

WEBVTT

1 "Harward, Sonya" (3392017664)

00:03:58.800 --> 00:04:13.890

Traders.

2 "Harward, Sonya" (3392017664)

00:04:13.890 --> 00:04:29.369

I've never logged into. Yes, Hello.

3 "Harward, Sonya" (3392017664)

00:04:29.369 --> 00:04:45.209

So you just want all the real? On the other side.

4 "Harward, Sonya" (3392017664)

00:04:45.209 --> 00:05:05.209

Actually it's so much. Our office is fun going in any office is fun going oh my gosh, it's always structure. There was NO structure.

5 "Harward, Sonya" (3392017664)

00:05:05.209 --> 00:05:06.239

Maybe.

6 "Harward, Sonya" (3392017664)

00:05:06.239 --> 00:05:26.239

So they coming up. Hey, I got him into the bathroom.

7 "Harward, Sonya" (3392017664)

00:05:26.239 --> 00:05:31.439

So sorry you need your help by.

8 "Harward, Sonya" (3392017664)

00:05:31.439 --> 00:05:47.549

You see that it was more? Do I want to log in under my name or.

9 "Harward, Sonya" (3392017664)

00:06:26.669 --> 00:06:46.669

They know exactly where behind that one.

10 "Harward, Sonya" (3392017664)

00:08:00.359 --> 00:08:18.599

I'm not mad. Fixed.

11 "Harward, Sonya" (3392017664)

00:08:53.879 --> 00:09:11.729

Yeah. How are you? Yeah. So do you have it on the flashback?

12 "Harward, Sonya" (3392017664)

00:09:11.729 --> 00:09:27.179

Okay, we can we have it on the agenda. Just see if.

13 "Harward, Sonya" (3392017664)

00:09:27.179 --> 00:09:47.179

Okay. Okay.

14 "Harward, Sonya" (3392017664)

00:09:47.179 --> 00:09:49.559

Yeah.

15 "Harward, Sonya" (3392017664)

00:10:41.699 --> 00:11:01.699

Or they can send it to email and I can you signed into this.

16 "Harward, Sonya" (3392017664)

00:11:07.049 --> 00:11:23.579

And I'll say that. Okay.

17 "Harward, Sonya" (3392017664)

00:11:23.579 --> 00:11:41.039

If you. Or I can look it up.

18 "Harward, Sonya" (3392017664)

00:13:07.649 --> 00:13:23.699

U.

19 "Harward, Sonya" (3392017664)

00:14:00.749 --> 00:14:16.619

It's not easier.

20 "Harward, Sonya" (3392017664)

00:14:16.619 --> 00:14:33.239

Yeah, I mean It's, yeah.

21 "Harward, Sonya" (3392017664)

00:14:33.239 --> 00:14:50.489

It's just it's not as like. You.

22 "Harward, Sonya" (3392017664)

00:14:50.489 --> 00:15:08.369

From I would just call Dante this.

23 "Harward, Sonya" (3392017664)

00:16:17.879 --> 00:16:34.799

Was that.

24 "Harward, Sonya" (3392017664)

00:16:50.939 --> 00:17:10.289

So.

25 "Harward, Sonya" (3392017664)

00:17:10.289 --> 00:17:26.759

Just mention Microsoft.

26 "Harward, Sonya" (3392017664)

00:17:43.019 --> 00:17:58.979

Okay, you all might want to ok Joe, how'd you break the system?

27 "Harward, Sonya" (3392017664)
00:18:39.329 --> 00:18:58.439
Huh.

28 "Harward, Sonya" (3392017664)
00:19:35.759 --> 00:19:55.759
Metro TV will get started in 30 s.

29 "Harward, Sonya" (3392017664)
00:19:55.759 --> 00:20:10.619
It is one oh 04:00 p.m.. We had a little bit of time.

30 "Harward, Sonya" (3392017664)
00:20:10.619 --> 00:20:30.619
Technical problems, so getting started just a second late here, but, so this meeting is being held in pursuant to KRS 61.826 and council rule 5AI am committee chair, Andrew Owen joined joined by my vice chair Scott Reed. Committee members should be Comparish write.

31 "Harward, Sonya" (3392017664)
00:20:30.619 --> 00:20:44.819
As an excused absence, and we're joined in chambers by committee member Josie Raymond committee members Stewart Benson committee member of Betsy Ruie committee member of Jeff Hudson, and committee member Kalile Batchan.

32 "Harward, Sonya" (3392017664)
00:20:44.819 --> 00:21:04.819
So we have a special discussion number one on the list, but I'd like to get through the items that we need to vote on 1st. So we'll hold that until the last. So we'll start with item number two oh-166-26 and ordinance relating to the zoning of property located at 05:24 by.

33 "Harward, Sonya" (3392017664)
00:21:04.819 --> 00:21:14.609
Extra avenue containing approximately .36 acres and being in louisville Metro case number 25 zone 0097. Can I get a motion?

34 "Harward, Sonya" (3392017664)
00:21:14.609 --> 00:21:34.609
Properly moved and seconded where we have Joe Hamberman with us. Good afternoon Joe Hamberman with Metro's office of planning. This is a rezoning that is under case number 25 zone 0097. So this property is at 05:24 to 05:32 Backster Avenue, there's a couple different buildings.

35 "Harward, Sonya" (3392017664)
00:21:34.609 --> 00:21:45.539
Which is why it has a couple of different addresses. It's in councilman Herndon's District and district four but it is near several other edges of other council districts in the area.

36 "Harward, Sonya" (3392017664)
00:21:45.539 --> 00:22:05.539
Here is the property. The existing use is industrial, although it's mostly vacant, I believe the proposed use is a mix of commercial and residential space. Here's the zoning as it is today. It is kind of split zoned. Part of it is zoned in two to allow for that industrial use, but.

37 "Harward, Sonya" (3392017664)
00:22:05.539 --> 00:22:13.619

The southern portion of it is on C one and that includes a vacant lot that's been used for storage or parking.

38 "Harward, Sonya" (3392017664)

00:22:13.619 --> 00:22:32.189

They're asking for a change in zoning from that M one and C one or M two and C one to C two and then they also needed approval of the detailed district development plan with some binding elements. The properties about a 3rd of an acre. Again, it's an existing structure that they plan on converting into this.

39 "Harward, Sonya" (3392017664)

00:22:32.189 --> 00:22:51.299

New development with these new uses. At this time, they're not proposing any new construction. They have shown some past or some ideas for new construction that was not approved at this time. If they decide to move ahead with adding additions or new buildings, they would need a revised development plan approval.

40 "Harward, Sonya" (3392017664)

00:22:51.299 --> 00:23:09.659

This is the site plan which is largely showing existing conditions. This is a view of the site. The building is data right there that kind of white concrete brick building. Here is another view of the building from Hall Street.

41 "Harward, Sonya" (3392017664)

00:23:09.659 --> 00:23:29.659

Here's across the street on Baxter. Here's across the street from whole. Here is looking down Hall Street. So they had their neighborhood meeting on 18 September of 2025. It got to the planning commission on 7 May of 2020 6th. The planning commission recommended approval to.

42 "Harward, Sonya" (3392017664)

00:23:29.659 --> 00:23:36.269

Intro council of the change in zoning passing by a boat of seven to two. I'd be happy to answer any questions.

43 "Harward, Sonya" (3392017664)

00:23:36.269 --> 00:23:56.269

Thanks Joe. I'll start off by saying I've spoken to councilman Herndon about this case and he is, supportive of the change in zoning. Joe, can you go back to the zoning map quickly where it shows the split zoning between C one and M two? Okay, so instead of.

44 "Harward, Sonya" (3392017664)

00:23:56.269 --> 00:24:04.259

The whole thing going to the purple C one then will actually be down zoning the M two to C two.

45 "Harward, Sonya" (3392017664)

00:24:04.259 --> 00:24:22.409

And is that an up zone from C one to C two? It would be considered an up zone. C two would allow some of additional uses and that's part of the reason why they need C two as opposed to C one is they're proposing a microburry or bar type use, and that would require C two.

46 "Harward, Sonya" (3392017664)

00:24:22.409 --> 00:24:40.739

And so the the proposal is for it to be whole Street Group hub or something along those lines. And then one of the things I wasn't a hundred percent sure we had talked about offering a residential housing that it distinguish what type of housing we're talking about there?

47 "Harward, Sonya" (3392017664)

00:24:40.739 --> 00:25:00.739

So we don't have a lot of details, but my understanding is they were proposing a handful of dwelling units and the rear

part of the building that would be used as short term rentals, so they would get approved as multi family and then they would be able to come in and get those annual registrations to lease them out as short term rentals if they wanted to or they could be permanent.

48 "Harward, Sonya" (3392017664)

00:25:00.739 --> 00:25:06.629

That zoning does not require a C a CUP for short term rentals?

49 "Harward, Sonya" (3392017664)

00:25:06.629 --> 00:25:22.379

C one or C two would not require a conditional use permit. M two would not allow short term rentals at all. Yes. Alright, let's see. I am, how do I do this?

50 "Harward, Sonya" (3392017664)

00:25:22.379 --> 00:25:42.379

How do I get to? I'm listening system. Yeah, there is NO one in the queue. All right. Thank you. Why didn't I just send why didn't i just throw it over to you? I knew you would be in the queue sir. Why not? It's ok. Thank you.

