

Captioning Transcript of Planning and Zoning Committee Meeting - October 18, 2022

"Chair Flood"

Afternoon and welcome to Planning and Zoning Committee. I'm Councilwoman Madonna Flood Chair of the Committee I'm joined today by my Vice Chair Scott Reed Councilman Robin Engel Council Woman Nicole George Councilman Bill Hollander Councilman Kevin Triplett Councilman Jecorey Arthur has an excused absence. We're also joined by Councilwoman Amy Holton Stewart and also by Councilman Markus Winkler just a reminder that this meeting is being held, pursuant to KRS 61.806 and council rule 5A. and as a reminder that all who are attending, virtually please continue to keep your cameras on at all times, we're item number 3 will be held. we're item number three will be held

Today, but we're going to move on to item number 1, which was tabled is an ordinance relating to the zoning of properties located at 61,016,107, South Side drive and 101 through 111 Steedily drive containing approximately 7.14 acres and being a local metro case number 21 zone. 01609asamended.

eleven steedily drive containing approximately seven point one four acres and being a local metro case number twenty one zone zero one six hundred and nine as amended

I properly moved and 2nd to un table and, um.

You discussed it last time and where there was some binding elements that we're going to be profit and I think Assistant County Attorney Travis Fiechter, do you have those? Or do I need to call on Nicole? 1st.

"Travis Fiechter"

Um, I do,

but Councilwoman George may wish to speak before

"Chair Flood"

Councilwoman George.

"Committee Member George"

Thank you chair and I welcome Council Member Holton Stewart to jump in at anytime. This is a district 25. um.

Development, but it's around the border, and it was previously in district 21, and I know she couldn't attend the last committee meeting. So, uh, the, the challenge is to be solved from the last committee were the request to have additional uses binded out specifically involving auto repair carwash.

Um, and my understanding and speaking with Travis is that. that The developers were agreeable with that. The 2nd, problem to be solved is this idea that you can have an Council Member Holton Stewart has done a good job of creating bonding elements in a way that allows for an additional protection in the community.

The problem to be solved is that you can have the, the best plan as it relates to find it out uses but if you don't have the disposable capacity or connection in the community to be able to uphold that expectation. Um, it it really it matters less.

And so, you know, you heard me say last last committee that this neighborhood.

Has about a 36% foreign born population. This is a significant number of residents who live.

Uh, below the poverty line, and so, as a result 1 of the 1 of the request that was made to the developer was to submit an annual report to the council office in the neighborhood association. Just stating the, the existing uses on site.

So that it requires a proactive approach, rather than putting disproportionate burden on the community that surrounds the development to then have to request the enforcement.

And so my understanding is Travis you are you've done an excellent job in trying to negotiate that and I.

Want to stay on record. I know these.

Owners are committed to the community, which is why they've agreed to the binding elements.

I know that they, they want to be good neighbors and, of course, the challenge to be solved is not with who the existing owners are.

But, of course, the fact that these uses continue, regardless of, of who owns the property, and we just want to make sure that we're adding in additional protections for those neighbors that are closest to the development site.

"Travis Fiechter"

Thanks, uh, try to speak again, Assistant County Attorney Travis Fiechter um, as Council Woman George indicated, uh, we've got sort of a general agreement in principle on the, uh, the 1st matter she spoke, or the, the, um.

The notice provision, but don't have exact language hammered out on that. Just yet. I think that should be easy enough to do by Council night. Uh, but the uses, we are ready to move forward with today and if that's the list of the committee, then I can go ahead and read that into the record. Um, the, the last clause of the 2nd, whereas would change, uh, to read with amended and additional binding elements.

Similarly, the last clause of section 1 would be amended to read with the following amended and additional binding elements.

And that amended by the elements binding element number 10.

Uh, it currently reads the phone you should still be prohibited on site. These 3 uses would be added automobile repair garage.

Automobile sales agency and carwash

"Chair Flood"

I'll move that binding element.

2nd, properly moved and 2nd, all those in favor of the binding element and Councilwoman Holton Stewart You do have a vote on this, because it is in your district, all those in favor signify by saying, aye aye. Aye. Aye.

Posed by, like, sign hearing none, the amendment passes. Is there any other further discussion on this project?

Seeing then we're ready to vote.

"Cheryl Woods"

Committee Member Arthur Committee Member Triplett

"Committee Member Triplett"

Yes, hi. Yes.

"Cheryl Woods"

Vice Chair Reed Committee Member George
Committee Member Engel

"Committee Member Engel"

Yes,

"Cheryl Woods"

Council Member Holton Stewart

"Council Member Holton Stewart"

Yes,

"Chair Flood"

without objection voting is closing there are 7 s votes and 1 not voting and this will go to old business with the stipulation that we're going to have another binding element on the floor. Is that correct? Travis?

