

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky February 25, 2025

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on February 25, 2025 at 5:30 p.m. Present were Vice Mayor Wu in the chair presiding, in the absence of Mayor Gorton, and the following members of the Council: Gray, Hale, LeGris, Morton, Sheehan, Beasley, Boone, Brown, Curtis, Ellinger, and Elliott Baxter. Absent were Council Members Lynch, Reynolds, Sevigny.

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At 5:31 p.m., Vice Mayor Wu opened the hearing.

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An Ordinance changing the zone from Neighborhood Business (B-1), Highway Service Business (B-3), Interchange Service Business (B-5P), and Mixed Low Density Residential (R-2) zones to Mixed Low Density Residential (R-2), Planned Neighborhood Residential (R-3) and Medium Density Residential (R-4) zones, for 12.49 net (20.09 gross) acres for properties located at 475 and 495 Haggard Lane and 450 Radcliffe Rd. (Transy Property Owners, LLC; Council District 1) received second reading.

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Vice Mayor Wu swore in the witnesses and reviewed the procedures and order of proceedings for the meeting.

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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) Presentations and Exhibits from the Planning Commission Public Hearing; (5) Copy of Imagine Lexington 2045; (6) Copy of the Zoning Ordinance; (7) Copy of the Land Subdivision Regulations; and (8) Copy of Staff Presentation.

Daniel Crum, 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. He also discussed the proposed development and the reasons for the Planning Staff's and the Planning Commission's recommendations.

Jessica Winters, counsel for the Opposition, cross-examined Mr. Crum.

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Jon A. Woodall appeared as counsel for the Petitioner and filed the following exhibits: (1) Development Plan; (2) List of Witnesses; and (3) Affidavit of Posting Signs.

Mr. Woodall 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.

Zack Worsham, Vice President of Winterwood Development, Johan Graham, Owner and President of AU Associates, Daryl Neher, Chief Executive Officer of Lexington Habitat for Humanity, spoke about affordable housing in Lexington and shared their roles in the project.

Steve Garland, Site Director at Prime AE, spoke about historical drainage management for the subject property.

Ms. Winters, counsel for the Opposition, cross-examined Mr. Woodall, Mr. Worsham and Mr. Neher.

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Jessica Winters appeared as counsel for the Opposition (the Radcliffe/Marlboro Neighborhood Association) and filed the following exhibits: (1) Letter from Michelle Hutchison – President of Radcliffe/Marlboro NA; (2) Two photos from May 30, 2024, and (3) Traffic Footage Video.

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At 6:49 p.m., the meeting stood at recess.

At 7:01 p.m., the meeting reconvened with the same persons present.

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The following persons spoke in opposition: (1) Greg Widener, District 1; (2) Sarah Tichenor, District 1; (3) Diane Cahill, District 1; (4) Darnell Tagaloea, District 1; (5) Scott Sloan, District 1; (6) Lori Beaton, District 1; (7) Rolanda Woolfork, Council District 2 (who filed Opposition Exhibit 3 – Lexington Housing Authority Annual Plan FY2025); (8) Lewis Boggess, District 1; (9) Rachel Sloan, District 1; (10) Michelle Hutchison, District 1; (11) Regina Harris, District 1; (12) Yolanda Edwards, District 1; (13) Jose Socarras Ramos, District 2; (14) Amy Clark (who filed Opposition Exhibit 4 – Lextran Northside Connector Route Pamphlet); and (15) Joni Hollon, District 1.

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The following persons spoke in support: (1) Raquel Carter, District 6; (2) Ray Daniels, District 3; (3) Branden Gross, District 10; (4) Brittany Roethemeier, District 3, (5) Todd Johnson, District 8, and (6) Zach Skubitz, District 5.

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Upon motion by Mr. Morton, seconded by Ms. Gray, and approved by unanimous vote, two more speakers were permitted to offer public comment.

William Wood Jr., District 12 and Kathy Sloan, District 1, spoke in opposition.

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At 8:26 p.m., the meeting stood at recess.