51 "Harward, Sonya" (3392017664)

00:25:42.379 --> 00:25:47.849

Yeah.

52 "Harward, Sonya" (3392017664)

00:25:47.849 --> 00:26:07.379

So they didn't state why they were voting NO in the buildup but if you just kinda listen to their comments, I think there was some concern from those two commissioners over the lack of detail in the plan. There wasn't any opposition at the meeting. There was some concerned.

53 "Harward, Sonya" (3392017664)

00:26:07.379 --> 00:26:26.669

Statements and letters from neighbors, but those were largely addressed through some binding elements including the binding element related to hours of operation. But if I had to sum it up again, it would be, there wasn't a lot of detail that the commissioner used to seeing and I think some of the members would have liked to see that.

54 "Harward, Sonya" (3392017664)

00:26:28.229 --> 00:26:48.229

And one last question, and I can't, I can't really tell on the on the report here, are they tearing this building down and rebuilding something new or is this that are they gonna be using the existing structure to do commercial and residential in the same space? So as of now, there is not any approval to remove or demolish any part of the building.

55 "Harward, Sonya" (3392017664)

00:26:48.229 --> 00:27:07.469

So, they're going to reuse it. They did show some plans that might have required partial demolition or altering the building in some way, but those weren't approved and they were told that if they wanted to pursue those plans, we would need more detail and they'd have to come back for a revision. Sounds good, thank you.

56 "Harward, Sonya" (3392017664)

00:27:07.469 --> 00:27:27.469

Thank you mr. Chair. I noticed that there were several people that spoke in favor. Nobody spoke in opposition, correct? At the hearing, NO one's poke in opposition, correct? Okay, so normally if there are NO votes, since I've been on council, if there are NO votes by the commission, there are at least some negative negativity.

57 "Harward, Sonya" (3392017664)

00:27:27.469 --> 00:27:32.129

Be expressed by the public at the meeting. Is that normally the case as well?

58 "Harward, Sonya" (3392017664)

00:27:32.129 --> 00:27:52.129

Typically they're responding to concerns brought by somebody that would be impacted by it. There were some letters written to the commission that had concerns with the project, so I just will note that was in the record. But again, I think they were more concerned that this particular project didn't have a lot of detail like at how much.

59 "Harward, Sonya" (3392017664)

00:27:52.129 --> 00:27:54.089

Much of the building would be.

60 "Harward, Sonya" (3392017664)

00:27:54.089 --> 00:28:14.089

Part of the brewery restaurant bar concept, how many units they would have? They didn't have that kind of detail and I think that's why they were concerned, they didn't necessarily have a problem with the rezoning. It was more the plan too. Okay, thank you. And I think it is important to to acknowledge that the, the, the binding elements one.

61 "Harward, Sonya" (3392017664)

00:28:14.089 --> 00:28:27.809

Prohibits outdoor music after 10:00 p.m.. And another restricts hours of operation, you know, 8P8 AM to 11:00 p.m.. So I think that was probably in an attempt to satisfy some of the concerns.

62 "Harward, Sonya" (3392017664)

00:28:27.809 --> 00:28:44.609

I don't have anybody else in the queue. Anybody else have questions or concerns before we open a roll call vote for this item? Can you open the roll call though, please?

63 "Harward, Sonya" (3392017664)

00:28:44.609 --> 00:29:03.689

Chair you have seven yes votes. Okay, this will be forwarded to the old business on the next council meeting. Is your chair? Yes sir. Yes. Old business for consent.

64 "Harward, Sonya" (3392017664)

00:29:03.689 --> 00:29:23.689

Okay. Change in zoning. Okay, item, that was item number oh item number three is O-135-26 and ordinance imposing a temporary moratorium on rezoning conditional use.

65 "Harward, Sonya" (3392017664)

00:29:23.689 --> 00:29:31.229

These permits and plans certain category two B and three development plan applications relating to telecommunication hotels and data centers.

66 "Harward, Sonya" (3392017664)

00:29:31.229 --> 00:29:51.229

Sending a review and recommended changes by the planning commission. Can I get a motion? Properly moved and seconded. So this item was tabled at the last meeting. We have councilwoman Chappel here joining us who's the sponsor of this, and I'm assuming she would.

67 "Harward, Sonya" (3392017664)

00:29:51.229 --> 00:29:56.999

Like to speak to it.

68 "Harward, Sonya" (3392017664)

00:29:56.999 --> 00:30:13.769

Thank you share. I'll make it a bit shorter than the last time that I was here talking about data centers. I'll start by acknowledging the work of the planning department following months of research and extensive community public engagement. They've released draft recommendations that would prohibit.

69 "Harward, Sonya" (3392017664)

00:30:13.769 --> 00:30:33.769

Point of order. Sorry, are we are we untabling this? Oh. Right it's I think it's untabled as soon as it's called. I thought there were I thought we had a motion on Table to take it off.

70 "Harward, Sonya" (3392017664)

00:30:39.749 --> 00:30:58.679

It's Sonia Harvard with the clark. So we never do that. Robert Rules does do that. By presidents we don't. If you want to choose to do that, you can do that if that, if someone wants to, to ask that you take a motion to take it off the table, that's fine. You got the motion, you're just going to vote on that motion.

71 "Harward, Sonya" (3392017664)

00:30:58.679 --> 00:31:18.679

Say that again. And if they want to take a vote on that. So I was happy to have, because of the new proposal came out from them, I was happy to have councilwoman Chapel speak to it again and if we did.

72 "Harward, Sonya" (3392017664)

00:31:18.679 --> 00:31:21.899

Decide to retable, we can retable it. So.

73 "Harward, Sonya" (3392017664)

00:31:21.899 --> 00:31:41.899

That's where we are. Councilwoman Chapel. Great, thank you. Start from the top. I'm gonna start by acknowledging the work of the planning department. Following months of research in extensive public engagement, they have released draft recommendations that would prohibit hyperscale data centers and.

74 "Harward, Sonya" (3392017664)

00:31:41.899 --> 00:31:54.989

Established regulations for smaller facilities. I appreciate the work that has gone into these recommendations and I encourage the public to participate in the public comment process, which is open until 10 July.

75 "Harward, Sonya" (3392017664)

00:31:54.989 --> 00:32:12.869

But I also think it's important we recognize how we got here. The proposed moratorium did help create urgency around this issue as we learned in the last planning and zoning meeting. It accelerated the planning department's work that many community members had been asking for for months.

76 "Harward, Sonya" (3392017664)

00:32:12.869 --> 00:32:32.159

In that sense, this legislation has already been successful, and I'm very glad for that. But some may ask whether the moratorium is still necessary now that the recommended recommendations have been released, and I would argue that it is. Recommendations are not regulations.

77 "Harward, Sonya" (3392017664)

00:32:32.159 --> 00:32:52.159

They have not yet gone before the planning commission. They have not yet been adopted by metro council. They are still open to public comment. Until that process is complete, there remains a window in which Lovel lacks the protections that planning itself is now recommending. To me, it's not about symbolism, it's about housekeeping and.

78 "Harward, Sonya" (3392017664)

00:32:52.159 --> 00:33:12.159

In good governance. If there is a broad agreement that hyperscale data centers are not appropriate for louisable, then a temporary pause while permanent regulations move through the public process seems reasonable and prudent. If this moratorium is truly unnecessary as some of my colleagues have suggested, then I would respectfully ask what.

79 "Harward, Sonya" (3392017664)

00:33:15.359 --> 00:33:35.359

The regulations are still months away from final adoption, and this simply provides certainty and stability while that process unfolds. This regulation does not band data centers permanently, it does not prevent planning from doing their work. It does not prevent metro council from considering any permanent.

80 "Harward, Sonya" (3392017664)

00:33:35.359 --> 00:33:51.959

Regulations. It simply ensures that the community's work, the planning department's work, and this body are not undermined while those regulations are finalized. And for those reasons, I respectfully ask for your support in this moratorium.

81 "Harward, Sonya" (3392017664)

00:33:51.959 --> 00:34:11.959

Thank you Councilman Chapel. Councilman Reed. Thank you mr. Chair. In the last meeting, I specifically asked Travis Feaster if there was a an applicant in the queue for a data center if we could as a body or as a commiss.

82 "Harward, Sonya" (3392017664)

00:34:11.959 --> 00:34:15.509

Pretty vote to until this.

83 "Harward, Sonya" (3392017664)

00:34:15.509 --> 00:34:35.509

Legislation and prevent that from happening. And I'm gonna ask that question again. Travis beaster assistant county attorney. So similar to the last time I'm not aware of any application have been received, and I I think that staff has indicated to the sponsor of the original legislation.

84 "Harward, Sonya" (3392017664)

00:34:35.509 --> 00:34:45.209

And as well as this committee generally that they'd you know let folks know if that happens. As far as from a timing perspective, it is highly unlikely that anybody could get from the sort of pre application phase.

85 "Harward, Sonya" (3392017664)

00:34:45.209 --> 00:35:02.969

All the way to schedule for a public hearing, which is where we more or less draw the line of, some amount of vested rights to be heard. Prior to council being able to take action. Now, admittedly, you all are coming up in december break, that's the longest period on the near calendar where that in theory could happen. It it's.

86 "Harward, Sonya" (3392017664)

00:35:02.969 --> 00:35:18.839

Pretty unlikely based on the precedent of any kind of project at this scale. I'm not gonna say it's mathematically impossible, but it's highly unlikely that council wouldn't have some opportunity to put this in place prior to being notified of of something being filed. Good, thank you.

