

**Unedited Captioning Transcript of Planning and Zoning Committee Meeting -
March 21, 2023**

Metro TV will begin in approximately 45 seconds.

Good afternoon and welcome to planning and zoning. I'm councilman Madonna flood chair of the committee. I'm joined by my vice chair today. Councilman Scott Reed by committee members council men Philip Baker councilman Ben.

Whoever who's a new addition to the committee? Welcome.

Council council member Betsy rwi counsel member, Robin angel council member of and council women.

Jennifer chapel were also joined virtually by Council 1 woman, Cindy Fowler she has a piece of legislation in her district, and we're going to take that item. 1st, and I think that's item number. 7.

Julia, I'll give you a few minutes a few seconds or whatever you need to.

Call that 1 up also, this meeting's being held pursuant to care at 61.826 and counter rule 5 a.

Go ahead. Okay. Oh, 1st order of business. I guess I'd better read it into the record.

This is an ordinance relating to the revised district development plan for property located at 111905dixiehighway, containing approximately 2.19 acres and being in a local metro case number 22. 0. 0 7 8.

in a local metro case number twenty two zero zero seven eight Secondary.

Probably made by councilman England, sect them by councilman. Excuse me made by councilman angle and segment by councilman raid. We're ready for discussion. Julia.

Julia Williams planning and design services staff.

This is case number 22, DDP. 78.

This is locating Council district 14 in southwest Jefferson County.

Okay, better.

No better.

Okay all right, so this is the arrow view of the site uh, the existing uses commercial and industrial and the proposed use is also commercial industrial.

This is the zoning for the sites currently is in the suburban marketplace, court or form district.

Along Dixie highway, uh, the request is a revise revised detailed district development plan with revisions to binding elements.

The applicant is proposing to add a trailer sales and storage business to a site that is currently under development for mini storage in the valley station area of southwestern Jefferson, Louisville, Metro, uh,

the site was rezoned to with an approved development plan and binding elements under docket. 17 zone 1022, the subject side is approximately 2.19 acres in the suburban marketplace quarter at the intersection of Eastern Avenue and Dixie highway.

avenue and dixie highway

So this is the approved plan, showing the many warehouses from 2017.

And the 2022 a proof plan again, showing many warehouses.

And then the proposed plan is to have some storage areas and then a little bit of mini warehouse.

So this is the subject site, different view of this of the subject site.

The planning commission held a public hearing on January 5th 2023. no one's spoken opposition and there was a motion to recommend approval of the revised plan by a vote of 7 to 0.

That's all I have. Are there any questions? I just have a question this was this a case where there was, was there enforcement action or something? Is that why the cases in front of us.

There was a binding element that.

Said that any changes would have to come back to metro council and over time they, they did.

Add on a or proposed to build a storage building, and then the binding element was missed, er, early on. And so now they wanted to do something different and that proposed change.

Had to come back for, before metro counsel to address that binding element. Um.

Can we go back to those? The pictures? Yeah. Yeah. Go inside the 1 inside the lot.

And those, those are the type of trailers I take it. Yes. And those are, what are those, the trailers that are permitted.

In this new zoning classification so those.

The new zoning classification, meaning the truck parking so it depends on the axles of how many axles they have. So, this would be 1 of those.

That would be permitted it would be permitted. Yes. Okay. All right.

This has multiple axles, like double access.

Okay, I think I need to recognize.

Travis or the county attorney at this point in time.

Unless someone else has questions no one's in the queue. Does anybody else have any questions or comments?

Go ahead, cancel members now. Sorry I'm, I guess I'm trying to understand exactly what.

Oh, is this? It needs to be resumed or.

Or is it going up for or is he redeveloping the property? Is it going to take the.

I'm not an understanding exactly what's going on on this property here. Sorry?

Sure, so sometimes metro council adds a binding element that says that development plans have to if they make some major changes, have to come back to metro Council for approval. And that's what's being done here.

So, they've made some significant changes to the development plan and the binding element requires it to come to metro Council for that approval.

And so the significant changes are going to be mini storage units then and that trailer sales anymore is that what we're looking at the opposite?

So, uh, no Mini storage or less mini storage and, um.

Outdoor sale, outdoor storage, sales and display.

Where it was previously mini storage.

I think you've answered the question I want to sell these trailers and have that outdoor storage.

Full disclosure I literally, I just bought a trailer from this exact location. So I, I feel like.

They're doing right I don't know.

I just want to make sure that it was clear and.

It looks like it's operating properly.

From from that end of it, so it's not zone to sell trailers. It is owned to sale trailers. It's just the development plan change from many

warehouse to outdoor sales and display and to not have all those mini warehouse buildings on it.

And so that change, because the development plan change.

Metro council has to approve that change. Understood. Thank you. Okay.

Excuse me, thank you, Madam chair. I don't want to jump the gun council and or do you want to.

And when they leave them here, do you want me to dive right? In.

I'm sorry, um, I, I said, I, I didn't want to jump in front of you if you wanted to provide me a time. No, no, no, you're fine.

Okay, um, did you want me to to read in the, the amendment.

Uh, yes, please. Okay. Happy to. Um, so this will be proposed a minute by substitution. It is fairly lengthy, so I apologize but, um, we'll get through it.

Whereas the legislative council, the local Jefferson County, Metro government council previously approved the zoning change a connection with 19,960 highlight, pursuant to ordinance number 239 020172017ordinanceandwhereaspartof, the 2017 ordinance, any change of use, or change to the approved development plan for 1,090,960 highway.

ordinance and whereas as part of the two thousand and seventeen ordinance any change of use or change to the approved development plan for one hundred and nine hundred nine hundred and sixty highway

Shall I require council review and approval and whereas as part of the 2017 ordinance and the amendment to binding element number 10.

Which restricts the uses on 1,090,160 highway to only quote those uses allowed in the zoning district that are otherwise allowed in the zoning district and for warehouse storage.

But, not for other uses permitted in the M1, zoning district shall require counsel approval.

And whereas a revised district development plans have been proposed for 1,090,960 highway pursuant to case number 22.

And whereas the revised detailed district development plan includes a proposed amendment to be to also include outdoor storage and sales of trailers as permitted uses.

