

Captioning Transcript of Planning and Zoning Committee Meeting - October 4, 2022

"Chair Flood"

Good afternoon, and welcome to planning and zoning and Council Woman Madonna Flood chair of the committee today.

I'm joined by my vice chair Council, Scott Reed council member Arthur council member Bill Hollander Council Member, Nicole George Council Member, Robin Engel and we have a quorum.

This meeting is being held pursuant to 61.806 and council. eight hundred and six and council

5A, also, as a reminder that if anyone is attending virtually we must leave our cameras on. At all times.

We will be holding item number 2.

Item number 1 is an ordinance relating to the zoning of properties located at 61 0136107southsidedriveand 101 through 111 drive containing approximately 7.14 acres and being a local metro case number 21 zone. 0 1 6 1.

and eleven drive containing approximately seven point fourteen acres and being a local metro case number twenty one zone zero one six one Secondary properly moved by Councilman Arthur 2nd, by Councilman Reed, we're ready for discussion.

"Brian Davis"

All right good afternoon Brian Davis, Louisville Metro Planning and Design. This is planning commission doc, number, 21 0161forsouth side drive the property properties. A question located at 6,101 36,007, South Side drive as well as 101. 211, steely drive. They are located metro Council district 25.

seven south side drive as well as one hundred and one two hundred and eleven steely drive they are located metro council district twenty five This is an aerial photo, outlining the properties in question. You can see there's an existing residents on the property. Annapolis, proposing a commercial development on the site.

This is the existing zoning map, so the site is currently zoned. There is easy 1 to the North and to the East. And then you have our 6 and that this round the property on the other 2 sides.

Is located in the suburban workplace form district and that is not not proposing to be changed.

So, the request before we use, it changes only from to.

The site is currently as you saw in the area currently has a resident's on there, which will not be preserved.

There was a historic preservation notice, sent with the planning commission, notice regarding potential demolition of that structure that was proposing to construct a 45,000 square foot contractor shop as well as 22,250 square feet of commercial space.

The commercial space is, you'll see on the development plans at the front of the site and the contractor shop located at the rear. and the contractor shop located at the rear

Where you saw the easy 1 zoning.

So this is an existing view of the site, uh, from South Side drive.

So you can see the existing structure, which is proposed to be demolished.

This is a view from STV drive. Uh, these are some of the surrounding properties. So you have residential across South side, driving across DD drive.

You had the former naval ordinance site, which is located to the North and then you have a mix of residential institution uses to the South. So this is the development plan. This is a CD drive, uh, here, then you have access that drive over here.

So you can see the proposals that have commercial uses for the 2 streets with the proposed contractor shops located at the rear of the property. These are some elevations that were provided by the applicant during their testimony at the planning mission hearing.

The applicant conducted their neighborhood meeting on November 9th, 2021, land development transportation committee had their meeting on August, 11, 2022 planning commission, conducted a public hearing on September 1st, 2022 3 people spoke in opposition to the request but the planning commission made a motion to recommend approval.

To change the zoning from our file to, by vote of 9 to 0. change the zoning from our file to by vote of nine to zero

That's all I have any questions for me,

"Chair Flood"

this is in Councilwoman Amy Stewart's district, and I did hear from her office that she didn't get to make it that she was supportive of the change in zoning,

but a chair calls on Council Woman Nicole George

"Committee Member George"

Thank you chair, and thank you for the presentation. Um, this is currently in district 25. it was formerly in district 21.

And it's right on the boarder, um, 1 of us just start asking some questions about the traffic study.

And I will say in this instance, when I read the conclusions less is not always more Matt. My 1st question is, um.

You know, what does it mean to be with an acceptable limits?

And along with that, what is the anticipated impact to traffic?

"Joe Reverman"

This is Joe Reverman with planning in design as far as the acceptable limits that.

Generally, it's when it comes to traffic impact studies means that there will be an effect on the surrounding streets. Um, and sometimes that means, you know, it's going to make the.

The delays worse, but that there are acceptable limits for that. You know, it may not necessarily.

Become an f situation, but it but it is making some situation worse at an intersection.

"Committee Member George"

Okay, just to say the obvious that tells me almost nothing made.

Um, I guess the 2nd, question is, how confident are we, that this development will actually generate the numbers of, of estimated trips.

