Captioning Transcript of Planning and Zoning Committee Meeting – December 6, 2022

"Chair Flood"
An afternoon, and welcome to planning and zoning committee. I'm Council Woman Madonna Flood the chair of the committee today. I'm joined by Council and Committee Members and my Vice Chair Scott Reed Councilman Bill Hollander Councilman Kevin Triplett Council Woman Nicole George Councilman Arthur and Councilman Robin Engel are on their way to downtown as we speak.
We're also joined by Councilman Mark Fox and Councilman Anthony Piagentini Who do have.
Cases on our docket today I'm going to take things a little out of order and we're going to take and oh, we've been joined by Councilman Stuart Benson Welcome Stuart.

We're going to take item number 8th and item number.
6 will be the last. last
Zoning issue that will take up to give counsel and Palmer training maybe time to make it virtually. Um.
This meeting is being held pursuant to K, RS 61.806 and council rule number 5 a, and I need to remind our colleagues that those attention attending virtually to please leave your cameras on at all time. So. cameras on at all time so

Number 7 will be an ordinance related to the zoning of properties located at 423.
And I'll, I will not say this name right? Councilman Fox. So you can correct me.

"Council Member Fox"
A, very good you.

"Chair Flood"
Echappe lane and 9,418 Avenue containing approximately 10.6 acres and been in a local metro case number 22 zone. 0. 0. 0 4.
We should properly moved by Vice Chair Reed and 2nd, and by Councilman Triplett, we're ready for discussion and good afternoon.

"Brian Davis"
Brian Davis, Louisville Metro Planning and Design.
Thank you very much. Uh, this is a 22 zone. Um.
0004 we go with a Echappe imperial way. I can do that. Let's do. So, the properties in question located at 423, happy lane and 918 Avenue. They are located metro Council district 13. avenue they are located metro council district thirteen
Um, the site is currently vacant you can't really see the property line on here. It'll show up better on the next slide. The proposed uses residential so the existing zoning is our 6 and our 4.
and then the proposal is our 6, this larger tract here was previously resolved, which we'll discuss here momentarily.

And then the smaller track was not part of that original request, but, uh, the applicant has is coming back with a request to add this track to it. So, the request is before he used to change zoning from to our 6. Uh, the, uh, the, the property that is being resolved is 1.71 acres and has about 30 feet of frontage on the chassis lane to multi family structures are proposed.
And then this is basically becoming a part of the development plan. That was part of the 2021 approval for 20 zone. 0, 107. one approval for twenty zone zero one hundred and seven
So these are some site photos of the site, uh, here.
Uh, and then the surrounding area, which is, uh, primarily single family, residential, uh, on the most sides and then you have an industrial development on the North West side of the, the development. So, this was the development plan that was approved in 2021.
you can see here, the property in the back was not part of that application. part of that application
And so it remained our 4 at the time, but the applicant has acquired that property, and now they are proposing to include multi family residential structures on that site,
like the rest of the properties being developed. So this is the development plan that they are proposing to move forward with.
These are the applicant's renderings that were presented at the planning commission, hearing the applicant conducted their neighborhood meeting on November 23rd 2021. the land development transportation committee meeting was on October, 27 2022 and the planning commission is public hearing. Um. twenty two and the planning commission is public hearing um
On the proposed reselling was on November, 17, 2022 no, 1 spoken opposition opposition to the request. And the planning commission motion was to recommend approval to change the zoning from our, for our 6 by vote of 9 to 0. any questions about the proposal.
questions about the proposal

"Chair Flood"
Councilman Fox did you have anything you would like to add or?

"Council Member Fox"
Well, I would, I just would like to remind my colleagues on the committee. This has been a work in progress, this piece of this parcel of property, and started out being rezoned.
For a patio home community came back about a year later. Uh.
Went through again to become an apartment.
Community, and now that apartment community is expanding I would like to add the border, the boilerplate language chairwoman that you came up with. If it's not already there. And I don't have the file in front of me.
Uh, to just make sure that if you can change.
It comes back before this body, and I would like to move that as an amendment. If you have that language, Madam chair.

"Chair Flood"
Thank you, I'll let Travis, the county attorney, read it into the, into the record.