87 "Harward, Sonya" (3392017664)

00:35:18.839 --> 00:35:38.839

We've been we've been joined by a councilwoman Hawkins and she would like to be in the queue. So the floor is yours councilwoman Hawkins. All right, thank you so much. Excited to be a co sponsor for this. I think that this just kind of

flew under the radar, and has caused a huge impact on district one. The one that is.

88 "Harward, Sonya" (3392017664)

00:35:38.839 --> 00:35:58.839

You know, being developed right now presently. I just wanna make sure that anytime any data center is even proposed or anything that it definitely is brought to our attention, you know, and that this just doesn't happen again. This is really, like I said, impacted my district.

89 "Harward, Sonya" (3392017664)

00:35:58.839 --> 00:36:00.569

Great.

90 "Harward, Sonya" (3392017664)

00:36:00.569 --> 00:36:20.129

And I just want to be a part of, even though we can't do anything right now about the one that has been proposed, I just want to make sure that, you know, that NO other council person has to go through what I've went through since this one missed us. Thank you.

91 "Harward, Sonya" (3392017664)

00:36:20.129 --> 00:36:40.129

Thank you Councilwoman Hawkkins. So I was joining virtually last time and kind of spoke about this a little bit, but I'll I'll kind of reiterate some of my my thoughts here. I appreciate Council women Chapel for being here the last two times and for introducing this legislation. It's important it did have, it already has been effective.

92 "Harward, Sonya" (3392017664)

00:36:40.129 --> 00:36:56.999

Council councilman Winkler similarly before when he sponsored similar legislation, we kept that legislation here at committee and had it in our back pocket to use whenever we need it. So is there, would there be any harm necessarily in passing a moratorium? No.

93 "Harward, Sonya" (3392017664)

00:36:56.999 --> 00:37:16.999

I don't think there would necessarily be harm, but at the same time, what I said last time is I am 100 % confident we can accomplish the exact same goals that councilwoman Chapel and others have with this legislation by doing an admin basically doing an administrative moratorium. I talked to.

94 "Harward, Sonya" (3392017664)

00:37:16.999 --> 00:37:24.569

To the gatekeepers at planning and zoning and economic development about this issue at least once a day.

95 "Harward, Sonya" (3392017664)

00:37:24.569 --> 00:37:42.509

If anything comes what whether we're on summer break or any other time, they know that the instance something hits their desk there to let us know and we can immediately do this, this more torium. So why hold them? Why, why hold it in our pockets instead of going ahead and use them?

96 "Harward, Sonya" (3392017664)

00:37:42.509 --> 00:38:02.509

The way I look at it is both accomplished the exact same thing, except one of them is a sledgehammer and one of them is a scappel. And since I've been on council, we have effectively used these administrative moratoriums, and we've effectively used this one and the or the one council Winkler proposed and the one.

97 "Harward, Sonya" (3392017664)

00:38:02.509 --> 00:38:05.999

Councilman Chapel proposed have been effective as well.

98 "Harward, Sonya" (3392017664)

00:38:05.999 --> 00:38:25.999

I mean we do not have applications in front of us and I know that economic development and planning are telling anybody there have been around, but they've been telling them, go watch the planning committee meeting, you know, we and listen to what we're telling you. We do not want any of these until we have the guidelines in place. So if I had any concerns.

99 "Harward, Sonya" (3392017664)

00:38:25.999 --> 00:38:45.600

All that we were not gonna be able to accomplish the same thing, then I would say, yeah, let's go ahead and vote it in place. But I don't. And so with that being said, I'm in the same place I was last time is that I would like to table this, I know I'm gonna I'm not gonna propose, I'm not gonna move to table it yet because I know councilman batchen.

100 "Harward, Sonya" (3392017664)

00:38:45.600 --> 00:39:05.520

You're fine with me tabling it. I'll let you do it actually. Why don't it's easier if it comes from not being the chair doing it. So, why don't I that's that's Councilwoman Hawkins. Thank you. It, it.

101 "Harward, Sonya" (3392017664)

00:39:05.520 --> 00:39:24.870

I just gotta say this. Y'all yada NO I, you know, I just say the things a lot of people just don't like to hear or just don't want to say, but you, you know, like, I don't understand what, what are we, why don't we keep tabling this? Like, can you give me more, you know, a little bit better explanation.

102 "Harward, Sonya" (3392017664)

00:39:24.870 --> 00:39:44.870

You know, explanation. Right? I wasn't here, so I'm just asking like is it something that we're waiting on or can you so the what I'm trying to do a moratorium in two different ways. And we've done this in the past. We did this with Florida's fork.

103 "Harward, Sonya" (3392017664)

00:39:44.870 --> 00:39:56.910

Most recently where we had a moratorium in committee and we, and everyone knew we had a moratorium sitting in committee, but instead of going ahead and passing the moratorium.

104 "Harward, Sonya" (3392017664)

00:39:56.910 --> 00:40:16.910

We've decided like so from from again from my perspective and many of the people on this, on this council's perspective, a moratorium should be an absolute last resort, you know, it's a sledge hammer kind of kind of tool to use to prevent something to happen. So instead of using the sledgehammer.

105 "Harward, Sonya" (3392017664)

00:40:16.910 --> 00:40:25.440

Then.

106 "Harward, Sonya" (3392017664)

00:40:25.440 --> 00:40:42.300

I think we I'm a hundred percent sure we can use this administrative moratorium and accomplish the exact same thing. So it's just the difference between using a sledge hammer and using a scaffold. Listen, they both work, other jurisdictions around the country have used the sledgehammer.

107 "Harward, Sonya" (3392017664)

00:40:42.300 --> 00:40:57.300

So, so, so if my, just for understanding purposes, just so our my constituents are were for clarity. So you're saying just leave it here and when we need to use it, use it. Right. But wait until we need to use it.

108 "Harward, Sonya" (3392017664)

00:40:57.300 --> 00:41:17.300

In the meantime, planning know exactly what we're doing. But if you do, we're calling.

109 "Harward, Sonya" (3392017664)

00:41:17.300 --> 00:41:23.490

Council today and they're gonna file the moratorium so it's not gonna, you can do it, but you're wasting your time.

110 "Harward, Sonya" (3392017664)

00:41:23.490 --> 00:41:41.100

Okay, that I think that that makes sense. I can understand that. Before going to you, Councilman Batchan, I'm gonna give Councilman and Chapel one more bite at the end. Sure, thank you.

111 "Harward, Sonya" (3392017664)

00:41:41.100 --> 00:42:00.480

Because an administrative moratorium represents an official policy or a legal pause, it requires formal documentation to establish scope, timeline, and purpose. Is there written documentation that we have on this administrative moratorium from either the mayor's office or the planning director?

112 "Harward, Sonya" (3392017664)

00:42:01.800 --> 00:42:21.800

I will 1st turn to legal council to respond to the legal aspect of that question. So, I'm not aware if there's any written policy at this point. However, my understanding of the procedure as it was just laid out by the chair is effectively notification to council.

113 "Harward, Sonya" (3392017664)

00:42:21.800 --> 00:42:28.260

That doesn't require anything. Is public information at that point council would take action.

114 "Harward, Sonya" (3392017664)

00:42:28.260 --> 00:42:45.060

To put the moratorium in place. So if council does not take action, presumably, an application would be processed as it normally would, maybe there's a little extra effort to say, hey, get this on your radar. We know you are interested in this topic and may want to prevent it from moving forward.

115 "Harward, Sonya" (3392017664)

00:42:45.060 --> 00:43:03.330

But that is not the same thing as staff turning people away at the door and saying, No, you're not allowed to file this, right? So I I don't know that that notification piece needs any documentation because again it's it's public record, there's nothing wrong with council and and staff and the mayor's office all communicating about this issue.

116 "Harward, Sonya" (3392017664)

00:43:03.330 --> 00:43:22.680

So that's the only piece that i'm aware of I'm not aware of any sort of formal written document outlining anything beyond that or even those details frankly. Sure, at the end of the day, a moratorium is a moratorium, whether it's via the administration or this council, the difference between an administrative.

117 "Harward, Sonya" (3392017664)

00:43:22.680 --> 00:43:42.680

Moratorium and what I have proposed is concretely laying out in black and white in an ordinance in text that people can

read that this moratorium exists. It does not hearsay, it is not I heard through a friend in the planning department that they have an administrative moratorium on it.

118 "Harward, Sonya" (3392017664)

00:43:42.680 --> 00:43:43.470

This.

119 "Harward, Sonya" (3392017664)

00:43:43.470 --> 00:44:03.470

Accomplishes the same thing yet it's just called something different, but there is tangibility to what I have proposed. So I hope that through that lens and as a non voting member of this committee that you know if you choose to table it, I would hope that.

120 "Harward, Sonya" (3392017664)

00:44:03.470 --> 00:44:13.500

That written proof and documentation could be obtained and I wouldn't have to go about an open records request to get it.

121 "Harward, Sonya" (3392017664)

00:44:13.500 --> 00:44:31.620

I, I mean all I can tell you is I know I don't have any idea if there's a document. All I know is the conversations that I've had with planning and zoning well within the administration, planning and zoning and economic development, and we're all on the same page that there will not be one.

