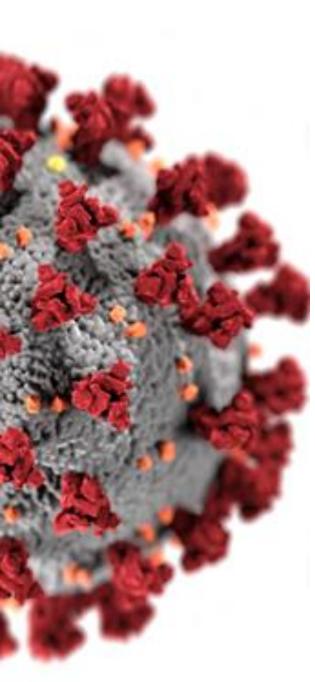
# Louisville Metro Planning & Design Services Virtual Meetings Guide







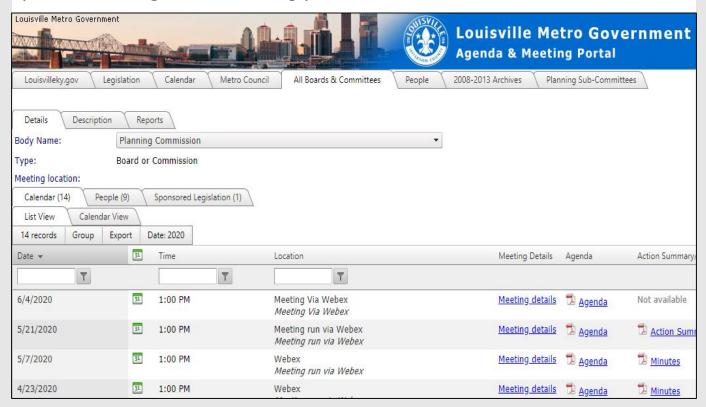
The COVID-19 situation has brought about changes to all facets of our lives. These changes have challenged us to come up with new innovations and procedures to communicate and conduct business with others. This document provides an overview of some of the things Louisville Metro Design Planning & Services implemented to give citizens. applicants, and other members of our community an opportunity to participate in the public process in a safe, that is efficient, manner effective, and equitable.

Thank you to our staff for their hard work, determination, and adaptability to help our department continue to operate during this time.

Emily Liu, Director
Joe Reverman, Assistant Director
Brian Davis, Planning Manager
Joe Haberman, Planning Manager

Louisville Metro Office of Planning and Design Services (PDS) is responsible for administering the policies, programs and regulations that guide Metro's development. Responsibilities development plan review, oversight of design overlays and historic preservation programs, and maintenance and monitoring compliance with the Land Development Code. PDS is part of Forward, Louisville the citv's economic community and development arm.

PDS staff is also tasked with advising the Planning Commission, Board of Zoning Adjustment, Historic Landmarks and Preservation Districts Commission, and Design Overlay Committees on decisions affecting the built environment. Our staff coordinates more than 20 public hearings and meeting per month.



Check out all the Louisville Metro meeting information at www.louisville.legistar.com

When the State of Emergency was declared in March 2020, PDS staff immediately identified methods for continuing services for accepting and reviewing applications and conducting public meetings when in-person public meetings where prohibited. On March 30, 2020, Governor Beshear signed Kentucky Senate Bill 150 into law. This law did two very important things in regards to PDS operations: It initiated a pause on all deadlines and timeframes for review mandated by the Kentucky Revised Statutes, but importantly, it allowed public hearings to be conducted virtually so long as they met certain guidelines.



For the latest COVID-19 related information, please visit kycovid19.ky.gov and louisvilleky.gov/covid19

PDS staff has worked with local officials, citizens, applicants, and commission/committee members to develop a policy and standards for conducting virtual public meetings and hearings. The policy helps ensure meetings run as smooth as possible, while giving all residents and applicants an equal opportunity to participate. We invite you to review these standards, which are included in the following pages. If you have any questions or recommendations, please contact Brian Davis at 502-574-5160 or brian.davis@louisvilleky.gov.

