



Louisville Metro Government

Action Summary - Tentative

Planning and Zoning Committee

Chair Madonna Flood (D-24)

Vice Chair Scott Reed (R-16)

Committee Member Phillip T. Baker (D-6)

Committee Member Ben Reno-Weber (D-8)

Committee Member Jennifer Chappell (D-15)

Committee Member Betsy Ruhe (D-21)

Committee Member Robin Engel (R-22)

Committee Member Khalil Batshon (R-25)

May 23, 2023

1:00 PM

Council Chambers/Virtual

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

Call to Order

Chair Flood called the meeting to order at 1:10 p.m.

Roll Call

Chair Flood introduced the committee members and non-committee members present. A quorum was established.

*NOTE: All committee members and non-committee members present attended in Chambers, except Vice Chair Reed, who attended virtually.

Present 8 – Chair Madonna Flood (D-24), Vice Chair Scott Reed (R-16), Committee Member Phillip T. Baker (D-6), Committee Member Ben Reno-Weber (D-8), Committee Member Jennifer Chappell (D-15), Committee Member Betsy Ruhe (D-21), Committee Member Robin Engel (R-22), Committee Member Khalil Batshon (R-25)

Non-Committee Members(s)

Council Member Tammy Hawkins (D-1), Council Member Jecorey Arthur (D-4), Council Member Donna L. Purvis (D-5) and Council Member Jeff Hudson (R-23)

Support Staff

Travis Fiechter, Jefferson County Attorney's Office
Laura Ferguson, Jefferson County Attorney's Office

Clerk(s)

Cheryl Woods, Assistant Clerk
Sonya Harward, Clerk

Pending Legislation

ID 23-0075

[See the “Unedited Captioning Transcript of Planning and Zoning Committee Meeting – May 23, 2023.pdf” attached hereto for additional information regarding discussion of each item.]

1. **O-057-23** AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 5127 TERRY ROAD CONTAINING APPROXIMATELY 13.08 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0050).

A motion was made by Committee Member Engel, seconded by Committee Member Batson, that this Ordinance be recommended for approval.

Action Required By: June 2, 2023

Sponsors: Madonna Flood

The following spoke to this item:

- Council Member Hawkins
- Travis Fiechter, Jefferson County Attorney's Office

Travis Fiechter read a proposed amendment by substitution into the record.

A motion was made by Council Member Hawkins, seconded by Committee Member Baker, that this Ordinance be amended by substitution as shown in the attached document title “O-057-23 V.2 CABS 052323 Zoning at 5127 Terry Road.pdf.”

The motion to amend by substitution carried by a voice vote.

The following spoke to the amended Ordinance:

- Committee Member Batshon
- Committee Member Reno-Weber

The motion to recommend for approval carried by the following vote and the amended Ordinance was sent to Old Business:

District 1 Council Member Hawkins had a vote on this zoning case and voted YES.

Yes: 7 – Baker, Reno-Weber, Ruhe, Engel, Flood, Chappell , Batshon
Excused: 1- Reed

2. **O-063-23** AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 5604, 5606, 5612, 5614 AND 5616 MT. WASHINGTON ROAD CONTAINING APPROXIMATELY 35.79 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0136).

Action Required By: June 16, 2023

Sponsors: Madonna Flood

A motion was made by Committee Member Batshon, seconded by Committee Member Baker, that this Ordinance be recommended for approval.

The following spoke to this item:

- Chair Flood
- Brian Davis, Planning and Design Services
- Council Member Hudson
- Travis Fiechter, Jefferson County Attorney's Office

Travis Fiechter read into the record a proposed amendment.

A motion was made by Council Member Hudson, seconded by Committee Member Baker, that this Ordinance be amended as shown in the attached document titled "O-063-23 V.2 CAM 052323 Zoning at 5604, 5606, 5612, 5614, and 5616 Mt. Washington Road.pdf."

The motion to amend carried by a voice vote.

The motion to recommend for approval carried by the following vote and the amended Ordinance was sent to Old Business:

District 23 Council Member Hudson had a vote on this zoning case and voted YES.

Yes: 6 – Flood, Baker, Chappell , Ruhe, Engel, Batshon

Absent: 1- Reno-Weber

Excused: 1- Reed

3. **O-068-23** AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 4422 WEST BROADWAY CONTAINING APPROXIMATELY 4.39 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0075).

Action Required By: June 16 2023

Sponsors: Madonna Flood

A motion was made by Committee Member Baker, seconded by Committee Member Batshon, that this Ordinance be recommended for approval.

The following spoke to this item:

- Chair Flood
- Brian Davis, Planning and Designs Services
- Committee Member Baker
- Travis Fiechter, Jefferson County Attorney's Office
- Council Member Purvis

The motion to recommend for approval carried by the following vote and the Ordinance was sent to Old Business:

District 5 Council Member Purvis had a vote on this zoning case and stated that she was abstaining since she felt uncomfortable voting either way.

Yes: 3 – Chappell , Engel, Batshon

No: 2 – Baker, Ruhe

Present: 2 – Flood, Reno-Weber

Excused: 1- Reed

4. **O-099-23** AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 2405 ECHO TRAIL CONTAINING APPROXIMATELY 36.67 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0131).

Action Required By: July 20, 2023

Sponsors: Madonna Flood

A motion was made by Committee Member Engel, seconded by Committee Member Baker, that this Ordinance be recommended for approval.

Brian Davis, Planning and Design Services, gave a presentation on the Planning Commission's recommendation (see attached).

The following spoke to this item:

- Committee Member Ruhe
- Brian Davis
- Committee Member Chappell
- Committee Member Reno-Weber
- Committee Member Batshon

The motion to recommend for approval carried by the following vote and the Ordinance was sent to Old Business:

Yes: 6 – Flood, Baker, Reno-Weber, Chappell , Ruhe, Engel

Present: 1 – Batshon

Excused: 1- Reed

5. **O-100-23** AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 943 FRANKLIN STREET CONTAINING APPROXIMATELY 0.38 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0155).

Action Required By: July 20, 2023

Sponsors: Madonna Flood

A motion was made by Committee Member Batshon, seconded by Committee Member Baker, that this Ordinance be recommended for approval.

Brian Davis, Planning and Design Services, gave a presentation on the Planning Commission's recommendation (see attached).

The following spoke to this item:

- Council Member Arthur
- Committee Member Ruhe
- Brian Davis

The motion to recommend for approval carried by the following vote and the Ordinance was sent to Old Business:

District 4 Council Member Arthur had a vote on this zoning case and voted YES.

Yes: 8 – Flood, Reed, Baker, Reno-Weber, Chappell , Ruhe, Engel, Batshon

6. **R-009-23** A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE METRO LAND DEVELOPMENT CODE REGULATIONS WITH REGARD TO APPLICATIONS FOR CERTAIN REVISED DEVELOPMENT PLANS.

Action Required By: August 2023

Sponsors: Cindi Fowler

This item remained held in committee.

7. **O-054-23** AN ORDINANCE CREATING A NEW SECTION TO LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ("LMCO") CHAPTER 153 REGARDING THE PROCESSING OF APPLICATIONS FOR ZONING MAP AMENDMENTS IF THERE ARE DELINQUENT TAXES OR VALID LIENS HELD BY LOUISVILLE METRO THAT ARE UNPAID.

Action Required By: October 2023

Sponsors: Madonna Flood

This item remained held in committee.

8. **O-071-23** AN ORDINANCE CREATING A NEW CHAPTER OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ("LMCO") DESIGNATING HISTORICALLY BLACK NEIGHBORHOODS AS PROTECTED COMMUNITIES FROM DIRECT, INDIRECT AND CULTURAL DISPLACEMENT, TO BE KNOWN AS THE

HISTORICALLY BLACK NEIGHBORHOODS LAW, AND AMENDING LMCO 92.15.

Action Required By: October 2023

Sponsors: Jecorey Arthur Kumar Rashad

This item remained held in committee.

9. **O-072-23** AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON CONDITIONAL USE PERMIT APPLICATIONS FOR SHORT TERM RENTALS AND NEW REGISTRATIONS FOR SHORT TERM RENTALS IN CERTAIN IMPACTED NEIGHBORHOODS PENDING A REVIEW AND RECOMMENDED CHANGES BY THE PLANNING COMMISSION.

Action Required By: October, 2023

Sponsors: Jecorey Arthur, Phillip T. Baker, Ben Reno-Weber

A motion was made by Committee Member Chappell, seconded by Committee Member Baker, that this Ordinance be recommended for approval.

The following spoke to this item:

- Council Member Arthur
- Committee Member Reno-Weber

Travis Fiechter, Jefferson County Attorney's Office read a proposed amendment into the record.

A motion was made by Committee Member Reno-Weber, seconded by Committee Member Baker, that this Ordinance be amended as shown in the attached document titled "O-072-23 V.3 CAM 052323 Temporary Moratorium Short Term Rentals in Impacted Neighborhoods.pdf."

The motion to amend carried by a voice vote.

The following spoke to the amended Ordinance:

- Council President Winkler
- Committee Member Batshon
- Chair Flood
- Vice Chair Reed
- Travis Fiechter
- Committee Member Engel
- Joe Haberman, Planning and Design Services
- Committee Member Chappell

The motion to recommend for approval carried by the following vote and the amended Ordinance was sent to Old Business:

Yes: 5 – Flood, Baker, Reno-Weber, Chappell, Ruhe

No: 3 – Reed, Engel, Batshon

Special Discussion

23-0160 ALL THINGS PLANNING AND ZONING: Emily Liu and Staff,
Planning and Design

This item was held in committee.

Adjournment

Without objection, Chair Flood adjourned the meeting at 3:00 p.m.

Note: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council meeting on June 1, 2023.

Good afternoon and welcome to planning's on the committee. I'm counseling Madonna flood chair of the committee. I'm joined by committee members. Council member, Philip Baker council member.

Reno Webber council council women. Jennifer Chappel councilwoman roheed cap, councilman Robin eagle councilman that Sean.

And also we're joined by council members to Cory Arthur councilman.

Councilwoman Tammy Hawkins cancel Madonna purpose. They all have legislation on the agenda and the change in ordinances. They do have a vote in. Also, this meeting is being held pursuant to 61.806 in council role. 5 a.

six in council role five a

These items are being held on the agenda, it's item number 6 and item number 8 and those are not change in zonings. Those are other pieces of legislation.