"Travis Fiechter"

Yes, I'll work on that and report back. I'm leaving.

"Chair Flood"

Thank you. Okay. Moving on to item number 2, which is an ordinance relating to the zoning of properties located at 745 and 747 Frankfurt Avenue, containing approximately 0.14 acres and being a little metro case number 22 zones. 0. 0 8 4.

a little metro case number twenty two zones zero zero eight four Motion Councilman Triplett secondary, probably move back counseling, triple a 2nd back Councilman Reed. We're ready for a discussion.

"Brian Davis"

Good afternoon Brian Davis little metro playing and design. This is planning commission doc number 22 zone 84 for 745 and 747 Frankfurt Avenue. The properties in question are 745 and 747 Frankfurt Avenue. They're located Mitchell canceled district 9. hundred and forty five and seven hundred and forty seven frankfurt avenue they're located mitchell canceled district nine This is an outline of the 2 subject properties on top of an aerial photo. The properties are currently used for residential the acronyms wishing to convert the existing structures to commercial. This is and, um, uh, look at the zoning in the area as you can see, um. All of the properties along this portion of Frankfurt Avenue, uh, especially on the north side are currently zone commercial. Uh, these are kind of the last 2 residential holdouts. So they are zoned napkins, proposing to change that to, which is commercial residential. So, the request before we used to change the 2 parcels from to the proposal is to resolve the 2 existing properties to in order to be consistent with the existing zoning along this area. Frank for an avenue.

The admin is not proposing any changes to the structures or the lights at this time.

So, the, the, the, the, the development plan is basically a survey of the 2 properties that shows the location of the existing buildings again. They are not proposing a changes at this time.

Advocate conducted their neighborhood meeting on May 9th, 2022 land development. Transportation committee was on August, 25th, 2022, and the planning commission conducted a public hearing on September 15 2022. no. 1 spoke in opposition, and there was a motion to recommend approval the change in zoning from and that passed by vote of 8 to 0. that's all that I have. Let's have any questions for me. of eight to zero that's all that i have let's have any questions for me

"Chair Flood"

This is a Council Member Hollander's district Councilman Hollander

"Committee Member Hollander"

Oh, thank you. Madam chair. Yes, and I support this rezoning also say the neighborhood association after going back and forth with the with the property owner. A couple of times also supports the rezoning did.

So, in a letter dated September 11th, for anybody in the public is watching the plans according to that letter, or for 745 Frankfort to be leased to a small business owner uses appropriate.

small business owner uses appropriate

Uh, and, uh, 747 will be a real estate brokerage office, and potentially could have a 1 bedroom, a short term rental located there as well.

So I appreciate the honor of working with the neighborhood association and I support the reason. i support the reason

"Chair Flood"

Is there any other questions or comments about the case?

Saying that we're ready to vote here. I'll call the virtual please.

"Cheryl Woods"

Committee Member Arthur Committee Member Triplett

"Committee Member Triplett"

Yes.

"Cheryl Woods"

Vice Chair Reed

"Vice Chair Reed"

yes.

"Cheryl Woods"

Committee Member George

"Committee Member George"

Yes,

"Cheryl Woods"

Committee Member Engel

"Chair Flood"

To the last, so we, we will pause to see if we can get councilman Ingle back on.

"Cheryl Woods"

Committee Member Engel

"Committee Member Engel"

Yes.

"Chair Flood"

Without objection voting is closing, there are 60 s votes and 1 not voting and this will go to old business at our next council meeting. I don't number 3 is 1Billion held item number 4 is a resolution requesting the planning commission review the local metro land development code the LTC and section 11. excuse me? Section? 115 of the local Jefferson County, Metro government code of ordinances. The relating to short term rentals. to short term rentals

"Committee Member Triplett"

Move triplet,

"Vice Chair Reed"

2nd Reed

"Chair Flood"

Properly moved by council and triplet and councilman rich 2nd by council and raid. We're ready for discussion. Recognize do you want me to recognize the sponsor? 1st Mr. Haberman
Because you're just here for questions chair recognizes councilman Winkler

"Council Member Winkler"

Thank you. Chair Flood before we get into the discussion, there is an amendment amendment.
Probably substitution loaded in the system. Um, I can't make the motion to amend, but if somebody could make that motion, so we can discuss the amended version announcement.
Arthur is added as a sponsor and has added a 4th point related to reviewing basically the effectiveness and efficiency of current processes. So how quickly metro governments responding to concerns? That's the only change to the ordinance.
So, it would ask that. Somebody makes it as a motion and then I'm happy to talk to the organizer.
Okay.

"Committee Member Hollander"

I'll make that motion.

"Chair Flood"

I haven't seen it on the system. If analysis.

"Travis Fiechter"

I can read it on the record. Um, and I'm sure if you'd like

"Sonya Harward"

1st document on the system.