Additional information about Planning & Design Services is available at www.louisvilleky.gov/government/planning-design

# Planning Commission Bylaws & Policies Virtual Meetings

Article VI, Section 6 of the Planning Commission Bylaws. Virtual Meetings

- A. From time to time, there may be conditions under which having an in-person meeting would be dangerous, impractical, impossible, or illegal. Under such circumstances, the Planning Commission may allow for virtual meeting, subject to the requirements of this section, and as permitted by state statute.
- B. **Definition.** A virtual meeting is a meeting conducted by the Planning Commission or a committee thereof using electronic audio and video equipment. Commissioners, staff, applicants, and the public may "attend" using home computers, laptops, cell phones, or other devices. A virtual meeting must meet all regular requirements of an in-person meeting, except for the requirement of a physical meeting location and as otherwise modified by this section.
- C. **Security**. In order to protect would-be attendees of a virtual meeting from malware and other electronic security risks, all virtual meetings shall be hosted on software approved by PDS staff in consultation with Metro IT. Any software in use by the Louisville Metro Government shall also be considered presumptively acceptable.
- D. **Effect of return to normalcy**. When the circumstances which justify the use of virtual meetings lapse, whether because the Planning Commission revoking its explicit grant of approval for virtual meetings or other circumstances such as a state of emergency being concluded, any virtual meetings which had been properly noticed to occur with 14 days of such change in circumstances may proceed to be held as virtual meetings, subject to the other conditions of this section.
- E. Outside of conditions described in Section 6, A above, the Planning Commission may hold a virtual meeting to conduct minor business items not involving a public hearing (ex. approval of meeting minutes). A physical location will be designated for these meetings for those who are unable to attend virtually. Such meetings shall be subject to the same notification requirements as special meetings (outlined in Article VI, Section 1, C above).

- The meeting shall be conducted under the recently approved regulations regarding public hearings via video conferencing approved by Kentucky Senate Bill 150 and under the requirements of Kentucky Revised Statute 61.826.
- Case Managers shall work with their Supervisor to determine those cases that can go to a virtual meeting.
- Case Managers shall contact the applicant to determine whether the applicants agree that the selected case can go to a virtual meeting. Confirmation must be in writing from the applicant or applicant representative. Emails are acceptable.
- In addition to written notice approved for virtual meetings mailed 14 days prior to the meetings, staff shall contact applicants to inform them to submit presentations and other additional evidence to the Case Manager at least 8 days (if this falls on a weekend or holiday, then the preceding business day) prior to the virtual meeting. Any information submitted after that time shall not be included in the record of the case. This information will be uploaded to the agenda for public review.
- Case Managers shall complete staff reports and presentations at least 11 days prior to the virtual meeting for the Board of Zoning Adjustment (BOZA) meetings and at least 8 days prior to the virtual meeting for the Planning Commission meetings. The agenda for the meeting shall be published at least 10 days prior to the meeting for BOZA and at least 7 days for Planning Commission meetings.

- In order to meet deadlines, Case Managers are encouraged to conduct site inspections prior to sign postings.
- Case Managers shall work with other staff to ensure that sign postings are completed in accordance with Kentucky Revised Statute 100, the Land Development Code, and BOZA or Planning Commission bylaws and policies.
- Case Managers may accept public comments until the end of the business day the day prior to the scheduled virtual meeting. Any comments submitted after this deadline shall not be included in the public record of the case.
- Case Managers shall attend the virtual meeting but shall not participate unless questioned during the meeting. Case Manager presentations shall be conducted by the applicable team supervisor. Applicant presentations shall be operated by the applicable team supervisor.