Item number 1 is an earnest relating to the prop.

To the zoning of property located at 5,127 0 containing approximately 13.08 acres and being a little metro case number 22 zone. 0. 0. 5. 0.

Motion to approve.

Probably made by councilman angles 2nd by councilman Shawn and this is in councilman Tammy Hawkins district. Do you want me to recognize the county attorney? 1st or you.

I can speak to it. 1st, go ahead. This has been a long.

Thrown out, um.

1 of my 1st, but looking in this.

Um, the density is extremely high.

Um, looking in the record, um.

It's really not a smooth transition. It's a huge jump.

The hive and the scale.

For residential structure, um.

It's not compatible.

No sad. Wow. This is on Terry road.
Big potential for safety issues.

So, for me, the size, the density.

The capability, so my recommendations.

For this is.

And I'm going to give this to Travis is moving a amendment by substitution.

Travis, would you read that in any place?

I'd be happy to, um, I've got a couple pages here, so bear with me folks, whereas the legislative counsel, the local Jefferson County, Metro government, the council has considered the evidence presented, the public hearing held by the planning commission, and the recommendations at the planning commission.

And staff as set forth in the minutes and records of the planning commission, the case 22 zone. 0. 0. 5. 0. zero

And whereas the council rejects the findings of the planning commission for the zoning change in case 22 0050, and is made alternative findings effect based on the planning commissions record.

That support maintaining the existing are for a single family, residential zoning designation.

And whereas the council makes the following findings effect based upon the record established before the planning commission for case 22 00050.

And to reject the recommendation that the planning commission.

And maintain the existing are for single family zoning designation on the property located at 5,170 Terry road.

And being in the mobile Metro, and whereas the proposal does not comply with community form goal 1, subsection, 4 because these scale inside designed different substantially from nearby existing development and is therefore incompatible.

And whereas the proposal does not comply with community form goal 106 and

Because the property is surrounded by a mix of and our 4 residential property.

With an undeveloped portion, and small or 1 lot across road.

With primarily lower intensity, residential on all sides, the proposal would not serve as an appropriate transition from higher to lower intensity, but rather a tall, including a height variance of 4 feet, dense intrusion at an appropriate location.

And whereas the proposal is not comply with community form goal 1, subsection, 11, because the building height, including the height variance of 4 feet is significantly.

And incompatible, larger than those of surrounding properties and structures.

And whereas the proposal does not comply with community form goal 1. subsection, 20.

Because the visual intrusion pros building is not unlikely cannot be mitigated at its proposed height.

Including the headphones of our feet size and footprint and whereas the proposal does not comply with mobility goal 2 subsection for.

Because the surrounding residential properties are less dense, extremely so, in the case of the R1 lots.

And at the intersection of Terry road and Mary lane, making it likely to cause nuisances, as evidenced by the applicant's own traffic study, which demonstrated a slight impact.

Necessitating the installation of a left turn lane and whereas the proposal was not comply with mobility. Go 3. subsection 2.

Because the, like, the sidewalks and existence of multiple curves, Ontario road, render it largely unsafe for pedestrian travel.

And whereas for these reasons, the council finds that the proposal does not comply with the adopted comprehensive plan plan 2040.

And should that be approved now? Therefore be ordained by the legislative council. That'd be lower Jessica county metro government as follows subsection 1, that the zoning of property located at 5,173 road, containing approximately 13.8 acres and being in local metro as more, particularly described in the minutes.

And records of the planning commission in case 22 zone 0050 shower. commission in case twenty two zone zero zero five zero shower

Our for single family residential, and that the recommendation of the planning commission in that case is rejected.

Section 2 that the ordinance shall take effect upon its passage and approval or otherwise becoming law.

I'm happy to answer any questions.

You're in the queue casselman. How is your not when we take you out of the key okay.

Councilman bet Sean. Travis, thank you. Thank you Madam chair. Just so for.

Education purposes I haven't seen this yet. So can you explain.

What this does for the developer that they have to go back and rework the plans how does this work.

For them just educate me on the process here.

And what this amendment about substitution is actually going to do. Sure. So the developer is proposing resigning from our 4 to 6.

This moment in the planning commission, recommended that rezoning this amendment would reject that planning commission recommendation.

And maintain the property, or for our, for the developer would not be able to develop this property for the multi family used to, as opposed.

Northeast density they proposed, so it would require a complete rework of their plan.

Councilman hawkin's and to try this council members.

We tried to speak I've been working with the county Attorney's office and we do try to work with the developer.

And the recommendations the recommendations were denied, so we're moving forward.

Councilman Reno Webber.

Thank you, um, I just want to add that. I think this is a really illustrative case of places where.

At the comprehensive plan for the city.

Set and lays out a number of of criteria and I don't know that we have necessarily built a culture in which the planning and zoning staff is willing to say.

You know, hey, this actually doesn't fit with the comprehensive plan, which sometimes is fine, but I think we need to really.

And sit down and have a conversation around what is the role of saying yes. Or no. In these things. So that we can understand from the staff reports, like, hey, this just doesn't fit. And that's okay.

Sometimes, but I really applaud councilman Hawkins for her diligence in looking into this, and then going back and working with the developer and saying this is how this fits. Um.

I just want to upload that.

Cancel my 1 Hawkins.

Thank you counseling also. I would like to say that, um.

And I would like to put this in the record I wasn't able to speak to the, to the developer, but the county Attorney's office did I was also not able to speak to any.

Of my constituents who are continuously, uh.

Try to contact me, and I want to say publicly that I apologize but there are and when I say that there is a lack of knowledge.

I mean, that whole heartedly so many constituents are not aware that the counsel person cannot speak to them about things.

When this is going down the pipeline, and it makes your constituents think that you're just avoiding them. And I am not the type of person that is going to avoid any of my constituents or anyone that has put me in office.

So, I just wanted to put that in the record that when development is being done in your community, or in your area, you have to jump on top of it because your counsel person cannot speak to you about it.

And it's not because they're trying to avoid you. Thank you.

Okay, um, there's no 1 else in the queue. So I will take that as you.

Him read it in to record would you please make the motion.

To accept yes, I'll make a motion to accept.

The merit by substitute I'm in a bad substitution. Mm. Hmm.

Probably made by 2nd, by councilman Hawkins 2nd, by councilman Baker. So we had the amendment.

A substitution in front of us, all those in favor of the amendment by substitution. Signify by saying, aye.

Those opposed by lifetime hearing none, the motion passes. Is there any other questions or comments before we move into voting?

I have no 1 in the queue. So I believe we're ready to vote.

Okay.

Sure, just so we're clear we're voting on the amendment by substitution, which would overturn the planning commissions.

Decision Thank you. So I yes vote is to overturn.

Okay.

Yeah, Manning popping up councilman Scott rate has an excused absence. Here's the woman chapel.

Are you voting.

We'll just take you as a guest.

I apologize, we have new technology, and when it works, it's great, but we're just really now getting used to it. We're gonna have to work out the bugs.

Here's a woman Hawkins didn't even pop up. My man. Yes.

You get a vote, it just doesn't come up. Oh, okay. Because I'm like, no, I'm out.

And so without objection voting is closing, there are.

8 yet, will that be 8? Yes what's her name? 8? Yes both. So this will go to our business at our next council meeting.

Look sorry Mr. Hudson has the next case, but he's actually in travel to get here. So we're going to move on to item number 3.

Which is an ordinance relating to the zoning of property located at 4,422, West Broadway, containing approximately 4.39 acres and being a little metro case number 22 zones. 0. 0 7 5.

Probably, maybe the 2nd, by councilman Baker 2nd, back cancel and Shawn, we're ready for discussion. I think you discuss this at the last meeting.

Mr. Davis that you that is correct? Yeah Brian Davis little metro playing and design. Yeah, we presented this 1 previously. So I'm just here to answer any questions that you all may have.

I actually have some binding elements. There's several That'll be added, but at this time we're going to hold those binding elements and, um.

Our county attorneys are going to be working on those with the attorney for the applicant. So there are some things that are coming down the pike that we're not ready to add them until probably the metro council meeting.

Does anybody else have any questions or comments?

About the case, so they have questions before I move on to.

Yes, sorry, man chair. So when those about binding elements, cause we haven't seen him. So there's a bypass the planning and zoning committee or does it go straight to.

The council meeting, or it'll go straight to the council meeting 1 of them is the standard binding element, but there's 3 others. I believe that we need.

For the, for the applicant's attorney to sign off on.

Okay, so we don't have time to I understand, but is there any.

I'll get you copies of them. Okay. Is that what you're asking? Well, I guess is so, is it.

The discussion on this, the discussion on this unit, or this development.

Does it just go straight to the council or do we have any aside from the binding elements as well? Or we just can't have the discussion until they're added. No, you if you have a question, we had a discussion on it at the last meeting. Yes.

And that's why we were saying if he asked if anybody had any questions on that on the plan.

Okay, well, I do have 1 other question, I guess, has there been aside from the binding elements? Has there been any leeway with the developer and the neighborhood association?

Sorry, could you repeat that?

Aside from the biting elements that which will be introduced, has there been any lead way of connecting the developer?

With the neighborhood association, because the 1 of the biggest concerns.

Where the amount of complaints that we're seeing on the file so is there has there been any.

I mean, we have not overseeing any kind of interaction between the applicant and the neighbors since the planning commission hearing. So, no, we, our office has not been involved in anything like that. Okay. And then the 2nd question I have is.

About the historical and again, if I'm running the head, I'll.

Okay, was the issue of the property being torn down again? 1 of the the reason I bring that full transparency I represent a global.

Okay, and so 1 of the concerns for me as a precedent, when it comes to historical properties. Okay.

So, I know that the last time we discussed.

That there was going to be an attempt to, I guess.

Landmark it or get a historical designation after the fact.

Can you, I guess, can you speak to that as well?

Yeah, so they, they have initiated the the, um.

The landmarks process for the adjacent building so the 1 that's still remaining because that was 1 of the concerns was about whether or not that building would remain and if it, if there would be a landmark application for that. So that has been initiated.

