

Planning Commission

Meeting Minutes

**March 14, 2024
Electronic Meeting
6:30 PM**

Call to Order – Chairperson **Brauneis** called the meeting to order at 6:30 PM.

Roll Call was taken, and the following members were present:

Commission Members Present: Steve Brauneis, Chair
Jeff Moline, Vice Chair
Debra Baskett, Secretary
David Bangs
Cullen Choi
Jennifer Hunt
Jonathan Mihaly

Staff Members Present: Rob Zuccaro, Community Development
Director
Jeff Hirt, Planning Manager
Matt Post, Senior Planner
Ben Jackson, Planning Clerk

APPROVAL OF AGENDA

Motion to approve the agenda was moved by **Baskett** and seconded by **Mihaly**. The motion was adopted by a vote of 7 to 0.

APPROVAL OF MINUTES

Mihaly noted that there was an error in the February 2024 minutes regarding the size of a building expansion where electric vehicle charging infrastructure would be required. He asked that this error be corrected.

Motion to approve the February 2024 minutes with the proposed correction was moved by **Hunt** and seconded by **Moline**. The motion was adopted by a vote of 7 to 0.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Don Parcher, resident, asked that Commission consider climate change and the loss of biodiversity in their decision-making. He also emphasized the cost human civilization had caused to the planet.

PUBLIC HEARING ITEMS – NEW BUSINESS

- a) **Expedited PUD** - Resolution 2, Series 2024 recommending to the City Council approval of an ordinance amending Title 16 and Title 17 of the Louisville Municipal Code to revise the expedited PUD process, minor subdivision procedures, and subdivision definitions.

Staff Presentation:

Post introduced the presentation for the expedited PUD process proposal. He said that this was a follow-up to the expedited PUD process resolution from December 2023. Staff determined that additional updates were needed to minimize conflicts within the code, and to further expand the number of projects that would be eligible. He recapped what a PUD was, what projects needed a PUD, and why these changes were being recommended. He said that most PUD proposals could be adequately assessed with just the final PUD and plat process, that a preliminary hearing was not necessary, and that final PUDs still would require public hearings before Planning Commission and City Council under the proposal. He then explained the changes that were proposed.

Staff Recommendation:

Staff recommended approval of Resolution 2, Series 2024.

Commissioner Questions of Staff:

Bangs asked about how onerous it was for staff to prepare for the multiple hearings, and whether there would typically be significant changes to applications between the two.

Post said that there is an administrative challenge for staff with the four public hearings involved with preliminary and final PUDs, particularly given the public notice requirements. He noted that it added several months to the process. There is typically few changes between an application at the preliminary and final hearing stages. He also noted that this proposal would be a significant change, as far more projects would then become eligible for going straight to final PUD.

Zuccaro added that the current process for planning documentation was largely a “rubber stamping” in the time between preliminary and final hearings. He said that the main difference between the two stages for plats was to the construction documentation for public infrastructure. He noted that applicants could still choose to go through the preliminary process, but that they would no longer be required to.

Bangs said that his takeaway from this was that applicants would need to be better prepared.

Zuccaro suggested that applications well aligned with City policy would be more inclined to utilize the proposed expedited PUD process, whilst those with a lot of waiver requests would be more likely to stick with the current process of preliminary and final.

Bangs asked to clarify whether applicants would get to choose which process they followed.

Zuccaro said yes.

Baskett asked whether staff had worked out where the 7 acre threshold originated.

Post said that staff looked into it and it is unclear where it came from.

Baskett asked whether it could have been relevant to some other measure.

Post suggested that a 7 acre site would likely require more investment into infrastructure, and that it could therefore have been logical to require them to use the preliminary process. He noted that this was speculation, however.

Mihaly asked how many applications the proposed expedited process would have applied to in the last 5 years.

Zuccaro said that the proposed amendments would align the code with how the planning staff had been operating for some projects. It would help staff have clearer conversations with applicants, would reduce their workload, and would help to create a clearer path for applicants.

Mihaly asked whether staff had considered changing the 7 acre threshold. He also asked what kinds of commercial developments would qualify.

Zuccaro said that there had been very few developments over 7 acres in the past decade, and that the only one he could recall was the Redtail Ridge development. He suggested that big box stores may have been the target of the requirement as they would have a greater impact on the City.

Hunt asked whether the primary benefit of the proposal was likely to be developers or the City.

Post said that the main beneficiary would be the City as it would allow them to promote the right kind of development. Staff can adequately evaluate many projects without the preliminary process. He added that it would also be beneficial to applicants, as it would necessitate that they ensure their proposals were complete and had enough supporting documentation to be able to advance to final PUD.

