

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky October 29, 2019

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on October 29, 2019 at 5:00 p.m. Present were Vice Mayor Kay in the chair presiding, in the absence of Mayor Gorton, and the following members of the Council: Ellinger, Evans, Gibbs, Kay, Lamb, McCurn, Moloney, Mossotti, Plomin, Reynolds, Worley, Bledsoe, F. Brown and J. Brown. Absent was Council Member Farmer.

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At 5:03 p.m., Vice Mayor Kay opened the hearing.

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An Ordinance changing the zone from a Community Center (CC) zone to an Expansion Area Residential (EAR-2) zone, for 16.53 net (17.14 gross) acres, and to an Expansion Area Residential (EAR-3) zone for 8.09 net and gross acres for property located at 6600 Man O' War Boulevard (a portion of) 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) Legal Notice of Public Hearing; (2) Affidavit of Notices Mailed; (3) Copy of Planning Commission Final Report and Recommendation; (4) Copy of the 1996 Expansion Area Master Plan; (5) Copy of the 2013 Comprehensive Plan; (6) Copy of the 2018 Goals and Objectives; (7) Copies of the Zoning Ordinance and Land Subdivision Regulations; (8) Copy of Staff Presentation; and (9) Emails received in the time span between the Planning Commission's meeting and the Public Hearing.

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At 5:09 p.m., Mr. Farmer joined the meeting.

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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) Affidavit of Posting Signs; and (2) Copy of the Presentation.

Mr. Nicholson announced an agreement had been made to include an additional zone restriction and was determined to be satisfactory to the Petitioner, the Opposition and Staff.

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Mr. Atkins, Opposition, spoke of the Blackford Oaks Place Homeowner's Association Board of Director's decision to drop their opposition to the Petitioner's zone change request.

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

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At 5:20 p.m., having no questions or comments from Council, Vice Mayor Kay closed the hearing.

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Upon motion by Ms. Plomin, seconded by Mr. Ellinger, the Findings of Fact were amended to include an additional zoning restriction, as follows:

The motion was approved by the following vote:

Aye: Ellinger, Evans, Farmer, Gibbs, Kay, Lamb, -----15
McCurn, Moloney, Mossotti, Plomin, Reynolds,
Worley, Bledsoe, F. Brown, J. Brown

Nay: -----0

Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following buffering restrictions via conditional zoning in order to minimize the impacts of the new development on the adjacent existing residential subdivisions:

1. The developer shall install a staggered row of white pine evergreen trees behind the homes on Mahala Lane on the property currently owned by Ball Homes approximately as shown

on the tree planting plan prepared by the Landscape Architect for Ball Homes. The trees will be planted on the neighborhood side of the greenway to provide additional screening to the buffer approved by the Planning Commission.

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Ms. Plomin moved to adopt the Findings of Fact, as amended. Mr. Ellinger seconded the motion.

The motion was approved by the following vote:

Aye: Ellinger, Evans, Farmer, Gibbs, Kay, Lamb, -----15
McCurn, Moloney, Mossotti, Plomin, Reynolds,
Worley, Bledsoe, F. Brown, J. Brown

Nay: -----0

Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following buffering restrictions via conditional zoning in order to minimize the impacts of the new development on the adjacent existing residential subdivisions:

1. The developer shall install a staggered row of white pine evergreen trees behind the homes on Mahala Lane on the property currently owned by Ball Homes approximately as shown on the tree planting plan prepared by the Landscape Architect for Ball Homes. The trees will be planted on the neighborhood side of the greenway to provide additional screening to the buffer approved by the Planning Commission. The requested rezoning is not in agreement with the adopted Land Use Element of the Expansion Area Master Plan (EAMP). However, the Expansion Area 2a retains approximately the same number of planned acres of CC zoned land necessary for the development of services for the residents in the area.
2. The requested rezoning is not in agreement with the adopted Land Use Element of the Expansion Area Master Plan (EAMP). However, the Expansion Area 2a retains approximately the same number of planned acres of CC zoned land necessary for the development of services for the residents in the area.
3. There have been social, economic and physical changes within the immediate area since the adoption of the EAMP and the 2013 Comprehensive Plan. This is primarily the result of the three zone changes within the Expansion Area 2a that have modified the Land Use Element of the EAMP.
4. The proposal to increase density within Expansion Area 2a meets the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The requested rezoning to EAR-2 and EAR-3 expands housing choices (Theme A, Goal #1) by providing mixed-use and housing near employment and commercial areas (Theme A, Goal #1.b).
 - b. The proposed rezoning encourages compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents (Theme E, Goal #1.b).

- c. The proposed rezoning and the corollary plan strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b).
- 5. This recommendation is made subject to approval and certification of PLN-MJDP-19-00009: Blackford Property (Phase 4) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

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Upon motion by Ms. Plomin, seconded by Mr. Ellinger, and approved by unanimous vote, an Ordinance changing the zone from a Community Center (CC) zone to an Expansion Area Residential (EAR-2) zone, for 16.53 net (17.14 gross) acres, and to an Expansion Area Residential (EAR-3) zone for 8.09 net and gross acres for property located at 6600 Man O' War Boulevard (a portion of), as amended received first reading.

Upon motion by Ms. Plomin, and seconded by Ms. Bledsoe, and approved by unanimous vote, the rules were suspended and the ordinance received second reading.

Upon motion by Mr. Farmer, and seconded by Mr. Ellinger, the ordinance passed by the following vote:

Aye: Ellinger, Evans, Farmer, Gibbs, Kay, Lamb, -----15
 McCurn, Moloney, Mossotti, Plomin, Reynolds,
 Worley, Bledsoe, F. Brown, J. Brown

Nay: -----0

Vice Mayor Kay thanked the participants for their involvement.

Upon motion by Ms. Mossotti, seconded by Ms. Plomin, and approved by unanimous vote, the meeting adjourned at 5:26 p.m.

Deputy Clerk of the Urban County Council