"Chair Flood"

Okay, gotcha. Okay.

We had someone who, uh, Councilman Hollander moved that amendment. Committee Member Triplett 2nd all those in favor of them in that. Signify by saying, aye.

Those are the amendment passes.

Thank you go ahead Councilman

"Council Member Winkler"

Thank you. Thank you. So, basically.

What the purpose of of this resolution is, is it's asking the planning commission to go back and, you know, we're basically little more than a year removed from or a couple of years removed from passing the short term rental ordinance in the subsequent time period.

We passed the additional dwelling unit ordinance. Um, and what this resolution asks the planning commission to do is basically look at a couple of different things.

Uh, and reconcile in particular reconcile a potential discrepancy in in the process between 2 things. And so when a touch on, um.

That reconciliation 1st, uh, so, if you consider and this, you know, the resolution talks about additional dwelling units, but really what what my aim here is really specifically talking about the 600 foot.

Okay, so if you recall the discussion, when we pass the short term rental ordinance, uh, the discussion around the 600 foot rule was that there is a clear difference that if if somebody lives in the property that they're renting and has oversight.

Uh, they don't require a, um, versus if they don't, then it does require and and we limited density there with the 600 foot.

Okay, so if we think about, what does it mean to live in the building right? Obviously, if, if I live in a 3 bedroom house, my kids have moved out and I'm running 1 of the rooms. Clearly we would say that is owner occupied.

Right. Um, we also today my understanding from, from the way that interprets the law is.

If my house happens to have a separate, uh, 2nd entrance, uh, to my basement, um, I live in the main house and and somebody access to the basement we still consider that owner occupied and I think we'd all agree. That is unoccupied. Right?

If I live in a duplex and I live on the left side and the right side. I want to run out as a short term rental. We consider that owner occupied.

And, in fact, if I have a outside set of stairs that goes up to an apartment above my garage, we still consider that owner occupied. However.

If that garage happens to be detached from my house, we suddenly no longer consider an owner occupied.

Um, to me, that is a, a disconnect in the law cause I'd argue that none of those situations really are fundamentally different. Right? I live on the property, um.

And so what we're asking the planning commission to do here 1st of all is just to, to look at that and clarify and basically say, you know, if the unit is within, sort of the 4 corners of my property, then it does classify as as owner occupied.

So that we've got consistency and clarity of the rules versus sort of open to interpretation. So that that's sort of the 1st request.

The, the 2nd part really relates to, um, the registration of of units. So, as, you know, we have a requirement.

Uh, that you register, uh, we want to review, you know, is our current process from an incentivization and penalty perspective if you failed or register are those adequate and and should they be reviewed.

Um, and then 3rd, if you are not compliant, if your house is a party house, or, you know, you're a consistently a bad actor, uh, do we have the appropriate penalties and revocation of your licensing in place?

Um, and then with the amendment that we just passed.

Uh, or that we're talking about there is a bullet point 4, uh, which really relates to as, as council Arthur requested. Um.

Really relates to the, the efficacy by which metro government is reviewing complaints. So, um, I think he has a neighborhood in particular, uh, where the concern from some of the neighborhood groups is they, um.

Bring a concern about a short term rental.

And the speed at which metro government is acting on that request, uh, leaves something to be desired. So, uh, this would be asking the planning to review that process and make sure that we are adequately responsive.

Uh, to the concerns of the neighborhoods, so those are the 4 things we're asking the planning commission, uh, to look at.

Uh, it doesn't presuppose, um, any outcome of those things. I mean, as you know, the, you know, the way we, we approach these, we send us the planning version, ask them to review.

And then we will have a discussion when those recommendations come back of whether we want to choose to adopt those recommendations at all or not. But, um, again, I think, sort of clarifying the law, making sure that we've got consistency of application.

Uh, that we look at our, our enforcement, uh, efficient and effective.

Uh, do we have adequate penalties and incentives uh, and if you really are a bad actor, you know, are we taking proper remediation, uh, around that?

I think it's common sense to look at this. Now, we're a few years in and would ask for everybody's support and I'm open to any questions.

"Chair Flood"

Councilman Hollander

"Committee Member Hollander"

thank you Madam Chair.

I just want to explain why I'm not in favor of this at least.

For the 1st item, uh, items 23 and 4 are fine. I think they actually makes some sense and I certainly don't have any objection at all to going back and looking at what we did a few years ago.

But item 1 is concerning to me in 2 respects.

Um, let me talk about them separately. Uh, 1st, um, the 600 foot rule was put in place.

Uh, not just to limit the number of short term rentals.

Uh, in a particular geographic area, but also to limit the number in the entire community.

Because we are seeing, uh, across the community, and certainly in the neighborhoods that I represent.

That housing stock that had been available to people who live here 365 days a year is being removed from the market and made available slowly to tourists.