Hunt noted that applicants could still elect to go through the preliminary process as well.

Post confirmed this.

Zuccaro said that there would be pros and cons for applicants to go through the expedited application process. He suggested that an applicant going through the expedited process may be more reluctant to accept changes proposed by the Planning Commission or City Council.

Hunt asked whether the City Attorney had checked the proposal for any unintended consequences.

Post said no, but noted that it had been reviewed by staff as it relates to potential unintended consequences.

Choi asked how the term “material changes” was being defined in the proposal, and how the director would determine whether there would be a material change to a degree that going straight to final PUD would be acceptable under the proposed code changes.

Zuccaro said that the term “material changes” had been removed from the PUD amendment, but that it remained in the plat amendment so it is existing language in the code.

Post said that the draft Choi was reading may have been out of date, as they had intended to remove all language referring to density, lots, extent, and location.

Zuccaro added that they had intended to remove the language referring to density as it was not relevant to subdivisions. Staff had discussed whether it would be necessary to define material change, but the consensus was that they would be comfortable applying the code as written.

Choi asked whether there would be a staff review and recommendation as to whether a project was eligible for the expedited process before the applicant could be provided the expedited option.

Zuccaro said that this would likely come up during a pre-application review with the applicant.

Brauneis asked whether the language as proposed was appropriate, or if a condition would be necessary.

Post said that the draft ordinance was to update the minor subdivision threshold language, and that these changes were intended to be mirrored in the expedited PUD section. As a result, a condition would be necessary to remove “extent”, “location”, and “or” from § 17.28.250 B (3) of the proposed ordinance.

Moline asked to clarify the condition Post proposed.

Post clarified that staff wanted to remove “extent”, “location”, and “or” from the draft ordinance so that it would align with the language of the minor subdivision procedure that was also to be amended by the ordinance.

Brauneis asked for explanation on the removal of language that referred to covenants that addressed the use and development of properties.

Post deferred to Zuccaro.

Zuccaro said that previously, properties needed to be subject to private covenants to be eligible for the expedited PUD process. He felt that the City should not be involved in overseeing private covenants, and that it was no longer relevant to eligibility for the expedited PUD process.

Public Comment:

Tamar Krantz, resident, had some concerns about the proposal. She said that she liked the goal of the proposal, but wondered whether it was necessary given that the City Attorney had said that both the preliminary and final hearings could be conducted at the same time. She was also concerned that some information could be lost as the

requirements for the preliminary and final PUD processes were different. She added that there would be less opportunity for public engagement, and less opportunity for developers to take on feedback from the community. She suggested that waiver requests should bar applicants from utilizing the expedited process. She also felt that there needed to be a clear definition of “material”, as there would otherwise be too much decision-making authority given to the planning director.

Cathern Smith, resident, wanted to ensure that the Commission understood the potential consequences of the proposed changes to § 17.28.250 B. She also wanted a clearer definition of “material”, and asked whether notice would be voided by last minute changes to the proposed ordinance.

Staff Closing Statement:

Post added that the requirements for the final plat process built on the requirements for the preliminary one, and that the requirements for the preliminary process would still apply to the final plat, even if the preliminary process was waived. He also noted that the City had adopted a concept plan process, which would provide for more public engagement opportunities for larger developments.

Zuccaro added that the proposed ordinance was mainly about PUDs, and that the preliminary and final plat regulations would still apply. The changes would only be applicable to properties that had already been subdivided.

Discussion by Commissioners:

Choi felt that reducing duplicative steps was good for the City and was in support of streamlining this process. He appreciated that there were off-ramps from this mechanism, and that staff could still require applicant go into the preliminary process. He was in support of the ordinance with the proposed condition.

Baskett was in support of the proposed revisions to the ordinance and noted that there had been lots of discussion about reducing burdensome regulation and helping the City to be more business friendly. She added that she trusted the judgment of staff and was in support of the proposal.

Bangs said that he was in support. He trusted that the planning director would be sensitive to public comments and would deny an expedited process if they felt there was a need for extra public hearings. He asked whether the amendments to the proposal would require re-noticing.

Zuccaro said that the amendments to the proposed ordinance would not require re-noticing, though the Commission could choose to request this.

Bangs asked to confirm that Zuccaro could choose to deny an applicant the option of the expedited process.

Zuccaro clarified that this would only be the case if there were changes to the plat, and that there would not be an override if it complied with the code.

Zuccaro added that other cities give the planning director broader authority to decide on cases like this, however staff wanted there to be more predictability in the code.

