

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
July 21, 2016**

A meeting of the Louisville Metro Planning Commission was held on July 21, 2016 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
Vince Jarboe, Vice Chair
Jeff Brown
Robert Kirchdorfer
Rob Peterson
Marilyn Lewis
David Tomes
Clifford Turner
Emma Smith

Commission members absent:

Lula Howard

Staff Members present:

Emily Liu, Director, Planning and Design Services
Joseph Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning Manager
Brian Mabry, Planning Supervisor
Joel Dock, Planner I
Beth Jones, Planner II
Jon Baker, Legal Counsel
John G. Carroll, Legal Counsel
Pamela M. Brashear, Management Assistant
Chris Cestaro and Kristen Loeser, Management Assistants (minutes)

Others Present:

Wes Sidnor (sp), MSD

The following matters were considered:

PLANNING COMMISSION MINUTES
July 21, 2016

CONSENT AGENDA

CASE NO. 16STREETS1006 ONLY

Request:	Street Closure
Project Name:	Donna/Sunwood
Location:	Donna Boulevard/Sunwood Circle West of Air Commerce Drive
Owner:	Louisville Metro
Applicant:	United Parcel Service, Inc.
Representative:	Sabak, Wilson, & Lingo, Inc.
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Welch
Case Manager:	Joel Dock, Planner I

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

An audio/visual recording of the Land Development and Transportation Committee 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:

Mr. Dock said he was available to answer questions.

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

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

WHEREAS, The Louisville Metro Planning Commission finds that the closure of these street segments results in no demand on public facilities and services currently or in the future as no objections to the closure have been received by utility agencies; and

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CONSENT AGENDA

CASE NO. 16STREETS1006 ONLY

WHEREAS, the Commission further finds that any utility access necessary within the right-of-way to be closed will be maintained by agreement with the utilities. Utility agencies did not indicate the existence of utilities or the need for future utilities; and

WHEREAS, the Commission further finds that the applicant will provide for the improvements; and

WHEREAS, the Commission further finds that the closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 7 (Circulation) and Guideline 8 (Transportation Facility Design). Any physical improvements necessary for the closure will be completed by the applicant. Right-of-way proposed for closure does not serve as public access to surrounding uses or obstruct circulation with adjacent uses; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested street closure of three segments of right-of-way making up two named streets of record in Plat Book 22, Page 31 and Plat Book 19, page 80 (Donna Boulevard and Sunwood Circle), as described in the attached legal description, be **APPROVED**.

The vote was as follows:

YES: Commissioners Jarboe, Brown, Kirchdorfer, Peterson, Lewis, Tomes, Turner, Smith, and Blake.

NO: No one.

NOT PRESENT: Commissioner Howard.

ABSTAINING: No one.

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

The case concluded at approximately 1:13 p.m.



Chair



Planning Director

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Commission members absent:

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Staff Members present:

Emily Liu, Director, Planning and Design Services
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Joel Dock, Planner I
Beth Jones, Planner II
Jon Baker, Legal Counsel
John G. Carroll, Legal Counsel
Pamela M. Brashear, Management Assistant
Chris Cestaro and Kristen Loeser, Management Assistants (minutes)

Others:

Wes Sydnor, MSD

The following matters were considered:

PLANNING COMMISSION MINUTES
July 21, 2016

PUBLIC HEARING

CASE NO. 16AMEND1008 ONLY

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

Notice of this public hearing appeared in [The Courier Journal](#).

An audio/visual recording of the Land Development and Transportation Committee 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:

Brian Mabry presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) He emphasized the changes made to the Conservation Subdivision Draft after the Planning Commission Hearing on 7/7/2016.

Wes Sydnor, a representative from MSD, explained their proposed density yield bonuses.

Jeff Brown asked about need for common parking areas given the smaller lot size requirement (Page 7.11-19). Mr. Mabry recommended changing the 30' language to something more general.