122 "Harward, Sonya" (3392017664)

00:44:31.620 --> 00:44:49.560

An application processed. Sure and we can't, so is what you have proposed tangible? Yes, which is why it's still sitting in committee, and if we need it, we'll drop, we'll drop that hammer. So, it's it's pretty much the exact same thing to leave it in committee.

123 "Harward, Sonya" (3392017664)

00:44:49.560 --> 00:45:05.040

It's I mean it's not the exact same thing. I, I understand the difference, but we can do, we can either use it now or we can use it if somebody decides to defy economic development and planning its own. And if they do, then we'll use it.

124 "Harward, Sonya" (3392017664)

00:45:05.040 --> 00:45:25.040

To paint a scenario and I don't think that this would happen given the timelines that mr. Feaster has already laid out. But let's say I am the person that intercepts in the planning department an application and I start moving it forward. I have NO basis to say, oh well I was told not to do that.

125 "Harward, Sonya" (3392017664)

00:45:25.040 --> 00:45:39.540

Yes or yes I was. If it advances, then there's NO binding element to say, oh, I was told not to do this. And so to me, this adds a protection for our employees.

126 "Harward, Sonya" (3392017664)

00:45:39.540 --> 00:45:59.540

In addition to a protection for our residents. Thank you. Councilman Batchen. Mr. Chair, thank you. Colleagues, thank you for your help on everything here. Joe, thanks for all the work that you all are doing. I'm just gonna try to keep this.

127 "Harward, Sonya" (3392017664)

00:45:59.540 --> 00:46:15.690

Super simple. Every single time we try to create a moratorium or legislate reactively, I think we send continuous signals

to.

128 "Harward, Sonya" (3392017664)

00:46:15.690 --> 00:46:35.690

Business in the city of and we are showing significant instability and inconsistency in our processes because we don't like something. I think that is a terrible signal to send, and I think we should be a growing.

129 "Harward, Sonya" (3392017664)

00:46:35.690 --> 00:46:47.940

If not the fastest growing city in this nation, and we are not. We are 20 years behind the curve and I will continue to say that because we have inconsistencies. I think untabling this is.

130 "Harward, Sonya" (3392017664)

00:46:47.940 --> 00:47:07.940

It sets another precedent that we do not need to continue to do. We need to move forward and I make the motion to table this moratorium again with the facts that you have presented. Mr. Chair, as we move forward, I think the planning staff and the, their team has done instrumental work.

131 "Harward, Sonya" (3392017664)

00:47:07.940 --> 00:47:13.470

Work in making sure that these regulations are moving forward properly. We need to stop.

132 "Harward, Sonya" (3392017664)

00:47:13.470 --> 00:47:33.470

Putting the sledge hammer on every single thing that goes on that we are not happy with. So I'm motion to table, sir.

Thank you. I have a motion to table in a second, so do we have, do we have discussion on the motion to table or do we just go ahead and vote at this point? And we I think we should go ahead and do a roll.

133 "Harward, Sonya" (3392017664)

00:47:33.470 --> 00:47:44.880

For this motion so.

134 "Harward, Sonya" (3392017664)

00:47:44.880 --> 00:48:02.910

What is opening what is closing?

135 "Harward, Sonya" (3392017664)

00:48:02.910 --> 00:48:18.840

Sure you have five is tabled ok next item on the agenda is item number four.

136 "Harward, Sonya" (3392017664)

00:48:18.840 --> 00:48:35.670

Oh-140-26. An ordinance amending the metro land development code regarding digital display off premises signs and billboards. Case number 20 five-LDC-0006, and I get a motion.

137 "Harward, Sonya" (3392017664)

00:48:35.670 --> 00:48:54.990

Properly moved in second to the Joe. Good afternoon again. Joe Hayberman with Metro's office of planning. So this is a text amendment to the land development code that was requested by metro council, at least in terms for us to look into the issue and prepare some recommendations and it relates.

138 "Harward, Sonya" (3392017664)

00:48:54.990 --> 00:49:14.990

To off premise signs, which for ease of saying I'll just refer to as billboards moving forward. That's just another way of

saying it. And more specifically about having digital displays being allowed as part of the billboard. So again, council asked the Office of planning and planning commission.

139 "Harward, Sonya" (3392017664)

00:49:14.990 --> 00:49:20.820

And to take a look at the existing regulations as they relate to digital displays on billboards and.

140 "Harward, Sonya" (3392017664)

00:49:20.820 --> 00:49:37.200

Forward some recommendations to council to consider. Currently, you cannot have a digital display on a bill board in Louisville metro. The ones you see out in the community and there's only a handful, there's some.

141 "Harward, Sonya" (3392017664)

00:49:37.200 --> 00:49:57.200

Exemptions to how they exist, but if you were to come into our office and want to do a full blown digital billboard to code currently does not allow that. So, and these are the signs that have technologies like LEDs and effectively video screens to kind of convey that information so it can change instantaneously.

142 "Harward, Sonya" (3392017664)

00:49:57.200 --> 00:50:04.170

It could be the whole billboard, it could be part of the billboard. They kind of exist in both forms, but that's what we're talking about.

143 "Harward, Sonya" (3392017664)

00:50:04.170 --> 00:50:19.530

So, the rules vary. There are different rules in place for the suburban cities that have zoning authority. I know we're only talking about what's under metro Council's zoning authority today, but just.

144 "Harward, Sonya" (3392017664)

00:50:19.530 --> 00:50:36.810

So that you're aware some of the cities have opted to not allow billboards period, and that includes Jefferson Town and Middletown and some of the other suburban cities have varying regulations as they relate to billboards, but they're mostly the same as what Metro Council has and.

145 "Harward, Sonya" (3392017664)

00:50:36.810 --> 00:50:53.010

Just as I research back, our regulations have been pretty much untouched for several decades, so they've been in place for some time. So what did the current rules do just so you can kind of get an idea of where we're at before I get into what we're changing?

146 "Harward, Sonya" (3392017664)

00:50:53.010 --> 00:51:11.400

They regulate billboards differently than on premise signs in a completely different chapter of the code. Effectively what we consider a billboard is its own use. It's its own principle use as opposed to a, a business sign which is an accessory use and serves that property by advertising the business on that property.

147 "Harward, Sonya" (3392017664)

00:51:11.400 --> 00:51:31.400

We only again allow static signs which are non changing signs, NO digital technology. They're permitted by right and a series of commercial and industrial districts, but that's it. And then the size requirements vary. E.g., in CN you can have a larger billboard. You can.

148 "Harward, Sonya" (3392017664)

00:51:31.400 --> 00:51:33.240

We only have a smaller bill board.

149 "Harward, Sonya" (3392017664)

00:51:33.240 --> 00:51:53.240

They're prohibited in several different form districts that are mostly residential or historic in nature, so that includes neighborhood and traditional neighborhood, which are the two big residential form districts, but it also includes traditional marketplace corridor, traditional workplace, town center and downtown. Now downtown is an important one.

150 "Harward, Sonya" (3392017664)

00:51:53.240 --> 00:52:10.020

Remember, and then it regulates by three different sized categories. So just to kind of know the constraints that we have with billboards, the rules are the rules. There are NO waivers or variances if you do not meet the requirements.

151 "Harward, Sonya" (3392017664)

00:52:10.020 --> 00:52:26.130

You cannot have that billboard. So you might be able to get a rezoning or change your form district if that's your only issue. But if your issue is the separation requirement, those are kind of absolute and you have to meet those.

152 "Harward, Sonya" (3392017664)

00:52:26.130 --> 00:52:45.030

And those separation requirements range from 75 ft to 1500 depending on where the billboard is and what type of use. But those separation requirements, the big one is from another billboard, but there's also from parks and historic properties and.

153 "Harward, Sonya" (3392017664)

00:52:45.030 --> 00:53:05.030

Intersecting roadways, which is more of a safety requirement, so there's a series of separation requirements, and I'll note because a lot of the rezonings that council have done over the years have included a binding element that also prevents billboards, so you there's a bunch of case by case where a condition of approve or a binding element might prevent a billboard which has really.

154 "Harward, Sonya" (3392017664)

00:53:05.030 --> 00:53:24.090

Nothing to do with the zoning regs but was important when we considered the rezoning. So on on this slide there's a lot and I'm not gonna read through it, but what's important to consider when we do look at billboards is the state has requirements and they are.

155 "Harward, Sonya" (3392017664)

00:53:24.090 --> 00:53:44.090

Objectively more restrictive than our requirements. And these are gonna be in place NO matter what we do. So a state regulated billboard when it is effectively near or visible to a state road, which is where you would find most billboards, and those include the highways and bardstown road.

156 "Harward, Sonya" (3392017664)

00:53:44.090 --> 00:53:48.150

And all the kind of major corridors that come out of the.

157 "Harward, Sonya" (3392017664)

00:53:48.150 --> 00:54:04.200

The county are state roads. So they have some more restrictive requirements and but they do allow digital signs, so it's our local requirement that's not allowing digital signs. The state allows it, but I will say.

158 "Harward, Sonya" (3392017664)

00:54:04.200 --> 00:54:19.770

That if you want to do a digital sign to get approval from the state, there is a take down requirement of six non conforming signs elsewhere in the state. So that is a barrier to some people that wanna do these. That would only apply though on.

159 "Harward, Sonya" (3392017664)

00:54:19.770 --> 00:54:38.220

Signs that are regulated by the state. So the issue that we have to consider, we already allow billboards, it's whether or not you want to allow them to have digital displays. We can't just interpret that digital displays are allowed because there is a boza decision that was.

