

MINUTES OF THE
JEFFERSONVILLE PLAN COMMISSION
September 24, 2024

Call to Order

Board President Mike McCutcheon calls to order the Plan Commission meeting. It is Tuesday, September 24, 2024, it is 5:30 pm in the City Council Chambers, Jeffersonville City Hall, 500 Quartermaster Ct., Jeffersonville, Indiana. The meeting was held in person and streamed live on the City's website and City's Facebook page.

Roll Call

Board President Mike McCutcheon and board members Duard Avery, Chris Bottorff, Bill Burns, Donna Reed, and David Schmidt were present in the City Council Chambers. Also present were Planning & Zoning Attorney Les Merkley, Planning and Zoning Director Chad Reischl, Planner Shane Shaughnessy, and Secretary Zachary Giuffre. Steve Webb was absent at the time of roll-call.

(Secretary's Note: All plat maps, public letters, photos, etc. presented before the Plan Commission on this date can be found in the office of Planning & Zoning.)

Approval of Minutes

Approval of the minutes from August 27, 2024. Mr. Schmidt made a motion to approve the August 27, 2024 minutes, seconded by Ms. Reed. Roll Call vote. Motion passed 6-0.

Approval of the Docket

Motion to approve the agenda made by Mr. Burns, seconded by Mr. Bottorff. Roll call vote. Motion passed 6-0.

Old Business

None

New Business

PC-24-22 Rezoning

The Department of Planning and Zoning filed a Rezoning application for 301 W. Court Avenue. The property is currently zoned CH (Commercial – Highway); the proposed zoning is CD (Commercial – Downtown). The Docket Number is PC-24-22.

Chad Reischl stated the following:

- We had a discussion last month about this property. This was the former Hardee's site.
- This is a prime piece of property at a very significant gateway to the downtown.
- CH zoning allows for auto-related uses such as auto sales, carwashes, drive-thru restaurants, etc. that we feel are not conducive to the downtown energy we are looking to create.
- We want to change the zoning to CD to align better with adjacent properties and the Comprehensive Plan.

- This change will assist in celebrating what we love about downtown and prevent an auto-centric use from being installed.

Open Public Comment

Chad Sprigler stated I am here on behalf of the property. We were able to get the property under control. We are not against what is trying to be done, but we would like to see maybe a coffee shop with a drive-thru. We are working with national tenants like Chipotle that have drive-thrus. We got the final contract executed last week.

Close Public Comment

Chad Reischl stated we have a couple coffee shops in the downtown that are active and well-used. Though, neither are drive-thru coffee shops. We might not want this competition for our bread and butter business. There may be ways to move forward with the rezoning and work with the applicant to get some portion on this site that is auto-related and still maintain walkability for the site.

Mr. McCutcheon asked wouldn't the applicant be able to ask for a special exception or a use variance change?

Chad Reischl stated yes, that would always be the case. He could come before the BZA and ask for a use variance.

Mr. Schmidt asked does that mean a drive-thru coffee shop would not fit under the CD zone district?

Chad Reischl stated the drive-thru portion would not be permitted.

Mr. McCutcheon asked would it be advisable for the board to table it for one more month?

Chad Reischl stated given the conversation I had with Mr. Sprigler today, that probably is a fair choice.

Mr. McCutcheon stated this is a corridor inlet to our city. You, along with us, probably want to make this something nice that presents itself to people coming off of the highway ramp.

Mr. Avery stated tabling the request might not be a bad idea as they may have other uses. Would there be one use or multiple uses?

Chad Sprigler stated there would potentially be multiple uses.

Mr. McCutcheon asked would you support tabling this to the next meeting?

Ms. Reed made a motion to table the request, seconded by Mr. Burns. Roll call vote. Motion passed 6-0.

ZO-24-01 Text Amendment

The Department of Planning and Zoning submitted a text amendment to the Unified Development Ordinance for recommendation to the City Council. The proposed amendment is to add Article 8.10 (Short-Term Rentals) to the UDO. The Docket Number is ZO-24-01.

Chad Reischl stated the following:

- The city currently has no rules for Short-Term Rentals as other nearby cities do.

