

**MINUTES FOR 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  
Marilyn Lewis  
Rob Peterson  
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:**

Wes Sydnor, MSD

The following matters were considered:

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**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
<b>Case Manager:</b>	<b>Brian Mabry, AICP, Planning Manager</b>

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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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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**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.

  
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**Chair**  
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**Planning Director**