- The applicant shall submit materials (PowerPoint presentations, photographs, etc.) to be included as part of the public record and available for presentation during the meeting to the Case Manager no fewer than 7 days in advance of the hearing.
- The applicant or someone who will be speaking on their behalf shall pre-register by completing the Louisville Metro Public Hearing Speaker Request Form available at www.louisvilleky.gov/planning-design/forms/louisville-metroplanning-design-services-public-hearing-speakers-request or with the Case Manager using the contact information listed on notice. Only one speaker for the applicant is permitted per case.
- Applicant presentations are to be brief and to the point.
- Speakers must mute their microphones until called on by the chair.
- The meeting Chair will call the applicant to speak after the Case Manager finishes their presentation and answers any Commissioner questions.
- Anyone who wishes to speak on a particular matter will be required to be sworn in by the Chair prior to speaking.
- The Case Manager will operate the applicant's presentation. The applicant will need to instruct the Case Manager for slide changes.
- All speakers must stay on the audio/video teleconference for the duration of the hearing in case there are any questions regarding their testimony.

#### Virtual Meeting General Information

- On the recommendation of Louisville Metro Public Health & Wellness regarding congregate events and social distancing, several public meetings are being held online.
- All virtual meetings facilitated by the Office of Planning & Design Services shall be conducted under the recently approved regulations regarding public hearings via video conferencing approved by Kentucky Senate Bill 150 and under the requirements of Kentucky Revised Statues Section 61.826.
- All virtual meetings facilitated by the Office of Planning & Design Services shall be done so via Cisco Webex. While an account is not required to participate in a meeting, any person may create an account at <a href="https://www.webex.com">www.webex.com</a>. Creating an account will improve the Webex user's ability to participate. In addition, one can become familiar with Webex and its features in advance of the meeting.
- If you feel that a case should not be acted upon at a virtual meeting, you should inform the Case Manager at Planning & Design as soon as possible by calling 502-574-6230. Be prepared to provide the reasons in which the review of the application should be delayed to a non-virtual meeting. Certain applications that require public hearings may not be acted upon until regular meetings safely resume.
- Case Managers must complete staff reports and presentations over a week prior to virtual meetings. Agendas, staff reports, staff presentations, and applicant documentation can be viewed at <a href="www.louisville.legistar.com">www.louisville.legistar.com</a>. At this time, applications cannot be reviewed in person at our office.
- Citizens can sign up for Metro Government notifications, including those related to virtual meetings, neighborhood meetings, and development proposals, at
  - www.public.govdelivery.com/accounts/KYLOUISVILLE/subscribers/new?preferences=true.

Written Public Comments on Public Hearing Items

- Case Managers may accept public comments until the end of the business day the day prior to the scheduled virtual meeting. Any comments submitted after this deadline shall not be included in the public record of the case as there is inadequate time to forward to the decision makers for review.
- Written comments may be provided by email to the Case Manager or submitted at www.louisvilleky.gov/government/planning-design-servicespublic-comment-form.

Public	Hearing Item Comment Form
application Preservation	his form out if you want to provide written comments regarding a development being decided upon by the Board of Zoning Adjustment, Historic Landmarks & In Districts Commission, or Planning Commission. If you are interested in providing at a public hearing, please fill out the separate speaker's request form for each agenda
	tact the Office of Planning & Design Services at 502–574–6230 if you have any about this form.
questions a	toout this form.
Name *	
First L	ast
Address *	
Street Addre	:55
Address Line	

