

**MINUTES OF THE MEETING
OF THE
POLICIES AND PROCEDURES COMMITTEE**

January 23, 2019

A meeting of the Policies & Procedures Committee was held on Wednesday, January 23, 2019 at 11:00 a.m. in the Metro Development Center (3rd Floor Conference Room) located at 444 South 5th Street, Louisville, Kentucky.

Committee Members present were:

Marilyn Lewis
Vince Jarboe
Donald Robinson
Jon Baker
Steve Porter
Glenn Price

Committee Members absent were:

Michael Tigue

Staff Members present were:

Emily Liu, Director of Planning
Joe Reverman, Assistant Director of Planning
Paul Whitty, Assistant County Attorney

Others present were:

N/A

The following matters were considered:

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Commissioner Compensation

Discussion:

Director Emily Liu discussed a proposal to update Article IV, Section 4 of the Planning Commission Bylaws, titled Compensation, to reflect the changes recently made to Louisville Metro Code of Ordinance (LMCO) Chapter 32.840, regarding compensation paid to Commissioners.

LMCO 32.840 (4) was recently amended to change the per meeting compensation for Commissioners from \$50 to \$100, and the maximum annual compensation from \$2,000 to \$3,000.

On a motion by Committee Member Porter, seconded by Committee Member Baker, the following changes to the Planning Commission Bylaws are recommended to the Planning Commission.

ARTICLE IV

Members

Section 4. Compensation. All members shall be reimbursed for any necessary authorized expenses. Citizen members shall receive compensation ~~of fifty dollars (\$50.00)~~ **one hundred dollars (\$100.00)** for each commission meeting attended, but no such member shall be paid more than ~~two thousand dollars (\$2,000)~~ **three thousand dollars (\$3,000)** during any fiscal year of the Metro Government. ***Citizen members who serve on both the Planning Commission and Board of Zoning Adjustment shall be paid no more than three thousand dollars (\$3,000) for their role on the Planning Commission and no more than three thousand dollars (\$3,000) for their role on the Board of Zoning Adjustment during any fiscal year of the Metro Government.***

The vote was as follows:

YES: Committee Members Lewis, Jarboe, Porter, Baker, Robinson and Price

NO: None

NOT PRESENT: Committee Members Tighe

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Commissioner Compensation

Discussion:

Director Emily Liu discussed a proposal to amend Section 4.05 of the Planning Commission Policies relating to authorizing the Director of Planning & Design to approve certain proposals.

Director Liu discussed eliminating specific LDC citations from sections 4.05.01, 4.05.02, 4.05.09 and 4.05.10. The purpose of this amendment is to clarify that these applications are required to comply with all chapters of the Land Development Code (LDC). Director Liu also discussed adding “off-site parking” to section 4.05.10 to go along with joint use parking.

Director Liu discussed amending section 4.05.06 relating to amendments of binding elements and district development plans. The purpose of this amendment is to be consistent with LDC chapter 11.4.7.E.3, and to streamline smaller, non-controversial cases.

Steve Porter raised concern with the amendment to 4.05.06 relating to amendments to binding elements and district development plans. His concern was to ensure that interested citizens were notified of changes that may have an adverse impact. He stated that even small additions may have an adverse impact on adjacent properties. The Committee agreed that the change from 20% to 25% and the removal of the 10,000 sf cap was generally acceptable, as long as citizens were adequately notified of the proposal.

The Committee discussed ways to ensure that citizens could be notified of a proposal when it is potentially staff approvable. The Committee discussed amendments to Policy 3.04.01 that would require early notification of amendment to binding elements and district development plans even when potentially approvable by staff. The Committee agreed to add language at the end of section 3.04.01 so that early notification would be required for staff approvable amendments to binding elements and district development plans.

The Committee also discussed consistency with Policy 4.08.01, which requires a public meeting and notification for certain amendments to binding elements. The Committee agreed to amend section 4.08.01.b.2.iii from 20% increases to 25% increases to be consistent with Policy 4.05.06 and LDC 11.4.7.E.3.