“Travis Fiechter”
Thank you Madam chair, Travis, assistant county attorney. This would be binding element number 15 and it would read any significant increases to the pros structures, increases the building height number of units number of buildings.
Any increase? Nope. Nope. That is the old version.
No, no, I apologize. I've got the right. 1, uh, any increase in density in the property, any changes in use on the property. Which directly, or indirectly require a public hearing before the planning commission, or a subcommittee thereof and, or any amendments to the binding elements other than 1.
the addition of new binding elements, 2 changes to binding elements that merely update the public hearing date or 3 updating a previous version of this binding element to reflect the current language shall be reviewed before the planning commission with final action, to be determined by Metro Council.

“Council Member Fox”
Thank you Mr. Fiechter. I'd like to move that as an amendment.

“Chair Flood”
Properly moved by Councilman Fox who ongoing issues can add binding elements or make adjustments and and he has a vote on this case and it's been seconded by Councilman Kevin Triplett all those in favor of the amendment of adding binding number 15. signify by saying, aye aye.
That was opposed by, like, sign hearing none, the motion carries. Is there anything else that you would like to add?

“Council Member Fox”
Oh, no man but thank you very much.

“Chair Flood”
Does anyone else have any questions? I didn't see anybody in my queue, but, you know, sometimes it lags.
Up here for some reason. Okay. Seeing then then we're ready to vote Cheryl.

[Vote Taken]

“Council Member Fox”
Yes

“Chair Flood”
Yes, without objection voting is closing, that will be 6 yes votes 2 not voting and that will go to old business at our next council meeting.
Thank you Councilman Fox

“Council Member Fox”
Thank you. Madam Chair

“Chair Flood”
I'm going to go back to the beginning of the agenda now if that's okay.
Which is a review of the decision of the planning commission to approve the revised district development plan proposed in case number 22, DDP

0098 for the property located at 103 905, akin road. This is not a public hearing and no public comment will be taken.
a public hearing and no public comment will be taken
motion on that to.
Or, no, since it's just a review. Yeah, I had okay, uh,

"Brian Davis"
Brian Davis, Louisville metro planning and design. Uh, this is planning commission docket number 22 uh, 0, 0, 9, 8.
For the sunshine concrete, the property is located at 13 905 akin road and is located metro Council district 19. uh, this is an outline of the approximate area of the site where the African is proposing the concrete mixing facility.
You can see akin road down here. The next 1 zooms out a little bit more so you can see the property outlined here. The property is currently zoned in 3. zoned in three
Located in the suburban workplace form district you have akin road to the South. This is the gene Snyder freeway here just to kind of help get you oriented. Uh, the lake forest subdivision extends over here on the South Side of akin road, as you can see on the map.
So, the request that was before the planning commission was a revised detailed district development plan with revisions to binding elements. Um.
Atlas proposing to construct a concrete batch mixing plan on approximately 5.4 acres within 3 zoning district. It's previously stated is located in suburban workplace form district. Uh, the proposed draft is a.
Portion of a larger track. That is a Cory site that was rezoned uh, back in the 80 s under docket number 98,282.
Uh, the Cory site has an existing, uh, conditional use, permit to permit filling of the quarry. Most recently modified under. Doc is 15, 2019 and 15 dev plan. 1051. this proposal does not impact the filling or Corey operations. That are on the site.
That we're a question, or that were a part of those applications a similar plan was approved similar plan to the 1 that you are looking at today was approved under docket 21 0 106.
was approved under docket twenty one zero one hundred and six
The applicant has proposed additional screening and planning and a reduced scale of operations from, from that previous 21 development plan.
Uh, so, uh, just to kind of sum up the site history, uh, in 983, you had the rezoning from that went.
The reason on the property to under the 96,282 docket number 984, conditional use permit for Corey operations was obtained under docket number b584 in 2005,
a conditional use permit for monitoring and recycling operation within the bounds of the query as well as modification of existing permit of the existing permit relating to the fill operations in the query access for Corey operations and fill materials specifically was specifically restricted to access from.
operations in the query access for corey operations and fill materials specifically was specifically restricted to access from
A vocal road, the a tunnel.
And then access to the landscape business was explicitly permitted to use Aiken road for trucking car access.

