

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16AMEND1004

This case was taken out of order and heard 3rd on the Agenda.

Request: Amend Section 4.1.6 of the Land Development Code Related to Hours of Operation

Project Name: Hours of Operation LDC Text Amendment

Location: Multiple Properties in Louisville Metro

Owner: Multiple Owners

Applicant: Louisville Metro

Representative: Louisville Metro

Jurisdiction: Louisville Metro

Council District: Planning Commission Resolution

Case Manager: **Brian Mabry, AICP, Planning Coordinator**

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

An audio/visual recording of the 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:

00:23:07 Brian Mabry presented the case and showed a Power Point presentation (see recording for detailed presentation.)

00:30:47 In response to a question from Commissioner Jarboe, Mr. Mabry made some clarifications regarding zoning regulations that are already in place.

The following spoke in favor of the proposal:

No one spoke.

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The following spoke in opposition to the proposal:

No one spoke.

No one spoke.

Text Amendment to the Land Development Code

00:34:06 On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution was adopted:

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

WHEREAS, the Commission further finds that the proposed amendments to the Operating Hours provisions of the LDC comply with Marketplace Strategy, Goal A1, Objective A1.2 of Cornerstone 2020. The amendments make the applicability of existing Operating Hours provisions clearer, which contributes to more consistent enforcement; and

WHEREAS, the Commission further finds that the proposed amendments to the Operating Hours provisions of the LDC comply with Marketplace Strategy, Goal C1, Objective C1.1 of Cornerstone 2020. The amendments facilitate development review by codifying the determination of the Board of Zoning

related to the applicability of the Operating Hours provisions of the Land Development Code; and

WHEREAS, the Louisville Metro Planning Commission finds that, based on the evidence, testimony, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council and all other legislative bodies that the requested Amendments to Section 4.1.6 Operating Hours of the Land Development Code, as set forth in the staff report, be **APPROVED**.

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The vote was as follows:

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

NO: No one.

NOT PRESENT: No one.

ABSTAINING: Commissioner Smith.

Resolution

00:36:04 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the Planning Committee met on April 28, 2016, to discuss proposed amendments to the applicability provisions in Land Development Code Section 4.1.6, Operating Hours; and

WHEREAS, the Commission further finds that the discussion continued regarding the 100-foot separation requirement between listed activities in Section 4.1.6 and residentially zoned and used properties; and

WHEREAS, the Commission further finds that at least one member of the Planning Committee questioned whether the 100-foot separation requirement was adequate; and

WHEREAS, the Commission further finds that the Planning Committee unanimously voted to request that the Planning Commission pass this Resolution; now, therefore be it

RESOLVED, The Louisville Metro Planning Commission requests Planning & Design Services Staff to research and draft revisions related to the aforementioned separation requirement in Land Development Code Section 4.1.6 and report back to the Planning Committee within 120 days.

The vote was as follows:

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

NO: No one.

NOT PRESENT: No one.

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ABSTAINING: Commissioner Smith.