And whereas the council has considered the evidence presented at the public hearing, held by the middle of the metro planning commission, planning commission, and recommendations of the planning commission and staff as set out in the minutes and records of the planning commission in case 22 GDP.

0078, and whereas the council rejects the findings of the planning session for the revised district development plan, and amended binding elements in case number.

22 0078, and has made alternative findings effect based on the planning conditions record that support maintaining the existing development plan and binding elements. And whereas the council makes the following findings the fact based upon the record established before the planning commission for case 22.

0. 0. 7, 8. two zero zero seven eight

To overturn the recommendations of the planning commission and maintain the existing development plan and binding elements on the property located at 10,905, Dixie highway and being a little, the Metro.

And whereas the current plan, which was proposed as part of the 1017 ordinance is for many warehouses.

A use, which would have been permitted under with the granting of a conditional use permit.

But the owner developers save time and money by instead pursuing zoning, the rezoning to C. M limited by binding elm at 10 and whereas.

Binding element 10 was a critical factor in Council's consideration of the 2017 ordinance as there are a variety of uses.

Otherwise permitted in the zoning district, which would not have been appropriate for the property.

And whereas the M1, warehouse in storage uses permitted by, or intentionally contained inside buildings to minimize the impact on neighboring properties, which includes and residential zone properties.

And whereas the proposed addition of outdoor storage and sales of trailers is likely to have significant impacts on such neighboring properties.

And whereas the owner developer never constructed the current plan, which was proposed as part of the 2017 ordinance.

And whereas the under developer was observed, storing trailers on the property in violation of both.

The current plan and binding element 10, which resulted in zoning enforcement case.

Docket number 19 000204andseems to have been the impetus for the current request.

And whereas the council does not wish to encourage the current owner developer, or any applicants to violate their existing plans and binding elements in the hopes of the planning commission and, or the council.

Automatically approving proposals, which would render such violations legal and whereas the council believes such cases demand, appropriate scrutiny and has.

No justification for violations in this case and whereas for the following reasons, the council as opposed to the pros, expansion of additional uses on the property.

At this time, and whereas without the requested changes, the mining element 10.

The request the development plan, the impermissible use and so must also be denied now therefore, be ordained by the legislative council of the little bit just the county metro government, as follows section 1.

That the revised district development plan and approved and amended binding elements for the property located at 1905, Dixie highway, containing approximately 2.19 acres, and being a local metro as more particularly described in the minutes and records of the planning commission. In case. 22 GDP. 0078 is here by denied.

case twenty two gdp zero zero seven eight is here by denied

Section 2 that the ordinance shall take effect upon its passage and approval.

Or otherwise becoming law, um.

So, to briefly summarize part of the developer's request was for an amendment dividing arm at 10, which had restricted.

The uses on site, um, and this, uh, a member substitution.

Lays out reasons why that is inappropriate and why it should be denied. Um.

I'm happy to take any questions or counsel on failure if you'd like to make any comments. Of course.

Thank you Travis. Um, is it okay um.

Madam chair, I had sent counsel and thank you. So, you know, this is not something I would like to do, but this has been a very problematic. Um.

Case since 2017, it has had several, um.

Out of compliance cases and, uh, this latest 1.

Uh, is is just, you know, uh, we, we just can't do it. So, 1 thing that I want to be clear on is the trailers that are currently on site.

Are the majority there's about 6 trailers that are within the guidelines laid out in the, um, but.

The, um, the 1 that is problematic is under 2.6.6, a heavy truck parking allowed and easy 1 in 1, uh, utility trailer.

one uh utility trailer

Is a vehicle designed to be pulled behind a motor vehicle, which is used to carry property trash your special equipment utility trailers are less than or equal to 16 foot in length,

and shall be regulated as medium.

Trailers trailer medium trucks, utility trailers in excess of 16 foot in length shall be considered industrial vehicles and are regulated as heavy trucks.

Utility trailers shall be measured excluding the tongue.

So, as I said, before the majority of the trailers, and you can see on the pitchers that are our on our.

Um, on the system that, you know, they're over 16 foot, there's about 5, I believe that are within those guidelines and, you know.

They know it planning design knows it. I'm not sure if the planning commission realized, but they should have know.

That there was an open case on this, and these trailers have been in place.

Since last summer, and, you know, I just don't think it's good practice to pass something out.

That is clearly in violation.

Of the currently as we speak.

So, um, I appreciate your.

Support on this like I said, I hate to do it, but I don't know what else to do at this point. We, we've reached out.

We've asked for explanations of why, and have not gotten what we needed.

I appreciate your support, um.

I'm going to ask the clerk do we need to, um.

Vote on her memo about substitution before we ask questions and discuss it or can we, we can ask you.

Okay, no, that's what I'm saying.

Okay, um, so I need a motion and a 2nd to adopt.

So that we can discuss it this way, discuss the amendment.

Okay, probably made by councilman that Shawn. I'm sorry, because everybody's names are different in front of them, except council woman she seconded that motion. Okay. I just that's okay. It's okay.

I just am, I don't understand that.

When we, if we, if we adopt this development plan.

That the applicant is still in violation of the new development plan.

That's can somebody answer that.

That's my understanding Madam chair.

Make this normally, normally, when there's an enforcement action.

It's to change to change the development plan or change in zonings. So that person or that development becomes in compliance.

With what's before so right now that is not the case. Is that correct?

Joe, you do you know, by any chance I don't know right off without looking at our, our definitions in our land development code, uh, the free trailer storage and.

And, you know, the differentiations of of actuals and what is defined in under. I need to I would need to look at that. 1st.

Okay, uh, counsellor met Sean.

Thank you. Um, Julia, thank you. Madam chair. Um.

So, rather than denying, how do we help.

Facilitate the developer into getting in compliant or guiding them in the right direction as coaches and teachers.

To the quote, unquote developer to be in compliance. So we have the proper.

Things in place, so we can move.

The investments further in our communities, rather than.

Hindering and and putting up more red tape.

Not to say that we're doing that here. I'm just using that as an example, how do we coach it along versus and getting it to where it needs to be rather than just.

Because I'm, I guess I'm looking at it from the perspective of the developer is also the landlord.

