

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
August 11, 2014**

A special meeting of the Louisville Metro Planning Commission was held on Monday, August 11, 2014 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
David Proffitt, Vice Chair
Jeff Brown
Vince Jarboe
Carrie Butler (left at 3:30 p.m.)
Robert Peterson
Robert Kirchdorfer

Commission members absent:

David Tomes
Chip White
Clifford Turner

Staff Members present:

Emily Liu, Director, Planning & Design Services
Jonathan Baker, Legal Counsel (left at 2:30 p.m.)
John G. Carroll, Legal Counsel (arrived at 2:30 p.m.)
Jessica Wethington, Planning Information Specialist
Michael Hill, Christopher Brown, Planner II
Tammy Markert, Transportation Planning
Sharonda Duerson, Management Assistant (sign-ins)
Chris Cestaro, Management Assistant (minutes)

Others:

The following matters were considered:

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Approval of Minutes

No minutes were approved.

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Public Hearing

Case No. 14AMEND1003

Request: LDC Round Two Text Amendments

Case Manager: Michael D. Hill, AICP, Planning Coordinator

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.

Agency Testimony:

00:02:36 Michael Hill presented the case and showed a Power Point presentation. He explained that the proposed changes to the Land Development Code will be presented according to sub-committee, or "Attachment" (Infill, Fair & Affordable Housing, etc.)

00:05:47 Mr. Hill gave a brief history of the Round One and Round Two Committees and Sub-Committees, and the proposed amendments that came out of each. This project has taken approximately two years to complete. These items from each sub-committee were voted on by the LDC Main Committee to become "official recommendations". He also explained about "staff recommendations" which are smaller, more procedure-oriented items that were not voted on by the LDC Main Committee.

Attachment #1 – Infill Development Regulations

Agency Testimony:

00:15:04 Mr. Hill described what Infill Development Regulations cover and gave a summary of the proposed amendments.

00:21:09 In response to a question from Commissioner Brown, Mr. Hill discussed existing vs. new regulations.

On a motion by Commissioner Proffitt, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of the Louisville Metro Government that all of the Land Development Code text amendments for Infill Development Regulations, Case No. 14AMEND1003, be **APPROVED**.

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The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Jarboe, Butler, Peterson, Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioners Tomes, White, and Turner.

ABSTAINING: No one.

Attachment #2 – Development Review Process

Agency Testimony:

00:24:01 Mr. Hill described the Development Review Process procedural items and gave a summary of the proposed amendments.

00:32:37 In response to a question from Commissioner Brown regarding item #31, Mr. Hill discussed what would trigger this requirement.

00:39:09 Mr. Hill and Commissioner Brown discussed Item #28.

00:40:22 Mr. Hill and Commissioner Kirchdorfer discussed Item #2.

00:45:02 On a motion by Commissioner Proffitt, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of the Louisville Metro Government that all of the Land Development Code text amendments for Development Review Process, Case No. 14AMEND1003, be **APPROVED** including staff items A and B.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Jarboe, Butler, Peterson, Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioners Tomes, White, and Turner.

ABSTAINING: No one.

Attachment #3 – Fair and Affordable Housing

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Agency Testimony:

00:44:56 Mr. Hill described what the Fair and Affordable Housing regulations cover and gave a summary of the proposed amendments. Many proposed changes are related to ADI standards. An annual report will also be submitted to Planning and Design Services to keep track of the types of housing proposed.

01:04:15 In response to a question from Commissioner Butler, Mr. Hill discussed the definition of arterial road or arterial corridor. The point system and the proximity to transit/bus routes were discussed.

01:08:30 On a recommendation from Commissioner Brown, Section 4.5.2.G.2 shall be changed to read, "The distance shall be measured by the shortest walking distance using sidewalks and crosswalks from the bus route."

01:09:24 Regarding MRDI (4.3.2F), Commissioner Brown and Mr. Hill discussed the possibility of multi-family housing on an existing R-4 zoned lot and under what circumstances that would apply.

01:15:37 Cathy Hinko, representing the Metropolitan Housing Coalition and also a member of the Fair and Affordable Housing Committee, spoke in support of the recommendations and the need for affordable housing in the community. She submitted two documents into the record [on file].