In 2015, there was a revised district development plan and modified that was submitted. This allows a 2nd access point to the Corey and filling operations from the Northeast old Henry road, and tear across the Boulevard.
And then, in 2021 and 22, we've had the 2 development plans 21 116 was the 1st revised plan with a proposed concrete batch plan on the site and the net that was approved by.
concrete batch plan on the site and the net that was approved by
And then the applicant came back and filed 2298, which is the plan that we're looking at today.
So this is the proposed development plan that the applicant is currently proposing on here. But, but basically, you have the, you have Aiken road here located to the South.
The operation comes in off of Akan road and then is set back away from that. The thing is about 400 feet based on the buying element 1 of the items that was proposed as part of the approval. approval
This is the original 983 plan from when the entire site was rezoned to, uh, industrial, uh, the area in question here is located down at the bottom and we have a zoom in.
So you have Aiken road and then this is the area that, uh, the applicant is proposing to change today. proposing to change today
The 2000 plan, kind of get you reordered it or reoriented here. So akin road is located on the right side of this, uh, this development plan.
You can see old Henry wrote up here to the, what is the North, which is the left side of the plan that you're looking at the area in red is the is the area that we are looking at today. at today
Here's the zone in a resume man of that area.
Here, uh, so, as previously stated, uh, the development review committee approved to plan on March 2nd, 2022 this is that development plan. Uh, so you can see there were, um, it had a larger capacity to them.
What is proposed under the, uh, 2298 plan that you're looking at today you have additional conveyor belts and some more storage facilities on site. and some more storage facilities on site
So, back in 982, uh, there were 4, uh, approved general plan, binding elements. They are listed here. Um.
The original rezoning plan that was approved under 96,282 had a note indicating that access to be through the existing query for the expanded Cory area. There wasn't a binding element that was adopted to limited general access to the site.
Although it was discussed in the minutes and it was included as. minutes and it was included as
Some, whereas statements, as far as the justification for the map amendment, as for the proposed expanded quarry, and that, it would only utilize access from the West.
Corey operations on site to follow this requirement throughout the life of that use the existing access point on Akan road remain to serve the landscaping and nursery business on the subject site.
Public works has approved the proposed access to the subject side, including roadway improvements within the Reagan road right away.
Public Works and have approved the preliminary development plan so the planning commission conducted a night hearing on this item on November 3rd 202,214 people spoke in opposition to the request and the motion that was made at the,

by the planning commission was to approve the revised district development plan and that passed by vote of 7 to 1. vote of seven to one Uh, that's all that I have. You have any questions for me,

"Chair Flood"
we've also been joined by Councilman Robin Engel
Anyone have any questions of, um, Mr Davis why he's here.
Questions no comments at this point. Okay. No, 1 is in the queue so we will go to item number 3.
Which is a companion to this piece and item number 3 is an ordinance relating to the decision of the planning commission to approve the revised district development plan proposed in case number 22.
Oh, oh, excuse me 0098 for the property located at 13905 akin road. at one hundred and nine hundred and five akin road
Motion have been joined by Councilman Arthur. Sorry Mr Arthur. I didn't see you up there. It was.
Properly move by Councilman Kevin Triplett 2nd by Councilman Arthur.
Ready for discussion councilman Piagentini, you have the floor

"Council Member Piagentini"
Thank you Madam at this point. Uh, there's been some very productive discussions.
Between the county Attorney's office, and the applicant about some additional amendments to the current binding elements, uh, at this time, there's just ongoing conversations about those.
What we do want to do at this time and it is in the system is only move on 1 binding element. And that is, uh, if you look at the documents, the 1st document proposed cam 120,622, revised detailed district development plan, proposed in case. development plan proposed in case
And case number at the bottom of that, you'll see under section 1 with an additional binding element. Number 16 again. This is somewhat similar, albeit somewhat more specific to this particular case.
But, uh, similar to the typical binding element language that we add in related to changes to a site coming back to us review. So it reads.
Quote, number 16, any significant increases to the Pro structures. Parentheses increases in building height, number of units, number of buildings and parentheses any increase in density on the property. Any changes in use on the property.
Which directly or indirectly require a public hearing before the planning commission or subcommittee thereof and, or any amendments to the binding elements other than sub 1, the addition of new binding elements sub, 2 changes the binding elements that merely update the public hearing date or sub. 3 updating.
Previous version of this bonding element to reflect the current language shall be reviewed before the planning commission with the final action to be determined by Metro Council.
And this is why we have a voting random this. Yeah, so that is the proposed. It will be awesome. If somebody would like to,

"Chair Flood"
I will move that amendment properly moved and 2nd by Councilman Triplett,
All those in favor of the amendment signify by saying, aye, aye.
That was opposed by, like, sign hearing none the motion carried.