Right and then you have a business who is selling trailers.

In this operation, now you were.

Putting red tape and hindrance on the business owner.

Not just the, the developer or landlord of the property.

So, how do we guide the business owner?

And to getting them in compliance as well as.

Possibly the developer, if that makes sense.

Sure, so M1 allows for heavy truck parking and the CM zone allows for and.

So, the zoning itself allows for heavy truck parking, which what they have on site would constitute is heavy truck parking.

Uh, with these trailers, however, there's a binding element that says that you can't have that.

So, what the applicant asked for was for that binding element to allow for.

This, uh, like, I essentially.

Allow for this use of heavy truck parking to permit.

What they have here on site, or you're looking at binding element 10.

Correct the subject property shall only be used for those allowed in the zoning district.

That other was allow in the C2 zoning district, and for warehouse storage, outdoor storage and sales of trailers.

But for no other permitted and M1 zoning district, any recommend date, any amendments to this binding element shall require approval by local metro planning commission.

And from the local metro Council, so.

They're selling trailers those are larger trailers then.

A, 6 by 6, which is still a trailer, and it is used for utility purposes, whether it's the hall. Hey, whether it's the hall tractors, whether it's the hall.

A vehicle, it's a utility trailer.

So and you're saying the developer.

Requested to rezoned to no, it's a allows for uses. So the zoning is already there that allows.

For the use that they currently have on the property. Okay. So if it's went through planning commission and I approved it with no opposition 70. correct that's right. Okay. Thank you.

Madam chair? Yes. Councilman.

So, when you go down to bodying element, number 14.

It explains that these trailers are to be limited to medium.

Duty utility trailers and or recreational.

Vehicle trailers as defined by the land development code.

I read the land development code language into the record and that again says utility trailers less than or equal to 16 feet in length shall be regulated as medium and they, they call them trucks.

Whether it's a trailer or truck, it's the same deal.

Utility trailers in excess of 16 foot in length shall be considered industrial vehicles and are regulated as heavy trucks.

You asked the question counseling based on about, um.

Helping the developer, and, you know, he knows he's out of compliance because he knows that those trailers are over 16 foot. He was cited for them last summer.

And so he did a revised development plan.

And what they said that they wanted.

Was under binding now, number 14 was 14 was was trailer sales on the subject sites shall be limited to medium duty.

Utility traders, which again under.

2.6.68 in the land development code.

Gives you a definition of what that is and it's less than 616 foot or less.

So, if this had not been such a problematic property.

In the last 6 years, 6 years, it's been going on that the changes and the out of compliance and, you know, I wouldn't do this,

but I don't know what else to do because I believe a councilman chair flood maybe reached out as well and got no response.

I'm I'm looking at the staff report that I guess the original.

Development plan was approved within 2017 and then sometime last year under doc at 22 009 was that when the change came and then.

This then it was a change if I may, it was a change to the development plan.

Um, because they had built.

Buildings that were not on the development plan. And, um, and then they got shut down by the state because they had plumbing in there.

That wasn't supposed to be part of the plan and so then they changed it. And now, here we are, and by the way they changed it without it coming back to the metro Council.

And that was the thing that happened that you're speaking about is when they finally brought it back to the metro council 2 years later.

Okay, thank you. Cancel.

Um, thank you, Madam chair. Um, councilman Fowler. How do you.

Suggest moving forward if.

I guess I'm, I'm playing devil's advocate here right? Um.

Educate me, please, I want to learn as much as possible on this, but my, my question to you is.

We deny this now, we have another vacant abandoned property.

On Dixie hallway, is that what we want to continue to set a precedence on? Or do we want to move forward with helping and finding solutions and working together?

And I say that very strongly working together to to help move people forward.

Rather than bringing things backwards Madam chair if I may.

I'll allow this 1 more time.

Thank you. Um, so.

I don't know how to move forward and it's not going to be a vacant lot. They still have a development plan for, you know, doing.

The buildings that they had, he just got a wild hair and decided he was going to do trailer sales and, you know, if, if we pass this.

Tomorrow there will be a zoning officer out there.

Signing them for illegal and noncompliance of their development plan.

That's what will happen. And, you know, I don't understand why planning design services thinks it's okay to do that. I'm not sure whether the planning commission even knew.

They should have known that there was a, um.

An open case on on this site, um.

But I just don't think it's good practice to just go ahead and pass it out of committee. And then.

Start the ball rolling again for another year.

Because they're not going to be it's not going to be a vacant lot. Okay. It's, they're going to they'll do something, but it will have to be within the guidelines that are laid forth in development plans. If we don't follow the development plans.

Why do we even have them? That's my concern.

Councilman angle, thank you, Madam chair Travis. You believe that if we pass this today, there will be a zoning officer at this property tomorrow morning citing this.

As an illegal, uh.

Development, um, let me speak generally. Uh, so, obviously we're in committee today so, you know, we need to wait for.

Final council action before a real determination of what the future of this property is.

Um, a zoning officer, I mean, there is a pending enforcement case on there, so zoning officer could be checking up on that case, they could be checking up on it right now, they could be checking up on it tomorrow. They could be holding a dependency of counsel action. Um.

If counsel were to pass.

This or any amended development plan in any case.

Um, then there's normally some reasonable period to allow the applicant to, you know, construct the new development. Now.

Whether, um, I think that the sort of specifics of the.

Restrictions on the size of trailer and issue here are unique to this case and that.

Even if the applicant were to fully construct their development plan, they would not be allowed those heavy duty.

Trailers that restricted and medium duty by binding element 14 I believe. Um, and so.

Whether that would necessarily result in the citation right off the bat.

That's sort of up with zoning officers discretion. I think it probably more likely that they would go out and.

You know, if they were to conduct a measurement and say, hey, this is above it then, you know, in the process view, all constructing your storage building and stuff get.

Trailer X, Y, and Z off the property, but it's possible. They, they issue something.

But I think that's more roughly how it would play out and we could have a follow up please. And Madam chair. I may have jumped ahead of myself but 1st, off colleagues.

The good news here here, is that the chair of this committee.

Many moon moons ago. Really? Not many months ago, but.

She saw it that we passed a binding element that.