At 8:36 p.m., the meeting reconvened with the same persons present.

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Mr. Crum offered rebuttal comments.

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

Ms. Winters made rebuttal and summation comments on behalf of the Opposition.

Mr. Woodall offered summation for the Petitioner.

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

Mr. Morton questioned Mr. Crum's rebuttal statement that traffic and drainage studies had not been performed, which was in contrast to Mr. Woodall's rebuttal statement that there would not be traffic or drainage issues as a result of the development. Mr. Crum responded. Mr. Morton inquired about remarks made regarding the New Circle Rd. Trunk Project and flooding. Mr. Crum responded. Mr. Morton inquired about how the project aligned with Affordable Housing criteria as outlined in the Planning Staff's recommendations. Mr. Morton asked about a traffic study conducted by the Petitioner. Ms. Wade responded.

Mr. Brown asked about the New Circle Sewer Trunk Project and any potential pump station upgrades in the proximity of the subject property. Ms. Wade responded. Mr. Garland responded.

Ms. Curtis reiterated the limited scope of information the Council must consider during a zone change hearing, before asking questions about the process of the application following the Council's approval or disapproval. Mr. Crum responded. Ms. Wade responded. Ms. Curtis clarified that the Council did not have the purview to approve only R-2 zoning for the subject property, as requested by Ms. Winters and the Opposition. Ms. Winters responded. Ms. Curtis asked if the Petitioners had ever considered a proposal for only R-2 zoning for the subject property. Mr. Woodall responded.

Ms. Elliott Baxter inquired about stormwater runoff, parking minimums and the impact it had on the approval of the application. Mr. Crum responded. Ms. Elliott Baxter asked about the commonality of developments in Lexington that utilize access to houses via alleyways, as well as the review process of the Initial Technical Review Committee prior to receiving Staff Recommendation. Mr. Crum responded.

Mr. Hale asked about plans to address traffic flow issues on Haggard Lane. Mr. Crum responded.

Ms. Sheehan asked about pedestrian policies and bus routes. Mr. Woodall responded. Ms. Sheehan inquired if the Petitioner would be open to considering the inclusion of additional infrastructure that benefits the entire neighborhood in the development plan. Mr. Woodall responded. She encouraged the Petitioner to speak directly to the impacted neighborhoods to hear their considerations and suggestions, before asking about affordable housing and income restrictions. Mr. Worsham responded.

Ms. LeGris inquired as to what point in the process the exact AMI percentage will be determined. Mr. Worsham responded. Ms. LeGris asked questions about alleyway ingress/egress, sidewalks and neighborhood engagement. Mr. Crum responded.

Ms. Gray echoed Mr. Morton's concerns with Mr. Woodall's assertion that traffic and drainage would not be an issue and requested clarification on the statement. Mr. Woodall responded. Mr. Garland responded.

Mr. Ellinger spoke about the effective date of HB443 and its impact on the development plan, before asking the Dept. of Law to review their guidance for Councilmember and resident communications throughout the zone change process. Tracy Jones, Dept of Law, responded. Mr. Ellinger clarified the votes needed to overturn the recommendation. Ms. Jones concurred.

Vice Mayor Wu asked questions about neighborhood engagement throughout the Petitioner's development plan process. Mr. Woodall responded. Mr. Worsham responded. Vice Mayor Wu inquired if the development plan met all criteria as listed on the Staff Presentation, and if the Planning Commission issued any suggestions to the plan as submitted. Mr. Crum responded.

Mr. Morton inquired to the process of determining if the Petitioner's Traffic Study met the required criteria as set forth by the Zoning Ordinance and asked about maximum density. Mr. Crum responded. Ms. Wade responded. Mr. Morton asked questions about affordable housing in the development, estimated rent per unit and the cost per unit. Mr. Woodall responded. Mr. Worsham responded. Mr. Neher responded. Mr. Morton inquired about neighborhood engagement. Mr. Woodall responded.