“Council Member Piagentini”
If I just wrap up Madam chair. Yeah. So again, I think there's been some very productive discussions, but it is a complicated matter as these things always are.
So, I want to continue to thank the county Attorney's office and the applicant and their attorneys for continuing that dialogue. Um, this is under a bit of a a time crunch, and there's multiple parties involved. So, you know, fingers crossed there might be some more agreement on something. We can bring a general counsel next Thursday. But at this point, this is what we were.
Bringing forward so with that, I would request somebody's approval. Thank you Madam chair.

“Chair Flood”
Thank you. Did anyone else have any questions or comments before we go on?
See, none, we're ready to vote please.

[Vote Taken]

Without objection voting is closing, there are 7 yes votes in this will go to old business at our next council meeting.

“Chair Flood”
Thank you. Oh, thank you. Now, we're going to move back to item number 2, which is a review of this decision of the development.
Development review committee of the planning commission to approve a revised district development plan for the property located a parcel id's number 004702390000 and 004702940000 on old Hetty road case number 22. ddpe.
Oh, 670067 this is not a public hearing and no public comment will be taken.
old hetty road case number twenty two ddpe oh six seven zero zero six seven this is not a public hearing and no public comment will be taken
I'll turn it over to you.
Brian

“Brian Davis”
all right. Thank you. Very much. This is planning commission docket number 2267 for multi family. The parcels and question.
They do not have addresses and so the parcel ID is there is a 407 02930000 and then 004702940000 they are located in metro, cancel district 20.
zero zero and then zero zero four seven zero two nine four zero zero zero zero they are located in metro cancel district twenty
This is an approximate outline of the area of the parts parcels that are in question. Here. Today. They are currently vacant agricultural uses. They are proposing residential uses on the site.
Uh, this is an outline of the area as you can see, this area was previously rezoned from our 4 to a located in the neighborhood form district. Uh, you have an old, heady road here you have the gene Snyder freeway here and then this is, I think it's.
So the re, the request is a revised detailed district development plan with revised binding elements.

Um, currently, the site is undeveloped. Uh, and so you have a portion of these 2 existing lots that were previously rezoned, uh, under, uh, docket number, 21 zone, 16, uh, from our 4 to.
The original proposal in 2021 was for 2525 unit Patty, a home style development. The requested changes before that was before the planning committee, or the development review committee was for a 47 years townhome style development.
for a forty seven years townhome style development
Uh, so, uh, these are some, um, psychotics photos are looking from our old Haley wrote into the site. Uh.
In some surrounding photos, you have some single family across the mold Hettie then you have some, um, some more single family there. So the, uh. This is a zoom in look at the at this particular area, uh, on the, uh, development plan that was approved, uh, with 21 zone. Um, 16. uh, so you can see the, um.
The proposal as it was here for the 25 units. So he had the furniture an old, heady road and then on the development plan that is, um.
Proposed under 2267, um, the, uh, the, the type of structure changed in the number of units, increase the 47 units. And so again, this is the previously approved 25 minutes and then here's the proposed 47 units.
here's the proposed forty seven units
So these are some of the elevations that were provided by the applicant with their application and presented at the development review committee meeting.
Um, more elevations patients.
Uh, so, this way before the development review committee on November, 16th, 2022, 5, people spoken opposition to the request and then there was a motion to approve the revised district detailed development plan that passed by the 5 to 0,
only 5 members on the development review committee. So, that's why it's 50 and not more than what you normally see at the planning commission votes. So that's all that I have on this case. Unless you have any questions for me. you have any questions for me

"Chair Flood"
I don't have any questions or comments before we move to the 2nd, part of this Councilman Benson it's in your district. Did you have a question? Okay. All right. Thank you. Brian. Just.
So this will bring us to item number 4 and ordinance relating to the decision of the planning commission to approve the revised district development plan proposed in case number 22. 0. 0 6, 7.
I could properly moved by Councilman Triplett 2nd, by Councilman Engle
We're ready for discussion.
Councilman Benson

"Council Member Benson"
Thank you, Madam chair. Um.
Uh, since I've been on the Council, I've screwed up a lot.
Try not to think honor and decency what you try to always do.
When a developer spend some time to come up with a plan.
what we're trying to do.
And you have controversy talking about the issue.
When you finally vote on it and you and you think well, this is maybe a, maybe a.