And I'd like tourism as much as anybody else, but we have a severe housing shortage in the community. And when we take housing stock out of the market for everyone.

Uh, and turn it into a tourist effectively a small hotel.

I think that's making our problem worse. So I, I have spoken to both about this, uh, myself, uh, recently, when there were cases where there were, um, proposed within 600 feet.

I've explained that, you know, that was 1 of the purposes of this.

And if you look around the country, there's a growing evidence that 1 of the reasons for the shortage of housing and therefore the increase in rents across the country has been the conversion of. of

Properties to short term rentals so this would clearly allow that in some cases.

Uh, we, there are cases in my district where there is an, uh, a separate unit on a property, uh, you know, separate entrance, uh, currently rented out as a as long term rental and allowing that to become a short term rental without, uh, without a process.

Uh, and without, uh, adhering to the 600 foot rule seems to be to be moving. moving

In the wrong direction, that's the 1st point. The 2nd point is really about, ADU's and particularly the by right that we authorized last year. So that was a came about from a process through the planning commission. And when it got here was it was debated for a long time. We discussed it for a long time.

And we specifically put, and I believe Council Woman George who I see is going to speak. I believe she may have offered this amendment. I've certainly voted for the amendment. We specifically said that.

And add to you by right could not become a short term rental period.

And that is clearly in the law passed by the Metro Council last year.

I believe as a way to get this through as a compromise to get it through. So, it seems to me to now say, well, we want you to actually look at this ADU and not only allow that that we said, could never become a short term rental.

We want you to look at it and say it can become a short term rental by. Right?

Without any process involved and.

Franklin, I know council this is not his his purpose here, but that seems a little bit like a bait and switch to me, uh, changing something that we passed just last year to say W, we really didn't mean that.

And so, that's why I, I, you know, I, I realize the process here. I realized that we're just asking this to be studied. I know we'll come back and I won't be here when it comes back. Uh, but it's why I have concerns about supporting this. Thank you.

"Chair Flood"

Council Woman Nicole George

"Committee Member George"

Thank you chair, um, I'll start by echoing much of what Councilman Hollander said on the front end of this, you know, the pieces about. You know, a duplex, I think warrants examination I think.

Looking at incentives, although I don't know that we need a resolution to do that, but, you know, obviously worthwhile.

And I'm generally supportive of more penalties and a, and a cleaner process for compliance. So all those pieces, um, I'm certainly supportive of.

I think is someone who had Champione L. D. C reforms last year and specifically the piece about expansion. I am concerned about this and, you know, I think.

Councilman Hollander said it well, which was many of us argued to all of our colleagues that.

Well, yes, we're doing something different and that sometimes implies a risk.

It was worth it on the basis that we were going to infuse more affordable housing or offer more opportunities for, for multi, generational living. In our community, and for that reason, it made good sense to be willing to take some risks.

What what we know to be true is that when you have a short term rental that does fundamentally change the fabric of your community, quite frankly, it allows for more transient activities for the good and the bad that that is.

And I don't, I don't profess that it's all bad, but it it does provide more transient activities that generally we say neighbors.

The right to know.

What's happening? And that is different sometimes than the longer term rentals and different sometimes then, of course, what we see with, you know, multi generational living.

On one's property. Um, so I would say, you know, we are.

Uh, a little over a year out in terms of what we're learning. I looked on the website this morning. I saw where we have 35 added.

I believe they stopped adding in September, so I'm sure there was more applications now. Um, all that to say we're still learning and to do this now and to pass this resolution specific to the by. Right?

Feels disingenuous based on what we argued just over a year ago, and what's at stake in the way of again.

Expanded housing options, multi, generational living, rather than short term rentals.

Um, taking away from the variety of housing that we wanted to see so, um, last, but not least that would just say, I'm reminded of a recent discussion that many of us had related with LeeAnn user forms around heavy truck parking.

And in those instances, many of my colleagues felt that the process.

Was needed so that we could, um, ensure that neighbors had input that we were able to monitor things carefully and that we would have incremental progress.

And so I would ask that we apply and we continue to apply that same level of care as it relates to. Uh, thank you.

"Chair Flood"

Thank you Councilwoman George is as of today, there was an article in the newspaper. Some of you may have read.

I think it was elite Holmes who was talking about, um, the housing market in the local area that they weren't concerned because Louisville is so under built for dwellings for single families, even in multi family.

I still consider an apartment, a single family unit when you consider it by itself that we were so vastly under built that they weren't concerned about.

The impending recession that may hit they said it may hit us for 2 months in the housing market. They weren't concerned because we're so under built.

And the reason we, the only reason about 80 was, as my colleagues have said, was.

The housing market to give people another place to live, but.

I'm reminded too, that 1 of the things that we were the reason we were able to pass this was because some of my colleagues brought up the fact, and there's an amendment to it that says that nothing in that would be construed to negate bylaws and deed restrictions across across Jefferson County,

now you all know as well as I do that there are homeowners associations that have deed restrictions and bylaws that prohibit.

