



# Lexington-Fayette Urban County Government Minutes - Final Urban County Council

200 E. Main St  
Lexington, KY 40507

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Tuesday, August 13, 2013

5:00 PM

Council Chambers

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## Public Hearing - Zone Change

### I. Roll Call

**Present** 11 - Julian Beard; Bill Farmer, Jr.; Chuck Ellinger; Diane Lawless; Steve Kay; Peggy Henson; Linda Gorton; Chris Ford; Jennifer Mossotti; Jennifer Scutchfield and Harry Clarke

**Absent** 4 - Ed Lane; George Myers; Kevin Stinnett and Shevawn Akers

### II. Ordinance – Second Reading

#### 1. [0650-13](#)

An Ordinance changing the zone from a Neighborhood Business (B-1), Professional Office (P-1), Single Family Residential (R-1E) and High Density Apartment (R-4) zone to a Planned Shopping Center (B-6P) zone, for 3.1462 net (3.6588 gross) acres, for properties located at 704 Euclid Avenue, and 408, 412, 416 and 420 Marquis Avenue including dimensional variances, and imposing conditions upon approval as follows: the height of the building shall not exceed 28 feet above the finished floor elevation except in those limited areas (special design features) reflected on the preliminary development plan approved by the Planning Commission and the architectural renderings tendered to the Planning Commission; the building shall be built in substantial conformity with the architectural renderings tendered to the Planning Commission except for complementary and necessary adjustments that might be needed should the final development plan be revised by the Planning Commission; the applicant has voluntarily agreed to this condition; there shall be a 6 foot landscape area with a minimum planted tree height of 18 feet along Marquis Avenue between the building and the sidewalk in which appropriate landscaping shall be installed to complement and enhance the architecture; the property shall not be subdivided into commercial out lots; an 8 foot tall privacy fence shall be installed along the rear boundary line of the subject property with supplemental plantings; there shall be no use of loudspeakers on the property except that a low level amplification system may be used at the drive-through pharmacy, but no such amplification shall be heard at the property line of the subject property; the owner of the subject property shall inform all delivery trucks to cut their engines once the truck is parked to unload product; the trash compactor shall only be utilized between 8 am and 9 pm; and the final

development plan will include the location and installation of a covered bus stop on Euclid Avenue (Kroger Limited Partnership I; Council District 3). Approval 8-0 OBJECTORS (To Be Heard by August 21, 2013) [Div. of Planning, King] **PUBLIC HEARING**

**A motion was made by Council Member Farmer, Jr., seconded by Council Member Mossotti, that the Findings of Fact from the Planning Commission for MARV 2013-10 be approved. The motion Passed by the following vote:**

**Aye:** 11 - Julian Beard; Bill Farmer, Jr.; Chuck Ellinger; Diane Lawless; Steve Kay; Peggy Henson; Linda Gorton; Chris Ford; Jennifer Mossotti; Jennifer Scutchfield and Harry Clarke

**Nay:** 0

**Absent:** 4 - Ed Lane; George Myers; Kevin Stinnett and Shevawn Akers

Enactment No: O-086-2013

**A motion was made by Council Member Farmer, Jr., seconded by Council Member Lawless, that conditions be added. The motion Passed by the following vote:**

**Aye:** 11 - Julian Beard; Bill Farmer, Jr.; Chuck Ellinger; Diane Lawless; Steve Kay; Peggy Henson; Linda Gorton; Chris Ford; Jennifer Mossotti; Jennifer Scutchfield and Harry Clarke

**Nay:** 0

**Absent:** 4 - Ed Lane; George Myers; Kevin Stinnett and Shevawn Akers

Enactment No: O-086-2013

**A motion was made by Council Member Lawless, seconded by Council Member Gorton, that the Findings of Fact be amended to exclude 420 Marquis Avenue. The motion failed by the following vote:**

**Aye:** 3 - Diane Lawless; Peggy Henson and Linda Gorton

**Nay:** 8 - Julian Beard; Bill Farmer, Jr.; Chuck Ellinger; Steve Kay; Chris Ford; Jennifer Mossotti; Jennifer Scutchfield and Harry Clarke

**Absent:** 4 - Ed Lane; George Myers; Kevin Stinnett and Shevawn Akers

Enactment No: O-086-2013

**A motion was made by Council Member Farmer, Jr., seconded by Council Member Ellinger, that this Ordinance be Amended to add the approved conditions. The motion Passed by the following vote:**

**Aye:** 11 - Julian Beard; Bill Farmer, Jr.; Chuck Ellinger; Diane Lawless; Steve Kay; Peggy Henson; Linda Gorton; Chris Ford; Jennifer Mossotti; Jennifer Scutchfield and Harry Clarke

**Nay:** 0

**Absent:** 4 - Ed Lane; George Myers; Kevin Stinnett and Shevawn Akers

Enactment No: O-086-2013

**Received First Reading to the Urban County Council due back on 8/13/2013**

Enactment No: O-086-2013

**A motion was made by Council Member Chuck Ellinger, seconded by Council Member Peggy Henson, that the rules be Suspended for Second Reading. The motion PASSED by an unanimous vote.**

Enactment No: O-086-2013

**A motion was made by Council Member Ellinger, seconded by Council Member Henson, that this Ordinance be Approved. The motion Passed by the following vote:**

**Aye:** 11 - Julian Beard; Bill Farmer, Jr.; Chuck Ellinger; Diane Lawless; Steve Kay; Peggy Henson; Linda Gorton; Chris Ford; Jennifer Mossotti; Jennifer Scutchfield and Harry Clarke

**Nay:** 0

**Absent:** 4 - Ed Lane; George Myers; Kevin Stinnett and Shevawn Akers

Enactment No: O-086-2013

**Adjournment**