01:24:13 Chuck Kavanaugh, Executive Vice President of the Building Industry Association of Greater Louisville, spoke in support of the proposed amendments, particularly the ADI incentives.

01:26:57 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of the Louisville Metro Government that all of the Land Development Code text amendments for Fair and Affordable Housing regulations, Case No. 14AMEND1003, be **APPROVED with one addition**: That Section 4.5.2G2 include language stating that the walking distance be measured using sidewalks and crosswalks.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Jarboe, Butler, Peterson, Kirchdorfer.

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NO: No one.

NOT PRESENT: Commissioners Tomes, White, and Turner.

ABSTAINING: No one.

***NOTE: The Commission took a 10-minute recess.**

Attachment #4 – Miscellaneous Research Sub-Committee

Agency Testimony:

01:28:39 Mr. Hill described in detail what the Miscellaneous Research Sub-Committee proposed amendments are (signage, lighting, stream buffers, in-home daycares/home occupations, outdoor amenity/public art fee-in-lieu, and some staff recommendations.)

01:38:00 In response to a question from Commissioner Brown, Mr. Hill explained that item #8 (roadway definition) was proposed to the Main Committee which decided not to adopt it (no action taken on it.)

01:38:34 In response to questions from Commissioner Brown, Mr. Hill discussed Item #9 (finished attics); Item #18 (restricted uses during certain hours); Item #22 (public art fee-in-lieu, not recommended for approval) and Item #29 (signature entrance sign/wall for major residential or non-residential subdivisions).

01:43:54 Commissioner Kirchdorfer asked about exterior construction activity and its relation to the Noise Ordinance.

01:45:00 Mr. Hill and Commissioner Kirchdorfer also discussed demolition/remodeling definitions.

01:46:47 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of the Louisville Metro Government that all of the official and staff recommendations to Land Development Code text amendments from the Miscellaneous Research Sub-Committee Report (Attachment#4), Case No. 14AMEND1003, be **APPROVED with minor amendments to language regarding suitable materials for finished attics,**

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floor area definition and operating hours proposals, as discussed at today's public hearing.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Jarboe, Butler, Peterson, Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioners Tomes, White, and Turner.

ABSTAINING: No one.

Attachment #5 – Permitted and Conditional Uses

Agency Testimony:

01:48:50 Mr. Hill described in detail what the Permitted and Conditional Use amendments are. One of the primary changes proposed was to allow non-residential uses currently permitted in the C-2 Commercial District to be allowed in the M-1 Industrial District.

01:56:36 Mr. Hill discussed Bed & Breakfast Facilities, particularly regarding outdoor events held there (Item #26, paragraph D). He said there was a "significant amount of opposition" to this one item.

02:02:10 Mr. Hill reviewed categories for duplex dwelling units (Item #35) and Boarding and Lodging Houses (Staff Item F). He added that there is an effort underway to make sure that Boarding and Lodging Houses are licensed and that the license will be renewed annually.

02:09:50 Mr. Hill reviewed clarifying language added to alcohol-related land uses (Staff Items C and D). This includes a request from the Louisville Metro Council to break up the single land-use listing of a tavern into three tavern land-use listings.

02:15:39 *NOTE: Commissioner Butler left the meeting at 3:30 p.m. and did not vote on this or subsequent cases.

02:15:56 In response to a question from Commissioner Jarboe, there was discussion about the reason for the outdoor event permits for B&B businesses.

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02:19:23 Mr. Hill and several Commissioners discussed regulations as applied to non-Metro-owned Golf courses. Enforcement issues were discussed.

02:22:17 Parking requirements for duplexes in the Traditional Neighborhood form districts was discussed; also, what constitutes a “qualified design professional”. IT was agreed to allow staff to come up with a definition.

02:27:34 Commissioner Proffitt asked for clarification regarding "production activities" for breweries.

02:29:50 Cathy Hinko, from the Metropolitan Housing Coalition, discussed Boarding & Lodging Houses (Staff Item F). She related some issues that had come up about this type of housing, particularly those related to housing for the disabled, and requested that the item be tabled for now to allow further research and review. She requested that this type of housing be a permitted use in many zoning districts, instead of a CUP. Commissioner Proffitt clarified that the proposed amendment adds two additional zoning classifications.