Or air, short term rentals and so therefore it's going to all end up.

If this happens with all end up back out into the unincorporated areas that are older subdivisions that do not have anymore to protect them.

And I agree with my colleague councilwoman Nicole, George, you know, people who have who've moved into a subdivision, have a right to protect their castle too.

And it's not that they want traffic in and out because of short term rental where it's turned over that fast. And I don't see what the problem.

Is with the conditional use permits so that neighbors have have been given some kind of idea of what to expect that they're going to live next to and be able to, um.

Be able to tell how they feel about it what they feel their problems are going to be. We deal with almost everything we've done now. We've tried to protect existing residential neighborhoods and I think we have an obligation to do that.

I don't have a problem with 23 or 4, but I have a huge problem just to do something by right when we haven't even really. really

Ah, had this in this presented as a problem yet.

Councilman Winkler

"Council Member Winkler"

yeah, thank you. I appreciate all of the comments from my colleagues. I just say a couple of things in in response. So 1st of all. Um.

I think that this is addressing a a.

Narrowly tailored problem that we have created through conflicting.

Ordinances okay, the aim here, this is not going to change, you know, and suddenly allow 80 use in short term rentals to go up in places where there's deed restriction doesn't change any of that. Okay.

In fact, I am amenable to and perhaps the wording and the resolution, um, could be changed because the issue is not the process. The issue is the 600 foot rule. rule

Right and specifically the fact that we say that if my building, if I attach my outbuilding.

With a 2 by 4, suddenly its owner occupied, but if that 2 by 4 isn't physically attaching those 2 structures.

It's not owner occupied that to me is a fundamental flaw in our interpretation.

Okay, and that's really the only thing that I'm looking to clarify, which is, is it owner occupied or not?

If it's on the 4 corners of my lot, it is owner occupied period. That is really the thing that I'm looking to address if we want to keep the process in place.

Um, but state that the 600 foot rule doesn't apply it. I'm perfectly fine with that again. It it is a narrowly tailored.

Situation that I'm trying to resolve I I also hear the argument that, you know, we're gonna convert a bunch of housing stock into short term rental. We're gonna eliminate multi generational opportunities. I don't think that's the case here.

I actually think that this is an opportunity to spur development that wouldn't otherwise happen. So, if, for example, I want to build an to be a short term rental, uh.

I may not be interested in building it for any other reason.

And if I choose to build that today, that is not to say that when I go and sell my house, the next person who buys it also wants it to be a short term round.

Okay, in fact, they may very well convert it to a long term rental. Uh, and so I think you can equally make the argument that.

This will over time create housing stock as well because there's no guarantee that it will always be used as a short term rental. I actually think it is an easy way for us to incentivize.

Or to limit regulations for people to build.

Um, again, that addresses the specific concern that was raised about owner occupied in short term rental. Um, and and does it in a way um, that is narrowly tailored.

Um, again, I, I, I just think that.

When you consider the rule.

Right if I access my apartment, and it happens to be attached to my structure.

That that is somehow different than if it is 1 foot detached that that suddenly changes the rules that, to me is illogical and we should work to clarify.

Uh, that rule, I think that is.

Common sense and reasonable Thank you.

"Chair Flood"

Well, Councilman Winkler, or then, should this apply to all that have deed restrictions that don't allow this to begin with?

"Council Member Winkler"

I'm not saying we're changing any underlying rules, right? No, no, no, no.

Yeah, oh, that's what I'm saying is clarifying that in the 4 corners of your lot that qualifies as owner occupied.

That's it,

"Chair Flood"

but it doesn't apply equally across the board because that if you remember there was language brought in from those who live in areas in the eastern part of Jefferson County, where there's a lot of the concern was and we put it in the ordinance that that if there are bylaws and deed restrictions, Laura Ferguson is the 1 that wrote the language that nothing in these ordinances negate. Bylaws and D restrictions do you have anything to add to this? About the detached garage? Mr. Haberman

"Joe Haberman"

I can just try to clarify 1 point so the way that the short term rental ordinance and Joe Haberman planning and design services, I'll begin there. Um.

Councilman Winkler is correct the way it's written right now. Is it states that.

If you have residential zoning, let's be clear because if you have commercial zoning, this does not matter. This is not an issue outside of residential zoning. Um, because you can.

The 600 foot rule in the conditional uses don't apply to commercial zoning. Um.

So, the way it's written now, is it says that the host has to live in the dwelling unit. So if you have 2 dwelling units on your property.

You can't live in both of them, so it does require you to go through the conditional use. If you're using that other dwelling unit.

And there's really 2 scenarios there's scenarios where in single family zoning.

