

# ***City Council***

## ***Special Meeting Minutes***

**June 12, 2018**  
**City Hall, Council Chambers**  
**749 Main Street**  
**7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

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

***City Council:***            ***Mayor Robert Muckle***  
                                  ***Mayor Pro Tem Jeff Lipton***  
                                  ***Councilmember Chris Leh***  
                                  ***Councilmember Susan Loo***  
                                  ***Councilmember Dennis Maloney***  
                                  ***Councilmember Ashley Stolzmann***

***Absent***                    ***Councilmember Jay Keany***

***Staff Present:***        ***Heather Balsler, City Manager***  
                                  ***Megan Davis, Deputy City Manager***  
                                  ***Rob Zuccaro, Planning & Building Safety Director***  
                                  ***Kristin Dean, Principal Planner***  
                                  ***Aaron DeJong, Economic Development Director***  
                                  ***Meredyth Muth, City Clerk***

***Planning***  
***Commission:***        ***Steve Brauneis***  
                                  ***Dietrich Hoefner***  
                                  ***Keaton Howe***  
                                  ***Jeff Moline***  
                                  ***Tom Rice***  
                                  ***Debra Williams***

***Absent:***                ***David Hsu***

### **DISCUSSION/DIRECTION – UPDATE ON COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS AND SIGN CODE PROJECT AND POLICY GUIDANCE**

Planner Dean stated the City is currently updating the Commercial and Industrial Development Design Standards and Guidelines (CDDSG and IDDSG) and the sign

regulations. Staff is not looking for conclusions tonight, but rather input on specific height issues in the South Boulder Road and McCaslin Boulevard areas.

Dean reviewed the history of the project including the creation of a focus group and public meetings. Staff is now in the information gathering and analysis stage and will be seeking more public input.

The documents are 20 years old, some conflict with other documents, and need to be updated. Staff hopes to bring the vision of the Comprehensive Plan into these new documents and create a vision for the next 20 years. From this meeting, the key elements on which staff requests City Council input are:

1. Confirming the height policies as set forth in various plans.
2. Translating the number of stories to the appropriate heights allowed.
3. Setting or confirming policies and processes to achieve the heights which are found to be appropriate in different areas, such as allowing the heights by right, by Special Review Use, and/or by waiver request.

Where the plans envision three-story buildings, we want to define the ideal height for those buildings. The current documents mostly limit three-story buildings to 35 feet and it is hard to fit three stories into 35 feet. Staff would like clarity on height vs. stories in the South Boulder Road and McCaslin Boulevard areas.

Dean noted many of the city's policies (Small Area Plans, Comprehensive Plan, and design guidelines) have conflicts depending on what part of the city is being addressed. The final document should articulate where it is appropriate to have three-story buildings, what is the appropriate height for a three-story building, and what process should be used to allow such buildings.

Dean noted that in the South Boulder Road Small Area Plan some areas have one or two-story buildings as a use by right and others have two or three stories allowed by Special Review Use. She noted the Louisville Municipal Code (LMC) and the CDDSG don't align with the Small Area Plan requirement for a Special Review Use process. Requiring a Special Review Use process for a development standard such as building height is somewhat unusual.

Dean reviewed how the various plans conflict in the McCaslin Boulevard Small Area Plan. Use by right can have two stories or three stories in some areas. She noted that again the LMC, the CDDSG, and the Small Area Plan conflict. Staff would like input for the McCaslin Boulevard Small Area Plan if Council would like two stories at the street and allow three stories set farther back.

Dean stated industry standards for the most part couldn't fit three stories within 35 feet. She reviewed what a taller building would look like with various levels of articulation and buildings with various height elevations. The real estate market really is looking for taller

first floors at 14-15 feet. Office tenants also want taller ceilings and need space for duct work so developers need adequate space and height to attract tenants. Dean stated we have the ability to make sure the design of taller buildings gives us a nice aesthetic. Staff can look at a range of heights that allow for three-story buildings adding we likely want a mix of two and three-story buildings in these areas.

Questions for Council for feedback tonight:

1. Is Council supportive of the heights envisioned by the South Boulder Road Small Area Plan and McCaslin Small Area Plan Height Plans?
2. Should a Special Review Use be required for two and three story buildings where specified under the South Boulder Road Small Area Plan or should more consistency in process be provided between commercial areas?
3. For properties zoned AO and within the South Boulder Road Small Area Plan, should a Code Amendment also be processed which would allow for taller buildings in accordance with the vision set forth in the Building Height Plan?
4. For the properties zoned BO in the McCaslin Blvd. Small Area Plan, should 40-foot tall buildings continue to be permitted where the height plan limits buildings to a maximum of 2-stories?
5. Should the maximum height permitted for three-stories be increased from 35 feet to 45 feet, including parapets or to some other specific height standard?
6. Where increased height is permitted, should additional architectural standards such as setbacks on the third level or additional architectural features be required?

Mayor Muckle stated that in general he is satisfied with the building stories as envisioned in the Comprehensive Plan; we don't need to revisit or amend the Comprehensive Plan but we need to clarify the heights.