Anything like this happens, it's going to come back before the metro Council. So this, this is good news. That's why we are here and that's why we're discussing this.

But Madam chair what the 7th and nothing vote by the planning commission was to.

Move this forward correct?

Move move not the denial.

But the approval is that is that correct?

So this is an amount motions substitution to deny.

This project is that correct? Okay. So we are going to overturn a 7 to nothing.

Vote by the planning commission who we charge with having a.

Fairly significant understanding of development in this community.

I've always had a tough time with that. I'm not saying they get it right folks every time.

But it is very difficult for a unanimous vote here.

For us to sit here and deny this not say we can't I'm just putting this on the table.

More discussion, I guess, but that's where I'm at struggling right now. I feel for the council council women I want, you know, I, there's a lot of development going on in my district.

It's not all good at times.

But I did hear a comment earlier, you know, if if what really comes down to this, if not this, then what.

What will go on this property?

In the future, so, anyway, I'm still struggling Madam chair. I haven't talked myself into really being solidly confident in anything. Other than again. A 7. nothing vote. Thank you.

Thank you. Mr. angle councilman Thank you, man. I'm sure. And I think this one's for Mr feature. Um.

If this is denied and.

If the property owner at this point.

The business has now gone out of business and the property owner chooses not to develop it in the original context.

And allows it to sit vacant and do nothing with it.

Where are we at that point, if we have a plan that was originally submitted.

Correct. And then we try to amend it or change it.

It gets denied now, you've put a business out of business and now you have a vacant property that will never be developed. If the guy chooses not to.

And or sell it, and it just sits empty doing nothing collecting dust, Rust.

And millions down the drain I again, I'm I want to be educated. I want you to tell me what happens in that RIM.

Do we have a time frame on his development to move forward to get it to where it's supposed to be? Or does it just sit dorm it?

I think we need to remind the committee that our charge here is to approve development plans. Not try to 2nd guests.

What may happen in the future and not happen in the future what the facts are in front of us, or or a change in zoning. If that's the proper use for that particular piece of property. Um.

So, counsel and Cindy Fowler and.

Sorry, man, we're trying to address the question. I can be very brief. Um, so, you know, any developer can choose not to, but to develop a project, we can approve rezoning all day long.

And if the developer doesn't want to break ground, they don't, we can't require them to, um, unless they're in some sort of specific development agreement. Those are very rare cases with the city. Um, so, for most cases, we see, it's important to note that on this property.

Is don't and so this binding element number 10 is just restricting the.

Industrial the uses all the commercial uses remain so there are a number of options for this property that aren't even being discussed at the moment.

So, if they wanted to do any of the numerous options within, they could, uh, without requiring an amendment to that binding element.

That's still requiring amended plan, but it wouldn't require this expansion for outdoor storage and trailers. So if they are only interested in this specific use on the property and nothing else.

Maybe they let it sit, but otherwise there are other options available.

Council or you were in the queue Thank you Madam chair. So, Travis correct me if I'm wrong, but the development plan that is currently.

In place would still be the option for the developer correct?

Potentially there is a little bit of a wrinkle development plans have a 2 year expiration date. Um.

Juliette, do you know when the latest plans date I mean, those are regularly granted.

Up to 1 extension, sort of by request and then the 2nd, 1 with the hearing before. So, assuming that plan hasn't been too far down the road.

Um, but generally, yes, generally, if a current, you know, if this plan would be denied, then.

Sort of the assumption their presumption for the lot would be the previous plan, assuming it hasn't expired.

And it was a 2022 case, so it would not have been expired yet.

So, Madam chair, if I may.

You know, I understand your concerns canceled and Hassan, an enhancement angle I do, but I also understand that especially councilman angle. If you had dealt with what.

I have dealt with on this property for the last 6 years.

You would be very frustrated at this point, and you would be saying,

there's just a line somewhere in the sand that you have to say I'm done and I cannot pass something out of committee that I know is in violation. At this very moment. It is just not good practice.

I don't know why we would even consider doing it. I don't know why the planning commission did it. I think probably they did not know.

So, you know, I'm very frustrated, I would love for something to go in there and stay in there, but this is not.

It is not compliant I mean, before we ever approve it, it is not compliant.

And this is like the 3rd case on this, maybe the 4th.

I still appreciate your support, whoever is willing to go in on the limb. With me. I appreciate it.

Is there any more comments or discussion? No, 1 is in the queue. So what will we be voting on is for.

The denial of the change in the development plan.

Oh, if you will share, I'll open the voting.

Bandwidth just a clarification. Yeah, so the, the denial that's been moved, that is the amendment by substitution 9 this case, right? That's what we're voting on.

The amendment by substitution, right?

By Jerry Nope.

Madam chair do I get a vote? Not under change in development plans only changes zoning. You do at the council level.

Without objection involved is causing there are 2 yes. Votes and 5. no votes. So the amendment fails. So now we have the new, the original.

Piece of legislation in front of us or is there any questions or comments here?

See, no, on the Q and hearing none, we're ready to vote. Cancel. I'm sorry I'm.

Flood, I couldn't get in the queue fast enough.

Oh, go ahead. And so, I just want to say again, when this passes, if it does next Thursday, if it passes out of here, and it passes out of.

The council meeting there will be.

On the next day, Friday morning, there will be somebody out there to.

Sight that developer for noncompliant use of this development.

Plan Thank you.

Voting is open and this is for the original development plan.

Yes,

without objection voting is closing there are.

Or, yes, votes and 2 no votes and this goes to old business at our next council meeting.

Item 6, and 998 are still being held at the request of council members.

So, we're going to go back up to the 1st, piece of legislation, which is an ordinance relating to the zoning of properties located at 921,922 her line and containing approximately 8.11 acres and been in a little metro case number 22 zone. 0. 0, 7 3.

acres and been in a little metro case number twenty two zone zero zero seven three

2nd.

Probably made that council and read and 2nd, and back councilman chapel we're ready for discussion.

Again, Julio Williams planning a design services staff. This is 22,073 the bull run town homes.

This is located in council district 7 off of.

The existing use is residential and agricultural, and the proposed is residential. The site is located off of hair.

The existing zoning as are 4, and the proposals for a, in the neighborhood form district.