Can you talk about, I guess the, the precedent that it does for the community as far as.

So, again, how does that work going forward? So when when.

I guess my fear is that people just going to tear historical designated.

Buildings and.

I guess it's just no billing no, cause we'll just get it after the fact. And so my concern is what no matter what part of town this is in, that if we have something that's deemed historical.

And for whatever reason, if if the developer or the entity tear it down.

What is the community have a saying that.

And what does that look like after and what kind of precedent that we're.

We're setting when it comes to the neighborhood, I guess. Can you speak to.

To that to to help kind of guide us as we're making these planning and zoning decisions. And again I'm full transparency. I do have.

Probably, you know, 1 of the most complex.

Historical districts in America when it comes to this. So I want to make sure I have a fully informed decision. Right? So, when an individual structure is landmarked, then obviously, that property gets kind of flagged in the system.

And so that if there is an application to do any kind of amendments to the building, whether it be renovations or.

For a demolition, then that that would trigger additional reviews beyond that that would normally be associated with a demolition of a structure.

And so it adds, it adds complications there would be a public hearing associate with whether, or not to to demolish a landmark structure. And so all, that would be something that would take place. If the time comes when someone.

Submit submit the application with the key being obviously submitting an application. If it's a situation where they do not.

Bothered to pull a demolition permit and actions taken, then that's not something that we can go out and remedy immediately there. But there would be some consequences to that. Should that happen?

Okay, and then is there and again, I haven't seen the bottom binding elements. So if I'm if I'm saying redundant questions, I apologize but.

Good you're not. It's just that, um, we have to have approval.

It's still since thrown them out there if it's if it's not approved. Yes. Okay. All right.

Okay. All right. So so then I guess I beg begs my.

My question when those things happen where someone, so when someone tears down historical structure, right?

What what say there's a city or residents having a community on what comes next.

In their community when it as far as density or the type of structures or or the type of.

For instance.

If I tear down the cargo house, that's in a loop, right? Can I put a Walmart there? You know, and what's to say, I can't.

Because of the precedent that was said that I guess that we're about to.

Now, I know that's a little bit.

Exaggerated, but do you get what I'm saying? Yeah, and I tear down the call White House and put a CBS.

And I'm not saying at all or eluding that this is that type of thing. Right? But what parameters do we have.

To deter people from, you know, and I get it, it was a little agitated structure, but at the same time.

There are historical elements that we need to preserve and keep.

To keep the character of the neighborhood and so I, I guess I take real issue when that when that occurs.

Based on the type of constituents that I serve in a.

So well, as far as the use goes down, underlying zoning would control what.

Could be put there. Yeah, so, usually in a situation, if you're demolishing residents, you're not going to be able to put back some kind of commercial structure without a rezoning going through.

If it's a property that is located in a in 1 of our overly district. 1 of the historic areas, then that would be reviewed by.

The committee that oversees that area and so then we would look at the at the proposed structure and, you know, what are they doing in order to either fit in or or how,

how are they building that structure or in order to comply with the requirements of that district and so that would be something that would be taken care of it like an architectural.

Committee level, or if it were rezoning, they would have.

Both that and review by the planning commission so there's.

There are reviews in place for districts like that for individual structures. It's different though, because again, unless unless you have an individual structure that's been designated a landmark.

A landmark by, you know, through the process then then we typically would not have as much like, I'll call it creative control over. What's being put back in the place.

Yeah, I mean, but the concern is like, for instance, that mention that was there, and it was torn down.

You know, the high density, the variances all that it doesn't seem.

But I, that that that that is a similar type structure and, uh.

Again, it just doesn't sit well with me on when we're tearing historical and again.

It's all over the city if we tear down these structures and then what are we replacing it with?

It doesn't seem like we're much in line with that.

And has there, I guess, from the planning and zoning has, is there things coming down the pipe that will prevent that?

Or is it just we make the decision.

You know, case by case basis, I mean, we are Travis you look like you're just yeah just for now. And this is not, um, you know.

Systemic, but on this site specifically. Yeah, and I hate to make this case.

You know, bigger than this actual development, but I think that it.

It does set a precedent of what we do going forward with the city. And so that just want to give you context where I'm.

Certainly, I just want Brian to, to make sure I'm correct on the facts here, but I believe this, um.

Should have been caught up in some process. The demo permit was.

Issued an error only yeah, that's correct. Yes. Um.

And so, you know, there's 2 buildings on this property 1 was landmark 1 wasn't they were both named I don't know exactly what happened but, um.

I think that's part of the reason that the applicant has agreed to seek landmark status of the alternative building as well as.

Run the designs of the new building by the I mean, it's right. They'd be required to do that part anyway, but, you know, it's an attempt to sort of rectify this error. That was made it. It should have been caught and I, you know, I don't know if ultimately the would have.

Approve the demolition or not. There's a process in that process was skipped and the demo permit was issued early and error but, um, in theory things should not happen this quickly.

Uh, it was, you know, like I said, a partial mistake on Metro side, and to the Africans credit, they've attempted to work with.

Getting that other building going through the landmarks process on it.

Obviously, it's not the same as having both buildings, but it's some sort of.

Attempt to rectify the situation.

Thank Thank you. I guess my last concern is, you know, and again, I haven't seen the binding elements and I guess that's why I'm.

I would like to the committee to at least take an account, the neighbor's concerns because if we're going to, you know, I know Metro is taking full responsibility.

That it was issued an error, but we need to make sure that the neighbors know what's going on. The community has a say, and.

Making that so I'll look, I'll bring these same concerns up.

Just to everybody on the committee, if when it comes to front of council, but I just want us.

Collectively take a real look at the precedent we're setting and then also making sure that.

You know, when these things happen on our side, and again, a lot of us are new. I know it's not pointing the finger anybody, but.

When it does come through, we need to make sure that we're having a real conversation and making sure the developer in the neighborhood is on the same page.

And if you have any specific language in mind, Laura, I will certainly meet with you before counsel. So we can, uh, you know, see if that's a viable option.

Okay, thank you.

Counseling woman done a purpose Thank you, Madam chair. Thank you. All for being here.

I have a statement that I've prepared that I'm going to be reading to you all and I hope you all understand where I'm coming from as I read this statement and.

Going to address West over my neighborhood association that I live in while I've lived for 48 years. A lot of you all I've known for a great amount of time. If not close to that Westover.

It's very dear to me as you all know I've been very active in in the. the Association prior to being an elected official, but I cannot go without.

Letting you all know right now exactly how I feel about this proposed development or how how I feel about your approach. I have been budgeted.

I have been harassed to adopt and accept your ideology.

And I have repeatedly said that I cannot discuss this with anyone neither party. I cannot discuss it. I have to remain neutral.

Unfortunately, some of you all have continued to use your aggression to try to influence me to make a decision based on your narrative. I have to say that the other party Christ temple has not.

Approach me or bothered me in this manner at all.

I have been confronted too many times.

Whether it's at the grocery store where there is at church walking, talking in regards to this development by neighbors.

With the inflated version that this and your inflated version, and this saddens me and it upsets me to know that some of you all will go any lengths.

To get your desired results um.

I'm really disappointed because I know that we are better than this.

With what I have just stated at this time.

I will be abstain from voting on this development.

I I liked it as I've expressed before. I like to see both parties happy, but I don't feel comfortable voting either way.
On this proposed development, thank you.

Dave, did any of my colleagues councilman or whoever? Did you have any comments or. Questions before we entertain them.

About saying that I think we're ready to vote.

Madam chair I just want to make sure.

Are we voting for appear in front of council for to approve it? And it'll go to council.

Oh, no okay. And I'll just remind folks, we are up against the 9 day role on this. So it it must move out of committee today for counsel to be able to take action.

Next Thursday, otherwise the timeline's going to expire um, no, I mean, I get you if I had known that I just.

I now, can I go ahead and explain my vote I'm voting present.

I am, yeah. Okay. I just want because.

These findings elements that I work that I worked on with colleagues are very important to me.

And it is getting me to where my decision needs to be and so I'm going to vote present now. So it goes to the full metro Council. So let.

That I have an answer, yea, or nay on these, because these are very important to me. I wouldn't have spent this much time working on these.

So, therefore, I am voting present until I see what happens.

Sorry, Travis, because what happens if we.

If we do not pass it out of committee, or if we vote present, what happens right? So, if it doesn't pass out a committee, um, unless counsel takes some extreme steps at full counsel to somehow client, which there may be a process. I'm not entirely sure.

I'd have to look at the council rules and procedures, but if Council, if this doesn't get in front of council by the next council meeting.

And no action is taken then once the 90 days expires on June 16th, whatever the planning commission recommended will become law.

At that point council will have no role. Um.

So, once June 16th passes, we have the planning commission recommended no longer as a recommendation.

And I think our next meeting afterwards, just like June 22nd. So, um, thank you.

Yes, and to the clerk's point, you know, this will move out of committee with a vote, regardless of whether it's a recommendation in favor or against whether it's a, you know yes. Or no more voted presidents.

So, it'll still move on to council as long as we take some positive vote here today.

Go ahead, counseling with Jennifer and then I just got it.

Yeah, there were 279 emails opposing this, and that is a considerable amount of emails that we see on zoning cases.

In the last time we had discussed this, we asked, um, staff to summarize the top 3 concerns.

Which were architecture, demolition of landmark structure of a landmark structure.

And not around commercial or other services.

Architecturally, I spoke to this, I think it is an ugly building, but.

This is their land. This is what they want to build. I wish that there was more community input, and there was more culture or character that was intact in this building, but unfortunately it is not.

The demolition of the landmark structure is something that I'm looking forward to working with councilman Baker on, to understanding how we can prevent our historic structures from getting demolished in the 1st place. But nothing is going that we can do right now is going to rebuild what they've already turned down and shame. Shame.

Shame on them.

The other thing is not around commercial or other services. I just wanted to explain that if that is a hindrance to people living there.

Then, why does anyone else is on Broadway? It is a commercial court or down the way get on the bus walk you can get there this is an affordable housing project. It sounds like a lot of not in my backyard from people that we're hearing. I'm voting.

Yes, because I'm excited about these affordable housing units. Thank you.

I don't have any I can't tell if there's a cue because the voting is up.