They can't have that 2nd dwelling so that it gets approved as an accessory dwelling. So it is effectively gets a density bonus but there's also multi family zoning where you have the density for multiple units. And there a 2nd, 1 unit so they're not held to somebody's accessory dwelling unit limitations we've talked about before.

For the latter, um, the ones where their 2nd, 1 units, I will note that the board.

When they review conditional use, permits, have granted relief to the 600 foot separation requirement on a number of occasions because they felt more comfortable given that the host lived on the property, which I think.

Ties into Councilman Winkler's point,

"Chair Flood"

so they have given permission to do this

"Joe Haberman"

in, in places like old level where you can have 2 units by right. Um, it's not an accessory drawn units.

The 2nd dwelling unit. They've granted relief there, and then some other parts of town where they have multi family, zoning and a 2nd dwelling that isn't held to those.

Accessory dwelling unit requirements.

And I'll also note the way that the accessory dwelling unit was tailored just so that this is clear.

It's not a strict prohibition on using an accessory drawn unit as a short term rental.

It requires you to get a conditional use, so you could still go through the process. If you.
Have single family of getting a short term rental approved in your, you would just have to go to the board Zoning adjustment and explain why that particular shouldn't be held that limitation.
That's really all I had to add it. I can,

"Chair Flood"

it's already there's already.
There's already things there to, to allow this. I go to Bowser to ask for relief from.

"Joe Haberman"

Yes, but I just want to say, they would look at an accessory dwelling unit a little bit different than a 2nd, 1 unit. They seem to be. Okay.
With allowing short term rentals and 2nd dwelling units.
But they've looked at 80 use a little bit more strictly given that Council through that process.
Had concerns with those being used the short term rentals.

"Chair Flood"

I still have a concern about them being used for short term rentals, Councilman Winkler.

"Council Member Winkler"

Yeah, I think Joe made my point they are interpreting it. They are interpreting it differently and in consistently.
And I think that is why it should go to the planning commission and that we clarify.
247 "Markus Winkler" (2274945024)
00:36:53.124 --> 00:37:02.874
I mean, I think when we leave things ambiguous, you have inconsistent interpretation and yeah, it is my understanding and Joe.
Correct me if I'm wrong, they are not granting relief to the 600 foot rule for because they view them differently as a sec than a 2nd dwelling unit. unit
Which again, I would argue, they really not any different.

"Joe Haberman"

I think that's generally correct they do view on different they're different and 1 regulatory on differences. The effectively gets a density bonus. Um.
And is held to some additional standards, um, as an, but.
From a physical standpoint, there tend to be the same as the 2nd, 1 unit.

"Chair Flood"

Councilman Hollander

"Committee Member Hollander"

Well, thank you, Joe, and let me.
Perhaps I missed it, so, let me make sure I understand this correctly when we passed the by right ordinance.
The language said, I think it's for me, I'm gonna have to take off my glasses. I believe it says it's actually F4.3.25.

F, approved under this provision shall not be used as a short term rental.

And what you're saying is, even though it says that.

The board of Zoning adjustment can waive that.

Rule is that right?

"Joe Haberman"

There's other language in there that says that in order to be permitted without the special conditional use, permit into hearing.

You have to meet all those standards, so to have an administrative approval, it cannot be a short term rental but there's another clause that states that if you don't meet 1 of those standards.

You can go to the board, the zoning adjustment and have the approved.

As a conditional use permit, and there's some of the other standards that people do is the requirement that the owner lives on site that's another standard that somebody would have to meet to be approved administratively. But.

Could get out of that requirement with the conditional use permit.

Okay again, let me

"Committee Member Hollander"

so I, I appreciate that clarification. I probably did mistake, but I'll also say it, it just seems to me that having said that last year.

Now, saying that you can be approved without going to the board of his judgment. Board of Zoning adjustment is just a reversal from what we did last year. And we were gonna do this. Why don't?

We do it last year instead of coming up with a compromise to get something passed and then saying, well, we realized now think that we want you to look at changing this.

And it seems to be a pretty fundamental way when it's when it's a short term rental by. Right?

"Chair Flood"

Thank you Councilman Reed

"Vice Chair Reed"

Thank you Madam chair and I've listened to all of the arguments and I agree with some of them. Some of them I don't agree with. I was very involved with the discussion last year and I think even.

Co sponsor the resolution that Laura Ferguson wrote.

So, I don't want to go back and redo something that we just did at the same time. I don't have a problem with with them, just simply taking a look at it and coming back.

With recommendations that we can either agree with, um, or disagree with. I don't think we're, you know, at this at this point, we're not making any real decisions.

So, from that perspective, I'm supporting councilman Winkler.

Um, and again, I think it's very important that.

You know, that we delineate, uh, very clearly the differences between an, and a short term rental.

But, you know, at the same time, let's, let's put that I'm going to support this and, you know, I'm sure we'll have more robust.