Not that bad not that bad of a of a proposal.
Then, um.
Less than, you know, maybe 6 or 7 months later, uh, we're gonna change it.
We're going to double it, triple it, triple it originally. And now we're going to double it.
And to me, a lot of people in the area say this is switching bait.
I think whenever you talking about dollars and you got human beings that don't believe there's a hereafter.
They do whatever they think they can, because they're going to get everything I can now.
Not thinking about what other people might think, you know, if if you have a zoning case and you and it fails.
Yeah, you got you can't re, submit it for 2 years.
Now, we got a zoning case that it passed. Now, we realized that I screwed up didn't know that you can have a whole lot more units in this area. I was just going by what they said they was going to try to build thinking that was honorable.
That's what they would do. They didn't want to change it. Now now that we got the zoning.
What we want, we can change it. We can do a whole lot more.
Well, what they call it legal and what's what's what's right.
To me is a lot of difference. Um, so.
We can't just, you know, everybody wonders how come zoning cases take so long.
Well, you got a lot of people who want to do things that aren't right.
And so we got to have all kinds of things to try to cover that.
Cover people who don't want to do what's right you think if they, if they spend the time to draw up plans and this is what we want, that's what they know they want and then they say, oh, no, no, that's not what we want it.
We want to change it now, we got the zoning.
So, there's a couple binding elements we like to do, not for these guys.
Well, maybe for these, because they can't come back later and and get us
Travis has got a couple of binding elements. He's going to read write Travis.

"Travis Fiechter"
I sure do. Thank you. Thank you. Awesome Travis Fiechter, Assistant, County Attorney so There'll be 2 additional binding elements. In this case they'd be number 10 numbers, 10 or 11 respectively. I'll read them and then briefly explain what number 10 is doing. Um.
Number 10 density on site on a site, uh, shall not exceed 4.7912 units, per acre, number, 11, any significant increases to the pros structures increases the building height, number of units, number of buildings, any increase in density on the property any changes in use on the property. Which directly or indirectly require planning, public hearing before planning commission or subcommittee thereof and or any amendments to the binding elements, other than 1,
the additional new binding elements to change it to binding elements that merely update the public hearing date or 3 updating the previous version of this binding element to reflect current language. to reflect current language

That'll be reviewed before the planning commission with final action, to be determined by Metro Council. Obviously, the 2nd, 1 is the standard binding element, uh, the density calculation. So, the current proposal by the applicant is 7.34 units per acre.
Um, they would not be able to get another unit unless they were above 7.5 units and so at 7.49 is effectively capping them at their current density.
Uh, but allowing for a little bit of room in case there need some additional dedications right away or or other calculations aren't precise. So it gives us a little bit. precise so it gives us a little bit Room for calculations sake, but doesn't allow them and additionally unit beyond what they're currently proposing and should, uh, discourage any attempts to to cap out at that. Um.
70+density, the Councilman Benson referred to.
Maximum density, and so we need a motion and a 2nd to add those binding elements.
2nd probably moved by Councilman Triplett, 2nd by Councilman Engel all those in favor of the new binding element. Signify by saying, aye aye.

Those opposed by, like, sign saying none motion passes, but now we have the whole document in front of us. Councilman Hollander Is in the queue

"Committee Member Hollander"
Thank you, Madam chair. I just have a question about this.
I would note that, and I did watch the hearing on this, um.
The commissioners indicated that this change had a very small impact that they far exceeded in Atlanta development code.
Requirements and some of the comments that had been made by some of the neighbors was that there was nothing like this near the, the property.
The chief Carlson noted that we're striving to get a variety of housing types around the area, and we're always going to have things that aren't like what's near the property. But I want to make sure I understand what we've just done in terms of this binding element.
This would allow the project as approved by the planning commission.
The revised district development plan to proceed. Is that correct Travis?