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On a motion by Committee Member Porter, seconded by Committee Member Jarboe, the following changes to the Planning Commission Policies are recommended to the Planning Commission.

3.04 Notice of Filing of Application

- 3.04.01 Notice of Filing of Application – Notice of any initial application (including applications by governmental entities), filed with the division of Planning & Design Services (PDS), related to (a) a zoning map or form district amendment, (b) a Detailed District Development Plan, General District Development Plan or detailed development plan for planned district developments, revised detailed district development plan or revised general district development plan, (c) a modification, deletion, or addition of a binding element or a condition of approval, (d) a conditional use permit, (e) a variance (except non-hearing variances), (f) a waiver, (g) a major subdivision or conservation subdivision, shall be given to certain persons or entities by the methods indicated in paragraph 3.04.03 below. The submittal date shall be the date when PDS accepts the application as administratively complete, meaning an application determined to contain the information necessary to initiate agency review. For case types that require the pre-application process (i.e. zoning/form district map amendment, conditional use permit), this notification requirement shall be applied only to the pre-application submittal, and shall not be required at the time the formal application is submitted. Once notice for an application has been given according to this section, no additional notice shall be required just because of changes in the application, unless the application has become a new case in the system. The notice required by this section, however, shall be in addition to any notice of further actions or hearings otherwise required by statute, ordinance or other regulation. **Except for 3.04.01 (c), this** provision shall not be applicable to staff approvable proposals.

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- 4.05 The Director of Planning and Design Services or designee is authorized to approve any of the following proposals:
- 4.05.01 Major subdivision record plats found to be in strict compliance with the approved subdivision preliminary plan and **Chapter 7 of** the Land Development Code.
 - 4.05.02 Minor subdivision plats found to be in strict compliance with **Chapter 7 of** the Land Development Code where no preliminary plan has been approved for all or any part of the same property during the immediately preceding 3 years, and minor plats dedicating the right-of-way required by **Section 6.2.6 of** the Land Development Code provided such plat has been reviewed and marked approved by the Director of Metro Public Works.
 - 4.05.06 Amendment of binding elements or district development plan to allow a cumulative increase in square footage of all buildings in an approved development by no more than **twenty percent (20%) twenty-five (25%)** of the amount specified on the approved district development plan, or to allow any decrease in square footage of buildings in an approved development. In no case shall this delegation of authority permit **a change of more than 10,000 square feet of building square footage or** a change in excess of the threshold established in the applicable Form District regulation for completing the Community Design Review process **(Category 3)**. Such amendments must result in a change that conforms with all applicable regulations, and does not alter the basic configuration of the structure and its location on the site as approved by the Planning Commission.
 - 4.05.09 Stacked parking spaces as specified in **Section 9.1.9 of** the Land Development Code.
 - 4.05.10 Joint use **and off-site** parking, as well as determinations of numbers of spaces reasonably anticipated to be available during hours of operation, pursuant to **Section 9.1.6** of the Land Development Code, and Section 10.1 of the Development Code for all of Jefferson County.

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4.08 Binding Elements, Development Plans and Preliminary Subdivision Plans

4.08.01 Amendments to Binding Elements

- a. Amendments to binding elements shall be reviewed by the appropriate committee of the Planning Commission in a public meeting and shall be acted on or at a properly noticed public hearing.
- b. Notice of the following actions shall be provided in accordance with these Policies:
 - 1. First approval of detailed district development plans on properties that are adjacent to residential zones/uses.
 - 2. Revisions to binding elements or detailed district development plans that concern the following:
 - i. Change in use
 - ii. Increased density for residential uses
 - iii. Increases of more than **20% 25%** in square footage of any use
 - iv. Changes in Screening and buffering plans, and
 - v. Changes in hours of operation

The vote was as follows:

YES: Committee Members Lewis, Jarboe, Porter, Baker, Robinson and Price

NO: None

NOT PRESENT: Committee Members Tigue

Chairman

Division Director