

PLANNING COMMISSION MINUTES
June 20, 2019

PUBLIC HEARING

CASE NO. 19AMEND1003

***NOTE: Commissioner Daniels left the meeting at about 5:15 p.m. and was not present to hear or vote on the case.**

Request: THIS CASE WILL NOT BE HEARD BEFORE 3:00 –
Amendment to the Land Development Code Related to
Trees and Tress Canopy

Project Name: Tree Canopy LDC Amendment

Location: Louisville Metro

Applicant: Louisville Metro

Jurisdiction: Louisville Metro

Council District: All Council Districts

Case Manager: Julia Williams, AICP, Planning & Design Supervisor

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.

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:26:48 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:45:17 Emily Liu, Director of Planning & Design Services, said public comments have been received since the publication of the staff report. She asked that the case be heard today, but requested that the case be continued to allow late comments/concerns to be heard and addressed. She asked for two weeks to allow comments to be addressed.

02:46:27 Ms. Williams noted that the “green” text in her staff report indicated new text; the “red” text that is crossed out is deleted text; and proposed text added after the publication of the staff report is in blue. Anything in black is already in the Land Development Code and is not proposed for change. She also described how the 40% for single-family and the 35% for multi-family and the non-residential uses (see recording for her detailed explanation.)

02:49:09 Commissioner Carlson suggested changing “TPA’s” to “TTPA’s” (Temporary Tree protection Areas.) He and Ms. Williams discussed the 10-E Appendix.

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Commissioner Carlson asked about tree removal on-site. Ms. Williams described the process already in place for clear-cutting (get permission from MSD, etc.) Commissioner Carlson and Ms. Williams also discussed transplanting trees.

02:54:19 Commissioner Brown asked why the Division of Community Forestry is not listed as one of the permitting agencies, since they are responsible for all trees in the public ROW. Ms. Williams said it will be left up to Public Works to name its designee, whether it is Division of Community Forestry or another department/division. Commissioner Brown and Ms. Williams discussed the issue that the DCF has its own standards for the spacing of street trees based on tree type which does not exactly match the standards listed in the proposed LDC amendments. Ms. Liu said these discrepancies are relatively small and can be worked out.

02:59:16 Commissioner Brown discussed the fee-in-lieu funds – how will those locations be determined? Ms. Liu said the Metro Council and Public Works can decide if the funds stay in the same council district or go elsewhere. Ms. Williams said there is an existing map showing areas of need. She discussed more about the Tree Account.

03:01:16 Commissioner Jarboe asked about waivers. Ms. Williams discussed the staff review process and how staff findings are reached before a case is presented to the Planning Commission.

The following spoke in support of this request:

Harrell Hurst, 16200 Taylorsville Road, Louisville, KY 40023

Jeff Frank, 16509 Bradbe Road, Louisville, KY 40023

Cindi Sullivan, 1914 Alfresco Place, Louisville, KY 40205

Summary of testimony of those in support:

03:03:07 Harrell Hurst is generally in support, but thinks that preservation of existing forested areas is not sufficient. The loss of the ash forests has been significant due to the emerald ash borer.

03:08:36 Jeff Frank, a member of the Future Fund and Louisville Audubon Society, discussed the importance of preserving 45% of our tree canopy county-wide. He is in support of these proposed amendments, but would like to see them go further.

03:11:25 Cindi Sullivan, Executive Director of Trees Louisville, spoke in support. She discussed data from the Urban Tree Canopy Assessment.

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The following spoke in opposition to this request:

Juva Barber, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Greg Oakley, P.O. Box 7368, Louisville, KY 40257

Scott Hagan, 12911 Reamers Road, Louisville, KY 40245

David Mindel and Kent Gootee, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in opposition:

03:13:56 Juva Barber, Executive Vice President of the Building Industry Association of Greater Louisville, said builders have greatly increased tree canopy in the Louisville area since Tree Canopy Requirements were incorporated into the Land Development Code. However the building industry has some concerns, notably: changes will make land development much more complicated and expensive; concerns about the percentage requirements, particularly for industrial sites; the requirement to keep 20% of the tree canopy on the every site. Why should a builder be required to preserve trees, when they have a landscape plan and/or will be adding trees to the site? She said increased development costs will be passed on to the buyer, decreasing housing affordability and economic development.