"Travis Fiechter"
Yes, that's correct. I think it's effectively to help prevent a sort of 3rd revision that might give the neighbor's whiplash.

"Committee Member Hollander"
Uh, okay.
And 1 other question about this, um, does does this require the approval of the, uh, uh, of the applicant.
This kind of I understand the last, you know, the sort of standard, uh, you want to come back for review. We take the position that that does not require the approval of the applicant.
But how about this 1, is this is this effective if it's challenged under state law.

"Travis Fiechter"
That we did get agreement from the applicant on this, uh, and yes, it would require a applicant agreement, you know, zoning gives a range of

density options and a maximum effectively, and any limits on that would need to be approved by an applicant.

"Committee Member Hollander"
Okay. I'm sorry. I did not see that the applicant had approved. Thank you.
Go ahead chair.

"Chair Flood"
Thank you. Any other questions or comments.
See, none, we're ready to vote

[Vote Taken]

Without objection voting is causing there are 7 yes. votes and this will go to our business at our next council meeting. Thank you Councilman Benson

"Council Member Benson"
Thank you shouldn't say much.

"Chair Flood"
Moving on to item number 5.
Which is enormous relating to the zoning of properties located at 6,500 force cove, lane,
73 01 river road and parcel ID number 020600480000 containing approximately 9.76 acres and being a little metro case number 22 zones. 0. 0. 0 2.
approximately nine point seven six acres and being a little metro case number twenty two zones zero zero zero two
2nd properly moved by Councilman Triplett in 2nd and by myself, we're ready for discussion.

"Brian Davis"
This is blank mission doc, number, 22 zone 2 for prospect cove.
The properties in question are 6504th cove, lane, 7,301 river road and then the text box 20,648 located in central Council district, 16.
Uh, so this is an aerial photo of the site, uh, outlined in yellow. Uh, you can see, um, force cove lane is a, uh, an exit private road that comes off of timber rates, drive river road over here to the, to the West.
And then the property's currently mostly vacant, and then the africa's proposing residential use on the site.
So this is the existing zoning in the area uh, the property has our for our 5, a, and then a little bit of a lower 1 on the site. They are proposing to changes only to our 7 and.
Uh, you can see the, um, the commercial center is located on the opposite side of timber ridge drive is located, um, is primarily, uh, with a, for 1 of the restaurants that's located there.
Then you have some, uh, office and commercial uses located to the East are for to the South and then there's an multi family development that was approved about a year or so ago, uh, on river road, uh, near this site.
And then you have locate to the North for a, um.

030
Home to sell it.
So the request is before we had to change the zoning again from our for our, and our 7, the ambulance proposing 178 units on 9.76 acres. This is a proposed density of 18.23 dwelling as per acre.
Uh, the, um, our 7. three dwelling as per acre uh the um our seven Zoning district permits 34.8 dollars per acre. It is a heavily treat site along river road with, um.
Uh, is proposing to preserve 59.5% the existing tree canopy that's on the site. Um.
The property is located in the village form district in the village, uh, village or village outlier.
Uh, area, as you saw on the aerial photos, it is located across a temporary way from a commercial center.
Uh, so these are some of the site photos of the subject property. The 1 on the bottom is looking south on river road, the subject property located on the left side of the photo. And then this is the photo from timber ridge looking into the site.
Some of the surrounding areas, uh, you have single family currently on the opposite side of river road. Um.
From the, uh, joining site, uh, this top left photo is looking from timber rich way at the, uh, um.
Kroger gas, uh, feeling center, which is located on a forest cove on the opposite side of force from the proposed development. Uh, the top right is the cover of photo from timber ridge looking into the commercial center.
Um, so, as far as, like, a history of the site under docket number 975, which was back in 2007, uh, there was a proposal to develop the site with multi family residential,
which you can see here composed of 2 buildings with the frontage on forest cove lane. with the frontage on forest cove lane
And then this is the development plan for the Kroger fuel center, which is a cross force cove from the proposed development site that was approved in 2013, under docket number 80,601.
And this is the applicant's development plan that was a company rezoning quest that's under consideration today. So temporary drives. Okay. Here on the top of the photo river road is over here on the left side forest, and again comes off of it.
And then you have the, um.
The proposed building that the applicant his is showing here.
You will notice that the development on the site does stay to the eastern portion of the site and that is to avoid the, the stream as well as the existing tree canopy.
That is on the West side of the site, which happens proposing to leave undisturbed. So, as to minimize the effect of the character along the road.
Uh, these are some of the applicant's renderings that company their application, and we're presented to the planning commission at the night hearing that was conducted. So you have a 3 story building with the 178 units. Um.
Shown here, so this front part here would be what you would see from temporary to drive and then, you know, based on the testimony that was given by the applicant the building, it's kind of modeled to look like