The following spoke regarding this request:

Harrell Hurst, 16200 Taylorsville Road, Louisville, KY 40023

Mike Diebold, 16900 Aiken Road, Louisville, KY 40245

Wayne Hameloth, 2012 Forest Pointe Lane, Louisville, KY 40245

Mike Farmer, 15100 Old Taylorsville, Louisville, KY 40023

Additional Speakers:

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PUBLIC HEARING

CASE NO. 16AMEND1008 ONLY

David Kaelin
Chuck Kavanaugh
Pat Durham
David Mindel

Summary of testimony:

Wayne Hameloth - feels a lot of progress has been made but there are some areas he would like to revisit (see powerpoint). Some of his concerns include:

- wants to allow Tier 1 property owners to participate in the site visit
- wants unbuildable areas to be eliminated first THEN take out the open space percentage
- wants storm drainage, sewage treatment and water supply to not be allowed in conservation areas
- TCPA and WPA, believes Chapter 10 requirements aren't high enough, believes WPAs should be designated as unbuildable
- Wants min lot size at 5,500 in R-4 and 4,500 in R-5. Wants no attached housing in R-2, R-3 and R-5.
- wants rear facades not visible at all

Harrell Hurst discussed the deletion of item C on 7.11-8 regarding the purpose statement. Feels it should be retained to help maintain Comp Plan. Thinks there should be zero credit for non-buildable areas when calculating the open space percentage. Thinks slopes should be changed to 20%, not 30%.

Mike Farmer said he feels the code changes are too focused on the developer, not the community. Feels this is an urban conservation code that does not fit the rural environment. Need to emphasize water quality.

Mike Diebold asked if the code is for the common good of the whole city or is it just for the developers? Believes tree conservation is critical, need to increase tree preservation. How will this be enforced?

David Kaelin provided a handout for the Planning Commission members (a letter from Steve Porter). See items 1-6 on the handout.

Chuck Kavanaugh says balancing development with conservation is a difficult thing, believes this draft has accomplished a lot and likes the focus on tree preservation, likes the MSD recommendations. Not sure if the average lot size is correct, maybe go back to a minimum lot size.

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Pat Durham said he agreed with Mr. Kavanaugh and said lot size is key to allow variety and allow developer to preserve more open space.

David Mindel said he is still not happy with definition of "Undeveloped". He suggested a minimum lot size.

Commissioners' Deliberation

(see recording for detailed deliberation.)

Commissioner Jarboe asked about the "unbuildable" credit areas when coming up with the open space calculation. (Mr. Mabry's Power Point presentation showed one slide that broke down the buffer credit situation.)

Commissioner Blake asked for input about minimum lot size vs. average lot size.

Commissioner Tomes said 4,500 sf doesn't work. He said he thinks there shouldn't be a minimum lot size nor an FAR requirement.

Commissioner Kirchdorfer said the average provides flexibility.

Commissioner Peterson said he doesn't want to hinder any type of quality development. He said he also has concerns about the 4,500 minimum lot size.

Commissioner Smith said smaller lot sizes can be compatible considering the open space and preservation around said lots.

Commissioner Lewis said she was under the understanding that average lot size was better than a minimum lot size, so she would like some more discussion about this.

Commissioner Jarboe said a minimum lot size gives more incentive for the developer and offers more flexibility. Have to make it so it is beneficial to use the regulation.

Commissioner Turner says there has to be a minimum lot size requirement.

Commissioner Brown said he doesn't feel the site visit is an appropriate venue for adjoining property owners. He said he is OK with the minimum lot size, but not sure what that number is.

Commissioner Blake said the regulations need to promote clustering of homes, preserving more green space and protecting natural features. Believes the incentive to

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get up to 40% open space and above is there if the minimum lot size is reduced to 2,500 square feet.

In the Dimensional Standards table, change the average lot size back to a minimum lot size, eliminate the three tiers of minimum lot size based on the percentage of open space, and just have one minimum lot size for each zoning district. Planning Commission agreed on 2,500 square feet for R-4 and 1,500 for R-5. Changed attached minimum size to 1,200.