03:20:27 Greg Oakley said he was concerned about potential impacts to commercial properties, particularly to his project, Blankenbaker Station. He said this project has been in the development phase for about 20 years and all of the infrastructure and planning has revolved around a finite amount of land to be developed. Changing tree canopy requirements would mean a change in the amount of land that can be used. He discussed the land and topography of his project, and the infrastructure that has already been built here. He discussed the possible impacts to developers and land buyers, especially to existing developments. He said it "would be crippling" to those trying to develop in Jefferson County and would force development out of the county.

03:26:36 Scott Hagan said he is aware of the importance of tree canopy and how landscaping enhances the value of properties. He also discussed some of the economic ramifications of these proposals – he said "it will kill jobs and make developments unaffordable." He gave some examples of developments and said it would be burdensome to apply new landscaping/tree canopy rules to property that was zoned commercial years ago. He said the subjectivity of many items is "disturbing" and

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that developers need to know at the start what their costs are going to be. He discussed enforcement, and said landscaping requirements are not being met by other developers and are not being enforced by Metro Government. He said commercial developers got notification about these proposed changes two days ago.

****NOTE: Donnie Blake, who signed up to speak neither for nor against, spoke before those in opposition had completed their testimony. Opposition testimony resumes below.**

03:44:35 Commissioner Tomes asked Mr. Hagan about the "compromises" that he had referred to during his testimony. Mr. Hagan said Bill Bardenwerper had a list of things the developers wanted. Commissioner Jarboe discussed enforcement, and said that, due to budget constraints, Metro can only respond to complaints, not go out to look for violations. Commissioner Jarboe noted that these proposed revisions have been worked on for many months with developers present and participating at all of the meetings, so he was unclear about why Mr. Hagan only heard about these proposed revisions two days ago. He added that compromises have been made throughout the entire process.

03:47:16 Commissioner Jarboe asked Ms. Barber for clarification about her concerns regarding the two-year-lookback on a piece of property. What about due diligence? A person who is going to buy a piece of property will know its history. Ms. Barber expressed concerns about the possibility of enforcement action against developers (see recording for discussion.) Commissioner Jarboe explained that the Planning Commission can compromise only so much before the goals of increasing the tree canopy become impossible. Commissioner Carlson asked for clarification about what kind of "flexibility" the builders were asking for. Ms. Barber said the preservation requirement is too rigid, and asked for a lower percentage.

03:54:50 David Mindel discussed the "look-back" regulation. What if a site had been pre-cleared for agricultural use? Geotechnical engineers sometimes have to at least partially clear a site to do underground surveys. He said trees can only be planted once all of the infrastructure and housing/buildings have been completed. He also expressed concerns about some of these new requirements will add "substantially" to new housing costs, thus reducing affordable housing. He discussed manufacturing and other large developments, and showed a tree canopy comparison chart showing tree coverage for multi-family developments; subdivisions; and commercial/warehouse and office/retail. See recording for detailed presentation. He said that his studies show that development is increasing tree canopy, not decreasing it. Utility easements also can be problematic because trees cannot be planted there. He showed subdivisions and multi-family development plans where there is no more room for trees; also, the "big box" warehouse development plans with the same problem.

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04:09:57 Kent Gootee spoke in opposition and said the proposed street tree spacing regulations may be too tight to allow for growth.

***The Commission recessed for 10 minutes.**

The following spoke neither for nor against this request (“Other”):
(spoke earlier in the hearing) Donnie Blake, 11602 Conservation Trail, Louisville, KY 40291

Steve Skaggs, 8116 Wolf Pen Branch Road, Louisville, KY 40059

Kelli Jones, 608 South Third Street, Louisville, KY 40202

Mike Jones, 8908 Ayrshire Avenue, Louisville, KY 40222

Kevin Young, 503 Washburn Avenue, Louisville, KY 40222

Bill Bardenwerper, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Amanda Fuller, 800 Goullion Court, Louisville, KY 40204

Mike Farmer, 15100 Old Taylorsville Road, Louisville, KY 40023

John Pacyga, 214 South Jane Street, Louisville, KY 40206

Jon Henney, 111 West Main Street, Louisville, KY 40202

Bert Stocker, 16313 Crooked Lane, Louisville, KY 40023

Summary of testimony of those neither for nor against:

03:39:20 Donnie Blake said he is concerned about the unintended impacts regarding this proposal, namely; the impacts on industrial/commercial properties, making affordable housing properties unaffordable; and how the proposed changes may affect existing plans. He asked how the 40% goal would be achieved – is there any way to simplify this? He noted that some older trees that may be in bad shape might have to be preserved instead of removed, which may cause problems for future homeowners. He discussed conservation subdivision developments and regulations and said that is

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not being utilized much today, and it should be. Wants more focus on street trees, perimeter trees, trees in landscape islands and green space areas.

