

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 7:41 p.m. Present were Vice Mayor Kay in the chair presiding, and the following members of the Council: Lamb, McCurn, Moloney, Mossotti, Plomin, Reynolds, Worley, J. Brown, Ellinger, and Farmer. Absent were Council Members Bledsoe, F. Brown, Evans, and Gibbs.

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At 7:49 p.m., Vice Mayor Kay opened the hearing.

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An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 4.937 net (5.052 gross) acres and to a Neighborhood Business (B-1) zone, for 1.652 net (2.002 gross) acres; and from an Agricultural Urban (A-U) zone to a Townhouse Residential (R-1T) zone for 10.668 net (11.876 gross) acres and to a Neighborhood Business (B-1) zone, for 1.040 net and gross acres, for property located at 3450 & 3550 Todds Rd. (Anderson Acquisition, LLC; 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) Legal Notice of hearing to be held; (2) Affidavit of Notices Mailed; (3) Final Report of the Planning Commission; (4) 2013 Comprehensive Plan; (5) 2018 Goals and Objectives; (6) Zoning Ordinance; and (7) 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. Richard Murphy appeared as counsel for the Petitioner and filed the following exhibits: (1) Affidavit of Posting Signs; and (2) Witness list.

Mr. Murphy 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.

Mr. Nathan Billings, counsel representing the owners of the property, spoke in support of the ordinance.

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The following persons spoke in opposition: (1) Mr. Clyde Honaker, Doral Pl.; (2) Mr. Rick Towner, Doral Pl., (3) Ms. Kristin Crosbie, Burning Tree Ln., (Mr. Alann Karow yielded his time to Ms. Crosbie); (4) Mr. Jason Waldeck, Burning Tree Ln.; and, (6) Ms. Yolanda Davis, Burning Tree Ln.

The following person spoke in favor: (1) Mr. Edwin Gibson, Broadmoor Pl.

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Mr. Billings offered rebuttal comments.

Mr. Honaker offered rebuttal comments on behalf of the Opposition and asked to present a video.

Mr. J. Brown asked Ms. Tracey Jones, Dept. of Law, for clarification about the relevance of the video in regards to the ordinance on the docket. Ms. Jones responded.

Mr. Moloney asked if the video was presented to the Planning Commission. Mr. Honaker responded.

Mr. Worley spoke in favor of allowing the video.

The video was shown.

Mr. Murphy made rebuttal and summation comments on behalf of the Petitioner.

Mr. Billings offered rebuttal comments.

Ms. Davis spoke again in opposition to the ordinance.

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At 9:15 p.m. The meeting stood at recess.

At 9:25 p.m. The meeting reconvened with the same persons present.

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

Mr. Worley asked about the number of units per acre. Ms. Wade responded. Mr. Worley asked question about density in comparison to existing similar properties. Ms. Wade responded. Mr. Worley asked Mr. Towner about the mention of the 36 units proposed in the video shown. Mr. Towner responded.

Ms. Lamb asked about the storm water study. Ms. Wade responded. Ms. Lamb asked if the study was necessary. Ms. Wade responded. Ms. Lamb asked about the price of the units. Mr. Murphy responded. Ms. Lamb asked a question about HOA involvement. Mr. Billings responded.

Mr. Moloney asked about the reference to 36 units and Requests for Proposals. Mr. Billings responded. Mr. Moloney asked about bidders that proposed 36 units. Mr. Billings responded.

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At 9:34 p.m., Vice Mayor Kay closed the hearing.

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Mr. J. Brown spoke of favor of the ordinance.

Mr. Worley spoke in favor of the ordinance.

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Upon motion by Mr. Farmer, seconded by Ms. Mossotti, the Council approved the Findings of Fact, as follows, by the following vote.

Aye:	Lamb, McCurn, Moloney, Mossotti, Plomin, Reynolds, Worley, J. Brown, Ellinger, Farmer, Kay	----11
Nay:		-----0

1. The Townhouse Residential (R-1T) and Neighborhood Business (B-1) zoning are in agreement with the 2013 Comprehensive Plan, and the adopted Goals and Objectives of the 2018 Comprehensive Plan for the following reasons:
 - a. The petitioner indicates that the rezoning of the site supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The existing clubhouse has been vacant for several years, and the driving range is no longer necessary given that the site will not operate as a golf course in the future. The proposal also maximizes development on vacant land within the Urban Service Area and promotes use of underutilized land in a way that enhances existing urban form (Theme E, Goal #1.a and 1.b; Theme E, Goal #3). The applicant proposes a density of 5.64 dwelling units per acre.
 - b. The proposed development respects the context and design features of the surrounding areas and is compatible with the existing urban form (Theme A, Goal #2. b). This is particularly true

for the continuation of the pinwheel type townhomes that are proposed to extend from Country Club Way.

- c. The surrounding open space and the continued use and expansion of the pedestrian and golf cart system within the proposed development provides added amenities that reduce dependency on vehicular modes of transportation and allows for multi-modal connectivity (Theme A, Goal #2.c, Theme B, Goal #2.d, and Theme D, Goal #1.b).
- d. The reuse of the clubhouse as a restaurant can act as a neighborhood focal point (Theme A, Goal #2.d), while also adding quality of life opportunities that attract young and culturally diverse professionals to Lexington (Theme C, Goal #2.d).

2. The existing Agricultural Urban (A-U) zone is inappropriate, and the proposed R-1T and B-1 zones are appropriate at this location because the intent for the Agricultural Urban (A-U) zone is to manage the growth of the community so to avoid premature or improper development until public facilities and services are adequate to serve urban uses. The availability of these services at this time in this area indicate the inappropriateness of the current zoning.

3. This recommendation is made subject to approval and certification of the applicable portion of PLN-MJDP-19-00012: Lochmere, Tract 4-B (Stonecase Valley)(Andover Club)(AMD), prior to being forwarded to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

4. Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following use and buffering restrictions via conditional zoning:

- a. Prohibited Uses:
 - 1. Drive-through Facilities.
 - 2. Automobile service stations.
 - 3. Establishments with the principal purpose of the sale of beer, liquor or wine.

These conditional zoning restrictions are appropriate and necessary to minimizing the impacts of new development on the existing neighborhoods and reducing the potential for high traffic flow in and out of the proposed site.

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Upon motion by Mr. J. Brown, and seconded by Mr. McCurn, the ordinance passed

by the following vote:

Aye:	Lamb, McCurn, Moloney, Mossotti, Plomin, Reynolds, Worley, J. Brown, Ellinger, Farmer, Kay	----11
Nay:		-----0

Vice Mayor Kay thanked the participants for their involvement.

Upon motion by Ms. Mossotti, seconded by Mr. Farmer, and approved by unanimous vote, the meeting adjourned at 9:41 p.m.