Mr. Brown asked if the single-family homes and townhomes would be available to homebuyers. Mr. Woodall confirmed. Mr. Brown inquired if it would be feasible for the development if the Council imposed a density cap. Mr. Woodall responded. Mr. Brown inquired about neighborhood engagement after the development plan was submitted. Ms. Winters responded. Ms. Woolfork responded. Mr. Brown disclosed that he was considering a motion to cap the density on the proposed development.

Ms. Gray acknowledged remarks made by several residents referencing the development plan as a “bait and switch” and requested the Petitioner provide clarification. Mr. Woodall responded. Ms. Winters responded. Ms. Gray asked if the Petitioner would commit to continuing resident engagement. Mr. Woodall responded.

Mr. Ellinger requested elaboration on the application’s next steps, if it was to be approved by Council, as well as proper procedures and conditional uses in the Council’s purview. Ms. Wade responded. Mr. Ellinger inquired about current buffers, tree canopy and fencing. Ms. Wade responded.

Mr. Morton asked questions about neighborhood engagement. Mr. Woodall responded. Mr. Morton inquired about the design. Mr. Woodall responded.

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Mr. Morton moved to suspend the rules to allow the design renderings of the project development to be presented to the Council. The motion was seconded by Ms. Gray.

Ms. Elliott Baxter noted she had not received a copy of the renderings and inquired with the Dept. of Law. Ms. Jones stated she did not have a copy of the renderings either.

Mr. Ellinger requested guidance from the Dept. of Law. Ms. Jones responded.

Mr. J. Brown inquired as to the intent behind displaying the renderings. Mr. Morton responded. Mr. Brown elucidated that while he was the one who had made a motion to suspend the rules to allow a rendering in the past, he would not be supporting the motion.

Mr. Ellinger inquired as to the votes required to approve the motion. Ms. Jones responded.

Ms. Elliott Baxter stated she would not be supporting the motion as it was not germane.

Vice Mayor Wu stated he did not recollect receiving a copy of the renderings and reiterated the purview of the Council's public hearing.

Mr. Morton elaborated his intent behind showing the design renderings.

Ms. Sheehan stated she would not be supporting the motion, as design renderings were under the Planning Commission's purview.

The motion failed by majority vote (Ms. Gray, Mr. Hale, Ms. LeGris, Ms. Sheehan, Vice Mayor Wu, Ms. Beasley, Mr. Boone, Mr. Brown, Ms. Curtis, Mr. Ellinger and Ms. Elliott Baxter voted no).

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Mr. Morton asked questions about the Traffic Study and parking. Mr. Garland responded.

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Vice Mayor Wu and Mr. Morton discussed parliamentary rules, turn limits and time limits for Council Members to speak during the hearing. Vice Mayor Wu stated that the Urban County Council rules did not permit a filibuster.

Mr. Brown asked Mr. Morton how much time would be needed to finish his questions. Mr. Morton responded.

Mr. Brown moved to allot an additional ten minutes to Mr. Morton to complete his questioning. Mr. Morton objected, on the grounds that it was stated at the start of the hearing that there was no limit to the amount of times a Councilmember was permitted to speak.

Vice Mayor Wu requested clarification on the motion. Mr. Brown clarified that the motion was intended to allow the hearing to move forward to deliberations and restated his motion.

Upon motion by Mr. Brown, seconded by Ms. Gray and approved by unanimous vote, an additional ten minutes was allotted to Mr. Morton to finish asking his questions, after which the hearing would close and proceed to Council deliberations.

Mr. Morton inquired about anti-flooding measures. Mr. Garland responded. Mr. Morton asked how the development plan was considered to be an “award-winning development” when it had yet to be built. Mr. Woodall responded.

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At 10:20 p.m., Vice Mayor Wu closed the hearing.

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Mr. Brown thanked the neighborhoods and residents for attending the hearing and being active participants. He clarified his prior remarks regarding the zone change public

hearing process and spoke of the challenges in the process. Mr. Brown thanked Mr. Tagaloa for his prayer, congratulated Mr. Ramos on his expected child, and expressed sympathy for the vehicle damaging Mr. and Ms. Sloan's house. He shared that first learning about this development project on the news, rather than by the developer's informing the neighborhoods, was difficult. Mr. Brown spoke about the zoning process and affordable housing. Mr. Brown stated he would support the zone change, but also a commitment to engage the neighborhood.

