

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky May 10, 2016

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on May 10, 2016 at 6:22 p.m. Present were Vice-Mayor Kay in the chair presiding, in the absence of Mayor Gray, and the following members of the council: Lamb, Moloney, Scutchfield, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Gibbs, and Hensley. Council members Farmer, Henson and Mossotti were absent.

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Ms. Mossotti arrived at the meeting.

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Mr. Jimmy Emmons, Div. of Planning, submitted the following exhibits: (1) Legal Notice of hearing to be held; (2) Affidavit of Mr. William Sallee re: Notices Mailed; (3) Recommendation of the Urban County Planning Commission – MAR 2013-21; (4) 2013 Comprehensive Plan with Goals and Objectives; (5) Zoning Ordinance; (6) 1983 LFUCG Land Subdivision Regulations, as Amended; (7) PowerPoint slides re: MARV 2016-4 Solar Eclipse LLC; and (8) Instructions for Urban County Council Public Hearings Zone Change Petitions.

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Vice Mayor Kay stated he understood that parties had reached an agreement and asked if this could be stated for the record.

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Mr. Richard Murphy, counsel for the applicant, Solar Eclipse, LLC, filed the following exhibits: (1) Affidavit of Mr. Jimmy Ball with attachments; and (2) Witness List.

Mr. Murphy indicated that the parties have agreed to resolve this matter and stated that because of this he would not be making a presentation.

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Mr. Bruce Simpson Jr., counsel for the Harrods View Neighborhood Association, agreed with Mr. Murphy.

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An Ordinance changing the zone from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.95 net (1.25 gross) acres; and from Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 0.25 net (0.29 gross) acre, for property located at 3600 Palomar Centre Drive and 2101 Palomar Trace Drive (a portion of), including a dimensional variance (Solar Eclipse, LLC; Council District 10) received second reading.

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Ms. Bledsoe made a motion to accept the Findings of Fact for Approval and Recommendation of the Planning Commission. Ms. Lamb seconded the motion. The Findings of Fact are as follows:

1. Although the requested zone change is not in agreement with the 2013 Comprehensive Plan, there have been unanticipated changes of an economic nature within the area of the subject property, for these reasons:
 - a. The neighboring properties at 1009 & 1017 Wellington Way were rezoned from P-1 to B-1 in 2014, as is proposed with this application.
 - b. With the Board of Adjustment's approval of a child care center on the bulk of the 2101 Palomar Trace Drive property (a use which is now proposed for relocation to the southwest), the properties with frontage along Harrodsburg Road and Wellington Way are now approved to be significantly more commercial than residential in character, compared to three years ago when the Comprehensive Plan was initially adopted.
2. The combination of the requested Neighborhood Business (B-1) and the Professional Office (P-1) zone is appropriate for these 1.25 acres of the subject property, and the existing combination of R-3 and P-1 zoning is no longer appropriate, for the following reasons:
 - a. The proposed connection of Palomar Centre Drive, incumbent with this rezoning and redevelopment proposal, has the potential to partially relieve existing traffic congestion at the Wellington Way/Palomar Centre Drive intersection to the benefit of the general public and some of the nearby commercial uses.
 - b. The proposed B-1 zone would permit a restaurant to be developed in a manner consistent with other existing commercial uses in this general area.
 - c. The P-1 zone proposed would align with the access from Wellington Way (collector street) to Harrodsburg Road (arterial highway) via Palomar Centre Drive, which would serve other professional and business uses located in this general vicinity.
 - d. Retaining the existing single family home on 2101 Palomar Trace Drive will provide an excellent land use buffer between existing homes in the Harrods View and Palomar Trace subdivisions from the newly developing commercial uses in this vicinity.
3. This recommendation is made subject to approval and certification of ZDP 2016-6: Schroyer Property, Dozier Property, Unit 2, and Palomar Trace Subd., Unit 3C, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any Planning Commission approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning for the subject properties:

PROHIBITED USES (Within the B-1 Zone only):

- a. Automobile service stations.
- b. Retail sale of plant, nursery or greenhouse products.
- c. Miniature golf or putting courses.
- d. Carnivals and circuses.
- e. Arcades, including pinball and electronic games.
- f. Rental of equipment whose retail sale is permitted in the B-1 zone.
- g. Automobile and vehicle refueling stations.
- h. Retail sale of convenience products (i.e., convenience stores).

OTHER USE RESTRICTIONS

- a. Any free-standing sign shall be a maximum of ten (10) feet in height.
- b. Any outdoor lighting shall be shielded and directed away from any residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.

These restrictions are appropriate and necessary in order to protect the adjacent residential properties to the north and west from the possible noise and light pollution associated with the proposed development, and to maintain the character of the immediate area.

The motion was approved by the following vote:

Aye:	Lamb, Moloney, Mossotti, Scutchfield,	-----13
	Stinnett, Akers, Bledsoe, F. Brown, J. Brown,	
	Evans, Gibbs, Hensley, Kay	
Nay:		-----0

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Upon motion by Ms. Akers, seconded by Ms. Bledsoe, an Ordinance changing the zone from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.95 net (1.25 gross) acres; and from Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 0.25 net (0.29 gross) acre, for property located at 3600 Palomar Centre Drive and 2101 Palomar Trace Drive (a portion of), including a dimensional variance (Solar Eclipse, LLC; Council District 10) was approved by the following vote:

Aye:	Lamb, Moloney, Mossotti, Scutchfield,	-----13
	Stinnett, Akers, Bledsoe, F. Brown, J. Brown,	
	Evans, Gibbs, Hensley, Kay	
Nay:		-----0

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Upon motion by Mr. Stinnett, seconded by Ms. Scutchfield, and approved by unanimous vote, the meeting adjourned at 6:30 p.m.

Clerk of the Urban County Council