

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky August 17, 2021

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on August 17, 2021 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: Reynolds, Sheehan, Baxter, Bledsoe, F. Brown, J. Brown, Ellinger, Kloiber, Lamb, McCurn, and Moloney. Absent were Council Members Worley, Plomin, and LeGris.

* * *

At 5:01 p.m., Vice Mayor Kay opened the hearing.

* * *

An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a High Density Apartment (R-4) zone, for 1.56 net (1.86 gross) acres, for property located at 1009 and 1017 Wellington Way. (RTA Family Trust; Council District 10) received second reading.

* * *

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

* * *

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) Items submitted to the Planning Commission by Objectors (5) Copy of the 2018 Comprehensive Plan Imagine Lexington; (6) Copies of the Zoning Ordinance and Land Subdivision Regulations; (7) Copy of Staff Presentation, and (8) Copy of Development Snapshot.

On behalf of the Petitioner, Ms. Wade filed the following exhibit: (1) Affidavit of Posting Signs.

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.

* * *

Jon Woodall appeared as counsel for the Petitioner and filed the following exhibit:
(2) Zone Map Amendment Binder.

Mr. Woodall introduced various representatives for the Petitioner; 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.

* * *

The following persons spoke in opposition: (1) Michael Walsh, Palomar Trace Dr. (who filed Opposition Exhibits (1) - PowerPoint Presentation, and (2) - Aerial Photograph of the Property); (2) Doug Martin, Wellington Way; and (3) Bryan Willett, Palomar Trace Dr.

* * *

Ms. Wade offered rebuttal comments.

Mr. Woodall made rebuttal comments on behalf of the Petitioner.

Mr. Walsh made rebuttal and summation comments on behalf of the Opposition.

* * *

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

Ms. Bledsoe asked about distance limitations on corridor development projects. Ms. Wade responded. She requested clarification on the term 'medium density residential' as redefined under the Imagine Lexington plan. Ms. Wade responded. Ms. Bledsoe spoke about traffic concerns and asked Ms. Wade to address comments made by Mr. Walsh in regards to Staff Recommendations on previous zone change approvals and/or denials which directly conflict with the proposed zone change. Ms. Wade responded.

Ms. Baxter expressed concerns regarding the single entrance placement and traffic. Ms. Wade responded. She asked if the proposed units would be rental or owner occupied. Ms. Wade responded.

Mr. J. Brown asked about the height of the first floor of the proposed structure in relation to the surrounding residential properties. Ms. Wade responded. He inquired if the

rooftop deck was included as a potential greenspace or amenity requirement. Ms. Wade responded. Mr. J. Brown inquired if the Council was permitted to discuss and consider potential amenities that may take place on the deck. Ms. Wade responded. Mr. J. Brown concurred with Ms. Bledsoe's comments regarding the classification of the proposed zone change as a Corridor place-type. Ms. Wade responded.

Mr. Ellinger asked about potential concerns regarding light and noise pollution. Ms. Wade responded. Mr. Woodall responded.

Ms. Lamb inquired as to when the neighborhood street directly parallel to the development was developed and if the childcare building was established at that time. Ms. Wade responded. She asked if a music system was to be installed on the rooftop deck. Mr. Woodall responded. Ms. Lamb asked if the pedestrian crossing would be placed where the LexTran bus stop on Wellington Way was currently located, and if a separate traffic study would need to be conducted. Ms. Wade responded. She asked about buffering and the tree canopy. Ms. Wade responded.

Mr. McCurn asked about the zones of the neighboring properties and if the trees were on private residential property. Ms. Wade responded. He asked if the applicant was intending to keep mature trees on the property. Greg W. Smorstad, Banks Engineering, responded. Mr. McCurn asked if the proposed crosswalk on Wellington Way had been approved by the Div. of Traffic Engineering, and if it would have a rapid-flashing beacon. Mr. Smorstad responded. He asked about the number of parking spaces. Mr. Smorstad responded. Mr. McCurn Expressed concerns about traffic, and asked if a second entrance had been considered. Mr. Smorstad responded.