Councilmember Stolzmann stated that the thought was the Small Area Plan process would lead to other changes we need to make. She asked if this is that step in the process. Dean stated yes, this is the way to take advisory policies and potentially put them into regulatory policies. Director Zuccaro stated this is the chance to align the different documents and decide what processes to put in place.

#### Public Comments

Jeff Sheets, Koebel and Company, stated it is important to make a three story building achievable; give enough height to reach three stories. He stated builders need 14-15 feet for each story. He asked for practical rules that make it achievable. He added that requiring the Special Review Use process for a development can make it hard to get tenants.

Mayor Muckle stated he supports allowing heights that support the number of stories we allow in those locations. He would like a recommendation from staff on when or if the Special Review Use process is needed. He stated it is a good idea to align the vision

documents with the regulatory documents. He likes requiring articulation and set backs on buildings that front streets in some areas.

Mayor Pro Tem Lipton stated the design guidelines have never fully addressed height and what 35 feet will actually get you. He noted building practices have changed a lot since the guidelines were written. All three-story buildings now need more vertical space. If we want attractive three-story buildings we need more flexibility in the height. He asked what tools the City needs to make sure we get proper aesthetics. He noted the tools we have can influence the design by not allowing use by right. He wants to enforce good, innovative, and creative architecture if we allow taller building heights.

Director Zuccaro stated the goal is to have more enforceable standards in the policies; we want to quantify the rules so applicants know what regulations they have to meet. We want everyone to know three stories is not limited to 35 feet any more.

Regarding process, Zuccaro stated the Special Review Use was designed to address uses not design and it is likely not appropriate for standards that are not use related. He stated waivers create a lack of predictability for the developers but can be good when it allows the City to ask for higher quality development to justify the waiver. Use by right regulations give predictability in the process but give staff little ability to negotiate on community character in the process. One option is to align the underlying zoning to allow a maximum height to facilitate a three-story building but have other design requirements if the building goes above a certain height.

Councilmember Maloney stated that when the South Boulder Road Small Area Plan discussed stories it didn't include height, but rather discussed transition zones. We need help in the transition zones so they are the right height for the transition area with respect to the neighbors. He stated he would also like some architectural articulation in the transition zones. He asked how do we build something that adds to the community character and not distract from it. The intention in these areas needs to be defined better; the more processes we can define in the rules that don't need a Special Review Use the better.

Councilmember Stolzmann stated the intent in the South Boulder Road Small Area Plan was to have transition zones with height buffers next to the residential areas. It was intentional to have lower heights next to the road and the residential areas. Mayor Muckle agreed that was the intent at the time.

Director Zuccaro stated the policy intent will be clarified in the new draft and should include height limitation in the transition zones.

Mayor Pro Tem Lipton asked if the heights we are contemplating would allow for additional height for the mechanical systems on top of a building. Dean stated the current regulations allow for additional heights for the parapets to shield mechanical

systems. We can require the architecture keep the mechanical systems from view for commercial buildings.

Mayor Muckle brought up the questions individually:

1. Is Council supportive of the heights envisioned by the South Boulder Road Small Area Plan and McCaslin Small Area Plan Height Plans?

Mayor Muckle stated the general consensus tonight was that the Council wants to allow enough height to get three stories.

2. Should a Special Review Use be required for two and three story buildings where specified under the South Boulder Road Small Area Plan or should more consistency in process be provided between commercial areas?

Council is willing have staff draft recommendations on what processes to use in what locations.

Mayor Pro Tem Lipton would like to see as much certainty baked in the process as possible to reduce risk and uncertainty.

3. For properties zoned AO and within the South Boulder Road Small Area Plan, should a Code Amendment also be processed which would allow for taller buildings in accordance with the vision set forth in the Building Height Plan?

Council asked staff to draft recommendations for Council to consider.

4. For the properties zoned BO in the McCaslin Blvd. Small Area Plan, should 40-foot tall buildings continue to be permitted where the height plan limits buildings to a maximum of 2-stories?

Councilmember Stolzmann stated we should treat these areas similarly to surrounding properties with similar rules. Mayor Muckle agreed.

Mayor Pro Tem Lipton stated there is a lot of elevation variation in the McCaslin Boulevard area that should be considered in the guidelines.

5. Should the maximum height permitted for three-stories be increased from 35 feet to 45 feet, including parapets or to some other specific height standard?
6. Where increased height is permitted, should additional architectural standards such as setbacks on the third level or additional architectural features be required?

Staff stated they got enough input on all the questions.

Debra Williams suggested view corridors also be considered in the guidelines. Mayor Muckle stated there is language on this in the Comprehensive Plan.

Councilmember Maloney asked what the downside is to saying yes to #6. Sheets stated that if the standards are arbitrary it is hard to meet the standards; he suggested the standard for three stories should not be arbitrary. Director Zuccaro stated these guidelines will give standards for each specific area. We need to have standards that allow for better three-story design options in different parts of the city.

**ADJOURN**

Members adjourned at 8:14 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk