

**MINUTES OF THE
ANCHORAGE CITY COUNCIL
REGULAR MEETING**

Monday, February 08, 2021

6:00 p.m.

(With a Zoom teleconference option for attending)

Council members in attendance were Diane Cook, Matt Delehanty, Patrick McMahon, Jason Walters, Hunter Wilson, and Bill Wetherton. Also, in attendance were Mayor Neil Ramsey, Attorney John McGarvey, Assistant City Attorney Richard Edwards, City Administrator René Major, Police Chief Dean Hayes, Public Works Director Gary Burkhead, Clerk/Receptionist Angie Chick, Anchorage Forestry Board Chairperson Lucy Spickard. In-person guests were Jamie Hendon, Jason May, Julie Schildt, and Anne Ramsey. Zoom guests were Dan Pratt, Jim and Carrie Martin, and one unidentified participant.

Mayor Ramsey called the meeting to order at 6:00 p.m.

MINUTES

Cook motioned to approve the January 11, 2021 City Council regular meeting minutes. Wetherton seconded the motion. Walters arrived following the vote on the motion, which passed unanimously.

TREASURER'S REPORT

There were no questions or comments on the treasurer's report.

POLICE REPORT

Walters asked Chief Hayes to include the previous year's report with the current report for comparison.

Cook asked about large truck traffic on Glenbrook Road. Chief Hayes replied, they rarely see trucks and stop them on Glenbrook Road, however, there is an occasional stray vehicle. Spickard agreed that there are low numbers of trucks using Glenbrook Road.

HISTORIC PRESERVATION COMMISSION

There were no questions or comments.

FORESTRY BOARD REPORT

Spickard announced the Arbor Day events. The Spring Tree Giveaway will be drive-through pick-ups on March 17 and March 18. In lieu of an in-person event with a guest speaker, activities will be virtual on the Arbor Day Foundation website.

OLD BUSINESS

Ordinance Amending Section §71.009 and Establishing a 15-mph Speed Limit

Cook conducted the second reading of the ordinance that amends Section §71.009 regarding speed limits. It also establishes a speed limit of 15 mph for Log Cabin Lane, Surrey Lane, and Evergreen Road from State Road 146 north to Osage Road. Hunter motioned to approve the ordinance as presented. Wetherton seconded the motion. The motion passed unanimously.

Sign Ordinance Committee Status Update

Wetherton reported that he, McMahon, and McGarvey reviewed the current sign ordinances and will meet to discuss their suggestions for updates. Wetherton said changes include allowing materials other than wood, many of which last longer and hold color longer. Walters asked about grandfathering existing signs. McGarvey said a grandfather clause already exists and they plan to keep it.

NEW BUSINESS

Discussion and Education of How to Consider Variances

Ramsey and McGarvey discussed variance procedures and requirements for granting variances.

Setback Variance Request – Burke/Gabriele pool house, 1111 Bellewood Road

Ryan Burke and Rosanna Gabriele requested a setback variance for converting an existing garage into a pool house. The property is approximately four acres, and the garage is circa 1800s. Cook asked why a variance is required for an existing building. The change in use to a pool house necessitates the variance. Ramsey noted that this is an existing building and the owners obtained support from all of the neighbors. Walters motioned to grant the variance. Wilson seconded the motion. The motion passed unanimously.

Impervious Surface Variance for pool – May, 11937 Creel Lodge Drive

Jason May presented plans to construct a pool and decking at his 11937 Creel Lodge Drive home. The project puts the property over the maximum 20% impervious surface limit. May explained he added a subterranean French drain system that is a 3,600-gallon retention system. McGarvey explained that Creel Lodge was one of three developments created under the 1980's code regulations that allowed the creation of smaller lots with consideration for the open, green space on the Schuler's adjacent property. Walter commented that his home is downstream and would be affected by impervious surface issues, and said he is okay with this being a net-neutral drainage plan. Cook discussed the plans with City Engineer Greg Smith. Smith approved the plans based on the mitigation employed. Walters motioned to grant the variance. McMahon seconded the motion. The motion passed unanimously.

Bed and Breakfast Conditional use Permit (CUP) Proposed Restrictions – 804 Evergreen Road