And when this was looked at, was this Pre or.

"Joe Reverman"

they're generally we generally don't look at anything post covert, unless there's justification to do.

So a lot of the numbers we look at are from 2019, we're usually fairly confident that the traffic numbers that are used in the traffic study are going to be close to accurate. They're. to accurate they're You know, we use the National Standards for the traffics the trip standards.

And so those are usually fairly accurate. There's no way to be 100% accurate, but they're usually pretty close.

"Committee Member George"

Okay, so we believe it was from 2019 and the bad booked it's referenced in here is the highway capacity manual number 6. I think they're on the 7th edition. So, again, I'm just interested in it. If that's like. Was the 6th Pre covid post covid.

"Joe Reverman"

That was on page 6

"Committee Member George"

no, I said the, they estimate the highway capacity manual is and it's 6th addition that's what's referenced in here despite the fact that I believe the 7th edition has come out. So I'm just trying to figure out. Like, a little bit more about what was used.

"Joe Reverman"

Okay, if they say they use the 6th edition, then I would go about that. And public works, and our transportation team do usually look at this, and they looked at this with the state as well since outside the state road and they accept it, the traffic impact study. So, we would just have to assume that they were okay with using that addition.

"Committee Member George"

Yes. Okay. So that would be the question.

Uh, the next question I have is around, um, the waiver, and specifically around the sidewalks.

I know there's a, a waiver specific to the connection for the South and the East.

And I'd like you to pull up the map because I want to make sure that I understand specifically.

Is the waiver to say that there's no connection for the.

Drive section, I guess I'm trying to clarify that.

What section is impacted by the waiver?

"Joe Reverman"

I don't believe there was a sidewalk waiver. You're talking about the connection waiver?

"Committee Member George"

Yes.

"Joe Reverman"

Okay.

Yeah, and that would have been that's usually a particular connection. To the to the East and South property lines. So I don't you don't have to plan up.

That would have been the, uh, the non residential zones properties to the eastern South.

"Committee Member George"

Okay, so is it fair to assume that.

As part of the development there will be a sidewalk on steeply and that gets recommended in by public works in 2021.

"Joe Reverman"

yes, there is a sidewalk on steeply and.

Maybe improvements to the 1 on South side.

"Committee Member George"

Okay. So, yes, to the sidewalk on the North Saturday steeply.

"Joe Reverman"

Okay, correct.

"Committee Member George"

Um, last question on infrastructure.

I know there had been a request or a recommendation on a bus stop relocation.

There had been a proposal for the developer to pour concrete pad. To bring the best up into ADA compliance.

Do we know if that was part of the development would have been at South sat in algebra.

"Joe Reverman"

Finding element number 8 does require that boarding area to be poured by this property owner.

"Committee Member George"

Excellent. Do we have a list of binding elements that we want to.
729

Read into the record, uh.

"Chair Flood"

I have 1 that I've asked Travis to work on it's the new language.

That we use on the last case at the last committee meeting, and you want to read that into the record and I'll make the motion.

"Travis Fiechter"

Happy to Travis Fiechter, Assistant County Attorney here as the committee what we call we discussed last time, the, uh, the amendments to the standard counsel bonding on what? That we're recommending going forward.

We saw the 1st case last time and I guess this will be case number 2.

Any significant increases to the Pro structure increases and building height number of units, number of buildings, and the increase in density on the property, any changes in use on the property.

Which directly, or indirectly require a public hearing before the planning commission or subcommittee thereof and, or and the amendments to the binding elements, other than 1 the addition of new binding elements 2 changes to many elements that merely update the public hearing date or 3 updating a previous version of this binding element to reflect the current language shall be reviewed before the planning commission with final actions. Determined by Metro Council, and that would be the new binding element. Number 11.

"Chair Flood"

And I move that amendment.

2nd, probably move the 2nd, all in favor of that binding element. Signify by saying, aye.

Those opposed by likes on hearing then, um, the motion passes before I go back to Nicole.

I wanted to ask a question about binding element number 9 where it says, no power equipment, that will cause a noise disturbance will run between the hours of 10 0. PM and 60 PM, and I'm assuming that's not just during construction that in case. case

Of a contractor shop that applies to that.

Contractor shop

"Joe Reverman"

I believe so I'm just rereading it to.