Ms. Sheehan spoke about the need for affordability and asked what the proposed rate of a unit would be. Mr. Woodall responded. Ms. Sheehan asked if a range had been determined. Mr. Woodall responded.

Mr. Moloney asked if the 2013 and 2016 development plans on the property were required to have two entrances/exits due to heavier traffic. Ms. Wade responded. He clarified the reason why the proposed development required only one entrance/exit.

Ms. Lamb asked about the height of a medium evergreen. Mr. Smorstad responded. She asked about the floor plans and number of bedrooms in the units. Mr. Woodall responded. She asked how privacy would be maintained for the adjoining

residential properties, and inquired if there had been discussion on various types of buffers on the rooftops. Ms. Wade responded. Mr. Woodall responded.

Ms. Bledsoe expressed concerns regarding privacy and noise. She talked about access to the development and emphasized the impact corridor developments have on the surrounding neighborhoods.

* * *

Mr. Walsh presented sur-rebuttal comments for the Opposition.

Mr. Smorstad presented sur-rebuttal comments for the Petitioner.

* * *

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

* * *

Ms. Lamb discussed her concerns and noted the need for infill development. She thanked everyone for participating.

Mr. J. Brown discussed his concerns and thanked everyone for participating.

Mr. Ellinger asked how many votes were required to overturn the Planning Commission's recommendation. Tracy Jones, Dept. of Law, responded.

* * *

Upon motion by Mr. J. Brown, seconded by Mr. Ellinger, the Council approved the Findings of Fact, as follows, by the following vote.

Aye: Reynolds, Sheehan, F. Brown, J. Brown, -----9
Ellinger, Kay, Kloiber, McCurn, Moloney

Nay: Baxter, Bledsoe, Lamb -----3

1. The requested High Density Apartment (R-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development will accommodate the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1), by providing a denser type development in an area that is primarily single family detached and duplex dwelling units.
 - b. The proposed rezoning will support infill (Theme A, Goal #2), and add to a well-designed neighborhood and community (Theme A, Goal #3), while upholding the Urban Service Area concept (Theme E, Goal #1).
 - c. The proposed rezoning will achieve an effective and comprehensive transportation system (Theme Dr, Goal #1) by prioritizing a pedestrian-first design (Theme D, Goal #1.a), by developing a safe pedestrian crossing along Wellington Way.
 - d. The proposed rezoning allows 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) by providing a safe and more accessible link to the proposed enhanced transit facilities located across Wellington Way.
- e. The proposed rezoning addresses the goal of absorbing vacant and underutilized land within the Urban Service Area (Theme E, Goal #1.a) and accommodating the demand for housing in Lexington responsibly prioritizing higher-density and mixture of housing types.
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that allows increased residential options, provides for safe pedestrian mobility and provides amenities for both residents and the surrounding community. In addition, the development will meet the Multi-Family Design Guidelines.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by enhancing the pedestrian facilities along both Wellington Way and across Wellington Way to the commercial development and transit facilities. The proposed development is providing safe and clear access to the building, and providing covered and safe bike storage facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it adds green infrastructure with the inclusion of permeable pavers and will add viable native tree canopy coverage.
 3. This recommendation is made subject to approval and certification of PLN-MJDP-21-00005: Schroyer Property Lots 3 & 4 (RTA Trust)(AMD)., prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

* * *

Upon motion by Mr. F. Brown, and seconded by Mr. Ellinger, the ordinance was approved by the following vote:

Aye: Reynolds, Sheehan, F. Brown, J. Brown, Ellinger, Kay, Kloiber, McCurn, Moloney	-----9
Nay: Baxter, Bledsoe, Lamb	-----3

Ms. Wade clarified that there was a typographical error in the motion language incorrectly stating the current zone as a “Neighborhood Residential” instead of a “Neighborhood Business” zone.

* * *

Vice Mayor Kay thanked the participants for their involvement.

Upon motion by Mr. Ellinger, seconded by Ms. Bledsoe, and approved by unanimous vote, the meeting adjourned at 7:11 p.m.

Deputy Clerk of the Urban County Council