160 "Harward, Sonya" (3392017664)

00:54:38.220 --> 00:54:58.220

Part of a court case that kind of affirmed that we cannot have digital signs under the existing language that we have. But even if we want to, when we looked at some of the other cities, they have very specific requirements for digital signs for safety and for some other reasons community character that we would want to include.

161 "Harward, Sonya" (3392017664)

00:54:58.220 --> 00:55:01.680

Including those are included in the draft.

162 "Harward, Sonya" (3392017664)

00:55:01.680 --> 00:55:21.680

So, I'll just note that we looked at other cities. The takeaway was cities do things very differently across the board in terms of their separation requirements, whether or not they allow any billboards, whether they just allow static billboards, it's kind of all over the place. I can give you an example.

163 "Harward, Sonya" (3392017664)

00:55:21.680 --> 00:55:41.250

A Virtually any type of regulation from one of these cities, but I will note that a lot of the peers cities that we look at did allow digital signs with some additional protections and regulations, including Nashville, I think Hamilton County near Cincinnati. These are two examples that we typically look to that allow digital signs.

164 "Harward, Sonya" (3392017664)

00:55:41.250 --> 00:55:57.780

So, I'll just jump into the what we're recommending because we are going to recommend allowing digital signs effectively only where static signs aren't allowed now. We're not proposing any new zoning categories be.

165 "Harward, Sonya" (3392017664)

00:55:57.780 --> 00:56:16.590

Included to allow signs with one or two exceptions that will note but 1st we have to define digital and static. Second, we would continue to allow static where if static signs are allowed now, so they are effectively not impacted by any of the recommendations.

166 "Harward, Sonya" (3392017664)

00:56:16.590 --> 00:56:33.180

But we wanted to create an allowance. The rules were probably written before easy one and PROO and PEC, those kind of semi industrial zoning districts were created or found throughout the community. They're not.

167 "Harward, Sonya" (3392017664)

00:56:33.180 --> 00:56:53.180

Currently can't have a billboard there now, but we allow M1M2 and M three, so we felt that was a conflict, so we are proposing to expand billboards into those industrial type zonings. And then we want to allow the Digital we're recommending that you allow the digital display signs and C2C threes.

168 "Harward, Sonya" (3392017664)
00:56:53.180 --> 00:56:57.780
CM easy one PR PC, M1M2 and M three.

169 "Harward, Sonya" (3392017664)
00:56:57.780 --> 00:57:17.100
If you'll notice that doesn't line up exactly with where static signs are currently allowed, we didn't include CN and C one or digital signs because those are more low intensity neighborhood serving commercial areas, sometimes just one or two blocks or one or two parcels.

170 "Harward, Sonya" (3392017664)
00:57:17.100 --> 00:57:36.870
But I'll also note that we added C3CM is on the list. I meant I said CN commercial neighborhood. Sorry, they, I might have mispronounced that, but.

171 "Harward, Sonya" (3392017664)
00:57:36.870 --> 00:57:55.920
Commercial neighborhood in C one would only continue to allow smaller static billboards. They currently allow them. New digital display wouldn't be allowed in those zoning districts, but we are proposing C three which is effectively downtown. There are some scattered C three areas throughout.

172 "Harward, Sonya" (3392017664)
00:57:55.920 --> 00:58:13.830
The county, but for the most part they're found downtown. But static bill board billboards which are currently not allowed downtown in C three were not proposing those. And then we would continue to allow the static signs in the form districts where they're currently allowed, but we had to.

173 "Harward, Sonya" (3392017664)
00:58:13.830 --> 00:58:30.690
Look at the form districts cause we're including C three and some other zoning districts that are found in traditional forms and we decided to recommend allowing digital displaying some of those form districts where billboards are currently not permitted. So.

174 "Harward, Sonya" (3392017664)
00:58:30.690 --> 00:58:50.690
The separation requirements, we're not proposing any changes to, so what's in place now would apply to both static and digital. Those were thoughtful. We felt separation requirements largely in line with what the state does and what other cities do, so we're not recommending any changes to that with one small ex.

175 "Harward, Sonya" (3392017664)
00:58:50.690 --> 00:59:04.380
Exception related to historic districts, we've lined up one of those separation requirements for consistency, but you still can't put one in a historic district. This is adjacent to a historic district. We're not.

176 "Harward, Sonya" (3392017664)
00:59:04.380 --> 00:59:24.380
Recommending any changes to the static signs, but we wanted to set some special standards for digital signs in terms of the rate of change, the color and things of that nature. And then in the C three district, we're proposing remembering that the state has a rich takedown requirement of six to one for the C three district only.

177 "Harward, Sonya" (3392017664)
00:59:24.380 --> 00:59:42.720
Which is downtown. We proposed to take down a one for one, but the reason it's highlighted is we, we've received some new information. What's recommended by the planning commission might not be practical, so what's recommended by

the practice by the planning commission for the take down is.

178 "Harward, Sonya" (3392017664)

00:59:42.720 --> 01:00:02.720

For every digital display sign you put in C three, you need to take down one static sign in C three. So that would be basically a NO net gain of billboards downtown. So the problem with that is we did an audit of the static billboards downtown and there's only.

179 "Harward, Sonya" (3392017664)

01:00:02.720 --> 01:00:08.790

20 or so, so that makes that not a very big pool of signs to draw from.

180 "Harward, Sonya" (3392017664)

01:00:08.790 --> 01:00:28.790

So, we prepared, you, we can move ahead with that recommendation but we've prepared some alternatives to kind of increase that pool, like e.g. you could do any non conforming sign cause we want to get rid of a non conforming billboard, one that doesn't meet the code, we don't want them to just take down any billboard.

181 "Harward, Sonya" (3392017664)

01:00:28.790 --> 01:00:49.100

In traditional forms or we can just do any non conforming billboard in metro. So those are just two examples that we could do and that increases the pool of non conforming signs by hundreds each time. So with that, the planning committee of the planning commission heard this in December. The planning commission held.

182 "Harward, Sonya" (3392017664)

01:00:49.100 --> 01:01:07.500

Two public hearings. They recommended approval of the LDC amendment by a vote of eight to zero, and be happy to answer any questions. Thank you Joe. It wasn't easy. Councilman Hudson.

183 "Harward, Sonya" (3392017664)

01:01:07.500 --> 01:01:24.630

So the KYTC regulates the signs along the interstates and does allow digital signs or I'm sorry, does not allow digital signs.

184 "Harward, Sonya" (3392017664)

01:01:24.630 --> 01:01:44.630

But this ordinance would override that and would allow digital signs so they do allow digital signs, just they don't approve them in Louisville Metro because they respect our local ordinance that doesn't allow the signs.

185 "Harward, Sonya" (3392017664)

01:01:44.630 --> 01:02:01.440

So, elsewhere in the state you can have digital signs along state roads which include the highways. So what we're, what we're proposing is to allow it, then they would be able to permit those at the state level.

186 "Harward, Sonya" (3392017664)

01:02:01.440 --> 01:02:19.530

But what doesn't change is the state will still have that, if you want to do a digital billboard, they'll still have that six to one take down, so you'll have to take down six non conforming to state requirement signs elsewhere in the state. It may or may not be in the Louisville area.

187 "Harward, Sonya" (3392017664)

01:02:19.530 --> 01:02:36.840

And that's what they'll have to do, but the state will be able to permit these if we make this change. It doesn't override it. They just, they each apply, one doesn't supersede the other. Is there some kind of.

188 "Harward, Sonya" (3392017664)

01:02:36.840 --> 01:02:52.950

A requirement in there for digital signs on how frequently they can change the image or how much time it takes to change the image. Is it a flash or is it a.

189 "Harward, Sonya" (3392017664)

01:02:52.950 --> 01:03:10.650

Gradual change. Yes, all that. So what's in the draft now is a straight NO video prob prohibition. We don't want, you know, them showing full video and we do an 8 s rate of change, I believe, which is consistent with.

190 "Harward, Sonya" (3392017664)

01:03:10.650 --> 01:03:29.940

What the state allows and what many other municipalities allow, and then there's some language to how those transitions occur, NO flashes, NO, nothing that could cause an issue to a motorist because these billboards are gonna be orientated towards roads and virtually all cases.

191 "Harward, Sonya" (3392017664)

01:03:29.940 --> 01:03:49.260

Okay mr. chair. Thank you Joe for the tireless effort I guess you put into this and making sure it was done. It is more of a zoning question. And I'm looking at the proposed language of the chapter eight and it allows.

192 "Harward, Sonya" (3392017664)

01:03:49.260 --> 01:04:09.260

It to be in village districts, and others. And you got C two so if if something was aC1 village, that would not be allowed or allowed. I'm just asking for for that particular, for any sign, you would have to be.

193 "Harward, Sonya" (3392017664)

01:04:09.260 --> 01:04:12.420

1st permitted by the zoning district that it's in.

194 "Harward, Sonya" (3392017664)

01:04:12.420 --> 01:04:32.420

And then be in one of the forms that are allowed, so it's not one or the other, you have to meet both requirements. So, if we allow it in C one and we allow it in village, then it's allowed, but if it's, if it's in C one and has a neighborhood form, it wouldn't be allowed because it doesn't meet that form district requirement, even though it's allowed.