On front yard setback, Commissioner Tomes said 15 is too much on alley-fed lots and too little for homes with a garage in the front. Commissioner Brown agreed about the front entry homes. Commissioner Tomes would like to see a 12-foot front setback when there isn't a front entry garage, and Commissioner Brown wants 24 feet when there is a front entry garage from ROW to garage edge. This change was added.

On rear yard, change to 3 feet when on an alley.

John Carroll, legal counsel for the Planning Commission, also added some language changes.

***NOTE: see changes as stated by Brian Mabry at 3:34 p.m. for details.**

Amend Land Development Code related to Conservation Subdivisions

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

WHEREAS, the Planning Commission finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with the applicable guidelines and policies of Cornerstone 2020; and

WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Community Form, Guideline 4, Open Space. The proposed amendments maintain and enhance the existing open space preservation requirements; and

WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Community Form, Guideline 5, Natural Areas and Scenic and Historic Resources. The proposed amendments require or encourage the protection of natural or scenic assets; and

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WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Livability and Environment, Guideline 13 and Livability Strategy, Goal F2. The proposed amendments encourage and require preservation of natural landscape character and allow for designed enhancements to the natural features of a site in the form of street trees, buffers, and other improvements; and

WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Livability Strategy, Goal F4. The proposed amendments contain incentives to preserve both large stands of trees and individual specimens.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested amendments as discussed today be **APPROVED**.

The vote was as follows:

YES: Commissioners Jarboe, Brown, Kirchdorfer, Peterson, Lewis, Tomes, Turner, Smith, and Blake.

NO: No one.

NOT PRESENT: Commissioner Howard.

ABSTAINING: No one.

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July 21, 2016

STANDING COMMITTEE REPORTS

Land Development and Transportation Committee
No report given.

Site Inspection Committee
No report given.

Planning Committee
No report given.

Development Review Committee
No report given.

Policy and Procedures Committee
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The case concluded at approximately 3:45 p.m.



Chair

Planning Director

**MINUTES OF THE MEETING
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July 21, 2016**

A meeting of the Louisville Metro Planning Commission was held on July 21, 2016 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
Vince Jarboe, Vice Chair
Jeff Brown
Robert Kirchdorfer
Marilyn Lewis
Rob Peterson
David Tomes, left at approximately 2:50 p.m.
Clifford Turner
Emma Smith

Commission members absent:

Lula Howard

Staff Members present:

Emily Liu, Director, Planning and Design Services
Joseph Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning Manager
Brian Mabry, Planning Supervisor
Joel Dock, Planner I
Beth Jones, Planner II
Jon Baker, Legal Counsel
John G. Carroll, Legal Counsel
Chris Cestaro, Management Assistant
Kristen Loeser, Management Assistant
Pamela M. Brashear, Management Assistant (minutes)

Others Present:

Wes Sydnor, MSD

The following matters were considered:

PLANNING COMMISSION MINUTES
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APPROVAL OF MINUTES

JULY 7, 2016 PLANNING COMMISSION REGULAR MEETING MINUTES

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on July 7, 2016.

The vote was as follows:

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

NOT PRESENT FOR THIS CASE: Commissioner Howard

ABSTAINING: Commissioners Kirchdorfer and Peterson

**PLANNING COMMISSION MINUTES
July 21, 2016**

PUBLIC HEARING

August 1 Special Meeting

Request: Special Night Hearing

Discussion:

02:15:40 Chairman Blake is requesting a night hearing to be held August 1, 2016, at the Old Jail Building, 6:00 p.m. The meeting topic will be regulations for bio-digesters.

02:16:55 Mr. Davis said the case is not site specific and has already been noticed.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Chairman's request to **SCHEDULE** a special night hearing to be held August 1, 2016 at the Old Jail Building, 6:00 p.m.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Lewis, Smith, Tomes and Turner
NOT PRESENT AND NOT VOTING: Commissioner Howard
ABSTAINING: Commissioners Kirchdorfer and Peterson

**PLANNING COMMISSION MINUTES
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APPROVAL OF MINUTES

2:18:59

**JULY 21, 2016 PLANNING COMMISSION MINUTES FOR CASE NO.
16STREETS1006 ONLY**

On a motion by Commissioner Jarboe, seconded by Commissioner Lewis with a correction to the spelling of Wes Sydnor, MSD representative, the following resolution was adopted.