it's, it's multiple buildings, but it is, in fact, 11 footprint. footprint
So, the, the, the applicant conducted their neighborhood meeting on this request on December 22,021, the land development transportation committee meeting was on September 82022uhtheplanning Commission, conducted a a night hearing on October, 18, 2022 in the theater out near the, towards the subject site. 17 people spoken opposition. That evening in the planning space planning commission's motion was to. subject site seventeen people spoken opposition that evening in the planning space planning commission's motion was to
Approval the change in zoning from our for and to our 7 and by vote of 70 that's all that I have. Unless you have any questions for me.

"Chair Flood"
Thank you, um, you, you were in the queue from last time.
From last time, does anyone else have any questions or comments?
Councilman Reed

"Vice Chair Reed"
uh, yes, Madam chair.
Um, I'd like to read this statement into the record.
Committee members, I wish to speak to this matter to update and hopefully preview what I hope will be a final action on this case next week working with our attorney. On this matter.
I'm hopeful that changes to this plan will be agreed to prior to a full vote, a metro council as you all know, we must act on this case within 90 days.
I delayed consideration of this matter 2 weeks ago, in hopes that negotiations could work with the metro council approaching a Christmas break as well as the movements of new members onto the council. We do not have the luxury of delaying this matter until our.
Meeting on February the 2nd.
Because these changes have not been resolved, I will simply state that, while I cannot support the plan in its current form,
I plan to vote present on this zoning case and hope the resolution can adequately and concern and hope that your resolution that attic adequately addresses the concerns and I and many may have again, uh, who those who spoke against it as it has moved through the zoning process. I encourage the members of this committee to agree to move this forward and simply ask that you please understand that additional work on this proposal will hopefully come forward.
In the coming days thanks.

"Chair Flood"
Does anyone have any questions or comments on the case?
Say, none did you have anything that we needed to add at this point? Was there binding elements?

"Travis Fiechter"
I wanted to make a 1 small note for the record. I, I.
Was contacted by the, uh, attorney for the city of prospect to, um, 1 of the no accounts we could, uh, continue or delay this case, uh, any farther but because of the, uh, 90 days, um, and the council calendar obviously that's not possible.

And I formed him as such 1 of the, the committee to be where that request was made from time to time we do get delay request and it's just not possible in this.
Case,

"Vice Chair Reed"
I would like to have the standard, uh, binding element read into the record.
The boilerplate the language please

"Travis Fiechter"
yes. Uh.
Let me see real quick. What binding element number that would be.
Looks like that would be binding all that number 9. Yep.
And that would read any significant increases to the pros structures usually increases in building height, number of units, number of buildings, any increase in density on the property, any changes and using the property. Which directly or indirectly require public hearing before the planning commission or subcommittee thereof.
And or any amendments to the binding elements, other than 1, the addition of new binding elements to change the binding elements that really update the public hearing date, or 3 updating a previous version of this binding element, to reflect the current language shall be reviewed before the planning commission with final actions to be determined by Metro Council.
I'll move that amendment probably moved and seconded by Councilman Triplett
All those in favor of the amended excuse me? The addition of binding number 9 signify by saying, aye aye aye those opposed by lights on hearing none.
The motion carries any other comments or questions seeing no 1 in the keys.
Are you back in? I'm sorry Councilman Hollander

"Committee Member Hollander"
Thanks chair a question for Councilman Reed if I can there obviously has been litigation about the prior case.
There's been threatened litigation about this case it was talked about at the.
At the planning commission meeting there were people talking about preserving things for the record for future.
Future court actions.
And you may, or may not be able to answer this question, but in terms of the negotiations, or the parties that have threatened litigation also involved in those negotiations. So that.
Or just negotiations with your office, or I'm, I'm not sure exactly who's negotiating. What.