195 "Harward, Sonya" (3392017664)

01:04:32.420 --> 01:04:51.540

Been to zoning. They would have to change their form district if if they could get that application approved. Got it. All right, thank you. I had a quick, quick question about.

196 "Harward, Sonya" (3392017664)

01:04:51.540 --> 01:05:11.540

This originally, I thought that the sponsors of this were council councilman Pi Argentina and councilmen Herndon. It's now showing me as the primary sponsor.

197 "Harward, Sonya" (3392017664)

01:05:11.540 --> 01:05:27.540

Sir. I don't know when that changed. So this is this item that we're discussing now oh-14 oh-26 Originally it was sponsored by Councilman Fi Argentinini and Councilman Herndon.

198 "Harward, Sonya" (3392017664)

01:05:27.540 --> 01:05:44.820

And it's now showing me as the primary sponsor, and I wondered I I just, I didn't notice it Okay.

199 "Harward, Sonya" (3392017664)

01:05:44.820 --> 01:06:00.480

Okay. Okay. I just hadn't noticed before and just noticed that the primary sponsors had had and heard it I'm I'm 99 % sure that's the case and maybe if if you can check with both of them, that would be.

200 "Harward, Sonya" (3392017664)

01:06:00.480 --> 01:06:18.450

That would be great. I don't see anybody else in the queue. I did have a question about the last part where you had a couple of additional recommendations. Have, have you discussed that particular piece with Councilman Pi Argentinia and councilman Herndon?

201 "Harward, Sonya" (3392017664)

01:06:18.450 --> 01:06:38.450

So there are some remaining issues, and we've been working with the county attorney's office to figure out how to move forward with those. The 1st is, I think what you're referring to, which was there was some conversation at the planning commission about a different type of sign, that somebody would have liked to see.

202 "Harward, Sonya" (3392017664)

01:06:38.450 --> 01:06:58.450

Allowed that I'm ok with that that we decided to look at as part of a our larger LDC review process. No, that part I understand. The that last part that you were talking about. Yeah, the up offered recommendations. Yeah, so what we will also need is another ordinance that I'm.

203 "Harward, Sonya" (3392017664)

01:06:58.450 --> 01:07:03.420

Metro code. So the way billboards are permitted is.

204 "Harward, Sonya" (3392017664)

01:07:03.420 --> 01:07:23.420

All billboards are signs, not all signs are billboards. So every billboard when it gets permitted, 1st needs a signed permit, then it needs an annual registration. That's already a requirement. So we need to revise that ordinance to move the responsibility for reviewing.

205 "Harward, Sonya" (3392017664)

01:07:23.420 --> 01:07:25.620

In the billboard.

206 "Harward, Sonya" (3392017664)

01:07:25.620 --> 01:07:43.650

Registrations to the Office of planning currently that's done by the Department of Codes and regulations. We already do the sign reviews, so it makes sense for us to shift that responsibility. There's also some ideas that have been discussed by.

207 "Harward, Sonya" (3392017664)

01:07:43.650 --> 01:08:02.970

Some people as we went through this process and what some of the other cities have done that would be changes that would be best found in metro code. E.g., some cities when they move to allowing digital display wanna try it out before they make it permanent, so in their.

208 "Harward, Sonya" (3392017664)

01:08:02.970 --> 01:08:18.480

Ordinances, they put basically a quota or a cap on the initial number of permits to issue then they want staff to go back

and take a look at it and decide if we want to make the change final or pull it back or change it in some way.

209 "Harward, Sonya" (3392017664)

01:08:18.480 --> 01:08:38.480

That would likely need to be in metro code. And there was some other ideas like if we wanted to require the billboard to allow PSA content or a certain amount of public art content, we could require that as part of metro code. Okay. And the fee.

210 "Harward, Sonya" (3392017664)

01:08:38.480 --> 01:08:58.480

Is the fees too. I know that these are all set by ordinance. I know there are a couple of things floating out there, but my understanding from Councilman Pi Argentinia and Councilman Herndon is that they're willing to, that they want this to go ahead and and move through and deal with that other stuff in in separate legislation. So, alright, anybody else have any questions or concerns about this before we open up?

211 "Harward, Sonya" (3392017664)

01:09:48.270 --> 01:10:03.570

So I know that there's an outstanding question about, the, the C three issue in that take down requirement and whether or not we council wants to consider expanding that beyond C three or not in what fashion.

212 "Harward, Sonya" (3392017664)

01:10:03.570 --> 01:10:22.110

There is a separate document on here called proposed attached language. I'm not sure what that ok I'm not sure by looking at it where it would belong this ordinance. It's not, it's not numbered or labeled.

213 "Harward, Sonya" (3392017664)

01:10:22.110 --> 01:10:38.550

I can try to dig into it a little bit more but I just can't at 1st reading know where this goes. Okay, well I, I I think, so we need to deal with that here in committee.

214 "Harward, Sonya" (3392017664)

01:10:38.550 --> 01:10:58.550

Right, that proposed language or we don't we can deal with it. We can deal with it on the floor. Okay, that's that's what I would prefer to do then. Anybody else have questions or concerns? I did talk to the sponsors this morning. They did want it to be moved and if we were ok, you know, moving it. So that's what.

215 "Harward, Sonya" (3392017664)

01:10:58.550 --> 01:11:04.710

What I'd be inclined to do and we can deal with any of the other kind of outstanding issues on the floor.

216 "Harward, Sonya" (3392017664)

01:11:04.710 --> 01:11:24.510

Okay. Thank you Votings closing. Cherry has seven yes votes. Thank you. With seven yes votes, this will be moved to old business.

217 "Harward, Sonya" (3392017664)

01:11:24.510 --> 01:11:44.510

The agenda. Okay, item number 5O-16 oh-26 and ordinance amending Louis Jefferson county Metro government Metro government Code of ordinances. Chapter 01:53 regarding the processing of applications for zoning map amendments and conditional use permits if there are delinquent taxes or valid.

218 "Harward, Sonya" (3392017664)

01:11:44.510 --> 01:11:49.620

Had Leans held by little Metro that are unpaid. Can I get a motion?

219 "Harward, Sonya" (3392017664)

01:11:49.620 --> 01:12:09.060

Moving technically to Joe? I think this is something that you all are considering to pass a resolution to ask us to look into. I'm not really prepared to speak to it. I can answer any questions about existing processes.

220 "Harward, Sonya" (3392017664)

01:12:09.060 --> 01:12:29.060

Mr. Chair, I don't want to speak for councilman Winkler, but I know he's the sponsor and I could at least speak to what I helped draft here if that would be helpful. Sure why don't why don't we do that and I have read read it as well and would have agreed to be a co sponsor except that confused me a little bit what I.

221 "Harward, Sonya" (3392017664)

01:12:29.060 --> 01:12:32.820

I misunderstood what it was. Yes Travis worked on this. I I just.

222 "Harward, Sonya" (3392017664)

01:12:32.820 --> 01:12:52.820

You'd be the person that's go ahead Travis, and then we'll see where we are. Thanks. Sure. So a little bit of background and this is located in the warehouse clauses. In 2023, this council passed a new section of section 01:53 or new yes, section of section 01:53 of the LMCO that requires that if you are applying for a rezoning, as part of that process, staff checks and sees if they're outstand.

223 "Harward, Sonya" (3392017664)

01:12:54.210 --> 01:13:14.210

Leans or taxes, to be paid and those need to be paid before rezoning continues to a public hearing. That's been in effect for a couple of years and we got a request about whether and how that might be expanded. Rezonings and in this case commissioner used perm.

224 "Harward, Sonya" (3392017664)

01:13:14.210 --> 01:13:24.150

These are different from some other planning applications and that some planning applications, e.g., subdivision plans, are ministerial reviews, which means, you know, you sort of meet the regulation checkboxes.

225 "Harward, Sonya" (3392017664)

01:13:24.150 --> 01:13:44.150

In theory you get an approval, and there's there's a number of both statutes and case law just sort of on that topic, and so there is some risk in trying to expand this into those kind of ministerial reviews. Condition used permits, however, are discretionary in nature, and they are sort of larger asks. They're kind of in of the nature.

226 "Harward, Sonya" (3392017664)

01:13:45.270 --> 01:14:05.270

Rezoning, something you wouldn't ordinarily be allowed to do on that property, right? So that is what this ordinance would do, it would expand that check for outstanding taxes and, and leans to conditional use permits in addition to rezonings. Eventually you might want some that on that see if it's, you know, producing actual restrictions or not.

227 "Harward, Sonya" (3392017664)

01:14:05.270 --> 01:14:09.810

But that's, that's the the basic concept. It's, it's a pretty minimal.

228 "Harward, Sonya" (3392017664)

01:14:09.810 --> 01:14:29.810

Text amendment really just sort of adds that check on the ceps as well and clarifies that that would be done by board of zoning adjustment staffs since it's a different body than rezonings and planning commission. So just so I can repeat back

what I think I heard. So we're not taking We would be taking a risk if we were expanding further into ministerial review item.

229 "Harward, Sonya" (3392017664)

01:14:29.810 --> 01:14:49.810

In this case, we're not taking that risk because it is a similar process to what we've already done. Correct. Yeah, there we've had discussion and when this originally passed on whether this should be any applications and we said really NO, let's arrow it down to three zonings. Now we're expanding a little bit, but still keeping it in the discretionary realm, right?