(The remaining speakers spoke after those in opposition had finished.)

04:16:38 Steven Skaggs said he wants to see more trees, not fewer. He disputed some speakers in the development community who said their development is adding more tree canopy, and pointed out that Louisville is losing more tree canopy faster. He mentioned

04:20:49 Kelli Jones said she supports: changes to the traditional guidelines; the fee-in-lieu being more accepted; and street trees for everything. However, she said she is mostly concerned about how these proposals could affect industrial developments. She suggested giving more credit to industries which use green stormwater management, white roofs, concrete pavement, etc. Those things also decrease the heat island effect, in places where trees cannot be planted.

04:25:33 In response to a question from Commissioner Carlson, Ms. Jones clarified what "borrowing tree canopy" means in an industrial site project.

04:26:47 Mike Jones discussed the enforcement problem (complaint-driven system) and the "bad-actor" developers who do not follow through with regulations. Enforcement would greatly increase tree canopy, if all developers complied to regulations. He suggested giving credit for trees planted by the builder in residential developments. He discussed the cost of removing "invasives". He agreed that everyplace should have more street trees; however, he thought the proposed spacing was too small and there should be more cubic feet of soil required to plant the trees to ensure their survival.

04:36:04 Kevin Young agreed that tree spacing is important to allow the trees room to grow. He asked that the proposal re-evaluate in the industrial sites. He also agreed that enforcement is extremely important.

04:37:58 Bill Bardenwerper also emphasized the need for enforcement, suggesting that, after a "defined period" after a Certificate of Occupancy is issued, the site should be certified as being in compliance with the approved landscape plan. He described specific exemptions that should be made for tree preservation (for example, for dead/dying trees, utilities, agricultural uses, etc.) He also discussed the two-year "lookback" issue (the affidavit that states that no trees have been removed within the last two years.) He suggested making the affidavit part of the application. The Planning Commission can hear evidence to determine whether an application can move forward. He suggested existing plan certain sites and existing, already-approved preliminary

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plans. He suggested 30-35% instead of 40% canopy. He distributed handouts with suggested specific wording changes to the Commissioners (on file).

04:51:20 Amanda Fuller said the Division of Community Forestry has recommended 45%, not 40%. She would like to see Traditional and Downtown form districts addressed; also putting more trees in parking lots. She emphasized the need for enforcement and accountability for developers who do not meet standards. Regarding builders who complain that they cannot develop as much of a site as they want to, she said that is part of the point of these regulations. The builders might own land that is partly not developable, and should know where it is appropriate to build and where it is appropriate to plant trees.

04:54:51 Mike Farmer emphasized the importance of "green infrastructure", an increased tree canopy. He said the eastern part of Jefferson County is particularly declining in tree canopy due to building. He supports improved conservation subdivisions and low-impact development in heavily-wooded areas.

04:58:08 John Pacyga, a landscape architect, asked that these proposed revisions be continued indefinitely until some agreement can be reached. He said much of what is being heard today is based on a study that was done by a group/person based in Indianapolis. He said the reviewer he spoke with spent no time in Louisville; all the data was done via computers, not site visits. He supports flexible rules, instead of many waivers. He thinks areas of the County who want the two-year "lookback" should have it; however, it may not be right for the entire County. He discussed parking (Chapter 9 of the LDC) and suggested getting rid of parking minimums. He said irrigation is required in the LDC (Chapter 10). He discussed tree growth and current regulations for having a Tree Preservation Plan; he thought having a Tree Removal Permit would be redundant. He requested not acting on proposed Appendix 10-E until it is written. He thinks it would be more productive to put trees where they are needed, not restricted to the District of development. He said the "loss of 54,000 trees per year" number was deduced computer program via GIS, not a hands-on count. He handed out photos to the Commissioners showing a lot in south Hurstbourne (Dollar Tree) that has a parking lot with landscape islands without one tree planted there. He emphasized again the importance of enforcement of compliance.