Watching/Listening to a Virtual Public Meeting

- Any citizen or interested person may view a virtual meeting. You may watch the meeting live or you can view a recording of the meeting afterwards.
- To watch the meeting live, you may do so by joining the Webex meeting.
   Meeting numbers and passwords are available on the agendas and at <a href="https://www.louisvilleky.gov/government/upcoming-public-meetings">www.louisvilleky.gov/government/upcoming-public-meetings</a>.
- Webex is intended for persons that wish to participate in the meeting. If you
  do not intend to actively participate, staff recommends watching the
  livestream at www.louisville.legistar.com.
- Participants should mute their microphones. Anyone may be muted by the Host. Participants in a virtual meeting are not entitled to speak at any time and must be recognized by the Chair before speaking. If a person has a question, he or she should use the chat function, which is monitored by the Host.
- Participants should be mindful of their surroundings when using the video function. Staff recommends turning the video function off for matters and applications in which you are not interested in participating.
- Participants must be courteous and respectful to their fellow citizens. Staff reserves the right to remove any participant from the meeting that is not following the rules or being a distraction.
- If you do not have access to a computer, internet service, or prefer to listen via phone, you may listen to the meeting live by phone.
- The phone number, meeting numbers, and passwords are available on the agendas and at <a href="www.louisvilleky.gov/government/upcoming-public-meetings">www.louisvilleky.gov/government/upcoming-public-meetings</a>.

Watching/Listening to a Virtual Public Meeting (Cont.)

- Participants should mute their phones. Anyone may be muted by the Host.
   Participants in a virtual meeting are not entitled to speak at any time and must be recognized by the Chair before speaking.
- If you do not want to, or cannot, participate via Webex or by phone, the
  meeting is livestreamed at <a href="www.louisville.legistar.com">www.louisville.legistar.com</a>. However, please
  note that you cannot participate via the livestream as this website is not
  interactive. There also may be a slight delay in the video (usually a couple
  minutes).
- If interested in watching a past meeting, online or otherwise, most public meetings are recorded. Video recordings are available at <a href="https://www.louisville.legistar.com">www.louisville.legistar.com</a>. If video is not available, an audio recording and/or or meeting meetings may be available.
- If you cannot participate online or by phone, you may view the meeting at 444 S. 5th St. Participants and residents are strongly encouraged to join the meeting virtually. However, to accommodate those with limited technology access, people can also view and participate in the meeting in the first floor conference room. Social distancing requirements must be observed.

#### Speaking at a Virtual Public Meeting

- In order to better facilitate the virtual meeting, staff requests that speakers fill out their speaker forms in advance of the meeting. If you do not fill out a speaker form in advance, there are two ways to sign up to speak.
  - 1. If you are participating via Webex, you may use the chat function. Please provide your name, the case number, and whether or not you are in support, opposition, or neutral to the application.
  - 2. If you are participating by phone or cannot use the chat function, you may fill out the speakers form available at <a href="https://www.louisvilleky.gov/planning-design/forms/louisville-metro-planning-design-services-public-hearing-speakers-request">www.louisvilleky.gov/planning-design/forms/louisville-metro-planning-design-services-public-hearing-speakers-request</a>.
- All speakers, including applicants, must fill out speaker forms. Please fill
  out a form if there is a chance that you will speak.
- It is strongly preferred that all speakers participate via Webex and show video of themselves while they speak. It is difficult to identify participants that call in to the virtual meeting via phone.
- If you are interested in providing testimony for multiple cases, please fill out a separate form for each agenda item.
- Participants must identify themselves each time before speaking.
- If someone plans on speaking, staff recommends that they log in advance of the meeting to test their capabilities and familiarize themselves with Webex.

Speaking at a Virtual Public Meeting (Cont.)

- The time for presentation of testimony may be limited. Please avoid repeating any prior statements. Reading statements on behalf of someone else is not permissible unless approved by the Chair in advance.
- While all representatives may respond to questions and testify if necessary, applicants should designate a single spokesperson for the application. This spokesperson will present the case and be the recipient of questions from the Board and members of the public.
- Applicants must provide any presentation to the Case Manager at least 10 days in advance of the hearing. This presentation will be uploaded to <a href="https://www.louisville.legistar.com">www.louisville.legistar.com</a> and available to the public to review. Changes to the presentation are not permitted as not all meeting participants may be participating in the Webex video meeting and may not be able to see the revised presentation or plan. Any information submitted after that time shall not be included in the record of the case.