- We have received fuzzy data on a couple of sources regarding the number of units that exist. Somewhere between 250 and 300 units exist in our city. Approximately 100 units of these have been created in the last year.
- We only have coordinates and no addresses for the short-term rental units.
- There have been a number of complaints from residents regarding changing character of the neighborhood, parking, and noise.
- The Council has directed our department to draft rules.
- Indiana Legislature states that we cannot touch owner-occupied Airbnb units; however, we can create a registration program for them and consider non-owner-occupied units special exceptions within certain districts.
- Permits can apply to all owner-occupied short-term rentals. We can collect contact information. It is fairly easy to enforce; you are either registered or not. We can only charge a \$150 one-time fee for Airbnbs. There will be no fee for a renewal. The permits are good for one year and must be renewed. Though, it will be hard for us to chase down these renewals.
- The special exception only applies to non-owner occupiers STRs. We can define this where necessary. The Board of Zoning Appeals will have to have a hearing and the community will be notified. This can be a lot harder for us to enforce.
- Another issue we will deal with is addressing non-conformance. How can we approve that an Airbnb was in operation before this ordinance? This could tie up our BZA with a lot of cases where it is unclear by what grounds we could deny a request for a short-term rental.
- New definitions, pulled directly from the state statute, will be added to Article 12.
- We must treat the short-term rentals the same as a single-family home in the same zone district per state statute. For example, we cannot require extra parking or landscaping.
- Owner-occupied STRs will be permitted everywhere that allows residential. Though, in certain zone districts and in a certain subsection of the city—specifically the downtown and adjacent neighborhoods—a special exception will be required. This will prevent the BZA from being over encumbered with too many hearings.
- To address non-conformance issues, we have written that any owner into the special areas designated for a special exception as stipulated in the ordinance will have 120 days to register or lose their nonconforming status.

Mr. Schmidt asked do both owner-occupied and non-owner-occupied have to seek a permit?

Chad Reischl stated that is correct.

Ms. Reed stated thank you for working on this. This will allow us to get data. Does this follow the sale of the property?

Chad Reischl stated the new owner of the property would have to re-register.

Mr. McCutcheon asked do we have a way to direct the Airbnb owners to the fire department and the building commission to invoke an inspection? This would help us gain more income for the City by requiring signatures from the Fire Department and the Building Commission. We ought to protect the people staying in these places to ensure proper electrical wiring, fire extinguishing capabilities, etc.

Chad Reischl stated I am not a lawyer; however, my sense is that the state statute would be acceptable to that if you required single-family homes to undergo the same inspections.

Mr. Merkley stated you would have to look under the code as to what a business is defined as.

Open Public Comment

No comment

Close Public Comment

Mr. Bottorff stated I know everyone wants to put something out there. It is great to put this down on paper; however, if you cannot monitor it, I cannot understand what the benefit is.

Chad Reischl stated that is a fair point. There are a few companies out there that do this type of monitoring. Generally, 70% of people will not register when a new ordinance, such as this one, is imposed. We will not find every single one of these unless we hire a company to sweep all the platforms. There are 20-30 other platforms besides Airbnb and VRBO. If we want to get serious about enforcing this, we will have to fork over a good sum of money to another company for monitoring.

Mr. Bottorff asked what is the difference between someone who does a short-term rental and someone who rents on an ongoing basis?

Chad Reischl stated the Indiana State Legislature has a specific definition for short-term rental. If you have tenants on a month-to-month basis, this program would not apply.

Mr. McCutcheon asked what is the City's intent with this?

Chad Reischl stated I would set these rules out with the hope and intent that people will follow them. I think one thing that is helpful for us is to at least be able to tell the developer who calls my office that we have rules for short-term rentals.

Mr. Schmidt asked regarding the permitting process, is it specific for dates? What information do we get?

Chad Reischl stated the permitting process allows us to get a point of contact for the owner, how many people are utilizing the house at one-time, etc. This will allow us to give adjacent property owners the contact information of the owners of an Airbnb.

Ms. Reed stated this does not address the long-term slumlords in the area; however, this does address the concern of constituents in the downtown areas. Chad has done a great job of creating a system that provides the data.

Mr. Schmidt asked do we have to say the frequency of rentals?

Chad Reischl stated you do not have to state the frequency.

Mr. Bottorff stated these ordinances seem like a place to start; however, this does not seem like it has any teeth.

Ms. Reed stated we are very restricted on the teeth because of the state. This is a step in the right direction.

Mr. McCutcheon asked someone is still paying the taxes on this as a residential home?

Chad Reischl stated that is correct.

Ms. Reed stated having a set number of Airbnbs may force our developers to look at non-traditional properties.

Mr. Schmidt stated I am still having an issue with the bureaucratic process as well as the intent.

Mr. McCutcheon asked could this board make no recommendation?

Mr. Schmidt made a motion for an unfavorable recommendation, no second. Motion fails.

Chad Reischl asked can they table to request changes?

Mr. Merkley stated yes, but there are not many changes they can make per state statute.

Mr. McCutcheon made a motion for no recommendation, seconded by Mr. Burns. Roll call vote. Motion passed 5-1 (Reed).

Administrative Review Update

None

Report from Director's and Staff

None

Adjournment

There being no further business to come before the Plan Commission, the meeting was adjourned at 6:20 pm.



Mike McCutcheon, Chair



Zachary Giuffre, Secretary