05:05:50 Jon Henney said everyone who has spoken today can support increased tree canopy for almost every development, with the exception of industrial. The only dispute is the percentage. He expressed concern about tree canopy crowding out landscaping – look at appropriateness as well as feasibility.

05:07:56 Bert Stocker spoke and showed a Power Point presentation outlining his suggestions and proposals (see recording for his detailed presentation.)

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05:15:32 Commissioner Carlson asked Mr. Gootee about some of the charts discussed previously by Mr. Mindel, and showing some of the difficulties having planting trees in R-5 subdivisions. Doesn't the fee-in-lieu address that situation? Mr. Gootee said streamlining the fee-in-lieu process would help in situations where the applicant cannot fulfill their obligations for a particular site. He said applicants would prefer to do everything on the site, rather than ask for the fee-in-lieu. He discussed being told to remove trees that had been planted in detention basins due to maintenance issues.

05:20:31 Commissioner Tomes discussed some of Mr. Gootees testimony and said he had also had difficulty trying to plant in basins. He asked Mr. Jones about tree planting in two 10-plus-year old developments and about what size those trees are now.

Discussion:

05:24:17 Commissioners' discussion.

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.

05:35:05 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Plan 2040 Staff Analysis, the applicant's justification, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to a special meeting of the Planning Commission on **Wednesday, July 24, 2019** at 1:00 p.m. in the Old Jail Courtroom.

The vote was as follows:

YES: Commissioners Tomes, Peterson, Brown, Lewis, Carlson, and Jarboe.
NOT PRESENT: Commissioners Robinson, Smith, Howard, and Daniels.

PLANNING COMMISSION MINUTES
June 6, 2019

PUBLIC HEARING

CASE NO. 19AMEND1003

Request: THIS CASE WILL BE CONTINUED TO THE JUNE 20, 2019
PLANNING COMMISSION HEARING – Amendment to the
Land Development Code Related to Trees and Tree Canopy

Project Name: Tree Canopy LDC Amendment

Location: Louisville Metro

Applicant: Louisville Metro

Jurisdiction: Louisville Metro

Council District: All Council Districts

Case Manager: Julia Williams, AICP, Planning & Design Supervisor

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.

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:06:41 Julia Williams said the Planning Committee has recently completed its review of the proposed amendments. The case is being continued to allow the public and the Commissioners time to review before it is addressed in the Planning Commission. She added that staff has requested that this case not be heard before 3:00 p.m.

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.

00:08:42 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **June 20, 2019 Planning Commission** public hearing, and will not be heard before 3:00 p.m.

PLANNING COMMISSION MINUTES
June 6, 2019

PUBLIC HEARING

CASE NO. 19AMEND1003

The vote was as follows:

YES: Commissioners Robinson, Peterson, Daniels, Brown, Carlson, and Jarboe.
NOT PRESENT: Commissioners Smith, Lewis, Howard, and Tomes

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMITTEE MEETING
MAY 28, 2019**

A meeting of the Louisville Metro Planning Committee was held on May 28, 2019 at 1:00 p.m. at the Metro Development Center, 444 S. Fifth Street, Louisville, KY 40202.

Committee Members present:

Lula Howard
Juva Barber
Ruth Daniels
Barbara Kelly
David Tomes
Vince Jarboe (sub)

Committee Members absent:

Emma Smith
Jeff Brown

Staff Members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Joe Haberman, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Chris French, Planning & Design Supervisor
Paul Whitty, Legal Counsel

Others present:

David Kaelin
Harrell Hurst
Bert Stocker
Donnie Blake
Ashley Bartley
David Mindell
Kelli Jones
Cindy Sullivan
Erin Thompson
Sarah Beth Sammons
John Talbott

The following matters were considered:

**PLANNING COMMITTEE MINUTES
MAY 28, 2019**

CASE NUMBER 19AMEND1003

Request: Tree Canopy Regulations Amendments
Case Manager: Julia Williams, AICP, ASLA, Planning & Design Supervisor

Julia Williams provided an overview of the latest draft of the tree canopy regulations. The proposal is to increase the amount of credit given to each tree that is being planted on a development site. Type A will get credit for 1,200 sf, Type B at 720 sf, and Type C at 177 sf. The proposed percentage for single family developments in the Neighborhood Form District is 40 percent, while other uses in the NFD would need to achieve 35 percent. Also, street trees would be required along all ROWs except alleys and would need to be planted at 1 3/4 inch caliper. The requirements in the Downtown and Traditional form districts would be different. Streets trees are all that would be required in the Downtown Form District, and only street trees and trees associated with ILAs and buffers in the Traditional form districts. Staff presented planting requirements for each type of tree and different uses.