Discussion down the road, uh, depending upon what they, um.

Come back with Thank you

"Chair Flood"

Councilwoman George.

"Committee Member George"

Thank you chair, um, where to start. Okay. So.

1st question I have is around what constitutes a 2nd, dwelling unit and so Joe.

Remind us what constitutes a 2nd dwelling unit.

As it is defined

"Joe Haberman"

in context of residential zoning, it would be, you have multi family zoning and you have the density to allow at least the number units that you have. And we have a provision that if you have multi family zone in, you can have 2 units. So.

It would be either you have multi family, or you have a nonconforming 2nd dwelling on single families owning. So you have 1 that was established before the 80 rules. So we can't put those additional standards.

In place for that particular unit so it would be 1 of those 2 scenarios.

"Committee Member George"

Okay, and then I'm hearing that we don't see any difference around, for instance, in versus.

A 2nd dwelling unit. Is that correct?

"Joe Haberman"

I'm sorry can you repeat that?

"Committee Member George"

Okay, I thought what I heard Councilman Winkler say is that he doesn't see any difference between a 2nd dwelling unit and an.

"Joe Haberman"

Did I is that question for me? I mean, I could answer that.

From a physical standpoint, they often look the same, but an, has some additional design requirements that we put into place in the recent ordinance.

To where you could possibly identify them being different and is supporting and serves, you know, the principal unit.

So a secondary unit might not be held to those requirements.

"Committee Member George"

Ok, so additional design elements in addition to a different process in which we all came to consensus in order to pass.

So, I, I don't know that I completely agree that I don't see these things.

I don't see these things as being the same I guess. Um, the 2nd piece I would just say is that as a reminder, and I hear Councilman Reed when he says, you know, not being opposed to, you know, study.

I will also say what we're doing here. Is we're opening up.

With very little information, because we've only had.

Just over a year of implementation, we're opening this up to reexamine the entire piece and for many of us, this was very hard fought. And again, we just remind folks that we ask our colleagues to. Um, essentially take a risk in many of their communities. I'll be at some of our communities more so than others, given deed restrictions, but we ask folks to take more risks on the basis. Of additional housing, um, and multi generational living. Thank you

"Chair Flood"

Councilman Winkler.

"Council Member Winkler"

Yeah, thank you. All make just 1 last point and maybe this will clarify because I don't think counsel and George to your point. The purpose here is to revisit the ordinance. The purpose here is.

Only to clarify the 600 foot rule of owner occupied period.

Okay, I am happy pass or fail this today. I'm happy to work with.

Travis Fiechter to clarify that language on bullet point number 1.

Okay, um, and and maybe have something more palatable for next Thursday that basically seeks to just say the.

And if we want to keep the, the process, like, I've got no problem with that. All I'm suggesting is that from a functional perspective, if you don't think about this as an discussion, but rather.

As the short term rental discussion from a functional perspective.

Our argument for requiring.

The 600 foot rule for short term rentals was if you don't live on site.

Your oversight of that of the of the property.

Is limited and so we should limit the density. Okay.

When I live on the 4 corners of the world.

I have that oversight and and the fact that the building is attached or detached, um, is largely irrelevant. And that's the only thing that I'm looking to address.

Um, and and I can work with Travis to have some revised language for bullet point number 1, uh, to address that for next Thursday.

"Chair Flood"

And then, since you're gonna be working on language, and then we may still have lot a lot more questions instead of doing it on the floor. Do you have a problem with us tabling it here? So we can see the language and discuss it fully.

At the next committee meeting, especially because item 1 doesn't even say anything about the 600 foot rule, but it does specifically mention.

"Council Member Winkler"

I'm happy to do that. Okay, so, um.

"Chair Flood"

Councilman Hollander

"Committee Member Hollander"

well, I was just going to make 1 point and then I'll be happy to make a motion to table. Hi.

We did not pass the 600 foot rules solely because of oversight of the property. Uh, and and the view that if, you know that that, uh, we were trying to limit cases where there was no oversight of the property. We also passed a 600 foot rule to limit the number of short term rentals in the community, and not to take more housing stock out of the community. I mean, that was the reason we stated it at the time. I was far at the time for that.

for that

Reason and and it, you know, I understand.

Council and that it may not be a, you know, I don't know how many of these are going to be.

Oh, we haven't started your housing and I hate to see more of it go to a little hotels and away from people who live here and need it.

Thank you I, I'd be happy to make a motion to motion to table though.

I moved to table place.

"Committee Member Triplett"

2nd. Triplett

"Chair Flood"

And 2nd by Councilman Triplett

All those, all those in favor of tabling signify by saying.

Hi, those opposed by light sign seeing none at this table. Thank you.

Moving on to item number 5 and I just, um.

