

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky July 8, 2019

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on July 8, 2019 at 5:34 p.m. Present were Vice Mayor Kay in the chair presiding, in the absence of Mayor Gorton, and the following members of the Council: Kay, Lamb, McCurn, Moloney, Mossotti, Plomin, Reynolds, Worley, J. Brown, Ellinger, Evans, and Farmer. Absent were Council Members Bledsoe, F. Brown, and Gibbs.

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At 5:40 p.m., Vice Mayor Kay opened the hearing.

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An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 8.332 net (8.385 gross) acres, for property located at 3330 Todds Rd. (a portion of). (Clover Communities (AMD.); Council District 7) received second reading.

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Vice Mayor Kay swore in the witnesses, and reviewed the procedures and order of proceeding for the meeting.

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Ms. Traci Wade, Div. of Planning, gave a presentation on the recommendation of the Planning Commission and filed the following exhibits: (1) Copy of the Meeting Docket; (2) Affidavit of Notices Mailed; (3) Copy of Final Report; (4) Copy of 2013 Comprehensive Plan; (5) Copy of 2018 Goals and Objectives; (6) Copy of Zoning Ordinance; and, (7) Copy of Land and Subdivision Regulations for Fayette County.

Ms. Wade described the subject property and surrounding property, and the various uses that have been applied to it in the past. She displayed photographs and maps of the subject property and described its physical characteristics. Ms. Wade also discussed the proposed development and the reasons for the Planning Staff's and the Planning Commission's recommendations.

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Mr. Nick Nicholson appeared as counsel for the Petitioner and filed the following exhibits: (1) Witness List; (2) Verification of Sign Posting; and (3) Copy of PowerPoint Presentation.

Mr. Nicholson introduced various representatives for the Petitioners; he talked about the requested zone change, displayed photographs of the subject property, and discussed the location and proposed uses, as well as historical uses that have applied.

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The following persons spoke in opposition: (1) Mr. Ron Ayotte, Andover Club Villas; (2) Mr. Edwin Gibson, Broadmoor Dr. (Ms. Rebecca Welch yielded her time); and (3) Mr. James Sutton, Hunters Green Way.

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Mr. Nicholson offered summation for the Petitioner.

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Vice Mayor Kay opened the floor for questions from the Council Members.

Mr. Worley asked for an informal show of hands from those present in the opposition. He then asked about specifics of the design plan in regards to the R4 zoning proposal, age restrictions, and usage of the proposed building, connectivity, height of the building, and materials to be used. Vice Mayor Kay asked for clarification on the age restriction. Mr. Nicholson responded.

Mr. Moloney asked about the Staff and Planning Commission recommendations and procedures. Ms. Wade responded.

Ms. Lamb asked about buffers and connectivity. Ms. Wade responded.

Mr. J. Brown asked about density for R4 zoning. Ms. Wade responded. Mr. J. Brown asked Mr. Nicholson about community engagement and affordability of the proposed units. Mr. Nicholson responded.

Mr. Farmer asked about connectivity and road design. Mr. Nicholson responded.

Ms. Mossotti asked Law about the parameters of what Council could consider during the voting process. Ms. Tracy Jones, Dept. of Law, responded.

Ms. Lamb asked Ms. Jones what additional aspects could be considered during the voting process. Ms. Jones responded. Ms. Lamb asked about buffers of similar development communities. Ms. Wade responded.

Mr. Worley asked about the Final Report. Ms. Wade responded.

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At 6:59 p.m., Vice Mayor Kay closed the hearing.

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Mr. Worley spoke about the need for senior housing, however stood opposed to the proposed rezoning due to the context, character, and integration issues to the existing neighborhood.

Mr. J. Brown expressed concern with the integration of the development. He thanked the Andover community for attending the meeting and spoke about infill, development and the need to be intentional and sensitive about new development.

Ms. Mossotti expressed her support for more affordable senior housing.

Ms. Lamb expressed concern with the buffers in comparison with similar developments. She also expressed reservations about the proposed rezoning, but stated she recognized the need for more affordable senior housing.

Ms. Evans spoke about her concern for the neighbors in the community. She also spoke about the need for infill and development within the urban services boundary but expressed concern with the difference in recommendation between the Staff and Planning Commission.

Ms. Plomin spoke in opposition to the rezoning but expressed support for infill and development.

Vice Mayor Kay surrendered the Chair, which was assumed by Mr. Moloney.

Vice Mayor Kay expressed his concern with the integration of the proposed development, the difference between the Staff and Planning Commission's recommendation, and the difficulties with infill.

Vice Mayor Kay reclaimed the chair.

Mr. Worley once again spoke in opposition to the rezoning. He reiterated his support for infill, development, and more affordable senior housing but expressed concern with the proposed plan.

Mr. J. Brown asked Ms. Jones about the process should the Findings of Fact be disapproved. Ms. Jones responded.

Vice Mayor Kay asked Ms. Jones about the process for the applicant going forward. Ms. Jones responded. Vice Mayor Kay once again spoke in opposition to the ordinance.

Mr. J. Brown asked for clarity concerning the zoning applications and any changes the applicants could make during the process. Ms. Wade responded.

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Upon motion by Mr. Worley, and seconded by Ms. Plomin, the Council adopted Findings of Fact, as follows, by the following vote.

Aye: Lamb, McCurn, Moloney, Plomin, Reynolds, -----7
Worley, J. Brown, Ellinger

Nay: Kay, Mossotti, Evans, Farmer -----4

1. The proposed rezoning of the subject property does not meet the 2013 Comprehensive Plan or the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The proposed development of the site does not respect the character and context of an area (Theme A, Goal #2.a) by not properly transitioning in height and massing of the proposed structure.
 - b. The lack of a transition of buffering from the single-family residences to the proposed multi-family structure leads to the dominating of the landscape by the new use, not an enhancement of the existing urban form (Theme E, Goal #1.d) Enhancement suggests both the addition of new services or forms of housing, and the inclusion of new development that will not change the character of a neighborhood.
2. There have been no major changes of an economic, physical or social nature within the immediate area, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area.

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Upon motion by Ms. Lamb, and seconded by Mr. Farmer, the ordinance failed by the following vote:

Aye: Kay, Mossotti, Evan, Farmer -----4

Nay: McCurn, Moloney, Plomin, Reynolds, Worley, J. -----7
Brown, Ellinger

Vice Mayor Kay thanked the participants for their involvement.

Upon motion by Ms. Plomin, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 7:25 p.m.

Clerk of the Urban County Council