Yes, and then okay.

I thought I was in a queue, but I guess not can imagine.

Catherine Baker. Okay. Since since we are voting.

I just want to say this, and I'll be sure to have a great deal of respect for your councilman flood and sorry that what you've experienced in purpose. But I strongly encourage my colleagues to vote no on this.

And the reason is, is because of the precedent we're setting, and it's not just the demonstration demolition of the, you know, the historical landmark. It doesn't fit the character of the neighborhood. And.

I get affordable housing. I'm actually a proponent of affordable housing, but.

I feel like it's in a situation where it's we're, we're saying, and again.

You can't just give neighborhoods what we see is fit. They have to determine what they want to see and make sure it's in line with the 2040 vision. And so.

Again, I just I strongly recommend based on not knowing all the information in front of us. Like, we don't have all the binding elements.

And I get it, they're up against the window. I really do. I really do. I just.

I just strongly recommend my colleagues a no vote on this.

Thank you.

Council member purpose I'm abstaining for the reason. Stated.

Thank you.

Without objection body is closing there are 3 s votes.

1 abstention.

In 2 presence.

And this will go to our business and our next Council maybe.

We're going to move back to item number 2. Mr. Hudson joined us right in the middle of this big debate. So welcome. Mr. Hudson. And your item is item number 2 and ordinance related to the zoning of property is located at 560,456,656. 256,145,616, mount Washington.

four hundred and fifty six thousand six hundred and fifty six two hundred and fifty six fourteen fifty six sixteen mount washington

Containing approximately 35.79 acres and boot being in little metro case number 21 zones. 0, 1, 3 6.

I think this was table. Okay. Probably moved back canceling bet, Shawn and by councilman Baker. So we're ready for discussion.

And you've already we've already discussed this, right? Yeah, we presented this 1 previously. So if there are any questions, we can try to answer those.

Mr. Hudson. Did you want to speak to this? I think you had some binding elements trying my best to get in the queue. Oh, that's okay. I'll just call on you. How about that Thank you. Thank you. You're ready. Yeah, I do have, I don't know if it's so much a question as it is a comment or.

A recommendation on binding element number 9. I've sent some language to county attorney.

Um, I hope that that language is.

Acceptable, but paraphrasing it.

Um, this, this binding element.

Oh, talks about the.

Path of the sidewalk there we'll call it a North or South option.

The North option is where, according to the traffic study, 98% of traffic going to go, it's the safer option. It's the preferred option.

And it is the option that I'd like to see done there was in the currently.

Written binding element it talks about if, if a good faith effort.

Fails then the southern route would be done and that seemed a little too subjective for me. So what I would like to do is change that binding element to include the northern.

A sidewalk route, and if the good faith effort fails.

Then the applicant would provide fee and Lou.

To public works to have that northern route done at the rate determined by public works.

Travis, please assistant county attorney I don't think I've introduced myself all day. Sorry uh, record keeping folks um.

That may be viable. I'm not sure anytime there's an expenditure of funds, we need to get explicit applicant approval. So I'm happy to work on that between now and council. This is a similar situation where, uh, you know, we're up against the 90 day deadline.

So, if you'd like to hold off on everything, tell them that's fine. If you'd like to introduce.

The language they have approved, and then I can work on that additional either way. You know, whatever your preference is. I would like the amended 1 read into the.

Okay, as the official 1. um, so what's the path forward to do that?

Right so, like I said, this, this case, like, the last 1 needs needs to move out today.

And so I can read in the language as it, as it exists on the version that I emailed you this morning. Um, and then I can seek that additional language prior to council and we'll follow a 2nd amendment if need be.

Okay, I think this is the cleanest path forward. Okay that's fine. Before we move forward because of the language.

What does good faith mean? You're good. Faith. My good faith.

Uh, so it, it's a little bit, um, subjective. Um, but it, it includes both the terms good faith and commercially reasonable. Um.

It's hard to say, and I don't think we've had a court specifically interpret those.

Phrases within the context of binding element.

My sort of general opinion on it would be it requires a show of actual effort. Right? It's not saying.

Hey, can we do this? And they're like, oh, if you go through some hoops and you say.

I don't want to do all that work, you know, um, it's, it's, you know, seeing what's possible, but if they like he says, yeah, you're gonna have to condemn.

You know, all these properties cause we don't have a right away. Well, the applicant doesn't have the power to to into consultations. Right? That's a government power. So it's effectively impossible for them to do.

So, somewhere in between those rise lies the land of of good faith. And commercially reasonable efforts, um, if it's gonna require them to do some.

Failings to do some surveying, like smaller things, I think would be included in that. But if it's, you know.

Literally impossible because of the.

Existing legal constraints, um, or, you know, their ability to acquire property then.

Somewhere in that, I met him Jeremiah.

So, my, my experience with with the transportation cabinet has been that they seem to be.

Constrained into a culture of no, so a good faith effort is easily rebuffed by the.

Transportation cabinet, and they just say no, and there's no reasoning.

With it, that's why I'm nervous about.

Relying on a binding element that says good faith effort.

Because you can go and beat your head against the wall all day long and you put forth a good 4th effort.

And all the transportation cabinet has to do is say, no. Um, so.

Because of the safety factor of of this, because regardless of whether there's a northern sidewalk or not.

That is the path people are going to go.

So, I would rather have a safe sidewalk there for them to walk on.

Rather than a dirt path along a ditch between the ditch and the roadway.

Oh, well, okay.

Is listening because for years road, they just now widened and they finished a portion of the sidewalk and I can't tell you the amount of people that are using that sidewalk that used to be in the street.

Oh, they should take a hint from that.

That the answer is not no, it's how do we move these cases forward with.

Sidewalks on these farm to market roads, especially and that's all meant Washington route is to me, it's farm to market. So maybe they'll listen when they see what's actually being used out there. I'm blue. Like it's it's amazing. Yeah.

Nothing succeeds like success and that is a good example of a successful story.

So, you're going to read the rest of the binding elements in and then we'll.

Go ahead. Yeah, I'm happy to, um, so at the end of the 2nd, whereas clause, we'd add the phrase with, uh, additional and amended binding elements.

And at the end of section 1, at the phrase, with the following additional and amended binding elements.

4 subsection C would be amended to read as follows.

The property owner developer must obtain approval of a detailed plan for screening buffering landscaping, as described in chapter 10, prior to requesting a certificate occupancy, such plan Shelby implemented prior to occupancy of the site and shall be maintained thereafter.

Twice the required tree planting shop you're invited within the 50 foot building setback.

Along the properties strike, the word Wilson.

Because it was just referring to a single property previously properties located at 5,510 not Washington road 56, 08 mount Washington road. That's a new 1 and 5,610. Matt, Washington road. 2nd new 1 not to exceed 100 linear feet per property. That's new language closest to the houses. On those properties.

closest to the houses on those properties

Them plural half of the enhanced landscaping type a, or B decision, which.

Trees and a half Shelby type a, or B, evergreen trees.

Um, then subsection or 4 subsection f will be struck it'll be reproduced later, but there was some language there that we were concerned might be.

Problematic with the preamble to to subsection for, um.

I'll get to that in a 2nd, sufficient 7 or binding on the 7 will be amended to read the development shall be limited to here's the new language temporary and or permanent certificates of occupancy for.

Up to 199 units until a 2nd, uh, separate access roadway connecting directly to an existing roadways obtained pursuant to 6.1.3. that was 1 of the issues that the committee discussed last week. The language was somewhat vague and the African had the same concerns.

Um, then a new bunny home at 9, though, it is mostly the existing, uh, bang on it for f just.

Renumbered would read the applicant shall make improvements to the intersection at Mount Washington road and present highway into mount Washington road, including sidewalks.

In a manner substantially similar to the that shown and described at the March, 16 2023 planning commission hearing.

And located in the case file as conceptual striking plan.

Subject to public works and or Kentucky transportation cabinet approval.

The applicant shall make a commercial reasonable, good faith effort towards constructing the version of the sidewalk plan that runs primarily along mount Washington road and SANDFORD plaza drive. Only if these efforts fail.

Maybe version the sidewalk plan, which runs primarily along that Washington road pyramid road and antle drive be constructed. Instead.

The improvements shall we bonded at construction side approval? All improvements shall be completed no later than the issues of the certificate occupancy for the 133rd dwelling unit.

And finally number 11, um.

Which is the standard binary element would read any significant increases to the Pro structures AG, increases in building height number of units number of buildings.

Any increase in destiny and property, and he changes in use on the property, which directly or indirectly require a public hearing before the planning commission, or subcommittee thereof and, or any amendments to the binding elements other than I, the additional new binding elements.

To changes to binding elements and merely update the public hearing date.

Or updating a previous version of this finding element to reflect the current language I'll be reviewed before the planning commission with final actions. We determined by Metro Council.

I will take any questions.

Mr. Hudson you went to a customer Hudson you want to move those amendments.

And move the amendments with the understanding that.

Number 9, I will come as amended after the county attorney's had time to address it.

Probably, maybe that 2nd, all those in favor of the amendments to the binding elements signify by saying, aye.

Those opposed by likes on scene and the motion carries, and I just have 1 quick question Brian, and the fee for fee and Lou since we're on the topic. Um.

Most of the time you hear there on a development if there's a.

Problem that may be topographical later on that. They can't build. They say they'll pay and fee and Lou. Do we not have anything that codifies that in the land development code that says that they, if they are.

Required and they can't do it that they pay the fee and liver.

Yeah, it's in chapter 6, it lays out when the fee and Lou can be offered up as an alternative to not building the sidewalk. So yeah, it it is in.

With the situation I just described qualify as 1 of those.

But, as far as potentially, yes, and determination can be made by the directors to say that they would accept the fee in lieu in, in lieu of the sidewalks. So, I think in this situation where we have.

You know, not enough, right away in place that that could be.

A situation where we could accept the sidewalk fee and Lou I don't I don't know that it's not enough right away in place as much as it is a disagreement or a lack of agreement on.

The definition of good faith.

I don't know chapter 6 missions good faith. I mean, I do know the African has reached out multiple times 2.

Some of those property owners, but I don't think they've had much success getting in touch with them so far but obviously, if approved, then we would have 2 years to work on that.