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on July 21, 2016, Case No. 16STREETS1006 ONLY.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Lewis, Peterson, Smith and Turner

NOT PRESENT FOR THIS CASE: Commissioners Howard and Tomes

PLANNING COMMISSION MINUTES
July 21, 2016

PUBLIC HEARING

CASE NO. 16AMEND1006

Request:	Amend Chapter 5 of the Land Development Code Related to Infill in Suburban Form Districts
Project Name:	Suburban Infill LDC Text Amendment
Location:	Multiple properties in Louisville Metro
Owner:	Multiple Owners
Applicant:	Louisville Metro
Representative:	Louisville Metro
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Brian Mabry, AICP, Planning Coordinator

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

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:20:39 Mr. Mabry discussed the case summary, standard of review and staff analysis from the staff report.

2:36:01 Commissioner Jarboe remarked, "I don't understand how a taller building just 15-20 feet away is going to help with the privacy of the neighboring house." It will still tower over the neighbor. Mr. Mabry said there will be some screening and landscaping to help. "It doesn't completely fix an extreme situation but it's an effort to try and keep the taller part of the building that's above 45 feet, the normal height allowed for a residence, farther back within reason."

Deliberation

02:39:30 Planning Commission deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

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

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July 21, 2016

PUBLIC HEARING

CASE NO. 16AMEND1006

WHEREAS, on February 11, 2016, the Louisville Metro Council approved Resolution 005-2016 requesting Planning and Design Services staff to hold a public hearing with the Planning Commission regarding the concept of a "stepback" requirement for nonresidential buildings proposed on Suburban form district infill sites as a way to alleviate possible incompatibility caused by disproportionate building heights of adjacent residential structures; and

WHEREAS, the Planning Commission finds that the proposed amendments to the Suburban Infill provisions of the LDC comply with the applicable guidelines and policies of Cornerstone 2020; and

WHEREAS, the Louisville Metro Planning Commission finds, the Planning Commission further finds that the proposed amendments to the Suburban Infill provisions of the LDC comply with Community Form Strategy, Goal A3, Objective A3.4. The proposed amendments contain standards that help to achieve compatible development and redevelopment; and

WHEREAS, the Louisville Metro Planning Commission further finds the Planning Commission further finds that the proposed amendments to the Suburban Infill provisions of the LDC comply with Community Form/Land Use, Guideline 3. Compatibility, Policy A.23. The proposed amendments require a range of setbacks to ensure compatibility between infill Suburban nonresidential or multifamily sites and single-story residences while allowing for flexibility and creativity.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of 16AMEND1006, an amendment of the Land Development Code related to suburban infill based on the testimony heard today and the staff report.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Lewis, Peterson, Smith and Turner

NOT PRESENT AND NOT VOTING: Commissioners Howard and Tomes

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APPROVAL OF MINUTES

2:41:06

JULY 21, 2016 PLANNING COMMISSION MINUTES FOR CASE NO. 16AMEND1008 ONLY

2:50:46 Commissioner Brown made the following change to page 4 and it should read as follows: Commissioner Brown doesn't feel the site visit is an appropriate venue for adjoining property owners.

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on July 21, 2016, Case No. 16AMEND1008 ONLY with the change on page 4 to the second to the last paragraph that should say: Commissioner Brown doesn't feel the site visit is an appropriate venue.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Lewis, Peterson, Smith and Turner

NOT PRESENT FOR THIS CASE: Commissioners Howard and Tomes

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee
No report given.

Site Inspection Committee
No report given.

Planning Committee
No report given.

Development Review Committee
No report given.

Policy and Procedures Committee
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 3:55 p.m.



Chair



Planning Director