230 "Harward, Sonya" (3392017664)

01:14:49.810 --> 01:15:09.810

So because it's discretionary, we're not getting into that risky category. Right. Okay. So I was confused by, by what Joe had said, but so now I'm back to understanding where we are. And I I so a couple years ago we passed something very similar that was brought up, I think by councilwoman flood, but I can't I'm not sure.

231 "Harward, Sonya" (3392017664)

01:15:09.810 --> 01:15:27.240

About that. And so we're basically just bringing this up to that same standard which makes that people can't have outstanding taxes and other things before if they're applying for a CUP, which makes sense to me. So, anybody have any questions or concerns about this?

232 "Harward, Sonya" (3392017664)

01:15:27.240 --> 01:15:43.890

Councilman Hudson? Thank you chair. This is one of those that I can, I can see both sides. On, on the one hand, if, if I'm, if I have a business that the current zoning is, is.

233 "Harward, Sonya" (3392017664)

01:15:43.890 --> 01:15:59.670

Preventing me from making a profit, so I'm not able to pay my taxes, and if I was zoned differently I could be more profitable and pay my taxes, then I would I would see why I would be in favor of this. On the other hand.

234 "Harward, Sonya" (3392017664)

01:15:59.670 --> 01:16:16.710

If if an entity is not paying their taxes, that's kind of the 1st price of admission to the legislative processes. So I'm gonna be of a yes vote on this just to further the conversation on it.

235 "Harward, Sonya" (3392017664)

01:16:16.710 --> 01:16:36.710

Great, thank you. I don't think I have anybody else in the queue. Anybody else in the queue have any questions or concerns about this? Okay, Cheryl, can you open up for a roll call, though?

236 "Harward, Sonya" (3392017664)

01:16:36.710 --> 01:16:39.510

That was your name of us.

237 "Harward, Sonya" (3392017664)

01:16:39.510 --> 01:16:59.490

Oh, this will be forwarded to old business on the next council agenda. Item number 6R-oh 66-26a resolution nominated wolf print Pin Branch road, which runs from River Road to Chamberland Lane to be designated as a senior corridor and requesting the planning commission to review such nomination. Can I get a motion?

238 "Harward, Sonya" (3392017664)

01:16:59.490 --> 01:17:19.490

Probably moved in seconded. Do you want to speak to this council Marie? I will. Thank you. This is the Wolfen branch traditional preservation road. If if people have not been there, I would suggest that you do because it's beautiful.

239 "Harward, Sonya" (3392017664)

01:17:19.490 --> 01:17:22.230

Very, very nice and.

240 "Harward, Sonya" (3392017664)

01:17:22.230 --> 01:17:42.230

The residents there in the preservation society asked me to make that particular area as a scenic corridor, not a scenic bioway, and I'm just carrying out their, their, their wishes to do that and it needs to be studied by the planning committee.

241 "Harward, Sonya" (3392017664)

01:17:42.230 --> 01:17:46.560

Question and I urge your support. Thank you.

242 "Harward, Sonya" (3392017664)

01:17:46.560 --> 01:18:02.730

So is the difference between a senior corner corridor and a senior bypass, a local designation versus a state designation? That's exactly right. Great. Councilman Benson? I was just wondering, is there any billboards on that road?

243 "Harward, Sonya" (3392017664)

01:18:02.730 --> 01:18:22.730

Are you proposing one? No, ok, I don't have anybody else in the queue. This is a resolution which can be a voice vote, all those infer.

244 "Harward, Sonya" (3392017664)

01:18:22.730 --> 01:18:25.320

All those against.

245 "Harward, Sonya" (3392017664)

01:18:25.320 --> 01:18:45.320

You guys have it. You want this to go to consent or you want it to go to a business? All right, we'll put this on consent on the next. All right, so we do have one more thing here in front of us. We do have this quick special discussion. We asked Joe Hebreman to to give us a 30000 ft kind of view of the data center regulation.

246 "Harward, Sonya" (3392017664)

01:18:45.320 --> 01:19:01.110

And then talk a little bit about the procedure, because Brian Davis isn't here. We I don't want to get into questions and all that stuff about it, but just to ask Joe to kind of present it at a very high level, so.

247 "Harward, Sonya" (3392017664)

01:19:01.110 --> 01:19:17.220

Good afternoon, Joe Himerman, Office of planning. So this is just as Councilman Owen mentioned, just gonna be a high level kind of overview of what the regulations, the draft regulations that we published on the following website that's up on the screen. We'll show this again.

248 "Harward, Sonya" (3392017664)

01:19:17.220 --> 01:19:37.220

You could probably easily find it just by searching datacenter on level kyy.gov as well. But we published these a few days ago. These are the initial regulations. They will very likely change as it goes through the process and this is the very 1st step in the process. So I'll 1st highlight what.

249 "Harward, Sonya" (3392017664)

01:19:37.220 --> 01:19:44.940

They say and then I'll go over some of the process cause there's still a lot of opportunity for public comment as we go through these.

250 "Harward, Sonya" (3392017664)

01:19:44.940 --> 01:20:04.940

So the big, thing that we like to note in this is currently data centers are permitted as telecommunication hotels, and I think we all understand that that is probably an old way of addressing this newer type of development, but there are.

251 "Harward, Sonya" (3392017664)

01:20:04.940 --> 01:20:14.940

Allowed generally in any industrial district and in C three without any caps, any standards, so that's where we're starting from.

252 "Harward, Sonya" (3392017664)

01:20:14.940 --> 01:20:34.940

One of the main standards that we are proposing is a 500000 sq ft hard cap for the data center. So regardless of their zoning, they would have to meet this cap. They couldn't go past it. There's NO waiver to it, NO relief to it. So that's.

253 "Harward, Sonya" (3392017664)

01:20:34.940 --> 01:20:36.240

Probably.

254 "Harward, Sonya" (3392017664)

01:20:36.240 --> 01:20:56.240

The most important element of what we're proposing and most people would consider why definitions of hyperscale vary. I don't think anybody would argue that anything greater than 500000 is anything but a hyperscale data center. So that is the key recommendation. However, there's also.

255 "Harward, Sonya" (3392017664)

01:20:56.240 --> 01:21:00.600

A cap of 250000 sq ft and that.

256 "Harward, Sonya" (3392017664)

01:21:00.600 --> 01:21:17.490

So anytime you go over 250 to 500 you need a conditional use permit and M three zoning. So that's the most intense industrial zoning we have, and that is a public review, a discretionary public review through the conditional use process.

257 "Harward, Sonya" (3392017664)

01:21:17.490 --> 01:21:34.500

If you're under the 250000 sq ft down to 50, you maybe able to be permitted with special standards, but you're gonna be limited to medium and heavy industrial zoning districts.

258 "Harward, Sonya" (3392017664)

01:21:34.500 --> 01:21:52.020

And you have to meet all those standards. If you fail to meet one of those standards, the way to get relieved to that other than the square footage would be to go through the conditional use process. So a facility of 500 to 250 as this is written.

259 "Harward, Sonya" (3392017664)

01:21:52.020 --> 01:22:09.990

May or may not need a conditional use process, but there are several standards that they have to meet, and then under 50000 sq ft, we will continue to allow those because those are allowed now in all of these districts with the exception of C three so that.

260 "Harward, Sonya" (3392017664)

01:22:09.990 --> 01:22:29.990

Broadens a little bit to include M one and commercial manufacturing which are light industrial zoning districts. So the takeaway of this is if you are exclusively a data center, you're only gonna be permitted in an industrial district, and based on your size, the the zoning becomes more restrictive based on the intensity of that industrial district.

261 "Harward, Sonya" (3392017664)

01:22:29.990 --> 01:22:47.160

We will be, under this regulation regulating them in three different ways as a data center. That's a standalone use as an accessory data center, which we have throughout the community, which is just a building on a campus of.

262 "Harward, Sonya" (3392017664)

01:22:47.160 --> 01:23:05.370

A business or a hospital that has their data center on site, but they have other things going on and that's really just there as a subordinate use to that greater use. And then we're proposing telecommunication data center, which will be limited to.

263 "Harward, Sonya" (3392017664)

01:23:05.370 --> 01:23:25.370

Entities that are regulated by the FCC, which is similar, we believe and thought to the existing type, even though that's not defined, and those would be allowed up to 50000 sq ft in C three, which is where they would currently be allowed. So that's.

264 "Harward, Sonya" (3392017664)

01:23:25.370 --> 01:23:27.630

Really where that one comes into play.

265 "Harward, Sonya" (3392017664)

01:23:27.630 --> 01:23:47.630

So just to highlight some of the things that are in there, this would protect utility customers by requiring evidence that the new facilities will not shift any costs to existing ray payers. It would require the developer presenting the proposal to bear the cost of improvements to the infrastructure if upgrades are required.

266 "Harward, Sonya" (3392017664)

01:23:47.630 --> 01:24:05.910

Which they typically are for the larger facilities. It would, as I mentioned before, limit the data centers to designated industrial areas designated by their zoning. It would require environmentally low impact construction and site design practices. It would require.

267 "Harward, Sonya" (3392017664)

01:24:05.910 --> 01:24:25.910

Substantial separation from home schools and daycare facilities more than what the setback requirements would typically require. We put some additional separation requirements in. We would require a public hearing and conditional use permit for data centers that do not meet those exceptions as I mentioned before.

268 "Harward, Sonya" (3392017664)

01:24:25.910 --> 01:24:45.240

There would be noise standards. This is a big concern we've heard from the community that these are, noise generators, particularly from the diesel generators which are used for emergency and purposes and those need to be tested, so there's noise standards that go above and beyond the metro noise ordinance.