Over the course of of looking at construction plans, so.

Okay, okay. And if I might add it just a small note and share I think part of the, um.

Complication in this specific circumstances, the applicant presented to plans. Right. Um, and the current, the current binding element doesn't really.

Explicitly say which plan is the preferred plan?

That's the language that I read in regarding commercial leaders and well, good faith effort is that, you know, the northern version of the plan but the southern version of plan is still out there as part of the presentation. And so if they were unable to construct.

The northern version, if counsel wants to direct staff to prefer.

Fee and Lou versus construction of the southern option.

Then that all needs to be spelled out in articulated, which again, I'll have those conversations prior to counsel. Um, but that's that's 1 reason we don't often see these sort of competing sidewalk options. Normally.

It's here's where your sidewalk goes, and if you can't install it, then, you know, or a waiver or something but because there's a 2nd proposal here, we need to sort of address the metrics of how that.

Works and that is my preference to go fee and Lou instead of the southern route. Thank you I have no speakers in in the queue. So then I would take it that we're ready to vote.

Oh.

Yes, vote please record me as he has both.

There it is cancel member. Hudson. Am I allowed to vote your phone? You can vote? Yes, yes.

I didn't mean you can vote. Yes.

And it came out the way it.

Now, look, when there's a tandem zoning we allow on this committee, only that you get a.

You could devote on your change in zoning and you get to make amendments without objection. Voting is closing. There are.

7, yes, boats and this will go to business at our next council meeting. We've also been joined by councilman president Marcus. Welcome.

And Tammy hawkins's joined us remotely.

Moving on to item number 4, which is an ordinance relating to the zoning of property located at 2405 echo trail, containing approximately 36.67 acres and being a little metro case number 22 zones.

being a little metro case number twenty two zones zero one hundred and three one

Motion to approve probably made by councilman angle and 2nd by councilman Baker we're ready for discussion Brian. All right. Thank you. Very much. Brian Davis little metro planning and design. This is metro planning commission doc, number, 22 zone 131 for 2405 echo trail.

one for twenty four hundred and five echo trail

Property located at 24 or 5 echo trail. Okay. To metro cancel district 11.

This is an aerial photo of the site it's previously used as a for agriculture and vacant.

And then the evidence proposing residential use on the site, you can see that the area is rule in nature and then over to the West side of echo trailer, that is part of the parklands properties.

This is the existing zoning in the area. Um.

It's kind of hard to see on the over oversight, but basically the, the property zoned are just rule residential. All of the property that you see on the screen to the left.

The Echo trail, and then basically to the left of this heavy dark line here is our to the right or to the East is our for the African is proposing to change this property to our 4.

So the request has to change from our, our, for, for a single family, residential development, the app was proposing 104 billable locks on 36.67 acres.

They would be utilizing the steep slope development, potential transfer option within the land development code, which we'll get into a little bit more in just a 2nd, there's. bit more in just a second there's

Also a force for development review overlay because the property is located within the oh.

The applicant, or the application of the potential transfers, which is being utilized. 1st project allows the following.

Uh, basically, the applicant is allowed to reduce lots sizes below the typical 9,000 square feet that you associate with our for,

as part of an incentive based on other areas of the development that are being preserved as open space. They would utilize the setbacks. setbacks

And then the the way that the land development code.

Discusses this is that you look at the area that is being preserved or area that's being preserved and indeed. Transfer that development, right onto the rest of the of the property.

And so there's like a formula that we use in order to calculate what they, what they, any additional loss that they may be able to do based on that area that they are preserving.

See it yeah, so, uh, areas of steep slope maybe present within the, within that area.

But typically, they're not allowed to disturb those, depending on, or most of those, depending on the, on the development whenever they are disturbing areas with Steve, those greater than 20%. They have to justify that disturbance and all that is part of the application that they submit.

submit

Or their justification that they submit with their application.

A little bit history on the property. So, the dotted line that you see here is the zoning line that you saw on the zoning map.

And so everything to the right is owned are for everything to the left of that line is our, our so, the property to the, to the East to the right of that line is zoned R for an Afghan.

There was a previous subdivision that was approved under 871 0 to 3 to develop that portion of the property as single family development, utilizing the same tool. The same steep slope development.

So, on that application, there was no proposed development on the subject side, which is at which we outlined in. which we outlined in

Here on this on this map, except for the entrance row that comes off of echo trail back to the subdivision.

So this is the development plan that was provided by the applicant.

Really should have turned it, but you have echo trail to the top in this photo.

This here is the street a, that you saw on the previous development plan, and then the applicant would be proposing to develop the site with the single family residential,

and then preserving some of the steep slope and 3 areas that you see hatched here.

The on the plan, this is a photo of the subject property from Equitorial.

Uh, another 1, um.

So the applicant conducted their neighborhood meeting on August 31st, 2022, the land development transportation committee had a meeting on March 92023andthenthe planning commission. Public hearing was conducted on April, 20 of 2023. the. the planning commission public hearing was conducted on april twenty of two thousand and twenty three the

Planning commissions motion was to recommend denial of the change in zoning from our, our, our, for and that passed by a vote of 6 to 3.

Um, and 1 of the things that I left out of the slides was that that's included in all the testimony though, was that the property was originally zoned are for but back in the 90 s,

when the floods for standards were adopted, there was an area wide zoning and so this, this portion of the property was.

It's part of that area wide rezoning to our, our so, that's why is our, our today? But again, at the conclusion of the hearing to vote was 6 to 3 to deny that that.

That proposed zoning, so I'm here to answer any questions that you may have.

Any questions.

This is enhancement Kramer's district, and he did notify my office that he isn't in support of the denial of this change in zoning.

So when we vote today, I guess vote will be to uphold the planning commission to deny if you so choose the vote. Yes.

I just wanted to make that clear. I tried.

Hello.

Cancel woman yeah, I just want to be clear when to talk about the steep slope. That's the area below it. On the picture. That remains wooded. How steep is that?

So, it looks like based on the, um.

On the gap that they have on the development plan, I mean, there are areas.

That do exceed 30% so you have areas between 20 and 30%, and you had some areas of greater than 30% as well. So.

And then it's the areas, like, they have to be areas 20% or great in order to work with the calculation to transfer that density allowance. So.

Any other questions.

Seeing none, we're ready to vote and again a, yes vote is to uphold the denial by the planning commission.

And 1 more time, just so we're clear our.

Our to our 4, the difference is so our, our basically permit in order to have a lot, you have to have 5 acres.

And then, in our, for the minimum lot size is not 1000 square feet. So so our R stands for rural residential because of that 5 acre minimum lot size.

Okay, thank you. Councilman Reno Webber.

Thank you I just want to say, I think our predecessors put a lot of time and energy into the for Floyd's fork and I would highly encourage my colleagues to follow along with the recommendations to deny this build. We do not.

Our children are not going to thank us for allowing this kind of development at a place.

Is where we have been very strategic about not doing that.

I don't have children and I like nature so I just want that to be known that in my lifetime. I'd like to enjoy green spaces as well.

Point well, and I would like to withdraw the point. Uh, I also would not thank us for, uh, for violating the safety of this land that we have been thoughtful about. So.

Well, take councilman bet shown with denying this, um.

What does that do for the developer? Brian. 1st of all. Sorry. Thank you. Madam chair. Um.

And how will they move forward with any possible development on this? So, can they develop anything.

Um, and what does that look like, if it stays as R. R versus moving to our 4?

Again, just an educational moment here, so help me understand. Sure. So if it stayed our, our, then they would only be allowed to develop it utilizing lots that are at least 5 acres in size. So that, you know, they could do a.

A subdivision with large, a large, large subdivision. If denied there is a 2 year rule with, with zoning denials. So that any, any proposals that they would come back.

With would either have to wait 2 years, or obtain a waiver from the planning commission in which they would review whether, or not the proposal would be significantly different than what was denied.

In order to come back before 2 years. So those, those would be the 2 options that they would have moving forward.

How many acres is this again? It was 30 32. ish.

They could only put 6 lots on this land if they were to stay at or or.

Right. Yeah. Okay. All right. Thank you. I answer the question.

They're saying, no 1 else in the queue then.

Uh, entertain a vote. Yep. Go ahead. If you can't find it.

It's on the bottom, right? Yeah.

Exactly.

No, no.

Right. Oh, do things get overturned often by the planning commission? And then this comes upon us to confirm their denial? Is that what this is comments? So, the planning commission on zoning matters.

They can only issue recommendations, whether that's in favor or against the majority of planning commission decisions are in favor.

But that's, you know, in theory, if you're going through the time and effort to apply, you should have a general idea of what.

Is likely to possibly get approved based on the planning commissioner, the comprehensive plan, and the development code. So if we saw more, and I'm not calling this specific project outlandish, but if we saw some really outlandish proposals more often, we'd get more denials.

Um, but generally speaking, I mean, we, you know, the company is planning layout where appropriate development can take place.

And so I think it's expected to have most cases be approvals.

Um, but we do you see the analysis kind of thing? Recommend the now.

Without objection voting is closing there are 6 yes. Votes and.

And 1 present vote, and this will go to our business at our next council meeting. We're going to item number 5 and at this time councilman angle has so graciously said that he would take over if I need to step out of the room for a minute.

So, councilman angle, if you'll go ahead with item number 5, please.

Okay.

Yeah.

The clerk read item number 5 for the record item 5 or.

123 and orders related to the zone or property located at 943 Franklin street, containing approximately 0.38 acres and being a lower metro case number 21 zone. 01055writtenfull.

Is there a motion to approve motion motion there? A 2nd.

Do we have a 4th motion is 2nd to.

Please please read a police comment on the, on the board displaced. Thank you.

Alright, thank you. This is planning commission doc, over 21,155 for Franklin laughs.

The problem is located at 943 Franklin street located central Council district forward.

This is the existing property outlined in red here on the on the aerial photo you can see it's located near the intersection of Franklin street and North Winslow. It is currently used for residential use is proposing to keep it as residential use.

So, the existing zoning is our 6, it's in the traditional neighborhood form district, proposing to change this to commercial.

So, the requests to change from our 6 to C2, there were some waivers and then the development plan, which we'll see in just a moment. So, the site was.

Develop with the existing structure to be preserved.