"Vice Chair Reed"
It's the negotiations with all the effective parties.

"Committee Member Hollander"
Okay, thank you very much.

“Chair Flood”
Travis is it okay if we move forward

“Travis Fiechter”
I would just note that before next Thursday. Um.
The applicants attorney is is welcome to the conversations about binding elements and, uh.

“Chair Flood”
You know, if those can be produced,

“Travis Fiechter”
I don't think they've had any specific request center their way directly or at least, uh, the attorney haven't received them if, if so, um.

“Chair Flood”
Okay, I think we're ready to vote. Mm. Hmm.

[Vote Taken]

“Chair Flood”
Without objection voting is closing there are 5 yes votes and 2 present it will go to old business at our next council meeting.

That will bring us to item number 6, which is an ordinance relating to the zoning of property located at 4,301, West row, containing approximately 1.91 acres and being a little metro case number 22 zones. 0. 0, 8 6.
number twenty two zones zero zero eight six
Motion to approve properly moved by Councilman Engel seconded by Council Triplett we're ready for discussion.

“Brian Davis”
Uh, I try try new me, go 1st to this, or.
And West port Robert, did did you want to mention anything before? I did.

“Travis Fiechter”
Uh, yes, thanks, Brian. Yep. Um, so this is a bit of an unusual case. It's 1 of those that has, uh, split.
Control, uh, partially with us and partially with the city of St. matthew's. In this case, most of the property is, uh, covered by the city St. Mathews and we have a sort of sliver, um, the city of St matthew's accepted a withdrawal of this application.
Uh, so it's been effectively the reasoning is effectively been been denied. Um, we received a similar request, but it was after it was already added to, uh, submit it for new business. So we weren't able to to accept it. Um, but given that they have withdrawn the resulting request for the majority of the property.

Um, our recommendation would be to.
Just, uh.
Take that in mind and, um, you know, from the planning commission recommendation on this property um, because otherwise we're going to have a small sliver. That's.

Zone for a request applicant, went through or attempted to withdraw and which is probably not usable for the proposed purpose. Given the majority of the property is not.
Going to be resolved.

"Chair Flood"
This was a denial, wasn't it of the okay

"Travis Fiechter"
yes that's correct. The planning commission recommendation was to dienial our on our little sliver of.

"Brian Davis"
Right, and and I'm happy to go through this real quickly. If you want me to, wherever you want does anybody

"Chair Flood"
I've, I've read the record thoroughly. Does anyone need an explanation of the record? Okay.
Anyone on virtual need an explanation of the record.
Seeing no 1 wanting to then I guess we'll entertain a boat.
And a yes vote uphold the planning commissions denial of the property.

[Vote Taken}

"Chair Flood"
Without objection voting is closing, there are 7 yes. Votes and this will go to our business at our next council meeting.
We have all the zoning issues in front of us, and at at this time.
Our committee will be adjourn, it's been a pleasure working with all of you in virtual world and in person this past year. And I hope that the.
Hello, my phone number 8, so where it's oh, we can't.
Thank you. That's okay. That's okay. It's been a pleasure working with all of you all. And I hope you all have a nice Merry Christmas and a happy New Year in case, you know.
Um, some of the stuff that came to the next.
Meeting been a pleasure working with you, Kevin Triplett and all this is your last.
Zoning committee meeting and Council Woman Nicole George always a pleasure to work with you on legislation too. This is her last committee meeting with us. They're moving on to bigger and better things. So.
But you will be missed your input will be missed intensely Councilman Hollander up there. I forgot about Mr. Hollander I'm trying to bring you back. I talked to a friend of yours today. Um, she's actually works for Catholic charities.
Now she an attorney Lisa.

"Committee Member Holllander"
Yes,

"Chair Flood"
yeah
she's she said she says she doesn't think you're leaving.

“Committee Member Hollander”
Our office is next to mine as long in a whole nother life a long time ago.
Yes, she was lucky to have her. Yeah.

“Chair Flood”
Yeah, she's a, she's a wonderful person and it's been a pleasure working with you counselor and it's gonna be hard to replace you on budget. I can tell you that. So I don't know what we're gonna do.
Maybe, we'll hire consultants this time.
Thank you, thank you without objection. This committee will be adjourned and your new committee will be in 2023.
Thank you.