Pleas	fill this form out if you intend to speak a	at an upcoming Board of Zoning Adjustment,
		ission, or Planning Commission public hearing Services at 502–574–6230 if you have any
questio	s about this form. If you are interested in	providing testimony for multiple cases, pleas
fill out a	separate form for each agenda item. Age	ndas may be reviewed at louisville.legistar.con
		limit the time for presentation of testimony. ding statements on behalf of someone else is
110000		
	not permissible unless approv	-
	not permissible unless approv	-
Speaker	not permissible unless approv	-
•	not permissible unless approv	-
First	not permissible unless approv  Name *  Last	-
Speaker First Speaker	not permissible unless approv	-
First	not permissible unless approv  Name *  Last	-

#### **Neighborhood meetings**

Neighborhood meetings are an important part of the development review process. These meetings give adjoining property owners and interested citizens an opportunity to learn about a development and open the door to conversations between them and the applicants. Many potential problems and concerns can be handled prior to public hearings. The applicant must complete a neighborhood meeting prior to submitting a formal application for the following types of applications: Zoning Map Amendment, Conditional Use Permit, and Subdivisions.

You can sign up to receive notifications about development applications in your area by going to wwww.public.govdelivery.com/accounts/KYLOUISVILLE/s ubscribers/new?preferences=true

With the ban on public gatherings, these types of meetings were prohibited, resulting in a pause in development. Planning & Design Services worked with local officials, residents, applicants, and commission/committee members to develop guidelines for conducting virtual neighborhood meetings. These meetings will provide a safe alternative for anyone wanting to learn about a development project. The following pages include the amendments to the bylaws and policies, which were adopted by the Planning Commission and approved by Metro Council. The Board of Zoning Adjustment and Appeals Board mimics these requirements.

Planning Commission Policy 3.05.05 Virtual Neighborhood Meetings

- (1) **Definition**. A virtual neighborhood meeting is a neighborhood meeting conducted via electronic audio and video equipment by an applicant in which residents may 'attend' using home computers, laptops, cell phones, or other devices. A virtual neighborhood meeting must meet all regular requirements of an in-person neighborhood meeting, except for the requirement of a physical meeting location and as otherwise modified by this section. (NOTE: A physical meeting location may be provided by the applicant in addition to the virtual neighborhood meeting if conditions permit in-person meetings.)
- (2) Virtual neighborhood meetings may be conducted in lieu of regular neighborhood meetings upon explicit permission of the Planning Commission during periods in which in-person neighborhood meetings are prohibited or discouraged by a State of Emergency declared either by the Governor or Mayor. Applicants may conduct a virtual neighborhood meeting to satisfy the neighborhood meeting requirements of the Land Development Code. Each virtual neighborhood meeting must be preapproved by the Planning Director. A written request to the Planning Director shall be provided by the applicant. The request shall detail methods of notification, proposed information and proposed virtual platform.
- (3) **Security**. In order to protect would-be attendees of a virtual neighborhood meeting from malware and other electronic security risks, all virtual neighborhood meetings shall be hosted on platform approved by the Planning Director in consultation with Metro IT. Any platform in use by the Louisville Metro Government shall be considered acceptable.

- 4) **Primary Enhanced Notice.** Methods of notices must be approved by the Planning Director. The Primary Enhanced Notice shall be required for virtual neighborhood meetings and sent to all required parties at least fourteen (14) days in advance of the scheduled meeting date. The Primary Enhanced Notice shall be approved by the Planning Director or their designee prior to being mailed and shall include, but not be limited to, the following:
- (a) A detailed summary of the proposal, including but not limited to the following depending on relevancy with the proposal:
- Present and proposed zoning/form districts, land uses, patterns and lot counts
- Proposed building heights and setbacks
- Proposed landscaping, screening and buffering
- Sanitary sewer availability
- Stormwater management plans
- · Road and access modifications
- (b) A color copy of the proposed development plan/subdivision plan with a minimum size of 8 1/2"x11".
- (c) A LOJIC map showing the location of the proposal
- (d) Contact information for the applicant and associated professionals (attorneys, engineers, etc.), including but not limited to designating a person as a primary point of contact, a phone number and email address, for any questions or comments. Notice shall also include a physical address to which written comments may be mailed and incorporated into the meeting record. A resident who has received the notice by mail can request an in-person meeting, if conditions permit, due to lack of access to the technology needed to attend the virtual meeting.