It was previously used as a pool supply company,

and then through a series of actions through the border zoning adjustments that went from being in this industrial pool supply company to being a mix of commercial and multi family to just multi family. And now they're.

To renovate this, so that the entire structure is being used for willing units as well as some short term rental units as well. So, the app is proposing 16 units with 3 short term rentals.

The project is located in a bunch of town, Phoenix hill and new neighborhood plan study area and then in this particular area,

while it recommends that our 6 properties be rezoned to you in there is language in there that says that industrial buildings are recommended to be reused for office, retail, multi, family, industrial.

Is no longer viable so.

That was 1 of the things that was considered by the planning commission, as part of this, this is a very light drawing of the plan over here is Franklin street.

You have Ali at the back, the existing, the existing building, just kind of forms that you there on the property and they're really only proposing to do some improvements in the front.

In order to add some official parking spaces.

This is the photo of the existing structure, so you can again, you can kind of see how it kind of takes up the boundaries of the property as it goes back towards the alley. These are some pictures of the adjoining properties.

We have a residential to the West and then a vacant property located to the East.

And then across the street, you have institutional residential uses.

Definitely could have conducted their neighborhood meeting on November 30th, 2021, land development, transportation committee meeting was on March,

23rd 2023 and then the planning commission public hearing was on April 20th the planning commission motion was to recommend approval of the change in zoning from our 6 to that passed by a vote of 5. 0. our six to that passed by a vote of five zero I saw that I have unless you have any questions for me. Thank you very much. This is in district for councilman Arthur. Do you have a comment.

For this particular item, I'll just add that this building.

Several years ago, when I was in college, used to be the old Tim gallery at 1 of my 1st shows here, and it seemed like, since then they use has really been under utilized. So I'm glad to see something happening with it.

I don't have any questions comments or concerns about it.

Thank you, I don't see any other speakers in the queue, but I do want to make sure if anybody does want to speak anybody. Yes. Consequence. councilwomen rule.

Yeah, I just want to understand 1st of all it.

It's being zoned right now it's residential, and they want to don't commercial, but they're putting housing in there. I'm confused.

So, actually, the, the, the zoning, the.

The proposed density doesn't fall within that classification so they're, they're proposing to change that to the, and then the would allow the short term rental units to be implemented and utilized.

They're in a multi family structure.

Okay, and then what is you and you in is urban neighborhood.

Okay, so that's another classic.

Classification which we see it a lot of times in some of the neighborhood plans where you have.

With the underlying zoning is our 6 multi family, but you have a single family structures.

And so the U N. is a single family district, it basically allows 1 unit per per lot.

And so we have seen conversions in the past of areas, or not Portland, Portland, we did some area wide rezoning there because the underlying zoning was our 6 and a large areas of that.

rezoned to you and as part of their neighborhood plan that was approved, gosh, 1520 years ago.

Thank you.

Oh, and Reed has joined us. Did you grow recognizing.

I did not, he just showed me just showed up and I think that's the, that was all the speakers Madam chair. Okay.

Okay.

I just add a response to that that gives a lot more flexibility example, my House's C2 and obviously I lived there, but I could also have a skating ring at my house or laser tag at my house and that the bullshit town Phoenix Hill,

new neighborhood plan. plan

Actually, cause for properties to be used as not only residential, but also to have some commercial use as well and this accomplishes that.

Thank you any more questions or comments.

Say, none, we're ready to vote.

mine's not either.

Yeah, I'm on my phone. I couldn't vote if I want to do it.

I just Carl. How about.

Carefully, I just got 2 speakers that just automatically showed up on my.

Did you have a question a refresh.

Okay, okay.

I don't know what, what happened. Okay.

Please record me as a yes. Vote.

Vice cherie.

I click yes or.

Did you not get it? There's an issue right now. I've got it now. Thank you. Okay. Uh.

Committee member Baker, Committeeman member Reno.

Yes, committee member angle.

Yes.

Without objection voting is closing there or 8 yes. Boats. And this will get wait a minute. Is it? I sorry, I forget to.

Council member Arthur yes.

Yes, folks and this will go to business at our next council meeting.

Item number 6 is.

Being held, we're skipping number 7 for the moment. We're moving to item number 9.

Is an ordinance imposing a temporary moratorium on conditional use permit applications for short term rentals and new registrations for short term rentals and certain impacted neighborhoods pending a review and recommending the changes by the planning commission.

This was tabled at our last meeting. So, I need a motion to probably moved back council women.

Chapel and cited by councilman Baker, we're ready for discussion councilman Reno, whatever. Did you want me to recognize you.

1st are councilman jukari, Arthur, I could jump in real quick just to give a summary and then pass the mic if that's okay. That's perfect.

So, this ordinance temporarily stops new short term rentals, either through conditional use permits or registrations.

The intent is that, during this time will update the ordinance that regulates short term rentals.

This does not impact short term rentals that are currently registered.

And it does not stop them from renewing the registrations.

Applications that have a scheduled public hearing by the board of Zoning adjustment when this ordinance takes effect.

Can continue to be processed and decided upon by the board.

Zoning adjustment originally introduced this legislation to address a proliferation of short term rentals in district for.

Neighborhoods like Phoenix Hill, where the percentage of short term rentals versus occupy housing is just 1% less.

Then downtown, the area of this city that has the most short term rentals register, the residents will move their families.

Clifton Heights town Phoenix hill.

Did not ask for the proliferation they certainly don't need it.

And they don't want it, so that's why this was introduced.

But they're not alone in the last committee we heard from other members about concerns. They've also had a short term rentals. So, with that being said, I'd like to pass the MC to a committee member Reno Weber to introduce an amendment.

Thank you council Arthur, I want to echo all of the concerns that you have, and also to identify that we are again, not seeking.

Motion before full committee so that we have that as a tool in our toolkit, as we are in the process of doing.

Uh, uh, a very thoughtful review of regulations. So, with that intention.

I would like to propose an amendment be read into the record to extend this moratorium city wide for a variety to address a variety of concerns. By my colleagues that doing this neighborhood.

My neighborhood is not the way that we want to legislate. Um, and then have a conversation around.

Uh, how we want to move forward.

We have the amendment red into the record. Yes. Sorry I'd be happy to.

trevor's research assistant county attorney, so, in the title.

Which, like the phrase, certain impact of neighborhoods and insert the Metro.

And the 2nd, whereas strike certain neighborhoods, insert low Jefferson County, Metro government, Metro.

Change have to has been strike, more negatively, significantly impacted by short term. Rentals do to.

New language, a variety of factors across the city and then strike the rest of that.

Whereas, uh, strike the entire 3rd, whereas on the existing ordinance.

Move on to the 4th, whereas the council wants to create a period of time where in no short term rentals are created either through conditional use permits or new registrations under 115.

Parentheses renewals will still be permitted close parentheses in metro, and then strike the phrase the impact of neighborhoods while the planning commission reviews, potential changes to short term rentals.

And whereas as anticipated that the review pursuant to resolution number 143 series, 2022 will take approximately 6 months to complete. And whereas during the tendency of such review, the council desires to preserve the status quo and.

Again, insert metro strike, the phrase impact the neighborhoods.

By preventing changes that might render the planning commission's review meaningless.

In section, 1 of the ordnance once again strike the phrase and the impact the neighborhoods.

And start metro in section. 2 of the ordinance, do the same. And then in section, 3, there's some new language. I'll just write the entire new clause.

This ordinance will take effect upon its patches and approval or otherwise becoming a long shot remain in effect.

Here's the new piece until the earlier of 1 council taking final action on the anticipated amendments.

Or 2 for a period of 180 day, calendar, days, efforts, effective date unless repealed.

And then it strikes the phrase or extend it.

Madam chair, if I, if I can, um.

I just want to emphasize a couple of pieces of this 1st, off what we are looking for is for this committee to pass the ability to have a conversation about this in front of the full Council.

I want to also emphasize that this is for a limited period of time while we are going through with the staff, the proposed revisions to the.

The ordinances that I am very optimistic when combined with some administrative changes that we're seeing will really get us to the short term rental framework that will both allow for.

The kinds of short term rentals that we want to have in our community enabling people who are owner occupied and the long commercial corridors to really provide us.

Very important piece of our economy, um, while really giving citizens the opportunity to protect the kind of neighborhoods that they want to have.

So again, what we're looking for is just the opportunity to hear this before counsel to have that option. Uh, as we're working through the regulations.

Whoever is that whoever is that emotion for these amendments? I need to get a motion and 2nd, so that we can discuss that. I have people in the queue.

Sorry, yes emotion for these amendments.

Properly the 2nd, by Catherine Reno Webber and seconded by councilman Baker we have President.

Marcus Winkler in the queue. 1st.

Thank you, Madam chair. Um, I just wanted to speak briefly, uh, to the amendment and 1st of all call. 1st, let me say, I don't have a vote on this committee.

Um, so, you know, my comments today are are just in in support of the amendment that was just authored and look forward to voting for this next week. Um.

Assuming that it moves out of committee today, but I'd say just a couple of quick things. Number 1. I sent all of you earlier today.

We got a letter from the greater level of association realtors who reviewed the proposed moratorium and, you know, they are very.

Um, property rights friendly I want to make sure that.

You know, restrictions don't impact the.

Property rights, and they took a neutral position, which.

I would actually say is is fairly positive, um, given, you know, that they tend not to support any moratoriums. Um, and really, there's, there's 2 things with a specific amendment that I want to speak to that, I think are important number. 1.

um, I had spoken to both the sponsors about limiting this to certain neighborhoods and, and the reason that I support doing this.

Wide is is twofold. Um.

Number 1, whether you do these neighborhoods or county wide, I'm gonna guess 90% of who you're going to cap who you're going to impact you're going to impact either way. Right? So, I don't know that. You're by expanding it. County wide.

You're suddenly expanding the net and and are going to impact a whole lot of. of Their.

Um, uh, potential applicants. Okay. Um, so I don't I don't think that it takes in actuality expands.

The number of people impacted the reason I think it's important is I, I think from a precedent perspective, it's dangerous to do, um, district specific, uh, legislation.

I don't think it's a good way to legislate. Uh, I think particularly when we start to get to land use.