Councilman Arthur has an excuse that something came up at the last minute in our discussion. The only thing that he mentioned was on the last ordinance was trying to that he wanted us to discuss it. I didn't know that he had a.

Item that he wanted on there so I know that this next item is in his district. So, I do want to hear it in if we all come to a conclusion, we can pass it and if he has an issue with it, because I don't want to hold something up, that may be important in that district.

Enormous relating to an amendment to the sobro plan development district for an adjustment to the boundary lines of this.

How do you say? So barrier so very.

It's a very a map and be a low metro case number 22. D p0 0 2 1.

"Committee Member Engel"

Motion to approve Engel.

"Committee Member Triplett"

2nd triplet.

"Chair Flood"

Properly moved an a 2nd, I'm sure I'm saying that word wrong so you can correct me. Please. So, I'll know how to say it in the future. Right?

"Brian Davis"

So this is planning commission docket number, uh, 2221 for the sobro PD map amendment.

That's the wrong map. But the wrong address, but the, the, uh, the properties located at the intersection, or near the intersection of 5th and broadly it's actually 5th in New York between the 5th and 4th street.

But it is located central Council district for. council district for

This is an outline of the, uh, of the subject area.

So you've got your street here on the South 4 street on the East 5th street on the West. And then there's an alley that runs between the 2, which is kind of the boundary between the, um, uh, the area that we're taking a look at.

Then, this is the, the zoning map so it's all zoned for the sobro planned district. And then as you'll see in some of the, some of the slides the. So, the designation on the logic map isn't going to change.

But then the sub area map, which is, which helps to divide or guide development on the in the area is what the Africans proposing to change. So, the request before he is a revision to the sobro plan development district, sub area map.

apple's proposing to construct the multi family development within the sobro plan development district with the net density of 84 dwelling is per acre.

The subject side is partially within the Broadway sub area, which permits up to 145 dwelling into an acre, and partially within the campus of area, which permits up to 58 dwelling, it's an acre.

So, the app is proposing that the cemetery may be adjusted to bring the subject site entirely within the Broadway area. site entirely within the Broadway area

Which would permit the development as proposed. Uh, so this is the sobro PD, sub area map.

The the PD is divided up into the 4 different districts are types of districts that you see here here and then the the subject area is divided as you can see on the map.

So you have a part part of it is located in the Broadway sub area and then the rest of the property located in the, the campus sub area.

So, just to show lines on a map, and how things will change the blue lines, the existing sub area boundary. And so the app is proposing to amend that.

So that the properties that are subject to this proposed development are completely within the Broadway sub area. So, they'll come out of campus and the Broadway.

Um, uh, so this is, uh, a proposed plan that's been.

Accompanying the map request, now, the action is not to take.

Any kind of approval on that development plan That'll be something that takes place.

If, and when the, the, the map amendment is approved, but on this development plan, they have the red line which shows the proposed new boundary of that of the Broadway sub area.

That they are that they are requesting navigate, get out of the neighborhood meeting until at 22,022. then the planning commission conducted a public hearing on September 15, 2022. no, 1 spoken opposition.

And the motion to recommend approval of the sub area of map change, passed by vote 80 to 1. and I'm happy to answering questions. If you have them.

"Chair Flood"

Thank you Councilman Hollander

"Committee Member Hollander"

I have 1 question. So this, this would still need to go through the planning commission process for the development plan. Is that right?

"Brian Davis"

Right? So, yeah, the development plan approvals is not occurring today. It's just a shifting of that map and then if that map is shifted, then they would, we would take the actions on or take the proposal for the development plan through the process.

"Committee Member Hollander"

So, in that process, that's not a rezoning. So it wouldn't need to be resolved. But that right with that. Process include a neighborhood meeting for the development plan, change or not we would do for.

"Brian Davis"

So it does not know,

"Committee Member Hollander"

but it would require a public hearing at the planning commission. It would require, um, okay. Overlay. I'm, I'm seeing over your shoulder. Uh.

"Brian Davis"

Yeah, there would be a public meeting of the overlay commit at the overlay committee, because it is located in the downtown overlay. Uh, but but, yeah, once it's once it, if the maximum is is approved, and there would be no planning commission review of the of that development plan.

"Committee Member Hollander"

Okay. Thank you.

"Chair Flood"

I think I'm hearing from 1 of my colleagues that Councilman Jecorey Arthur might want this held. Um, okay, yes, he has texted 1 of the committee members for us to please hold so he can come back and participate at a later date. So I'll ask for a motion to table.

"Committee Member Hollander"

Motion to table

"Committee Member Engel"

2nd Engle

"Chair Flood"

Properly move by Councilman Hollander and seconded by Councilman Engel. So all those in favor signify by saying, aye aye. Aye, aye, those opposed nay hearing none. The motion passes. That is all that we have in front of us today at this committee meeting. Thank you all very much. And I will see, we will see each other at the next committee meeting. Thank you.