02:39:02 Michael Trabue said he has questions about item #26 (Vacation Rentals), specifically those in residential areas zoned R-5B. He said this applies to rentals for less than 30 days, and is a commercial use in residentially-zoned areas.

02:47:29 Commissioner Kirchdorfer said he understood about enforcement concerns for vacations rentals, but asked how Vacation Rentals are related to Bed & Breakfast businesses (which is what is addressed in Item #26.) Mr. Trabue clarified his concerns. Commissioner Proffitt discussed BOZA procedures and how they are related to B & B's and CUP's.

02:53:18 Deborah Bilitski, a member of the Main LDC Committee, also discussed Item #26 (the Bed & Breakfast regulation.) She requested that this one item be tabled for further review.

02:56:10 Commissioners' deliberation. **The Commissioners agreed that Item #26 and Staff Item F should be removed from consideration and not voted on today, to allow further review.**

03:03:41 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of the Louisville Metro Government that all of the official and staff recommendations to Land Development Code text amendments from the Permitted and Conditional Uses Report (Attachment#5), Case No. 14AMEND1003, be **APPROVED with the exceptions of Items #3, #29, #31, #34, and #26 and a revision to #35 to require a minimum of two parking spaces for duplexes in the Traditional Form District; and with the removal of Staff Item F, for further review.**

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Jarboe, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioners Tomes, White, Turner, and Butler.

ABSTAINING: No one.

Attachment #6 – Form Districts

Agency Testimony:

03:06:53 Mr. Hill described in detail what the Form District amendments are and gave a summary of the proposed amendments.

03:14:40 – In response to a question from Commissioner Brown, Mr. Hill discussed the issue of building height/s.

03:16:22 On a motion by Commissioner Brown, seconded by Commissioner Jarboe, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of the Louisville Metro Government that all of the official and staff recommendations to Land Development Code text amendments from the Form Districts Report (Attachment#6), Case No. 14AMEND1003, be **APPROVED with the exceptions of Items #3 and #7 as discussed at today's public hearing.**

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The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Jarboe, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioners Tomes, White, Turner, and Butler.

ABSTAINING: No one.

***NOTE: The Commission took a 10-minute recess.**

After the Commission re-convened, Commissioner Blake announced that Items #8 (Transportation) and #9 (Landscaping) would probably have much discussion, and both should be continued to the September 4, 2014 Planning Commission public hearing.

03:18:06 On a motion by Commissioner Kirchdorfer, seconded by Commissioner Proffitt, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** Items #8 (Transportation) and #9 (Landscaping) of Case No. 14AMEND1003 to the **September 14, 2014 Planning Commission public hearing**.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Jarboe, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioners Tomes, White, Turner, and Butler.

ABSTAINING: No one.

Attachment #7 – Subdivisions

Agency Testimony:

03:18:29 Mr. Hill gave a summary of the all of the proposed amendments for Subdivisions, but added that the most significant things to come out of the Sub-Committee involve changes to the Conservation Subdivisions.

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03:26:56 Commissioner Brown asked about the compatibility with adjacent subdivisions. Mr. Hill said this has been relocated to another portion of the LDC.

03:28:36 Commissioners Proffitt and Peterson asked for clarification about the bond issue, and what criteria is being used to waive a bond.

03:34:37 Commissioner Proffitt asked for clarification about the sidewalk issue - why 75 lots? Commissioner Brown said the number of 75 lots came about after a discussion about the length of a road.

03:42:40 Chuck Kavanaugh, Executive Vice President of the Building Industry Association of Greater Louisville, asked about bond and sidewalk-related issues.

03:49:41 On a motion by Commissioner Proffitt, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** hearing Attachment #7 (Subdivisions) to the September 4, 2014 Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Jarboe, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioners Tomes, White, Turner, and Butler.

ABSTAINING: No one.

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Legal Review Committee

No report given.

Planning Committee

No report given.

Policy and Procedures Committee

No report given

Site Inspection Committee

No report given.

ADJOURNMENT

The meeting adjourned at approximately 5:15 p.m.

Chairman

Division Director