Barbara Kelly asked if there could be a requirement to mix up species planted. Julia Williams said there is a diversification requirement in the regulations at this time. Vince Jarboe asked if preservation of existing trees is awarded. Juva Barber asked for clarification on if/when the ordinance language would be prepared. Emily Liu said that will be finalized this week so it can be sent to the Planning Commission on June 20.

Bert Stocker addressed the committee and stated he did not feel the proposal will meet the goals that have been set for the community. He said the understory trees are not being given proper consideration. In his opinion the tree canopy percentage will not increase and there will be no heat island relief under this proposal. He also believes there needs to be more emphasis on tree preservation outside of the Snyder, in conservation subdivisions, and the proposed Conservation Form District.

Harrell Hurst is also concerned about trees outside the Snyder, and in the Floyds Fork corridor. He asked for clarification about the percentages. Julia Williams provided an overview.

The group discussed where the "tree in lieu" funds will go and how they will be disbursed. The committee agreed the funds must be earmarked for tree projects.

David Mindel stated he thinks the commercial, industrial, etc. should be moved back to 30 percent instead of 35 percent.

Bert Stocker presented information to the committee. His presentation included a formula he developed that he believes will help existing tree canopy to remain on development sites.

The committee and those in attendance debated a number of things regarding tree canopy percentages and opinions on preservation. There is still a lot of debate on several items, but staff will attempt to put together a codified version of the regulations and that will be distributed for review prior to the Planning Commission review.

On a motion by Committee Member Tomes, seconded by Committee Member Daniels, the following resolution was adopted:

**PLANNING COMMITTEE MINUTES
MAY 28, 2019**

CASE NUMBER 19AMEND1003

RESOLVED, the Louisville Metro Planning Committee does hereby **RECOMMEND** staff proceed to codify the changes to the tree canopy regulations within the Land Development Code as discussed at the Planning Committee meetings and present them to the Planning Commission at a public hearing on June 20, 2019.

The vote was as follows:

YES: Daniels, Jarboe, Kelly, Tomes and Howard

NO: Barber

NOT PRESENT: Smith and Brown

**PLANNING COMMITTEE MINUTES
MAY 28, 2019**

The meeting was adjourned at approximately 2:34 p.m.

Chairman

Division Director

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMITTEE MEETING
APRIL 8, 2019**

A meeting of the Louisville Metro Planning Committee was held on April 8, 2019 at 11:00 a.m. at the Metro Development Center, 444 S. Fifth Street, Louisville, KY 40202.

Committee Members present:

Lula Howard
Juva Barber
Barbara Kelly
Jeff Brown
Ruth Daniels
David Tomes
Vince Jarboe (sub)

Committee Members absent:

Emma Smith

Staff Members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Chris French, Planning & Design Supervisor
Zach Schwager, Planner I
Paul Whitty, Legal Counsel
Jeff O'Brien, Director, Develop Louisville

Others present:

Sarah Beth Sammons
Jon Henney
Kent Gootee
Bert Stocker
Harrell Hurst
Erin Thompson
Bob Merritt
Jim Mims
David Mindel
David Kaelin
Cindy Sullivan

The following matters were considered:

**PLANNING COMMITTEE MINUTES
APRIL 8, 2019**

CASE NO. 19AMEND1003

Request: Tree Canopy Regulations Amendments
Case Manager: Julia Williams, AICP, ASLA, Planning & Design Supervisor

Julia Williams began the meeting by discussing information related to tree canopy preservation and changes that have been made since the last meeting. There has been a lot of discussion about the tree canopy table (10.1.1). Right now the existing percentage range for single family residential development in suburban forms is 15-30%, and the proposal is for 35%. Emily Liu provided detailed information about development over the last few years. David Tomes asked if these projected percentages included trees on private lots and made some comments about how this might be a challenge for developers/builders. There was discussion about private trees. The development community said they would need private trees to make these calculations work. Julia Williams said private trees are not required and thinks the calculations could be attained using street trees, preservation and plantings on open space.