Make sure yeah, it's generally just required.

So or any use on the property.

"Chair Flood"

Okay. And would that cover construction times to.

Not

"Joe Reverman"

it could, but we have separate standards in length on the code for construction. Anyway.

Yeah, for noise.

"Chair Flood"

Okay. Council Woman George

"Committee Member George"

Thank you chair.

1 is say or speak to what was discussed during the planning commission around neighborhood uses. I think there was a lot of robust conversation and and how that relates to the binding elements.

Because as part of this, of course, there's the prohibition on package, liquor, smoking, retail and petty lending.

I'm not wanting to typically want to bind out a lot of uses it's difficult to enforce and quite frankly it puts more burden on the community surrounding the use to then, uh, enforce,

but I want to talk a little bit about who the neighbors are of South Side and Southland Park.

These neighbors are 32% foreign born.

There about a quarter of the population is below the federal poverty level.

And this is data from 2015, some confident those numbers have not improved, um, as a positive though.

There are no food access issues and in the planning commission, we heard a lot of discussion around.

And the, the intent to produce a grocery store, and I think it's important to know that, you know, within 1 mile radius there are 5 grocery stores, 2 of within a half mile to our full scale grocery stores.

So, I just want to caution is that if we just say the buzz words in the way of development, like grocery store or equity, we're somehow seeing the right things that then signal the development that we want.

And so all that to say, I am interested in ways that we can inspire compliance with the binding elements in a way that does not burden the neighbors who live closest.

And I'm interested in doing that in ways that 1, um, encourage participation in an existing neighborhood plan that's underway.

And I'm also interested in inspiring, um.

Proactive reporting from from the developer, or the owner on uses on an annual basis, rather than again it having to be, um.

Proactively caught from the community and sent for enforcement.

Because it's a, it's an unrealistic expectation.

And finally I want us to look at other uses.

To be binded out, including auto repair, auto sales and, um, carwash.

And I spoke with Council Member Holton Stewart, she's generally agreeable, but I do want us to give some some thought to ways that we can again inspire, um, both participation and accountability.

That's not just placed on the residents that live next to the use.

Thank you,

"Chair Flood"

I'll just let the record show too, that Kevin triplet is trying to get in to join the meeting, but I guess he's having some technical difficulty. So, um, if he doesn't get in his absence would be an excused absence for technical difficulties.

Councilman Hollander,

"Committee Member Hollander"

just I have a question Council Woman George. Are you wanting to postpone this table is until the next meeting, or make those amendments now?

"Chair Flood"

Go ahead,

"Committee Member George"

I had spoken with Travis and asked if there was any standard language or precedent, because I've not seen this. Um, and so I'm not sure that that I got a response back from from this morning.

Rightly so, um, I would be open to tabling or I'd be open if, if we have researched a note that.

That is a possibility Travis feature again.

"Travis Fiechter"

Um, so I I know we discussed try to try to look up some sort of creative, uh, ways to address the concerns about neighborhood, a burden and accountability and that sort of thing.

Um, but certainly the additional, uh, bound out uses are going to require a conversation with the applicant at the very minimum. So it'd be my recommendation to table this. So I can have those conversations.

"Chair Flood"

Chair will entertain a motion then to table uh, make sure that no 1 else is.

No, no, 1 else is in the queue then. Okay. Hello.

Move to table maybe the table. I can probably move the 2nd, the table all in favor. Signify by saying, aye.

I was supposed by, like, fancy none. This shall be table.

"Committee Member Hollander"

I'm sure a point of order here I I didn't ask, but I assume there's plenty of time here right?

"Chair Flood"

We I looked I looked it says, I think, in December.

"Committee Member Hollander"

Okay, thank you.

"Chair Flood"

December. 1st. Yeah,'

"Committee Member Hollander"

thank you.

"Chair Flood"

Yeah, that's a reminder too that it's my understanding that these chambers will be being worked on during the month of January. So I've already talked to Director Liu to let her know that. Um, anything that needs to be heard.

We need to try to get it done before the last meeting in December so that we don't run into a situation where the 90 days expire. So she's working on that and the planning and design team's working with her on that.