Um, saying, well, I don't want this build here, so I want to put a moratorium in. I don't think it's a good precedent for any of us to be able to find 13 people that we can convince and say, hey, I want a moratorium in my area on, you know, whatever type of development.

Um, and so that's why, I think expanding it is important. Um, and then secondarily.

I just wanted to also applaud the language that customer didn't speak to but Travis read into the record, which is the duration.

Um, you know, I think in very short order, um, I would expect that we will have a new business item. Um, that addresses.

Sort of the the general governing laws of short term rentals. We're in the final stages of getting that from the administration. I wouldn't be surprised if that's introduced on the next new business deadline or or probably no. Later than the 1, right after that.

So this is not a.

Long term, you know, we're gonna spend the next 3 years debating this issue and need a long term moratorium. It's really as we review these recommendations from the administration.

You know, I hate to predict things, but I would guess by the end of the summer, we would have not only the in place.

Done all the work and and passed something out of council. It would be my prediction. So, this is a relatively short term moratorium.

As we work through that, um, put the new rules in place.

Um, you know, I think that we've gotten guidance from the administration on, uh, particularly areas where people are are taking advantage of, of.

Unintended loopholes that we left in the legislation when we passed it 3 years ago or 4 years ago.

It's a good chance to review those and I think this moratorium makes sense as we do that and I look forward to supporting it and hope everyone else will as well. Thank you Madam here.

Thank you Mr. President councilman.

Thank you Madam chair. Thank you. Colleagues for your comments. So.

I got a couple of things I want to touch on so 1st of all, not in support of a moratorium in regards to this. I think we said a bad precedents by.

Voting in moratorium on this, and I think we are the elected body.

I'm here planning and zoning to make these decisions. Um.
And do them, right and strategically and not emotionally.

If we are to put in amendments and things of that nature, what.

Is the where is this language that came.

Come from that was in the original ordinance. What other cities did we mimic this off of looking at some things and speaking has anybody speak spoken to the air BNB corporation their staff and seeing what their thoughts were on this.

My suggestion is to put a cap on this right originally and not doing moratorium for right now.

And we have 172 applications in.

Process currently since 2017, we have a 1086.

Short term rentals, which if you divide that about 7 years, it's 155 a year.

There's 172 in applications that some may get denied, and some will continue to go through. So if you want to cap that and.

Do that for this year and rework the wording? I think I'm a little more in support of that. My thing is, I'm looking at Riley, North Carolina, and their population is 1,593,023.

Logo is 1,118,023. they have the best language.

For an ordinance similar to this and.

We can mimic that and it's a good balance between city and short term rental. Um.

We, as the city of.

Not even 1% of the stock.

In short term rentals we have point 0 0%.

In short term rentals 007 in short term rentals. Um.

Study done by found it here.

All right.

Host in Jefferson County, utilize point 007%, which is 17.

7 tenths of 1% of the Jefferson County housing units for tourism on an average about 60 nights per year.

So, I think we're raising a big stink over.

Not even 1% of the, the housing.

Based on some, some research that I've done.

That there are so many different things that are in place with these organizations that are hosting the short term rentals that can help us prevent the issues that I think that we're.

Running into whether it's parties or complaints or whatever. So I think we need to take a different approach rather than a moratorium, and just maybe tapping the.

Short term rental applications for this year until we can work the language.

Maybe look at some other cities that have done this and their language.

And come to a compromise there.

Thank you, but this is.

I want to make sure that this is not anything gets air BNB because this is short term rentals. There are other platforms out there. There are individuals that have short term rentals.

There are other corporations I think that was mentioned that there's to me that there's 1 corporation out there that has 50 of them.

Sounds I don't know what others, but there, it's not and there's other that own short term rentals, so it's not just an air BNB thing and it's nothing against Aaron B. it's about short term rentals.

Period across the board, I just wanted to make sure that I said that because it's nothing against air BNB councilman raid.

Thank you Madam chair and thank you for the sponsors of this.

And I've read the letter to the council from.

From the realtor Association.

I didn't read the recommendations from Joe haberman, which I thought were very good.

I will say that the letter from, uh, did say that, uh, and I'm quoting has always been very concerned with use of oratory as a way to limit private.

Property rights of current and future property owners and believes that the moratoriums sent the wrong signal to the real estate and.

Sends the wrong signal to the real estate industry into those interested in investing.

In Louisville, Metro, and, uh, from my perspective, um, I think moratorium would be.

Counterproductive I believe that moratorium, uh, might even be.

Completely unfair to those that have, um.

Gotten financing to.

To prepare their, uh, to prepare the short term rental, or maybe.

Uh, or in the process of getting, um, uh, labor together to to actually go ahead with it.

To me, this is a private property rights issue as well.

Um, I think that we can, uh, get the process started with good conversation and work towards some of these goals that the administration has set up.

Sent out without having the necessity of.

Setting the entire process down and then, at least to the next question.

You know, for how long are we talking 3 months? We're talking 6 months or are we talking.

12 months, um, so.

I do believe and I remember when we, um.

When we started with down the road of of short term rentals, we said that this is going to be an ongoing process. We're going to be tweaking this.

For the foreseeable future, but at no point at any time, did anyone say anything about moratorium?

I see this as being a very fluid process that doesn't need anything quite so draconian.

So, I'm very I'm empathetic and and appreciate the intent here, but I don't think I can support.

Anything that's just the process bill. Sorry I'm getting text too and.

I have everybody in the queue.

Counseling right. Or whatever your next, but I just want to let Travis if I say this wrong Travis.

Please correct me the way the amendments read it's 6 months or when the amendments are approved whichever is less. Is that correct?

Yes, that's correct. Thank you. So, it's not an indefinite period of time councilman Reno Webber.

He's gone, so I'll move to councilman Arthur.

What Catherine Reno Webber Thank you. So I, I want to address.

So, I got it.

Yeah, so okay if you can hear me, um, so I just want to address 2 things 1, the timing issue. So I fully agree that this is a intended to be a very short term measure and if we can get.

Legislation thoughtfully through before we need to we break for the summer. I would 100 support withdrawing the moratorium.

What we are seeing, having just recently been in conversation with.

Greenberg and Joe haberman is up, they said they've seen 110% increase in applications in the period since we have been discussing moritorium and of those, the quality of the applications.

Meaning the amount of intentionally deceptive information being provided, including false claims of residency has been higher than they have ever seen.

So, there is clearly an attempt to circumvent the process by bad actors, which is exactly why I want to have the moratorium as part of our toolkit.

To speak to council 1 batch shawn's numbers.

Uh, when I did speak with the air BNB lobbyists who flew in from Washington for this purpose, and he shared with me, the same data he shared with you,

he did not break it out into the most impacted regions in the way that our own internal team did so why yes, it is point 7% of our total housing stock. stock

If you take the entire county, however, it is not the entire county that is being impacted it is a set of very specific neighborhoods being impacted in very specific ways.

And so I think the attempt to use that by air BNB is actually an attempt at misleading us about the impact that this is having on many neighborhoods.

So, I do look forward to working with them. I think I found a number of their options and thoughts, uh, quite helpful but I also recognize that they've got a very specific interest in this and it is not necessarily aligned with those of our neighborhoods.

Councilman Arthur, and then it's president Winkler.

Thank you, I'll just address a few things. So cap versus moratorium is problematic, because even if we put a cap on the amount of people, they get approvals through registrations or conditional use permits.

People are still taking advantage of an ordinance that has loopholes.

Completely stops the process, so that we can fix that, but if we still allow people to come through, they're taking advantage of it why would you want them to take advantage of you your constituents or the job that we're here to do also address some of the numbers because I love data,

the housing needs assessment shows that we have 300,300. hundred thousand three hundred

55 units of occupied housing.

We have about 1100 registered, short term rentals that's just registered by the way. So, when we talk about the 1% or the less than 1%, that number is not reflection reflection of what we actually have.

Because we know people aren't actually registering. We heard from somebody and planning and design. planning and design

And that folks are uploading pictures of their kids instead of permits to the Airbnb host application.

That is very problematic and we need to stop it. This legislative body should provide oversight for the people who are taken advantage of a system.

That we are hired and tasked with making sure that we manage also just add this. And then I'll leave it alone.

Even if we did just talk about that 100 to be specific 1153, registered short term rentals.

The Coalition for the homeless predicts that every single day and.

There are 1200 people who are in the house.

I'm pretty sure that they would love to have that a 100.

Number of units into our housing market right now.

Thank you so much.

President Winkler, thank you, Madam chair, and I just want to echo comes when renewal weber's comments and I think.

You know, I generally, I'm not supportive moritorium and ordinarily would prefer a different course of action here as well.

I I do think the point that counselor or whoever made that what we're seeing is. An attempt to jam through as many as possible utilizing a loophole in Milan and just so everybody understands the specific loophole when we, if you go back 4 years ago, when we passed the short term rental ordinance,

we set up a clear set of expectations for owner occupied.

In a different set of expectations for non owner occupied. Okay. But at the time, the language we used was host occupied, not owner occupied cause we were told they were basically synonymous.

Okay, and what has happened and this is what staff is seeing is people are exploiting that as a loophole.

Um, basically claiming these properties are host occupied, finding somebody to put their name down and say, I'm the host of this place. They've never seen it. They've never been anywhere near there. They're not affiliated with the property.

Um, and so you have seen, um.

People taking advantage of of.

The law when that was clearly not the intention when we passed that I was here when we passed that regulation. The idea was, you live on site, you have a different level of overview.

Okay, it wasn't that I can pay a college kid 100 bucks to say he's the host.

Uh, put it on the application, and then I bypass the conditional use, permit process the re, so that is being exploited.

You know, planning and design services tells us that, as this conversation started up over the last few weeks, we've seen an explosion of that type of activity.

Which, to me says, these are people who are intentionally trying to exploit this loophole as long as it exists. And I think because of that, um.

A temporary short term moratorium makes sense while.

We fix the language of that law and and, you know, while I'm sympathetic to the housing argument for me, it's not really even about that. Right. And and I think when we start to get down that path, we start to cloud the discussion.

I mean, for me, the question about terms quite simple, do we think people are going to exploit this opening?

In the law, um, while we discuss the ordinance, and we clearly see that happening and and that's why.