Cindy Sullivan asked why the number had drifted down to 35% from the previous discussions where it looked like they were targeting 40-50%. Emily Liu explained that the percentage planted is actually greater once a tree reaches maturity.

One new item is development sites that are 50-100% treed will be required to preserve 20% of the trees on site. This range changed from 70-100% at the last meeting. There was also discussion about the large tree credit. David Mindel did not like the idea of having to do a tree survey to get credit for large trees.

David Tomes presented some information he had compiled about tree canopy information for Norton Commons. He estimates the land had about 9% tree canopy before they started developing. He detailed the breakdown of the amount of trees in street trees, parks and open space.

David Mindel presented numerous exhibits to show landscape plans for subdivisions. His exhibits showed the difficulties of planting trees to meet some of the canopy requirements that are being discussed.

Bert Stocker presented some information he created to illustrate canopy loss.

Staff will continue to work on the proposed amendments and bring it back to the committee in approximately two weeks.

**PLANNING COMMITTEE MINUTES
APRIL 8, 2019**

The meeting was adjourned at approximately 1:00 p.m.

Chairman

Division Director

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMITTEE MEETING
MARCH 11, 2019**

A meeting of the Louisville Metro Planning Committee was held on March 11, 2019 at 11:00 a.m. at the Metro Development Center, 444 S. Fifth Street, Louisville, KY 40202.

Committee Members present:

Lula Howard
Juva Barber
Barbara Kelly
Jeff Brown
Ruth Daniels
David Tomes

Committee Members absent:

Emma Smith

Staff Members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Joe Haberman, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Zach Schwager, Planner I
Jeff O'Brien, Director, Develop Louisville

Others present:

???

The following matters were considered:

PLANNING COMMITTEE MINUTES
MARCH 11, 2019

CASE NO. 19AMEND1003

Request: Tree Canopy Regulations Amendments
Case Manager: Julia Williams, AICP, ASLA, Planning & Design Supervisor

Julia Williams provided an overview of the tree canopy regulations and the discussion that occurred at the last meeting. There was some discussion about the single family tree canopy percentage that is being considered. It is currently 30%, with the proposal being 40-50%. The discussion revolved around whether 40-50% is even achievable, and a clarification about what a 30% tree canopy at planting will achieve when it reaches maturity. Emily Liu said staff would research this some more and present it at a future meeting.

Citizens from the public expressed concerns tree canopy, and that the committee needs to consider required open space as a way to get adequate space for trees and not just being concerned about how they will be placed around houses, development, etc.

Juva Barber and David Tomes stated if the regulations are too demanding then it will kill development. David Tomes said he thinks the regulation needs to be built around street trees because it will be too difficult to require trees on private lots and enforce the preservation of them.

Barbara Kelly asked if there were thoughts of widening the verge to give trees adequate room to grow. Erin Thompson said the verge has to be 8 feet for a Type A tree right now. Jeff Browns said six feet is the common standard for an R-4 neighborhood.

Several people mentioned the potential of planting trees in stormwater basins. These areas take up large areas and MSD currently will not allow any planting in them. It may be possible to plant trees that will help take up stormwater and not interfere with the designed capacity of these basins.

David Tomes said he researched Nashville's regulations to see how they go about tree preservation/planting. He said developments are required to get so many "units" per acre, and different sized trees are worth a different number of units.

Tree Preservation was another major topic of discussion. The proposal is to have sites with between 70-100% existing coverage to preserve at least 20% of that existing canopy. Some expressed concerns about being able to meet this because many times the areas that are most developable have trees on them. Others stated this required proposal is too low.

At the conclusion of the discussion, it was determined this was not ready to go to Planning Commission on March 21. There will be another Planning Committee meeting, probably on April 8.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMITTEE MEETING
FEBRUARY 25, 2019**

A meeting of the Louisville Metro Planning Committee was held on February 25, 2019 at 11:00 a.m. at the Metro Development Center, 444 S. Fifth Street, Louisville, KY 40202.