- (e) Case number (if there is one) and contact information, including but not limited to a phone number and email address for the Planning & Design Services Case Manager or supervisor.
- (f) Information on how to obtain case information online from Louisville Metro Planning & Design's online customer service portal.
- (g) The After the Neighborhood Meeting flier produced by Louisville Metro Planning & Design.
- (5) **Secondary Notice**. A second notice shall be sent to all required parties at least 7 days prior to the scheduled meeting date. The Secondary Notice shall include the date, time, physical location (if applicable) and information on how to connect to the virtual neighborhood meeting, as well as contact information for the applicant and associated professionals as described in the Primary Notice requirements.

#### NOTIFICATION OF VIRTUAL NEIGHBORHOOD MEETING

Date Sent: June 1, 2020

To: Adjoining Property Owners, Neighborhood Group Representatives expressing

interest in this area and Metro Councilwoman Madonna Flood (District 24).

From: Manslick Development, LLC

Re: Major Preliminary Subdivision for the property at 5704 E. Manslick Road

In accordance with the procedures of Louisville Metro Planning and Design Services, we are inviting you to discuss this proposal before an application can be filed. This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with the developer and his representatives. This meeting will be held in addition to the established public meeting procedures of the Planning Commission. At this meeting, the developer's representatives will explain the proposal and then discuss any concerns you have. We encourage you to virtually attend this meeting and to share your thoughts.

Due to current social distancing guidelines in place throughout the state, this meeting will be held virtually via GoToMeeting. Please join us on-line on:

June 15, 2020 at 6:00 PM.

- (6) **Increased feedback**. Applicants who choose to host virtual neighborhood meetings shall:
- (a) Include in its summary a transcript of any typed communication located in the chat associated with the virtual neighborhood meeting and written comments received before, during and after the meeting.
- (b) Direct attendees of their virtual neighborhood meeting to Louisville Metro Planning and Design Services should attendees wish to submit comments directly to Planning Commission.
- (c) Submit a digital recording of the virtual neighborhood meeting to the Louisville Metro Planning and Design Services with application submittal.
- (7) **Effect of virtual neighborhood meeting**. An applicant who hosts a virtual neighborhood meeting which satisfies all requirements of this section may proceed with filing its formal application.
- (8) **Second neighborhood meeting**. The Planning Commission reserves the right to require any applicant who chooses to hold a virtual neighborhood meeting to hold a second, in-person neighborhood meeting before the Planning Commission makes its final decision on the application provided conditions permit such a meeting. Such a meeting may be required either by a vote of the body or upon request by Planning and Design Services staff. Reasons for such a requirement may include, but are not limited to:
- (a) The conditions justifying the virtual neighborhood meeting may have also negatively impacted its attendance
- (b) Testimony from those noticed of the virtual neighborhood meeting that they were unable to participate due to technological limitations
- (c) Any other reason under which the Planning Commission may regularly require an applicant to conduct an additional neighborhood meeting

(9) Effect of return to normalcy. When the circumstances which justify the exclusive use of virtual neighborhood meetings lapse, whether by the Planning Commission revoking its explicit grant of approval for the use of virtual meetings or otherwise circumstances such as a state of emergency being concluded, any virtual neighborhood meetings which had been properly noticed to occur within 14 days of such change in circumstances may proceed to be held as virtual neighborhood meetings, subject to the other conditions of this section. However, an in-person neighborhood meeting may be required in addition to the virtual neighborhood meeting at the discretion of the Planning Commission.