The request was a change in zoning from our 4 single family, residential to a multi family, residential and a detailed district development plan with binding elements.

The site's currently developed with a commercial structure and residential structures. Those are not proposed to be preserved the proposals for a 72 unit town home style. Multifamily.

It's adjacent to Providence point, which will share its access.

The majority of the site is located in the city of gray, more with a smaller portion in Louisville, Metro.

There is a transit stop located at the corner of hair lane and cross more lane and that is proposed to be improved for better access.

So this is the subject property from hair.

And from and at the crosscore intersection.

So this is the future, the top photograph is the future side of Providence point to the North and single family across hairline.

A single family across cross Moore and adjacent single family down cross more.

So this is the applicants development plan.

The access is from hair lane through the Providence point development.

And the, I want to say the LL portion, the, the most northern portion on this site is located in the city of Louisville. There's a slide that's better that shows that.

So, this area highlighted in yellow is Louisville, Metro.

And then the rest is gray more. So these are the building elevations for the property.

So, a neighborhood meeting was held on July 15th, 2021 and team meeting on October, 13th, 2022 planning commission held is public hearing on January, 19th 2023, where for people spoken opposition,

and there was a motion to recommend approval of the change and zoning from our 4 to by vote of 8. 0. approval of the change and zoning from our four to by vote of eight zero

Are there any questions? Yeah, the majority of this is in grey more and I believe their meeting.

Did is it Thursday night or tonight? I believe it's tonight, Madam chair tonight and so council mcraeven which managed to speak but I know that our previous communications had been sort of monitoring that we had a similar case recently in St. matthew's. I believe when the majority property was there, and we sort of.

Mirrored obviously, it would be pretty strange for the majority of this property to be 1 of the, our remainder to be another. Um, and so I think we're sort of waiting on seeing their action at the same time since they are, I think, taking action this evening.

Uh, it could be moved out of committee and, you know, amendments drafted if necessary to make sure it all matches up a council. But counsel mechanics probably has more to say about that.

Council 1 yes. And we were joined when we started this discussion so go ahead counsel woman.

So much, yes, they're meeting tonight and I would like to defer this to.

After they have made their decision, because they have the majority of parcel in their area. So it's not if it's still within the allotted time, can we hold it until next committee?

For our portion.

Just a minute Council, and I'm checking the I know we're tight on time because of a spring break. Yeah, we had spring break coming up. Let me get my calendar out to. I think it's in our next council meeting the 16th.

April 6, so, um, and we don't have another our next committee meeting is April 18th. Is that correct?

Yeah, so so I, if, if you don't, my, my recommendation would be to to get this out in front of council even if it gets held the council level for that next meeting. At least we'd not be stuck with the weird committee overlap.

So so we can pass it out a committee with no recommendation.

Based on the decision for, for the majority of the proper property. So, I mean, that would be my suggestion since.

It's the majority of the properties, and there's and we are waiting to see what they do is to pass it out without a recommendation. Anybody have any thoughts or comments about that.

May I say Madam chair? Yes.

I'm totally fine with that decision.

Do we need to vote? Oh, Catherine Baker I'm sorry.

Council and makoni is okay with it. I'm more than okay with going investment from the Council, based on the time crunch.

Do we need to and did I hear you correctly? Counsel? Remember crying with that decision.

Okay, okay. We're going to take a roll call vote to pass this without a recommendation from the committee to go to council. And at that point in time, we'll know more about what's going on and have time to fully vet out. If we.

Need to change our language councilman by phone.

Thank you Madam chair um, just just so, um, understanding, right? So.

We're gonna pass this out a committee, um.

So, we allow the that city to do their due diligence and and whatnot and then, I guess we're going to follow that lead in their requirements and requests.

So, I'm assuming that this is going to come back to us, or no, no we're going to vote on it on the council floor.

We don't have another committee meeting till after after our next understood and it's, I think the 19th is the drop dead. So, we would not have time to bring it back to committee and then. then

I get into the next council meeting after that, because that would be into the May.

Into May. Okay. Understood. Yeah so thank you. Yes, thank you.

Motion 2nd, properly moved back back Shawn, and seconded by councilman Baker way to work in tandem there guys. Okay. It probably moved a 2nd we're ready for a vote.

Field called the Ro vice. Yes.

So, minimum, yes.

So, without objection voting is closing and there 8 yes. Votes. So this will go to.

To forward to the home metro council without a recommendation from planning and zoning.

Thank you we have very rarely, ever had to do that. I think this might be the 2nd time in the last 20 years that I know that we've done this. So.

Okay, now we'll move on to.

Oh, I'm sorry on the last we will have 1 present vote on all votes today and That'll be our newest council member Council, Reno, whoever. So he can properly get his.

Hi, I'm being okay, so that he can probably get his arms around this committee.

And we will not, we don't allow committee members to leave. So you should just know that.

Yeah, I don't number 2 is an ordinance relating to the zoning of properties located at 768, 810 and 850 beret Avenue and.

1235 East Breckenridge lane, containing approximately 9.67 acres and being a little metro case number 22 zones. 0 1 3 8.

Probably made by councilman angles, 2nd, by councilman rate and we are ready for discussion.

Julia Williams planning a design services staff. This is 22 zone 138 the urban government center redevelopment.

And this is located in a council district 6.

Uh, the current use is vacant institutional and their proposals for mixed use.

The existing zoning is and with.

And then the proposals for a plan development district in the traditional neighborhood form district.

The change is zonings from our 6 multi family, residential and commercial to plan development district.

This is the side of the former urban government center. The proposal again is mixed use development. There's a pattern book that goes along with the plan development district.

So this is the urban government center site so this is taken out of the pattern book, showing Landy, the land map where the different land uses in the pattern book could be located.

Uh, so this is a listing of the.

What could occur in those green areas? The mixed use areas. So we've got residential uses civic and open space office and a listing of commercial uses that could happen in those areas.

And this, uh, further states, what could be used there. Uh, so there are limited land uses, uh, indicated as well as well as prohibited land pieces, which are mainly car or or auto oriented uses.

I said this is the, the subject property from Barrett Avenue.

And, uh, this is the former urban government center site.