269 "Harward, Sonya" (3392017664)

01:24:45.240 --> 01:25:03.180

We would require the entity making the proposal to be transparent and disclosed the company that would own and be using the proposed project. And then finally, we would require that for the construction work occurring on the data center that the developer pay prevailing wages.

270 "Harward, Sonya" (3392017664)

01:25:03.180 --> 01:25:23.180

So, as far as the process, we are doing, we released this draft online and we put it paired with a comment card because that's the best way to collect comments because if we get them through their card, we can easily give them to the planning commission, Metro council, and the other cities that we're gonna make these recommendations.

271 "Harward, Sonya" (3392017664)

01:25:23.180 --> 01:25:42.870

We're taking those common cards through 10 July. That is not the last day that anybody has the comment, but if you can get your comment in by that date, we can, we're gonna sit down, we're gonna we've been reading the comments, we've already received nearly 600 common cards, which for a zoning, that's a lot.

272 "Harward, Sonya" (3392017664)

01:25:42.870 --> 01:26:02.870

So we're gonna review all those and we might make changes for the planning commission draft that will, there'll be a whole nother round of opportunity for comments at the planning commission. We'll continue to take comments probably through that comment card, but if they come in after that, we can't promise that we're gonna take those into account in our second draft.

273 "Harward, Sonya" (3392017664)

01:26:03.510 --> 01:26:23.510

So there'll be a planning commission planning committee meeting, which they just decide if it's technically ready. That's more of a procedural step, but there will be a public hearing by the planning commission. We're still working through the logistics of how we wanna do that. We're trying to think about the number of people that might want to speak and make sure that every.

274 "Harward, Sonya" (3392017664)

01:26:23.510 --> 01:26:30.840

Everybody have the opportunity to provide their verbal comments to the planning commission. But we're still working through all that so we don't have a date.

275 "Harward, Sonya" (3392017664)

01:26:30.840 --> 01:26:50.840

Yet, and we don't exactly have an exact location. We may or may not use deal jail. We're trying to work through that to make sure that everybody can be heard. And when the planning commission's done, it will come before metro council, just like any other text amendment for your consideration. We'll also be making these recommendations to the twelve suburban city.

276 "Harward, Sonya" (3392017664)

01:26:50.840 --> 01:26:51.900

Is and.

277 "Harward, Sonya" (3392017664)

01:26:51.900 --> 01:27:11.900

Cause they all have similar regulations in place now, which is the telecommunication hotel. That's it. I'd be happy to answer Joe. So I, I have a few people in the queue, but we I don't want this to turn into a question, kind of an answer since Brian Davis who's the head of planning isn't here. If are these process related questions?

278 "Harward, Sonya" (3392017664)

01:27:11.900 --> 01:27:19.590

Or if it's process related question, I think it's important to address that because the public probably would like to know the same thing. So councilman Reed.

279 "Harward, Sonya" (3392017664)

01:27:19.590 --> 01:27:39.590

Thank you mr. chair. And just very quickly, one of the things that I want to make sure as as much as I can is that this committee has a say in some of these zoning changes if in fact there is a zoning change. So I want to make sure, and I admittedly have not had a chance to look at this yet, but I've had some things going on personally, but.

280 "Harward, Sonya" (3392017664)

01:27:39.590 --> 01:27:47.100

I want to make sure that if a zoning change is being proposed, that it will come to this committee.

281 "Harward, Sonya" (3392017664)

01:27:47.100 --> 01:28:05.580

After, you know, the prerequisite number of public hearings and the planning commission recommendation as any other zoning case would. Yeah, you'll have this committee will, it's up to metro council to assign it to the committee, but I'll assume they'll assign the text amendments to this committee and we are making the zonings.

282 "Harward, Sonya" (3392017664)

01:28:05.580 --> 01:28:21.510

Districts a little bit more restrictive, so any rezoning that would be required for a data center would come to Metro council for your review. Okay. I have a significant number of suburban cities so you answered that question. You're gonna be reaching out to them?

283 "Harward, Sonya" (3392017664)

01:28:21.510 --> 01:28:39.870

We already have, we hadn't in touch with, all the suburban cities, particularly the ones with areas that might be more likely to have industrial development. Some of them are more residential, but yes, we've been reaching out to them and their attorneys. Okay. Thank you. Councilman Benson. Is this a process related question?

284 "Harward, Sonya" (3392017664)

01:28:39.870 --> 01:28:59.870

I don't know about the process, it says 500000 sq ft. What is what is how big is that? I can give you some context. Typically we were trying to give examples of different sized buildings, five home deal.

285 "Harward, Sonya" (3392017664)

01:28:59.870 --> 01:29:15.120

For Walmart can be around a hundred and 25000 sq ft if that kind of gives you an idea so it would be a couple of those. I mean I guess it's M three.

286 "Harward, Sonya" (3392017664)

01:29:15.120 --> 01:29:35.120

Imagine if it's a it's a, thousand acres and I think that general electric plant is over a million square feet if I'm not mistaken. Well I I know, you know, you could put a lot of stuff in a thousand and a thousand acres, but I, you know, that that's M three.

287 "Harward, Sonya" (3392017664)

01:29:35.120 --> 01:29:42.450

And and they if they already have M three and they wanted to put the data centers in their area.

288 "Harward, Sonya" (3392017664)

01:29:42.450 --> 01:30:02.220

Can they do that? So or Ford motor company. Yeah, so that's what he was saying. There's a different designation for

accessory data centers, like hospitals sometimes have a data center on their own campus. Those are treated a little bit differently under these new regulations. Same thing would go for Ford.

289 "Harward, Sonya" (3392017664)

01:30:02.220 --> 01:30:19.200

If it's on their own campus, it's treated a little bit differently. GE Ford is treated a little bit differently. If is there anything else that kind of sums it up, right? Yeah, and I would just also know to the size, the 500000 would be limited only.

290 "Harward, Sonya" (3392017664)

01:30:19.200 --> 01:30:39.200

2M3 and there are other buildings of that scale that can be found in M three big factories, warehouses, things like that can typically be around that size. And that's not necessarily one building. That's the cumulative size of all the buildings. When you look at how data centers are often built.

291 "Harward, Sonya" (3392017664)

01:30:39.200 --> 01:30:57.420

It's a series of buildings usually with the generators or other development in the interior, so that would be total square footage for the site, not necessarily total square footage per building. I mean they could have one 500000 sq ft building under these regs or they could have.

292 "Harward, Sonya" (3392017664)

01:30:57.420 --> 01:31:17.420

Five 100. Councilmanue. Okay, 1st of all, I really want to go much deeper than process. No, NO NO. No. So let me stick with one question right now then the availability.

293 "Harward, Sonya" (3392017664)

01:31:17.420 --> 01:31:22.680

Of a review and conditional use permits for some of these.

294 "Harward, Sonya" (3392017664)

01:31:22.680 --> 01:31:42.680

So what are the standards that would have to be met for anything to get a conditional use permit to allow it somewhere that otherwise it might not be permitted? So a conditional use is a use that is permitted in that zoning on a case by case review. What you would look at.

295 "Harward, Sonya" (3392017664)

01:31:42.680 --> 01:31:50.220

Are really three things. 1st, you'd look at plan 2040, you have to review all conditional uses with the comprehensive plan.

296 "Harward, Sonya" (3392017664)

01:31:50.220 --> 01:32:10.220

Then there's standard conditional use, review criteria that apply to any conditional use which relate to it, does it effectively adversely impact adjacent properties and some other things similar to that? Then for each conditional use type, you can add additional standards that only apply to that condition.

297 "Harward, Sonya" (3392017664)

01:32:10.220 --> 01:32:30.220

Use type, which we proposed a series of standards that they would have to meet that are specific to data centers in the drafts, so you would look at any of those three if the board of zoning adjustment or in some cases planning commission decide they don't meet that, they can, any of those criteria, they can deny the conditional use permit cause it's a discretionary.

298 "Harward, Sonya" (3392017664)

01:32:30.220 --> 01:32:31.049

Review.

299 "Harward, Sonya" (3392017664)

01:32:31.049 --> 01:32:51.049

Yeah, I think most importantly, the fact that you have to go through that process opens up the public review process. I mean, so that layer, whatever those, whatever the standards are that they have to meet, it immediately triggers that extra layer of process that has a public review. Yeah, so I just want to make sure that.

300 "Harward, Sonya" (3392017664)

01:32:51.049 --> 01:33:09.089

What the standards that they have to meet under that are very strict. Many times things are allowed through on a conditional use permit that people are disappointed in the decisions, so I just want to make sure that those standards that they have to meet are very strict and that they are held highly accountable.

301 "Harward, Sonya" (3392017664)

01:33:09.089 --> 01:33:24.809

Thank you. Thank you Joe. Appreciate it. I think that's everything on the agenda. We're over time so thanks everyone. Our next meeting is in two weeks, I don't know what the date is for that next meeting. No, it's not, is it in two weeks? No, it's not in two weeks.

302 "Harward, Sonya" (3392017664)

01:33:24.809 --> 01:33:42.869

Our next, our next meeting isn't until after summer break, so it'll be a minute before we see everyone, but thank you everyone and it's July the 21st is our next regularly scheduled meeting. Alright, thanks everyone. This meeting has adjourned.