Mr. Morton thanked all for attending. He assured the neighborhood that he heard their concerns and would not be supporting the zone change. Mr. Morton shared plans to mitigate the flooding and traffic issues in the area.

Ms. Curtis thanked the residents for participating and spoke about respect and procedures in the zone change hearing process.

Ms. Elliott Baxter thanked the residents for attending, the development team, and clarified her earlier vote against holding the public hearing. She spoke about the housing shortage and pricing in Lexington, and the housing the development will provide, before stating her support for the zone change.

Ms. LeGris thanked everyone for attending and noted the passion of those who were present. She spoke about engagement within the zone change process and thanked the residents for bringing to attention the infrastructure needs of the area. Ms. LeGris spoke about how the development project will provide multi-faceted housing and stated she was impressed with its approach to creative infill, but did not want it to impact the quality of life of the neighborhood.

Mr. Ellinger spoke about the balance between neighborhoods and the needs of the City, before thanking everyone for attending and participating. He acknowledged the good faith commitment the developer made to work with the neighbors throughout the rest of the process.

Ms. Gray thanked the residents for participating and acknowledged that their voices had been heard and had an impact. She talked about the number of votes needed to overturn the Planning Commission's approval and noted the developer's good faith commitment to communication.

Vice Mayor Wu stated his support of affordable housing, infill and redevelopment, while acknowledging the difficulties of zone change hearings. He spoke of the developer's good faith commitment to engagement with the residents as the process continues, and expressed confidence that the neighborhood would hold them accountable. Vice Mayor Wu stated that elected officials must consider the needs of the city as a whole and thanked all in attendance for coming.

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Ms. Elliott Baxter moved to adopt the Findings of Fact recommended by the Planning Commission in support of approval of zone map amendment request PLN MAR-24-00018, Transy Property Owners, LLC. located at 475 & 495 Haggard Lane for a Mixed Low Density Residential (R-2) zone, Planned Neighborhood Residential (R-3) zone, and Medium Density Residential (R-4) zone with conditional zoning restrictions. Ms. Sheehan seconded the motion.

Upon motion by Mr. Brown, seconded by Ms. Curtis, and approved by unanimous vote, the Findings of Fact were amended to adopt the following use restrictions to apply to the subject property: that the number of units shall be limited to the 29 units in the R-2 zone, 26 units in the R-3 zone, 179 units in the R-4 zone, limited to 234 units for the entire development. These restrictions are necessary in order to minimize the impacts of new development on the existing residential within the Radcliffe-Marlboro and Elkhorn Park neighborhoods while maintaining compliance with the Comprehensive Plan.

Mr. Ellinger inquired if the amendment was a material change and would require the ordinance to receive a new first reading. Ms. Jones responded.

Upon motion by Ms. Elliott Baxter, seconded by Ms. Sheehan, the Council approved the amended Findings of Fact, as follows, by the following vote.

Aye: Gray, Hale, LeGris, Sheehan, Wu, Beasley, -----11  
Boone, Brown, Curtis, Ellinger, Elliott Baxter

Nay: Morton -----1

Having considered the above matter on December 12, 2024, at a Public Hearing, and having voted 10-0 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend APPROVAL of this matter for the following reasons:

1. The requested Mixed Low Density Residential (R-2), Planned Neighborhood Residential (R-3), Medium Density Residential (R-4) zones are in agreement with the 2045 Comprehensive Plan's Goals and Objectives for the following reasons:
  - a. The proposal will address a need for housing and provide for a variety of housing choices (Theme A, Goal #1.d & 1.e; Theme E, Goal #1.d).
  - b. The proposal will increase the density of the area in a context-sensitive manner in an area available for infill and redevelopment (Theme A, Goal #2.a & 2.b).
  - c. The applicant's proposal includes opportunities for affordable and accessible housing options to meet

- the needs of Lexington's aging population (Theme A, Goal #1.c).
2. The justification and corollary development plan are in agreement with the policies of the 2045 Comprehensive Plan, for the following reasons:
    - a. The request responds to the context of the surrounding area, providing additional residential density and intensity (Design Policy #4; Density Policy #1 and #2).
    - b. The request will provide additional housing options for this area, which is predominately characterized by single family structures (Design Policy #8).
  