Anchorage Place LLC will apply with Louisville Metro Board of Zoning Adjustments (BOZA) for a conditional use permit (CUP) to allow 804 Evergreen Road property to be used as a bed and breakfast. Ramsey explained, the City of Anchorage has options for giving input to BOZA regarding the CUP. The City may choose to do nothing-not submit a statement to BOZA, or send a statement of denial, support, or support with conditions. Ramsey does not recommend doing nothing or denying the CUP, as BOZA is not likely to deny. Ramsey indicated the City's statement can say "if approved" here are conditions to be considered. Walters reminded Council that the property had previously been approved for a bed and breakfast CUP with different conditions. As a councilmember, he had received much input from neighbors regarding this application and believes Anchorage should submit a list of conditions. McGarvey explained that the list of twenty-one conditions is very long and that BOZA may approve with some but not all of the conditions. McMahon said BOZA may also apply their own conditions. Cook noted, a bed and breakfast could be an asset to the community similar to restaurants and the Anchorage Trail, and stated the Anchorage restrictions are stricter than Metro's restrictions. She also received both positive and negative feedback from residents. Delehanty discussed his concern for outdoor events and potential for a swimming pool. Per the recommended conditions, no amplified sound is allowed and events would be limited to twelve per year, with some months not being suitable for outdoor events. Pools are permitted on residential properties. Residents expressed concerns about a CUP opening the way for this becoming commercial property, the number of events, wanting event notices for neighbors, and the possibility of developing the property. Anchorage ordinances only permit bed and breakfasts on properties that contain a minimum of seven acres. The number of guests and rooms are limited. Councilmembers reviewed each condition and removed event hour limits in condition #15 since hours are already included in condition #12. Wording in condition #12 was changed from "Outdoor events" to "Events" so the hours apply to all events. Walters motioned to submit the list of conditions with changes noted for conditions #12 and #15 without stating support for the CUP. Wilson seconded the motion. McMahon abstained based on discussions he had with residents prior to the meeting. Delehanty voted against the motion. Cook, Walters, Wilson, and Wetherton voted to approve the motion. Major stated abstention votes count with the majority. The motion passed five votes for and one vote against. A copy of the conditions is attached to these minutes for reference.

Resolution Authorizing the City to enter into an Interlocal Cooperation Agreement with Ky Suburban Cities Cable and Communication Commission (formerly JCLCCC)

McMahon motioned to approve the resolution authorizing the City to enter into an Interlocal Cooperation Agreement with KY Suburban Cities Cable and Communication Commission (JCLCCC). Cook seconded the motion, and the motion passed unanimously.

Declare One Set of Crosswalk Poles/Signs as Surplus

Public Works Director Gary Burkhead requested one set crosswalk signs (two poles/signs) to be declared as surplus inventory to be sold. Walters motioned to declare the set of signs as surplus inventory. McMahon seconded the motion. The motion passed unanimously.

Bellewood Certificate of CUP compliance for Calendar Year 2020

Abbreial Drane, President/CEO of Seven Counties/Bellewood submitted a letter certifying compliance with their conditional use permit agreement for the calendar year 2020.

ANNOUNCEMENTS

Tax Assessment Appeals meetings will be held Monday, February 22 through Wednesday, February 24, 2021.

Executive Session

An executive session was not needed.

Wilson motioned to adjourn the meeting. Wetherton seconded, and all voted in favor of the motion. The motion passed and the meeting was adjourned 7:21 p.m.

Neil Ramsey, Mayor

Reneé M. Major, City Clerk

Case: 20-CUPPA-0129
Property: 804 Evergreen Road

Conditional Use Permit Restrictions

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The bed and breakfast is restricted to a minimum lot size of seven (7) acres.
3. Operations of the bed and breakfast are allowed 365 days per year. (Breakfast meal service included for overnight guests.)
4. Resident onsite management is required 365 days per year, or any time the facility is open for business.
5. A maximum of 18 overnight guests will be allowed per day at the bed and breakfast.
6. A maximum of two (2) guests will be allowed per room at the bed and breakfast.
7. Must comply with City of Anchorage Noise Ordinance at all times, applicable to the Anchorage CN District.
8. Must comply with City of Anchorage Sign Ordinance.
9. No commercial deliveries may occur before 8:00 a.m. or after 10:00 p.m.
10. Dumpster location must not be visible to neighbors or from the street.
11. All parking must be accommodated on the property.
12. Events must end by 11:00 p.m. Friday and Saturday or 10:00 p.m. Sunday through Thursday.
13. No outdoor entertainment with amplified sound.
14. If applicant holds any alcohol beverage control licenses, applicant will provide an alcohol control policy to the City of Anchorage.
15. Twelve (12) events per year (limit of two events per month) will be allowed with a maximum attendance of 125 guests who are not registered guests at the bed and breakfast.
16. Event portable structures (tents, port-a-potties, tables, chairs, etc.) may be erected within one business day before an event and must be taken down and removed within one business day after the event. Temporary event structures must be set back a minimum of 120 feet from the property line.
17. Applicant's site plan shall show areas designating the location where temporary structures are permitted.
18. Temporary event structures, trash, and other debris will be entirely removed from the site within one business day after the event, no later than 5:00 p.m.

19. Any outdoor light fixtures added to the property, permanent or temporary, will be a full cutoff-type fixture. Must comply with City of Anchorage Building Regulations Ordinance pertaining to lighting and lights.

20. Existing unfinished nonconforming accessory structure shall not be used as a guest event space.

21. Fire code allowed maximum capacity shall be established and provided to the City of Anchorage.

End of Restrictions