Uh, the urban government center site from Vine street.

So these are the surrounding areas mixed on residential down Barrett Avenue.

This top photograph is looking south and then the top one's looking north.

Mixed use down East Breckenridge street. Um, so at the, uh, intersection of East Breckenridge, uh, there's, uh, institutional and residential.

And then further down, you get into more residential.

So, neighborhood meeting was held on, may 16th, 2022 within land development transportation, meeting on January, 12, 2023 planning commission, held its public hearing on February 7 2023 or 6 people spoke in

opposition and there was a motion to approve the change in zoning from our to,

by vote of 7 to 0. a motion to approve the change in zoning from our to by vote of seven to zero

That ends my presentation, my Baker, thank you, Madam chair. Um.

As you all know, this is in district 6, and I wanted to as a courtesy to my constituents and colleagues let you all know that I did my due diligence on this property and also wanted.

Everybody kind of if you can give me time grant you on while I'm encouraging a yes, we'll do the planning committee.

Um, the 2nd step as a newly elected councilman was looking at the objections as you all know this is the 3rd time a developer has submitted a plan and the 2nd time they disappeared before Council.

Um, 1 of the objections that I came across, and by combing this. this

Is, and if my colleagues can go to the planning commission staff report document.

Was that the city was going to get it for a dollar? That's necessarily not true when it's gonna take it's a liability of 15Million dollars to demolish 15Million dollars to develop another. Um.

Objection was the, um.

That it wasn't meeting the pattern book with meeting with planning and zoning a director, Lou, and some others, this property not only meets the pattern book, but it also.

The developers agree to include some architectural elements in the property as well as it relates to the traffic.

Um, there's been 2 traffic studies on this property and my office is also, um, funded a drone study for it.

So, it's the, um, there's a precedent to it. So, as you go to.

Down that planning and zoning commission.

Staff analysis, if you go down to page.

Um, where the binding elements begin.

Um, that's been addressed, um, there, it's already been a precedent for this type of traffic.

Anyone who's going to do a special event still has to qualify for a conditional use permit.

Also, Mitchell works has already approved the preliminary land use plan. It complies with the comprehensive and land development as for sustainability. The open space is required.

Uh, by the proposed pattern, um.

If you and I know I'm going to go fast, but I want you guys to.

To take a look at it also I want to refer you my colleagues.

Uh, to the binding elements, is this plan a 1000 per se perfect.

But, again, to my colleagues point, if not this, then what.

I can't, I couldn't say it better. I've met with a lot of the local leaders in the area.

The developer has done an outstanding job of reaching out to neighborhood groups as well as far as getting the opinion on what this development is going to look like on what they can. So I can go on and on and on.

But again, as you review the binding elements.

If you look at the precedence of traffic flow, if you look at the unanimous vote from our planning and zoning commission of 70, I strongly encourage you to support the plan. Again. I refer my colleagues to page.

In question with the binding elements, and also the developer has worked in the community benefits agreement again, this property I know.

We can go all night and we could spin our wheels on and poking holes, but from the plan, the goal, there's an affordable housing plan, it's going to be spread throughout. So it's not gonna be in single building.

Um, I've been I hit in the back as a newly elected councilman before people could recognize me and stayed in the meeting that was in on Hancock street or 6 hours.

Listening to what the concerns and so the concerns are the neighborhoods.

Is, uh, where I had started to pull much pull the string so to speak. Um, and so again.

I strongly encourage this plan. I believe it does a great deal for district tying in some of the developments of new Lou bardstown road district, 8 and 15 to be, uh, affected. But again.

Um, I, I cannot stress, uh, more the type of developments that, you know, from when I survey constituents, neighborhood associations and again, what's on the record.

Ethically we have to go what's on the record and so based on the record. I'm struggling encouraging my colleagues or a yes. Vote on this, uh, proposal. Thank you. Madam chair.

Thank you Mister banker. I just had a quick question.

I don't know if the county attorney needs to answer this or Julia,

because I know council commissioner mams asked a question about the major changes to the permitted uses of the distribution of zones that she stated that it would go before the planning commission.

Ultimately, the metro Council, so do, we don't need that standard binding element because it would automatically come back in front of us. But.

That's correct. Madam chair. So when development districts are fairly unique within our zoning code, um, they have a specifically already our own process for both major and minor amendments. Those are all defined in the code.

I can pull those if you want, but really it, it's fairly close to this type of thing that our element does capture. Um.

And so it's already already really contemplates how changes should be addressed and if they were to do a major amendment, and actually it's a greater process than our current mining element requires. Okay. Because of what's called a Charette. So, there's sort of the special public hearing.

With the neighborhood, so we're already pretty covered on that front. I just don't want to my question and why we weren't adding it since it's such a huge.

Piece of development in my mind councilman.

Any manager, so we're approving we're, we're looking to approve the zoning of the change on this and it.

Will this come back to us with updated renderings and what it is? The future.

Of the look will be and and the plans of what this development's gonna look like when it's finished.

Julia, no, so, with the plan development district staff looks at the pattern book is, uh, the requirements for the site.

And if the development plan meets the requirements of the pattern book, then that development plan is approved.

Sorry, I've seen the PowerBook now. Sorry? No worries. Yep. Thank you. I think it's the next item that will do after this portion of it.

Okay, cancel woman. Really I, thank you.

I would like to just say that I've seen the pattern book that was written for 1 park North, and the pattern book that was, uh, developed for this site and I can see a significant difference.

In the quality of the development between 1 and the other, but I also know this is the 3rd iteration of this and although I'm not thrilled with the pattern book. The way it's developed.

I will vote in favor of this councilman Baker.

And just want to kind of respond that is in line with the pattern book.

But when you look at just certain overall things on page 3, where it talks about the provision for a safe and efficient vehicle, pedestrian track, transportation, you know,

it says that provisions for safe and efficient vehicle or pedestrian transportation within, around the development of the community has been provided and Metro public works has approved the preliminary land, use code,

the provisions of sufficient open space or scenic and recreational to meet the needs of proposed development open spaces required by the proposed.

Pattern book, and we provided as required the provision of adequate drainage facilities on the subject site in order to prevent drainage progress from occurring on the subject site metropolitan service district.

