Code Text Amendment to allow taverns in W-1 and W-2 zoning districts, be forwarded to the Louisville Metro Planning Commission on **March 20, 2014** for review and consideration, and shall include the suggested revisions and recommendations as discussed at today’s Planning Committee meeting including adding the word “indoor” to the text amendment.

The vote was as follows:

YES: Committee Members Blake, Howard, Brown, Kirchdorfer, and Turner.

NO: No one.

NOT PRESENT: Committee Members Kelly, Tomes, and Kavanaugh.

ABSTAINING: No one.

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Case No. 14AMEND1001

**Land Development Code Text Amendment – allow a Conditional Use Permit
for Bed & Breakfast to R-E and R-1 Zoning Districts, in the City of
Anchorage only**

Michael Hill presented the case. He explained that there was no staff report for this case, but that the request was in the form of a letter and an ordinance from the City of Anchorage (on file), which uses the old Land Development Code, not the current one. They wish to initiate the process to amend the old LDC for the City of Anchorage only, to allow a new opportunity for bed and breakfast businesses to operate with a CUP in R-E and R-1 zoning districts. This request has already been discussed and voted on by the Anchorage City Council, which submitted their ordinance with their request letter.

Mr. Hill showed a map showing the R-E and R-1 districts in the City of Anchorage. He said about 90% of the properties in the City could be eligible.

John McGarvey, attorney for the City of Anchorage, reiterated that this proposal could affect about 90% of the properties; however, there are restrictions put in the language, including one which states that an applicant would have to have a minimum of three acres to apply for this CUP. That requirement narrows the percentage of eligible properties down to about 90-100 existing tracts (about 15% of the total properties.) He said that, if a property owner does get a CUP to operate a bed and breakfast, they cannot then further subdivide the property.

Commissioner Kirchdorfer asked if the City of Anchorage has its own noise ordinance. Mr. McGarvey said it does, and described the standards and enforcement measures. Commissioner Kirchdorfer added that the State also regulates bed and breakfast operations.

Commissioner Blake asked about a sentence that read, "This provision shall not be altered or waived by the Board of Zoning Adjustment". He asked if the Planning Commission could impose that upon BOZA. John Carroll, legal counsel for the Planning Commission, said yes. Mr. McGarvey said he took that sentence from Metro ordinances.

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

RESOLVED, the Louisville Metro Planning Committee does hereby
RECOMMEND that Case No. 14AMEND1001, a Land Development Code Text

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Case No. 14AMEND1001

**Land Development Code Text Amendment – allow a Conditional Use Permit
for Bed & Breakfast to R-E and R-1 Zoning Districts, in the City of
Anchorage only**

Amendment to allow a Conditional Use Permit for Bed & Breakfast in R-E and R-1 zoning districts, in the City of Anchorage only, be forwarded to the Louisville Metro Planning Commission on March 20, 2014 for review and consideration, and shall include the suggested revisions and recommendations as discussed at today's Planning Committee meeting

The vote was as follows:

YES: Committee Members Blake, Howard, Brown, Kirchdorfer, and Turner.

NO: No one.

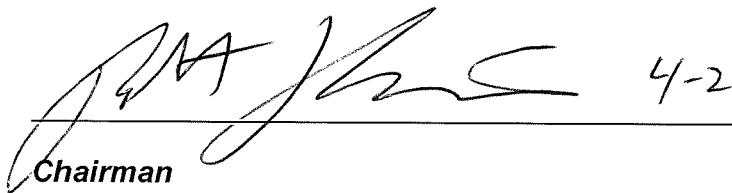
NOT PRESENT: Committee Members Kelly, Tomes, and Kavanaugh.

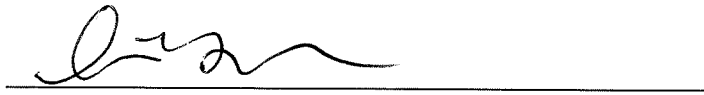
ABSTAINING: No one.

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The meeting was adjourned at 10:45 a.m.

 4-25-14
Chairman


Division Director