

Lexington- Fayette Urban County Government Special Council Meeting

Lexington, Kentucky September 22, 2015

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on September 22, 2015 at 6:03 p.m. Present were Council Member Kevin Stinnett in the chair presiding, in the absence of Mayor Gray and Vice Mayor Kay, and the following members of the council: Hensley, Lamb, Moloney, Mossotti, Scutchfield, Bledsoe, F. Brown, J. Brown, Farmer, and Gibbs. Absent were Henson, Kay, Akers, and Evans.

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An Ordinance changing the zone from an Expansion Area Residential-1 (EAR-1) zone to an Expansion Area Residential-2 (EAR-2) zone, for 46.64 net (47.18 gross) acres; for property located at 1551 Deer Haven Ln., (a portion of). (North Forty Properties, LLC; Council District 12) was given second reading.

Mr. Stinnett swore in all witnesses. He announced that the parties have agreed to a 30-minute time limit for each side. Mr. Stinnett reviewed the rules and procedures for the parties and citizens.

Mr. Bill Sallee, of the Div. of Planning, gave his presentation and submitted the following exhibits: (1) Legal Notice of the hearing to be held; (2) Affidavit of Bill Sallee, regarding mailing notices; (3) MAR 2015-10 Recommendation from the Urban County Planning Commission; (4) 2013 Comprehensive Plan with Goals and Objectives; (5) 1996 Expansion Area Master Plan (6) LFUCG Zoning Ordinance; (7) 1983 Land Subdivision Regulations as Amended; (8) Staff exhibits (single page); (9) PowerPoint presentation; and (10) Staff exhibits (multiple pages).

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Mr. Dick Murphy, representing the applicant, North Forty Properties, LLC, introduced Mr. Rory Callee, a landscape architect with EA Partners, and presented the following exhibits: (1) Witness list; (2) Excerpts of the Expansion Area Master Plan and 2013 Comprehensive Plan; (3) A streetscape drawing of the proposal for Blackford Parkway; (4) Affidavit attesting to signs posted on property; and (5) Photographs.

Mr. Murphy gave his presentation on behalf of the applicant.

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The following citizens spoke against the requested zone change: (1) Mr. Steve Richter, Cayman Lane, presented his exhibits (1) three petitions regarding opposition to the zoning change; and (2) Mr. David Booth, Deer Haven Lane, presented his exhibit (1) Statement from Elizabeth Booth.

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Mr. Murphy spoke in rebuttal to the opposition, discussing density of the development.

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Mr. Sallee declined to offer rebuttal.

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Mr. Murphy gave a rebuttal to the opposition and closing summation. He spoke about the density of the proposed development, access to the property by the Div. of Fire and Emergency Services, and the developments impact on traffic. He closed his rebuttal.

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Mr. Richter gave sur-rebuttal and closing remarks. He spoke about lot density and described his concerns regarding fire response times, citing a previous response to a fire.

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Mr. Murphy closed his presentation.

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Mr. Booth gave sur-rebuttal and closing remarks, and discussed minimum and maximum densities for the EAR zones. Mr. Booth closed his rebuttal.

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Mr. Murphy gave a further rebuttal, and spoke about the density on the Clark Property. Mr. Murphy closed his rebuttal.

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Ms. Bledsoe thanked everyone for coming to the hearing. She asked Mr. Sallee about the density for townhomes, about the spacing between buildings and about a school being built near the proposed development. Mr. Sallee responded. Mr. Sallee showed portions of the property and the zone designations.

Ms. Mossotti asked Mr. Sallee about the notification process, nearby parcels changing zones, and infrastructure. Mr. Sallee responded.

Ms. Lamb asked Mr. Sallee about the green space and planning fire stations in the area of the development. Mr. Sallee responded.

Mr. Hensley spoke about citizen input, and the issue of fire protection east of the interstate. He asked Mr. Sallee about current zoning density and notice letters. Mr. Sallee responded.

Mr. Moloney asked Mr. Sallee about the development's compliance with the Capacity Assurance Program and about street access to the property. Mr. Sallee responded.

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The public hearing closed at 7:33 p.m. The hearing went into recess at 7:34 p.m.

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The hearing reconvened at 7:40 p.m. The same Council Members were present.

Mr. Hensley made a motion, seconded by Mr. Gibbs, to adopt the following Findings of Fact for Approval from the Planning Commission:

- 1) The requested zone change is in agreement with the 2013 Comprehensive Plan, and in substantial agreement with the more detailed recommendations of the 1996 Expansion Area Master Plan, for the following reasons:
  - a. The 2013 Plan recommends increased residential densities, where appropriate, within the existing Urban Services Area. The proposed development is consistent with this theme.
  - b. The Clark Property, in its entirety, is recommended for Expansion Area Residential-1 (48± acres) and Expansion Area Residential-2 (134±), defined as 0-3 units/gross acre and 3-6 units/gross acre, respectively. This equates to a recommendation of between 403-953 residential units for that land area.
  - c. The petitioner proposes to utilize density averaging and clustering; therefore, Article 23A-2(m) of the Zoning Ordinance requires that the land be located within the same zoning category.
  - d. Across the entire Clark Property, a total of 879 dwelling units are now proposed (523 units in Units 1-3 and 356 units in Unit 4) for development, at an overall density of 4.80 dwelling units per gross acre, which remains in agreement with the EAMP, since up to 953 dwelling units are recommended by the EAMP for the Clark Property.
  - e. The petitioner intends to develop 403-807 units on the proposed Expansion Area Residential-2 portion of the property, at a density of 3-6 units/gross acre.
  - f. The greenway recommended by the EAMP is proposed on the corollary development plan filed in conjunction with the rezoning request.
  - g. The "park road" (Blackford Parkway) is proposed to be extended through the property to an intersection with Polo Club Boulevard, as recommended by the EAMP.
- 2) This recommendation is made subject to approval and certification of ZDP 2015-52 Clark Property Unit 4, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of Planning Commission Approval.

The motion was approved by the following vote:

Aye: Hensley, Lamb, Moloney, Scutchfield,  
Stinnett, Bledsoe, F. Brown, J. Brown,  
Farmer, Gibbs -----10

Nay: Mossotti ----- 1

Upon motion by Mr. Farmer, seconded by Mr. F. Brown, an Ordinance changing the zone from an Expansion Area Residential-1 (EAR-1) zone to an Expansion Area Residential-2 (EAR-2) zone, for 46.64 net (47.18 gross) acres; for property located at 1551 Deer Haven Ln., (a portion of). (North Forty Properties, LLC; Council District 12) was approved by the following vote:

Aye: Hensley, Lamb, Moloney, Scutchfield,  
Stinnett, Bledsoe, F. Brown, J. Brown,  
Farmer, Gibbs -----10

Nay: Mossotti ----- 1

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Upon motion by Ms. Bledsoe, seconded by Mr. F. Brown, and approved by unanimous vote, the meeting adjourned at 7:44 p.m.

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Clerk of the Urban County Council