We'll review the detailed district development plan as they submit. So the list goes on and on to check certain boxes in a broad away.

So, even though we may not know exactly what it looks like, it's all in compliance with the pattern book and also with.

Metro agencies, so.

And I think the planning commission actually heard both of these simultaneously, but we haven't broken down to 2 different ordinances. That's why you see this one's followed by the other 1 councilman angle.

Thank you Madam chair. I, I just want to really make a comment here, uh, and say this is very welcome news when I heard that reading. Um, I didn't know which number this was, but when I heard that reading and I looked and I said Councilman Baker.

Well, welcome to the planning and zoning committee you took out, you took on the urban government center.

I mean, that's that, and then to my left over here.

I mean, no, 1 took on that project. I mean, welcome. These guys are ladies are thrown right into them. So, I know we're not voting on an MVP

for the day Madam chair, but it would be councilman Baker for this 1, but anyway well done.

But, I mean, there had to be there has to I mean, I don't know how many years we've been at this thing.

But it's been looked at significantly so I applaud the planners.

And those that think big and think out of the box, I think this could be good stuff. Thank you very much. I will support this.

Then this used to be the old Baptist hospital.

And I can tell you going up into some of those offices up there it's still when metro government head offices over there, it's still looked like a hospital on the inside. So it's very old.

Any other questions or comments before we move towards the vote.

Ready to go. Hi, Jerry.

Yes, without objection voters closing there are 7 yes.

Votes in 1 voting present and this will go to old business at our next council meeting and we'll move on to item number 3, which is a campaign into this, an ordinance relating to the plan development option.

And the pattern book for property located at 814 Vine street contained at approximately 2.2.1014 acres and being a little. zero one four acres and being a little

Petrol case number 22, DDP. 0 1 1 6.

Julia, William probably move that councilman that Shawn and seconded by councilman angle. We're ready for discussion. Sorry about that. Julia Williams planning and design staff.

So this was heard at the same time, as the previous case that you voted on, this is 22 116 the cottage is on Vine. cottage is on vine

At 814, Vine street located in council district 6.

It's an existing parking lot vacant the proposals for residential.

It's in the U. N. zoning district in the traditional neighborhood.

So, it isn't the UN zoning district, uh, the applicant chose the plan development option and this proposal goes along with the pattern book that was with the, that was with the zoning change.

So this is a revised detailed district development plan, major, preliminary so, division with revised binding elements. This is the side of the firmer urban government center. Parking lot is proposed single family subdivision.

It has the same pattern book as the change in zoning. This was previously rezoned from our to U. N.

Under 18,262, they're proposing 20 single family visible lights.

This is the applicants development plan.

Fine street is at the top of the screen.

So this is the subject property as you can see it is a parking lot.

So, there's mixed non residential down Barrett Avenue.

Both sides or yeah, so this was a similar, uh, slide that you saw before.

Mixed use down East Breckenridge, street and primary primarily. Um.

A residential further down Breckenridge.

Mixed use down Vine street, although it's mostly residential. So there's corner commercial.

Adjacent mixed use along Vine street so the applicant had a neighborhood meeting on May 12 2022.

the planning commission held it's public hearing on February 7th 2023,

or 6 people spoken opposition and there was a motion to approve the change in zoning but it was also a motion to approve the district development plan with the planned development option by a vote of 7.

0. planned development option by a vote of seven zero

And that ends my presentation. My Baker.

Uh, again, I strongly encouraged my colleagues again, this ordinance or resolution is a conjunction with the previous 1.

Um, the same sentiment applies, and again, for for the developer to achieve some of the community community benefits agreements, and the binding element in affordable housing I just encourage.

My colleagues to support this as well. I'm not going to go like I did, but I think you all get the point. Thank you.

It has a great pattern book. Just got to say I was really impressed with the past. It's a similar pattern book. Not the same.

Well, I mean, yeah, thank you any other questions comments before we entertain a vote.

We're ready to vote material Cary.

I did you say yes, vice Jerry.

Yes, queue without objection voting is causing there are 70 s votes in 1 voting present and this will go to business at our next council meeting moving on to item number 4, which was table.

So, the motion after it's right into the record will be to unstable, enormous related to the zoning of properties located at 77 and 17 and 7,721 St Andrews church road contains approximately 1.197 acres and being a local metro case number 20.

and being a local metro case number twenty

Zone.

0111 as amended.

Motion to unstable 2nd, probably move back councilman angle and seconded by counseling. Bet shown it is unstable. And I think there was some.

Questions that, uh, customer about Sean needed to get answered on that property.

Yes, go ahead. Yes, so thank you, Madam chair on table this today.

And before us, a dollar general store is going to go in on Saturday church road and there has been some concerns in regards to who owns the private road.

And whether that road needs to be turned into a city road or whatnot, and that's another conversation for another day with the cardinal development. And there's been some concerns with the neighborhood behind.

And the condos, um.

Of, you know, whether that sidewalk is gonna be put along the side and people crossing the bridge from the Ford haven neighborhood to walk through the community. And I'm going to pass that on to.

Can we attorney Travis faster to answer some of those concerns? But I think we.

He may be able to provide a solution for that.

Um, we obviously had some conversation in regards to when the routing was road was gonna be widened by Kentucky state transportation of San Jose church road.

Obviously, as Kentucky State road, transportation loves to say they're going to get something done and it's 20 years later, but nor here nor there.

We are looking forward to that road being wide and I would love to see, you know, a turning lane, but it's I don't think that we need to cross that bridge. Um.

And I will pass it on to Travis.

Thank I just wanted, I hadn't been introducing myself all day. I don't know I never know what it was supposed to do it every time. I don't care. Jesse said security attorney quota, right? That's on me.

So, to address the ownership of which was 1 of the 3 different questions, last time, cardinal X drive and the cardinal Oaks, um.

Development with those condominiums, that's all 1, single plot of land 1, big piece of property. Um, and so, even though it's labeled a private street, Tom's think of it, like a driveway, I mean, it's just the only access point to the, to that development.

Um, it's owned in common ownership by the various owners of those condos. Um.

And, like, we discussed last time, there's only nothing that it requires.