I think we should be supportive of of the amendment and the, the, um.
The ordinance generally, thank you.

Thank you Mr. President anyone who's been on this council long enough. I think councilman Daniel can attest to this too.

That I hate moratoriums, and I usually rail against them because of what it does to the, the economy and what it, what it states for future legislation. And we're all here. We're we all love economic.

Development because when we have economic development, we don't have to raise taxes because we are getting revenue from new businesses. And having said that I also believe that I have an obligation to when there's an issue.

That's in 1 of my colleagues districts that I have a duty to help them.

Not have that issue of this magnitude.

And you can't do this I don't like this spot, pick this district, pick that district because all of us know, we just redid the boundaries for redistricting, councilman eagle. And I have several streets in common where he has 1 side of the street.

I have the other, so you, you disproportionate. Well, then you have an opening will obviously develop the other side of the street. So I'm for if we're going to do a moratorium.

Short lived, I have, I have every confidence that we'll get through this amendments very quickly and will be done with it and we'll close the loop. Whoa. And again, I want to because everybody keeps saying air BNB, Airbnb.

It's not just it's not air BNB. It short term rentals and there's a lot of people out there.

The market that have that, they may have the most of them that are registered.

But there are still the ones that are unregistered 2 councilman Shawn.

Hello.

You're not are you in the key Catherine eagle? Because it's not on mine.

Show in the cube number 9.

Yep. Is that okay go ahead cause it's not. I'm sorry it's not on my.

Yep okay. Yes, thank you. Madam chair. I wanted to ask Travis a question when, you know when this.

Originally was ordinance was was put forth here. It was a few a few districts.

I know I kind of sense why it went Coney wide because.

I don't think we can actually carve out a few districts to do moratorium. Is that correct? That's not even legal in our in our.

In our way of doing business down here, is it or is it.

So, a couple of comments, 1st, I know that the original version was based on a couple of neighborhoods and then there was some amendments.

The last committee meeting, they added a quite a few more.

Um, neighborhoods, um.

And so well, I haven't specifically, or we haven't specifically been discussing a district based.

Petition I think that potentially could be legally viable. I just can't think immediately of why it wouldn't be.

But I haven't done an in depth review on the question assistant county attorney Laura Ferguson also, we have done or Metro has done some short term moratoriums in connection with limited reviews, for example, with the Irish neighborhood,

when they were going through an area wide rezoning. They had.

Moratorium within that proposed boundary lines for proposed uses residential uses could move forward commercial uses and industrial uses were put on a temporary moratorium while the plan was implemented and was a similar thing with 6 months.

And we've had some stuff with planned development districts where we've had a temporary moratorium mild rules were being revived.

So, it doesn't necessarily has to be defined what the scope of the moratorium is but it doesn't necessarily have to be it can be met her wide. But it could also be more limited. What you have to be able to do is tell what's covered by the moratorium.

You'd have to define either the boundary lines or have it be in a defined way of a district or a neighborhood.

You know, whether you're in or you're out, thank you for that explanation because I was trouble it it was troubling.

Approving something for 3 or 4 districts when we are metro Louisville of 2006 districts. But if you can do that, I mean, again, I actually, if.

That would be the direction I potentially would want to go, but we're, we're dealing with now all of Metro. So, let me let me say this. I'm not in favor of moratoriums. You know, we have a, we have a planning staff.

That receives these applications.
heard there's been a proliferation of applications that are bogus that are are misleading.

That's what I mean, we have staff that overseas, these applications colleagues.

So, we're going to put the we're going to put the breaks.

On the free market system for those that want to apply.

For short term rentals in our community, because we've seen a proliferation in a couple of council districts.

I think we're setting a dangerous precedent here. I really do.

You know, we talk to various developers and this, and that we're just not a friendly city to do business and folks.

We're not, I think that's going to change with this mayor.

I really do, but this is just another 1 of an example. I think.

Of us, not being friendly with with, with the business community and.

The marketplace in general, so I.

I am going to vote against this moratorium and I'm going to leave it up and I yield to our staff.

To do the job that they've been doing since we passed this thing years ago.

In approving or disapproving of short term rentals.

Thank you, man I'm sure counsel met Sean you were in the system, but then you disappeared. Did you.

It took me out somehow. I don't know. That's okay.

Again, I'm just trying to piggyback off a counseling angle here for a 2nd, you know, um.

We're a city looking to grow and we are constantly I feel like behind the 8 ball and it's due to the bureaucracy that we continue to put in front of the business owners and the developers and the investors in the community. Um.

Looking at some statistics again, um, the host or average.

43 year old women, the Super host of 4.9 star ratings on their homes that.

60 per year, 69 per year the average.

Renter of a short term rental is a 40 year old woman from Chicago or Indianapolis. We're surrounded by cities that are booming in growth. The amount of.

The typical guest has a typical economic impact of 844 dollars to the host 1200 dollars in local spending, which is 100 dollars per person per day.

Do we want to continue to just put the brakes on this? So if we're going to do anything, we should just kind of piggy back off of what.

Counsel an angle said, and maybe pause the application process.

And not necessarily put a moratorium and just ban short term rentals until we figure out the proper language. I think using moritorium is.

More of the setting, the bad precedents to kick the can down the road on every other development we have in our city.

I have a quick question. I don't know if Joe needs to answer this or Brian you can answer about the other cities that have zoning authority in Louisville. Are there some of those cities that don't allow short term rentals.

Could you answer that place Joe haberman planning and design services so we have the 12 suburban cities that have maintained their zoning authority of those.

Only saint Matthews and Middletown have adopted.

What I would call variants of the short term rental ordinance. A middletown's is a very early version. They haven't carried out any of the amendments that council adopted.

And say, matthew's kind of went their own way and did something unique for their city.

The other cities have not adopted any and its staff's opinion that short term rentals are not permitted within.

Those other 10 cities, so I have 10 small cities that don't allow short term rentals by. Right. That's.

And not only that if I'm you can correct me if I'm wrong, we did some language on not just this ordinance, but not on short term not just short term rounds but we also did, I think, an accessory dwelling units.

We, I think Laura focus and actually wrote the language for it that says if you have an existing.

A, or if you have, um, um.

Deed deed restrictions or bylaws on your deed that prohibits.

This activity then those are excluded too. Is that correct?

Or homeowners, associations with bylaws, many have found that short term rentals aren't permitted under their bylaws. We do not enforce those right? The homeowners associations can and often cases do enforce that.

Right but they don't they don't I know that we don't enforce them, but they're that takes those.

That was out of out of the game it's so outside in the unincorporated areas, where some of the older subdivisions where we don't have active homeowners associations, we don't even have any layer of added protection.

852 "Bennett, Olivia" (1834115328)

To cut down on that type of thing, councilman Arthur.

Thank you Madam chair. I just wanted to respond to a couple of things.

We heard a colleague mentioned stopping the application process. If you look at section 1 of the ordinance, it's very clear that we're putting a moratorium on any applications for conditional use permits for short term rentals.

So that's 1 and the same exactly what we're asking. And then I have a question that might be for Joe.

Could you confirm how many staff members that you have all or even most of their time regulating short term rentals.

So the technical answer is 1, we.

As part of a budget passed a few years ago, we decided we needed a dedicated enforcement officer to.

Look at this issue along with boarding houses, which is very similar in nature. So we have that 1 officer that is.

Dedicated to short term rentals as far as the administrative staff.

We do not have anybody that's dedicated only to review in short term rentals. We use.

Several different planners to review the conditional use permits and some other staff to review the annual registrations but.

It's a team effort, and nobody is only working on short term rentals in our office.

And just really clarify for us. You have people.

Working outside of the scope of their job typically to help with this effort. Is that what you said?

Well, it's just not their only responsibility. It's, it's within their job descriptions to work on applications that we review, but.

They're not specialized, only working on short term rentals. They're doing a number of other things, reviewing another.

For the ones that data conditional use permits, reviewing all the types of conditional use permits, not just those for short term rentals and variances and things of that nature.

And the office staff that look at the registration applications are looking at other things that are.

You know, within the scope of planning and design services.

Thank you so much colleagues we are running up against time and we have an amendment to vote for and then for the original ordinance. So I'll call on councilman chapel and Catherine. Whoever. Can you hold your question to her?

I was just going to motion to call the question, but go ahead.

Go ahead, counsel moment chapel. Okay. I'm going to try to make this really fast. I have a former Airbnb, Super host as I got older and I.

Realized that I had nice things. I want to keep people out of my house and I didn't want a stranger sleeping in my house. That's how Airbnb used to be. You would open up your house and somebody would sleep in it. Airbnb's have changed drastically. And so, as short term rentals have evolved, we need to make sure that our laws are as well.

This moratorium gives us the opportunity to do that. I also wanted to make a note.

If you have a reservation, if you are operating in Airbnbs, there's no impact to that. And if there's a concern about economic development.

I want to make it clear that there's an article that was put out on December, 28, 2022, stating that.

There were 21,744 hotel rooms, spread across 174 hotels in mobile. If people are having a problem.

Finding a place to stay in law then.

I don't know look at another hotel. I'm not I don't even know what to tell you. I don't think that there's any problem with people coming and staying here, but also, if we want to preserve the cultural fabric.

That short term renters are looking to take advantage of when they're staying in these communities we need to make sure that we're upholding and preserving these neighborhoods and listening to the neighborhoods 1 of, which is my neighborhood. And so I would rather not have my entire block taken over by short term rentals.

I would like to make sure that there are community members that are occupying those houses and community members who are.

So, contributing back to that community.

Okay on the amendment all those are favor in favor of the amendment that Travis read into the record. Signify by saying aye aye. Aye. Aye.

I was opposed by lifetime.

Hearing none the amendment passes now we have the full.

Ordinance in front of us.

Okay.

Okay.

Okay.

Without objection voting is closing there are 5 yes. Votes and 3 no votes. So it will go to old business because of the vote. And because it was amendment at our next council meeting.

Colleagues with having no further business in front of this committee at this time.

I will adjourn, but let me the next.

Pending zoning meeting my vice chair councilman Scott Reed has agreed to chair in my absence. So I just wanted to let you all know in advance that Catherine Ray will be the next.

Chair of the committee, thank you.