

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky November 19, 2019

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on November 19, 2019 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: Farmer, Gibbs, Lamb, McCurn, Moloney, Reynolds, F. Brown, J. Brown, and Ellinger. Absent were Council Members Mossotti, Plomin, Worley, Bledsoe, and Evans.

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At 5:07 p.m., Vice Mayor Kay opened the hearing.

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An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone, for .119 net (.135 gross) acres, for property located at 171 Saunier St. (The Clifton, LLC; Council District 2) received second reading.

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Vice Mayor Kay swore in the witnesses.

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Ms. Traci Wade, Div. of Planning, briefly reviewed the matter at hand 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) Copy of the 2018 Comprehensive Plan; (5) Copy of the Zoning Ordinance; (6) Copy of the Land Subdivision Regulations; and (7) Copy of Staff Presentation.

Mr. Hal Baillie, Div. of Planning, described the subject property and surrounding property, and the various uses that have been applied to it in the past. He displayed photographs and maps of the subject property and described its physical characteristics. Mr. Baillie also discussed the proposed development and the reasons for the Planning Staff's and the Planning Commission's recommendations.

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Mr. Nick Nicholson appeared as counsel for the Petitioner and filed the following exhibits: (1) Witness List; (2) Affidavit of Posting Signs; and (3) Copy of the Counsel Presentation.

Mr. Nicholson introduced various representatives for the Petitioners, as well as the Opposition, and he discussed the conditions of the restrictions of the proposed zone change with which both parties would be satisfied.

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Ms. Mary Gatewood appeared as representative for the Opposition (Bob Milward, owner of Milward Funeral Directors) and filed the following exhibits: (1) Email submitted to Council. She reviewed the concerns that Mr. Milward had with the proposed zone change and spoke of the character of the neighborhood as well as neighboring businesses.

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

Ms. Reynolds asked about enforcement and regulation of designated parking spaces for the proposed business. Mr. Nicholson responded.

Mr. Farmer asked about the Prohibited Uses and referenced Mr. Nicholson's comments during the Planning Commission Meeting from August 22, 2019. Mr. Nicholson responded.

Mr. McCurn asked about the owner of the adjacent lot. Mr. Nicholson responded.

Mr. McCurn thanked Milward Funeral Directors and the churches in the neighboring area for their services to the community. He thanked Mrs. Clifton as well.

Ms. Lamb spoke of the opportunity for Milward Funeral Directors, the churches and Mr. and Mrs. Clifton to come together as neighbors and work through any issues that may arise as a result of this development.

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At 5:38 p.m., Vice Mayor Kay closed the hearing.

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Upon motion by Mr. McCurn, seconded by Mr. Gibbs, the Council approved the Findings of Fact, as follows, by the following vote.

Aye: Farmer, Gibbs, Kay, Lamb, McCurn, Moloney, -----10
Reynolds, F. Brown, J. Brown, Ellinger

Nay: -----0

1. The requested Downtown Business Frame (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning supports infill and redevelopment (Theme A, Goal #2), by identifying areas of opportunity for adaptive reuse (Theme A, Goal #2.a), while also respecting the context and design features of surrounding development projects to ensure compatibility with the existing urban form (Theme A, Goal #2.b).
 - b. The proposal seeks to support and showcase local assets to allow for the creation of a variety of jobs (Theme C, Goal #1), while also adding services that promote and enhance tourism in the area (Theme C, Goal #1.d).
 - c. The applicant states that through the inclusion of the use, event space, or banquet facility, that they will provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d).
 - d. The proposed development of the subject property seeks to protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image (Theme D, Goal #3), by protecting historic resources (Theme D, Goal #3.a), including the renovation, restoration and maintenance of a historic commercial structure (Theme D, Goal #3.c).
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 adaptively reuses an older structure that is located within a highly walkable area. Additionally, the proposed rezoning seeks to add new job opportunities, while increasing potential entertainment and quality of life opportunities that can draw more people into our downtown commercial areas.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the applicant is working with the surrounding property owners to provide shared parking arrangements that will reduce the proliferation of parking lots in the downtown area.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and does not impact the current tree lines and canopy.
3. 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:

Prohibited Uses

- a. Automobile service stations, and auto repair.
- b. Amusement enterprises.
- c. Pawnshops.
- d. Community Center, private clubs and day shelter.
- e. Outdoor live entertainment.
- f. Cocktail lounges and nightclubs.

Other

- a. Operating hours shall end at 10:00 p.m. Sunday, 11:00 p.m. Monday-Thursday, and midnight on Friday-Saturday.

- 4. This recommendation is made subject to approval and certification of PLN-MJDP-19-00046: Saunier Livery, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

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Upon motion by Mr. Farmer, and seconded by Mr. Gibbs, the ordinance passed by the following vote:

Aye: Farmer, Gibbs, Kay, Lamb, McCurn, Moloney, Reynolds, F. Brown, J. Brown, Ellinger -----10

Nay: -----0

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Vice Mayor Kay thanked the participants for their involvement.

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Upon motion by Mr. Farmer, seconded by Mr. J. Brown, and approved by unanimous vote, the meeting adjourned at 5:42 p.m.

Deputy Clerk of the Urban County Council

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