So thank you for bringing that up,

We're going to move into item number 2 is being held item number 3 is an ordinance relating to the plan development option for property located at 200,824 gallery street, containing approximately 0.16 acres, and being a little metro case number 22. D. D. p0 0. 609. number twenty two d d p zero zero six hundred and nine
Motion 2nd, we're ready to discuss.

"Brian Davis"

Alright, Brian Davis little metro playing a design. This is planning commission docket number 2269 for 2824 month Gunnery street property located at 200,824 months.

Gunnery street metro cancel district. 5. and eight twenty-four months
gunnery street metro cancel district five
Um, it is an existing resident, the app is proposing to continue to use
that as a residential structure.
You can see the, um, zoning here the, uh.
Current zoning is you in, which is urban neighborhood and it's not a
zoning change so it would remain that as well.
So the evidence posing a development under the urban neighborhood
planning development option, which, if you look at section 2.2.88 in the
land development code,
it's a special allowance where multifamily dwellings may be permitted
within the UN zoning district provided that the plan development option
area is subject to the design guidelines approved by the local metro
planning commission and the legislative body,
which is why we're here today. is why we're here today
And then the guidelines may establish a lot size, not normally permitted
by the traditional neighborhood form district. And the design of the
dwelling is in accordance with the approved guidelines.
So the African is proposing to utilize this option that is permitted to
the U. N. zoning district to convert the existing structure into 4
dwelling units.
The site is located within the traditional neighborhood form district in
the Portland neighborhood.
And off street parking will be provided from the alley, which is known as
Tyler Avenue. There's also an on street, parking space available, and
then target services nearby at the intersection of, or along Portland
Avenue at North 29th street.
So this is a Google Street View photo of the existing structure. So you
can see the existing structure there. They are not proposing any exterior
changes to the site. Uh, this is the development plan again.
No significant changes with the exception that, you know, there are 3
parking spaces located off of the alley at the rear of the of the site.
The planning commission conducted our public hearing on August, 18, 2022
no, 1 spoken opposition to the request and the planning commission made a
motion to recommend approval of this development plan by a vote of 8. 0.
That's all about handling any questions for me.

"Chair Flood"

This is in that counsel woman, Donna Purvis district. I did hear back
from her pervious
She had some questions, and they were answered by the county attorney,
but our office has not heard back from her. Um, uh.
On this development, so I'm assuming if she.
If I didn't hear back from her, maybe it's okay cause her questions were
something that Travis had to answer.
And she didn't have any other things to add.

"Travis Fiechter"

No, I did get back with her after you forwarded her questions my way and
I have not heard back from her either.
They were mostly questions that only some of them were sort of, they were
related to development plan, but there weren't any specific objections
raised or binding elements requested, or any sort of thing for me to
bring back to the committee on that front.

"Chair Flood"

Did anyone else have any questions or comments about the case?
See, now, I guess then we will, um.
But if you'll call the virtual oh, please.

"Cheryl Woods"

Committee Member Arthur

"Committee Member Arthur"

yes.

"Cheryl Woods"

Committee Member Triplett, vice Chair Reed

"Vice Chair Reed"

Yes.

"Chair Flood"

The objection voting is closing, there are 6 yes votes and 1 not voting and this will go to old business at our next council meeting. Um, the only other thing we were going to take up today, and I don't see Councilman Winkler. This is his resolution.

Um.

That's on the agenda, um.

So, I'm almost inclined I had several questions about it. I don't know if anybody else did, but I would.

W, would have liked for him to have been here because this isn't something that planning and design would be presenting, and they would just be here to answer questions. So I'll ask the committee. Would you just.

See, the same that we just hold it till the next meeting. Cause I have not heard. The last thing I heard yesterday afternoon was that he was going to be here and.

We would have it on the agenda, but obviously he's not here and maybe he's having a problem getting into. So.

I'll just leave it. I'll just leave it on the agenda if that's okay with the committee. Okay then there's no other business in front of this committee. So, without objection, we shall be adjourned till the next meeting. Thank you. All.

Thank you manager.

Oh, 1 more thing. This is Joe Reverman's last.

Planning and zoning committee meeting he's moving on. Can can I tell where you're going? He's moving on his director of planning the design out an E town Elizabeth town. So, um, thank you for all your hard work over the years.

It's been a pleasure working with you. And the best of luck to you and your family, thank you.

Adjourned.