Bangs also noted that former Mayor Maloney was still listed on the proposed ordinance, and that this would need to be changed.

Hunt said that she was also in support, as she thought it would help to lessen the burden on staff and to eliminate redundancy.

Mihaly said that he was in support. He felt that there would still be enough opportunity for public engagement, and that the proposal still had sufficient checks and balances in place.

Moline said that he was in support, and that he was comfortable things would not be missed in the streamlined process.

Brauneis noted that the things that tended to come up in a final review were the things that were only required for a final review, and that the Commission would therefore not miss any important information. He was in support of the proposal.

Hunt moved to approve Resolution 2, Series 2024, with the condition that the words “extent”, “location”, and “or” be removed from § 17.28.250 B (3). This was seconded by **Moline**. The motion was adopted by a vote of 7 to 0.

b) **Comprehensive Plan Discussion** – project update, vision and values discussion

Staff Presentation:

Hirt introduced the discussion on the Comprehensive Plan.

Allison Cotey and **Jessica Garrow**, Design Workshop, presented an update on the Comprehensive Plan process. They covered what was and was not included in the plan, and the branding that was to be used for the plan. The focus for this discussion was to be on “Vision and Values” for the Comprehensive Plan. They asked the Commissioners how they had used previous Comprehensive Plans, and what they would like to see from the new one.

Commissioner Discussion:

Moline said that he had used the previous plan to help evaluate land use proposals, and found it useful as a way to be reminded of what people valued in Louisville.

Brauneis noted that one challenge from previous plans was that much of the language was aspirational, making it harder to use as a determining factor.

Choi said that he had previously used the plan to provide overall context to where the City was at that point and has applied that to his decision-making on applications before the Planning Commission. He also used it to identify what had changed in the City over time, and what parts of the plan were no longer relevant.

Cotey asked what parts of the last plan Choi felt were no longer relevant.

Choi said that there were sections on special districts and neighborhood development which had not come up in his time on the Commission.

Brauneis suggested that Choi may have been referring to a former idea to have small area plans, though this was never implemented.

Choi confirmed that this is what he was referring to.

Hunt said that as a relatively new member of the Commission, she had not yet used it.

Bangs said that he had some concern about the potential overrepresentation of a vocal minority in public comments, and that he wanted to see the Comprehensive Plan survey be as balanced as possible.

Mihaly said that he appreciated the use of aspirational language, but that he wanted the focus to be on actionability. He wanted to know how the focus groups were organized, and how their memberships were selected.

Cotey said that the focus groups were topically based and were composed of experts on the relevant subject matter.

Mihaly asked whether they were tracking the number of responses for the survey.

Cotey said that they were.

Baskett wondered if there was a way to reflect the varying viewpoints in the community in the plan.

Mihaly suggested that they should try to identify ways that they could address issues around housing whilst still preserving the character of the community.

Moline would like to see the plan give some guidance on how to balance the different values of the community. He also spoke of the importance of the plan being actionable.

Hunt thought that the City's vision and values from the last plan were still largely accurate.

Cotey asked the Commissioners if there were any values from the last plan that did not resonate with them.

Hunt said that they all resonated with her. What stood out to her, though, was that the way those values were attained had changed. This was particularly the case with the notable decline in affordability.

Brauneis said that he agreed.

Choi said that all the previous plan's values were important to him. He said that he would also add things like sustainable growth. He also noted that there had been significant changes to City services over the last decade.

Bangs said that he agreed with the comments from other Commissioners and highlighted the importance of trying to strike a balance between the different values. He also suggested that housing affordability should be its own point rather than being nested under families and individuals.

Mihaly said that the plan needed to address what "small town character" actually meant, and how residents would define it.

Hunt agreed.

Baskett thought that the plan should answer the question of how much Louisville can grow whilst still retaining its small town character. She also thought there needed to be some consideration of how the plan could facilitate diversity, equity, and inclusion.

Public Comment:

Tamar Krantz, resident, said that she had a problem with the focus group summary, as she was concerned that it will diminish the voices of those that believe that the rate of growth in Louisville should be limited. She spoke to the importance of having a statistically valid survey.

Cathern Smith, resident, said that she wanted to see open space and parks higher up on the list of the City's values. She also thought that one of the most important challenges facing the City was the revitalization of the McCaslin and South Boulder Road corridors.

PLANNING COMMISSION COMMENTS

None were heard.

STAFF COMMENTS

None were heard.

ADJOURNMENT

Motion to adjourn was moved by **Moline**, seconded by **Choi**, and adopted by voice vote.

The Commission adjourned at 8:42pm.