  3. The justification and corollary development plan are in agreement with the development criteria of the 2045 Comprehensive Plan, for the following reasons:
    - a. The Low-Density residential component of development is in agreement with the criteria for Land Use as it increases the density on-site (A-DN2-1), provides for new compact single-family housing types (A-DN4-1), and is oriented towards providing affordable housing options (C-L16- 1). The proposed Medium Density residential component of the development is in agreement with the criteria for Land Use, as the request increases density (A-DN2-1), the applicant provided for significant levels of public input prior to the submission of the application (D-PL7- 1) and provides for dedicated senior housing (D-SP9-1).
    - b. The Low-Density and Medium-Density residential components of the development are in agreement with the criteria for Transportation, Connectivity, and Walkability as the request expands upon the existing pedestrian infrastructure present on-site (A-DSI-2), and provides accessible routes to transit as well as providing connections to nearby parks and other complementary uses (A-DSI-2; A-DS4-1; D-CO2-1; D-CO2-2).
    - c. Both the proposed Low-Density and Medium-Density residential development are in agreement with the criteria for Environmental Sustainability and Resiliency, as the request does not impact any environmentally sensitive areas (B-PR2- I ), and improves the tree canopy present on-site (B- REI-I).
    - d. The proposed Low-Density and Medium-Density residential development is in agreement with the criteria for Site Design, as the development is in walking distance from a park (A-DS9-2), parking is located to the interior of the site (A-DS7-1), and the development provides accessible and delineated open spaces (A-EQ9-2).

- e. The proposed Low-Density Residential component meets the criteria for Building Form, as the building orientation maximizes connections with the street (A-DS5-3). The proposed Medium- Density Residential component meets the criteria for Building Form, as the buildings are primarily oriented towards the street and result in a pedestrian-friendly atmosphere (A-DS5-3), comply with the Multifamily Design Standards (A-OS3-1), and do not result in development that is out of scale with the general vicinity (A-DN2-2).
- 4. The recommendation is made subject to approval and certification of PLN-MJDP-24-00093: MARLBORO MANOR SUBDIVISION, LEXINGTON MOTEL {BLAIR PROPERTY & KOPPIUS & HART PROPERTY) (TRANSY HAGGARD APARTMENTS) 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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An Ordinance changing the zone from Neighborhood Business (B-1), Highway Service Business (B-3), Interchange Service Business (B-5P), and Mixed Low Density Residential (R-2) zones to Mixed Low Density Residential (R-2), Planned Neighborhood Residential (R-3) and Medium Density Residential (R-4) zones, for 12.49 net (20.09 gross) acres for properties located at 475 and 495 Haggard Lane and 450 Radcliffe Rd., as amended to include conditional zoning restrictions. (Transy Property Owners, LLC; Council District 1) received first reading.

Upon motion by Ms. Elliott Baxter, seconded by Ms. Curtis, and approved by majority vote (Mr. Morton voted no), the rules were suspended and the ordinance received second reading.

Upon motion by Ms. Elliott Baxter, and seconded by Mr. Ellinger, the Ordinance was approved by the following vote:

Aye: Gray, Hale, LeGris, Sheehan, Wu, Beasley, -----11  
Boone, Brown, Curtis, Ellinger, Elliott Baxter

Nay: Morton -----1

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Vice Mayor Wu thanked the participants for their involvement.

Seeing no objection, Vice Mayor Wu declared the meeting adjourned at 10:57 p.m.

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Deputy Clerk of the Urban County Council