

**MINUTES OF THE MEETING
OF THE
PLANNING COMMITTEE**

April 28, 2016

A meeting of the Planning Committee was held on, Thursday, April 28, 2016 at 11:30 a.m. at the Metro Development Center, located at 444 S. 5th Street, Louisville, Kentucky.

Committee Members present were:

Robert Kirchdorfer - Chair
Donnie Blake
Jeff Brown
Richard Carlson
Chuck Kavanaugh
Barbara Kelly

Committee Members absent were:

Lula Howard
David Tomes

Staff Members present were:

Emily Liu, Planning Director
Joe Haberman, Planning Manager
Brian Mabry, Planning Coordinator
Jon Baker, Jefferson County Attorney's Office

Others present were:

Steve Porter, Attorney
Michael Tigue, Attorney

The following matters were considered:

**MINUTES OF THE MEETING
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April 28, 2016

Case No. 16AMEND1001

Text Amendment to LDC Section 4.2.51 Storage Yard and Contractor's Yard

Brian Mabry, Planning Coordinator, presented an overview of the request to amend LDC Section 4.3.51 regarding standards for Storage Yards and Contractor Yards in residentially zoned districts. The Planning Commission approved a resolution requesting Staff to investigate an amendment to this Section in January 2016.

Mr. Mabry presented the following proposed amendments: a definition for landscape contractor operation; minor modifications to existing requirements for all Storage Yards or Contractors Yards; allow in R zoning districts with a CUP and subject to standards; no signs except for on operable vehicles; no idling within 200 feet of residential and no overnight idling; operate between 7 a.m. to 10 p.m.; limited retail sales area with 25' setback from residential; limited items to sell; and for buffering purposes, the property would be treated as Intensity Class 4 (C-N, C-1, C-2, M-1, C-M, etc).

Committee Member Blake and others stated their discomfort with allowing a commercial land use such as this, which frequently is subject to nuisance complaints, in residential areas.

Committee Member Carlson expressed concern that the existing home occupation regulations do not prohibit a one-person operation or a teen trying to earn some money by doing landscaping.

Committee Member Brown remarked that a smaller-scale contractor's operation was also already feasible under the regulations of a home occupation, to the agreement of other Committee members.

On a motion by Committee Member Brown and seconded by Committee Member Kelly, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Committee does hereby **RECOMMEND** that Case No. 16AMEND1001, Text Amendments to LDC Section 4.2.51, proceed to a public hearing of the Louisville Metro Planning Commission on June 2, 2016, with a recommendation to deny based on the reasoning that there is no difference between a contractor's shop and a landscaper's shop and that the home occupation regulations sufficiently provide an avenue for a small scale landscaping contractor to operate in a residential area.

**MINUTES OF THE MEETING
OF THE
PLANNING COMMITTEE**

April 28, 2016

The vote was as follows:

YES: Committee Members Blake, Brown, Carlson, Kavanaugh, Kelly and Kirchdorfer.

NO: No one.

NOT PRESENT: Committee Members Howard and Tomes.

ABSTAINING: No one.

Case No. 16AMEND1004

Text Amendment to LDC Section 4.1.6 Operating Hours

Brian Mabry, Planning Coordinator, presented an overview of the request to amend LDC Section 4.1.6 regarding applicability of Section 4.1.6. In January 2016, a Director's Interpretation on the Section was upheld on appeal to the Board of Zoning Adjustment. The Planning Commission approved a resolution requesting Staff to draft an amendment to this Section in February 2016. The purpose of the proposed amendment is to have the language of Section 4.1.6 more closely align with the upheld interpretation.

Mr. Mabry presented the following proposed amendments: organize the existing language into Applicability and Restrictions; better delineate "uses" from "activities" so that it is clear that the restrictions apply to part of the property, not the entire site; clarify what is meant by "residential districts;" combine "Any solely residential use" and "Any mixed use development that contains residential uses" into "Any property that contains a residential use;" and provide a more clear method for measuring where the Hours of Operation restrictions apply on a property, specifically, that it is an inward measurement into the property, not an outward measurement.

Committee Member Kelly expressed concern that the 100-foot separation requirement was not sufficient for residential protection. Audience member Steve Porter concurred, emphasizing that in the separation requirement were increased it would be eligible for a variance on a case-by-case basis.

Committee Member Kavanaugh asserted that the Committee is meeting to discuss changes to how the standards of Section 4.1.6 apply to a property, not the standards themselves.

**MINUTES OF THE MEETING
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April 28, 2016

Committee Member Carlson asked about the Noise Ordinance and discussion followed.

Committee Member Blake made a motion to recommend approval of Case No. 16AMEND1004 to the Planning Commission based on the Staff Report and testimony heard today. The motion was seconded by Committee Member Carlson.

Committee Member Kelly proposed an amendment to the motion to recommend that the Planning Commission instruct Staff to further investigate changing the currently existing 100-foot separation requirement in Section 4.1.6.

Committee Member Blake did not accept the amendment, saying that Committee Member Kelly should make a second, separate, motion requesting Staff to investigate changing the 100-foot separation requirement.

On a motion by Committee Member Blake and seconded by Committee Member Carlson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Committee does hereby **RECOMMEND** that Case No. 16AMEND1004, Text Amendments to LDC Section 4.1.6, proceed to a public hearing of the Louisville Metro Planning Commission on June 2, 2016, with an recommendation to approve.

The vote was as follows:

YES: Committee Members Blake, Brown, Carlson, Kavanaugh and Kirchdorfer.

NO: No one.

NOT PRESENT: Committee Members Howard and Tomes.

ABSTAINING: Committee Member Kelly.

On a motion by Committee Member Kelly and seconded by Committee Member Carlson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Committee does hereby **RECOMMEND** that the Planning Commission instruct Staff to further investigate changing the currently existing 100-foot separation requirement in Section 4.1.6 and to report back to the Planning Committee.

**MINUTES OF THE MEETING
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April 28, 2016

The vote was as follows:

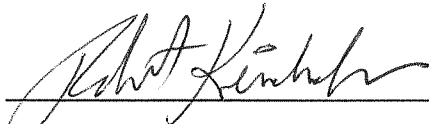
YES: Committee Members Blake, Brown, Carlson, Kavanaugh, Kelly and Kirchdorfer.

NO: No one.

NOT PRESENT: Committee Members Howard and Tomes.

ABSTAINING: No one.

The meeting was adjourned at 12:48 p.m.

A handwritten signature in cursive script, appearing to read "Robert Kirchdorfer", written over a horizontal line.

Chairman

A handwritten signature in cursive script, appearing to read "L. S.", written over a horizontal line.

Division Director