Them to give access to this development and based on the amount of traffic that is likely to come through this. I can understand why they might not want to for risk of, um, additional wear and tear on.

Um, so that that's sort of where that stands. Um, if in the future, they were to work out some agreement. We can, uh, talk about it at that point but there's a there was nothing require them to do. So, as for the, the bridge at the rear of the property, which we heard some about in the, um, in the record.

I think, admittedly, I'm not personally aware of the ownership, but it appears from logic that that bridge is contained within their property. They, the development, the partial seems to be on both sides. So.

Assuming that is partner looks bridge they could potentially, you know, gate, it have a key card access, whatever if they'd like, it doesn't seem to be a sort of.

Uh, public utility, I mean, if there is some sort of easement on the books with them, then obviously they need to continue to grant access to whatever those folks are. They may want to hire an attorney and dig through some old records. Because it is an older development, but ultimately, if it is slowly their bridge.

Or used by their, uh, their members, then they could get it if they'd like, and, um, you know, keep that access just as private as carbon looks drive itself.

Any questions or comments I'm in the queue manager.

I'm sorry, go ahead.

Uh, yes, thank you. Madam chair. I was going to ask, uh, counsel embed Sean.

He was talking about widening the road if he'd actually costed it out.

Uh, in conjunction with the crews, actually doing the, the initial construction.

Because I had a similar situation a couple years ago, I will pin branch.

Initially, it was, uh, it was too expensive to build that term lane, but because was already out there doing repairs.

Public works was able to do it sort of in a piggyback manner for probably a fraction of the cost.

Go ahead and human council read. I did not think of that. Um.

And I'm happy to bring those conversations up and open that discussion with the proper.

Um, people I know there has been some significant construction on the road and in that general area, um.

By traveling it, and I'm happy to try to put those pieces together.

Just a suggestion, any other comments.

Concerns seeing that we're ready to vote Cheryl.

Vice jury yes.

Without objection voting is closing there are 6 yes. Votes in 1.

Not voting in 1 voting present, so this will go to old business. Moving. Right? Along to item number 5, which is an ordinance related to zoning of properties located at 22, 3 and 22.

5, South spring street contain approximately 0.2122 acres and being a little metro case. Number 22 zone 0, 1, 2, 8. number twenty two zone zero one two eight

Probably move back 2nd back. Cancel that Shawn we're ready for discussion.

Julia Williams planning a design services staff. This is case number 22 zone 128 the pain street bakehouse and guest house.

This is located in council district 9 at 12,325, South Street.

The existing use is residential and, or the existing uses restaurant.

And residential, the proposal is to maintain that restaurant and expand and have a short term rental.

Uh, the existing zoning is our, and with the portion, being at the corner of page street in spring street.

And the proposals for the whole property to be in traditional neighborhood form district.

The request was a change in zoning from our 6 multi family and C1 commercial to see 1 there was a waiver and a variance approved on the site as well as the detailed district development plan with binding elements.

So it is an existing bakery and cafe, and they're proposing to expand, they want to renovate the existing residential structure for short term rental unit. This is located in the neighborhood.

There's on street parking along South spring street, and existing parking along paint street via an existing license agreement with public works.

So this is a view into the site from spring street at pain.

So these are the surrounding areas, residential and commercial across pane street, uh, commercial warehouse to the east of the site.

A commercial and residential cross spring street.

And residential to the north of the site, uh, this is the applicant's development plan.

You could see the existing structure and the proposed expansion to the rear and then the renovation of the existing house to a short term rental and then you can see that parking that is located within the right of way.

So these are elevations of the property.

The existing bakehouse at the corner of spring and paint street will remain the same with the expansion to the rear and then renovation to occur with the.

Existing residential, so the neighborhood meeting was held on June 7th, 2022 with the meeting on January 26 2023.

the planning commission held is public hearing on February 16th 2023 where no one's spoken opposition and there was a motion to recommend approval of the change in zoning from to C1 C1 5. 0 to 6. 0.

approval of the change in zoning from to c one c one five zero to six zero

Are there any questions Owen.

So this is in the 9th district and, uh.

These this is exactly the kind of small local business that we want to encourage and support in the 9th district. And so I'm so happy that they've been there for a couple of years now.

And I'm so happy that they're doing well enough to feel like they can expand and include a short term rental unit, uh, along with their current bakery. If you haven't been there, you should go.

They do an excellent job, so I just wanted to speak very much in support of this and hope you will support it as well. Thanks. Very much appreciate it.

Any other questions or comments read this was from last time.

Oh, yes, ma'am. It just showed up on my phone. Okay.

But I don't know why, but okay. All right there's no 1 in the queue then we're ready to vote Cheryl.

Vice Jerry? Yes, also remember on.

Yes, without objection voting is closing there are 6 years both and this will go to old business at our next council meeting.

Councilman oh, sorry. Councilman.

Oh, that'd be 7. yes. Votes and it'll go to old business. Sorry councilman re we left you out that time. I didn't.

Before we adjourn, because we're back to the discussion part at the end of that, and we are not going to be having a discussion today, but I thought, maybe you might want to just tell us what's in store aren't the next time that we come up.

I know Bolsa is 1 of them something that interests a whole lot of us, which is the board of Zoning adjustment. So if you'll identify yourself director Llewyn.

Yes, my name's Emily new director of micro planning and design services. Uh, so next time, and the planning and zoning committee meeting, if you have time, uh, we prepared to presentation.

Actually, 1 is talking about board Zoning adjustment. I know you do not have a lot of cases related boards only adjustment, but I do know, you have a lot of interest in that subject short term, rental boarding house.

All of that actually goes to.

The board is only we're going to talk about that and another subject. I think you also do a lot in your district is only enforcement so we prepared to presentation for you at your next meeting.

If we have time if not like today, it's very busy agenda. We can just wait for the next meeting.

So thank you, thank you director, Lauren, thank you to your staff for putting all these programs and discussions together for us.

Because I think it's been very helpful, even as a refresher for people who can't be here they can at least watch that portion of the of planning and zoning committee to catch up on. Maybe something new something that we've forgotten.

So, thank you very much so, with that no objection, this committee will be adjourned until sometime in April.

The same no objection we are finished for the day. Thank you.