Committee Members present:

David Tomes
Juva Barber
Barbara Kelly
Jeff Brown

Committee Members absent:

Emma Smith
Lula Howard
Ruth Daniels

Staff Members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Chris French, Planning & Design Supervisor
Zach Schwager, Planner I
Jeff O'Brien, Director, Develop Louisville

Others present:

???

The following matters were considered:

PLANNING COMMITTEE MINUTES FEBRUARY 25, 2019

CASE NO. 19AMEND1003

Request: Tree Canopy Regulations Amendments
Case Manager: Julia Williams, AICP, ASLA, Planning & Design Supervisor

Julia Williams presented information about the resolution from Metro Council that asked Planning & Design Services staff to evaluate the tree canopy regulations. There have been a series of meetings since November to gather input from the public. Ms. Williams presented a powerpoint highlighting some of the topics of discussion.

The current draft proposes to increase the tree canopy percentage by 5 percent in the Downtown Form District, between 5 and 20 percent in the traditional form districts, and a percentage to be determined for single family residential development in the suburban form districts. There has also been some discussion of increasing the tree canopy value of trees, for example, changing a Type A tree from 720 square feet to 960 square feet. Another recommendation is to require street trees for all development on all streets (except alleys). The proposed changes would also increase the importance of the tree fee in lieu option, work to find an appropriate fee for that, and make it easier to use this option. Remove Table 10.1.4.B that provide tree canopy reductions for more intense developments in the Downtown Form District.

Another proposed addition is to require a tree removal permit to remove any tree on a development site where tree plantings were required. This would be similar to the permit that is required to remove trees in the right of way. There would not be a fee associated with this permit.

There is a proposal to require development sites with 70-100 percent existing canopy would be required to maintain at least 20 percent canopy on the site. Also, large trees greater than 24 inches that are preserved would get a 25 percent tree canopy value bonus. Another change is to change the parking regulations so that tree plantings/preservations could receive parking reductions on development sites. And finally, the two year tree clearing requirement would be applied to all sites.

David Tomes said he has a hard time understanding the 40-50 percent tree canopy requirement in the suburban form districts. Julia Williams stated that the current regulations do not count on lot trees, and that under this proposal those trees would be counted to meet the proposed tree canopy percentage. Juva Barber said she is worried about setting a standard that is unachievable and may also effect affordability of development.

Julia Williams provided additional details about the proposed changes to Table 10.1.1.

The committee discussed various scenarios and items for clarification.

David Tomes presented a powerpoint to the committee and those in attendance. The presentation provided an overview of historic street tree and tree planting in Louisville. He feels street trees are the best alternative for providing tree canopy in the community. He feels trees on owned lots will be very difficult to regulate.

Bert Stocker spoke to the committee and discussed how he believes the community is currently heading away from the 40 percent canopy goal with the way recently approved subdivisions are being developed. He has suggested a formula to preserve trees within developments that emphasis preserving existing tree canopy.

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Emily Liu said staff will put the recommendations from the study into code form and bring that back to the committee in a couple weeks. This meeting will need to take place in time to still get the recommendations to the Planning Commission on March 21.

Kelli Jones stated her support for increasing the canopy value assigned to trees as well as the tree fee in lieu program and hopes these are considered by the committee. She also stated she is concerned about the removal of the density reductions in traditional areas.

Kent Gootee thinks the two year rule could be hard. He said there have been a minimum number of cases where this would have been an issue, so it may be more of a burden than is needed. Also feels there should be a minimum lot area that applies to the tree canopy coverage regulations.

This discussion will continue on March 11.

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Request: Access
Case Manager: Chris French, AICP, Planning & Design Supervisor

Chris French presented an overview of the request to evaluate access management for residential developments. The current regulation says developments with more than 200 dwellings shall have more than one access point on streets. He also provided an overview of methods that are used in a number of communities from across the nations.

Barbara Kelly asked if staff has determined that this is a problem. Angela Benson stated Councilman Stuart Benson believes this is a problem, especially for larger developments where you may have as many as 1,000 homes with only two or three points of ingress/egress. Jeff Brown feels it is dependent on the traffic study that may accompany a development and will vary tremendously from site to site. At the conclusion of the discussion, the committee asked staff to look at Chapter 7 and Public Works requirements to see if there are some things that can address the issue at hand.

The committee continued this to March 11.