#### Sample Agenda



#### Louisville Metro Government

Online via Webex

#### Agenda - Final Planning Commission

Thursday, June 4, 2020 1:00 PM Meeting Via Webex

#### Activated link to PDS Public Meetings Page

#### Meeting Via Webex

On the recommendation of the Louisville Metro Department of Public Health & Wellness regarding congregate events and social distancing, the regularly scheduled Planning Commission meeting set for 1:00 p.m. on June 4, 2020 is being held online. You will need to join the meeting using a computer, laptop or mobile device with the link below:

Meeting Info: https://louisvilleky.gov/government/upcoming-public-meetings

Meeting Link: https://louisvilleky.webex.com/louisvilleky/j.php? MTID=e8c9cbcba7cbabe74541223c061f2abee

Meeting number (access code if needed): 471 089 474

Meeting password (if needed): PC060420

Join by phone Call in from a mobile device (attendees only) +1-415-655-0001 US Toll

Meeting Login Information

Anyone wishing to speak in support, opposition, or as other for any case are encouraged to pre-register by completing the Public Hearing Speakers Request form available at the following link:

https://louisvilleky.gov/planning-design/forms/louisville-metro-planning-design-services-public-hearing-speakersrequest

Pre-registered speakers will be allowed to speak prior to any unregistered speakers during the hearing. If you wish to submit comments for any of the agenda items please submit them in writing to the listed case manager by 5:00 P.M. Tuesday, June 2, 2020.

Participants and residents are strongly encouraged to join the meeting virtually. However, to accommodate those with limited technology access, people can also view and participate in the meeting in the first-floor conference room of the Metro Development Center, 444 S. Fifth St., Louisville, KY 4020. If social distancing cannot be adequately maintained because of the number of people who want to speak on a specific case that case will be continued.

We are making every effort to contact members of the community and applicants to inform them of this decision. However, if you know of persons planning to attend to address a particular agenda item, please help us spread the word. If you have questions, please contact the case manager, or call Develop coulsville at 502-574-6230.

Activated link to PDS Public Speaker Registration Form and instructions regarding submitting comments regarding agenda items.

#### **Sample Meeting Notice**

#### Direct Link to the PDS Public Meetings Page

New QR Code allows recipients to scan the notice with their smart device and go directly to the Public Meetings Page.



You are invited to attend a review of a Variance to allow vehicle maneuvering to encroach up to 40 feet into the etback adjacent to residential development, and a Waiver to allow a retaining wall and vehicle maneuvering to croach into a required Landscape Buffer Area.

Subject Property: 7709, 7713 AND 7715 BEULAH CHURCH RD

Case Tumber: 20-VARIANCE-0079

Case Anager: Jay Luckett (jay.luckett@louisvilleky.gov)

Application Date:

Meeting Tope: Board of Zoning Adjustment
Meeting Dale: MONDAY, JUNE 15 2020
Time: Meeting will begin at 2:00 PM.

Location: Online Meeting -

https://louisvilleky.gov/government/upcoming-public-meetings

Don't have internet access. If the meeting by telephone.

If you wish to submit comments on this case, please submit comments (in writing) to the case manager by 5:00 P.M. Erid , month - Day, 2020.

Or visit www.louisvilleky.gov/PlanningDesign for:

- Meeting agenda and staff report
- User Guides BOZA-Approved Application Process
- Public comment opportunities

A list of persons notined of this proposed is available in the case file.

Persons who desire special accommodations should contact the Planning Commission office at (502) 574-6230 at least one week prior to this meeting. TDD sers please use the Relay Service, 1-800-648-6056.

Details on how to get more information about the case



#### **Sample Meeting Signs**

