Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky February 11, 2016

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on February 11, 2016 at 5:41 p.m. Present were Vice-Mayor Kay in the chair presiding, in the absence of Mayor Gray, and the following members of the Council: Evans, Gibbs, Henson, Lamb, Stinnett, Akers, Bledsoe, F. Brown, and J. Brown. Absent were Council Members Farmer, Hensley, Moloney, Mossotti, and Scutchfield.

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At 5:41 p.m. Mr. Kay opened the hearing, swore in the witnesses, and reviewed the procedures and order of proceeding for the meeting.

Mr. Farmer arrived at 5:47 p.m.

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone, for 7.5 net (10.25 gross) acres, for property located at 1803 Georgetown Rd. (Ky. Hill Properties, LLC; Council District 2) was given second reading.

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Mr. Bill Sallee, Div. of Planning, gave his presentation and filed the following exhibits: (1) Legal Notice of hearing to be held; (2) Affidavit of Notices Mailed; (3) Recommendation of the Urban County Planning Commission – MAR 2015-23; (4) 2013 Comprehensive Plan with Goals and Objectives; (5) LFUCG Land Subdivision Regulations as Amended; (6) 1983 LFUCG Zoning Ordinance as Amended; and (7) Copy of email from Ms. Cheryl Butala to the Div. of Planning.

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Mr. Dick Murphy appeared on behalf of Kentucky Hill Properties, LLC and filed the following exhibits: (1) Affidavit of Mr. Odus Baker; (2) Witness List; and (3) Applicants Exhibits. Mr. Murphy gave his presentation on behalf of the applicant.

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No one appeared to speak in opposition to the proposal.

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Neither Mr. Sallee nor Mr. Murphy offered closing remarks.

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Mr. Gibbs asked Mr. Sallee about an aquifer discharge area and a potential gas station on the development. Mr. Sallee responded.

Ms. Henson requested clarification for the location of the main entrance to the development, and whether it would be signalized. She also asked about the orientation of homes that abut Sandersville Road. Mr. Murphy responded.

Ms. Akers asked about the party responsible for determining street and road, or other improvements to the area. She inquired about traffic, access to the development, and the orientation of businesses in the development. Mr. Murphy responded. Ms. Akers asked about the residential neighbors, their response to the proposed conditional zoning restrictions, as well as their thoughts on other concessions offered by the developers. Mr. Murphy and Ms. Butala responded.

Mr. Farmer questioned the meaning of a section of the Staff Report. Both Mr. Sallee and Mr. Murphy responded. Mr. Farmer asked about the December 17, 2015 letter from Mr. Murphy to nearby residents. Mr. Murphy responded. Mr. Farmer asked about changes to streets and intersections based on this development. Mr. Murphy and Mr. Jihad Hallany responded.

Ms. Lamb asked Mr. Murphy about the planned screens and buffers around the development. Mr. Murphy and Mr. Sallee responded.

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At 6:45 p.m, Vice Mayor Kay closed the hearing.

Ms. Akers stated a zone change is appropriate and that the area is severely underserved by retail and restaurant service.

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Ms. Akers made a motion, seconded by Ms. Evans, to adopt the Findings of Fact for Approval and recommendations of the Planning Commission:

1. The existing Light Industrial (I-1) zone is no longer appropriate for this property and the proposed B-3 zoning is appropriate for the following reasons:
    a. This is a parcel which is not well-suited for industrial use. It was purchased, then passed over in the past by an industrial use, and it has remained vacant for all the time it has been zoned I-1, about 17 years.
    b. There is a population of about 62,000 residents living within three miles of this property. There are also around 20,000 jobs in that radius. There is a lack of commercial and service business, which this

zone change would provide to the area.

c. Retail and service industries are needed in this corridor to serve the employment and manufacturing facilities in addition to the residential.
d. The intersection of Georgetown Road and Sandersville Road is fully signalized. A traffic impact study was performed which indicated that the rate of traffic accidents on Georgetown Road is one- half of other highways in Kentucky. The developer will construct the deceleration lanes which are indicated in the traffic study, and the developer will construct improvements to Sandersville Road.

2. This recommendation is made subject to approval and certification of ZDP 2015-102: Burke, Hockensmith & Maggard (Georgetown Road Development), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be restricted via conditional zoning:
Prohibited Uses
   a. Free-standing cocktail lounges or bars; that is, sale of alcoholic beverages by the drink shall be limited to establishments in which sales of food account for 50% or more of gross receipts.
   b. Carnivals or circuses on a temporary or permanent basis.
   c. Adult arcades, massage parlors, adult book stores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
   d. Billboards.
   e. Drive-in restaurants.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property.

The motion was approved by the following vote:

Aye:	Evans, Farmer, Gibbs, Henson, Kay, Lamb, Stinnett, Akers, Bledsoe, F. Brown, J. Brown.	---------11
Nay:		----------0

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Upon motion by Ms. Akers, and seconded by Ms. Bledsoe, an Ordinance changing the zone from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone, for 7.5 net (10.25 gross) acres, for property located at 1803 Georgetown Rd. (Ky. Hill Properties, LLC; Council District 2) was approved by the following vote:

Aye:	Evans, Farmer, Gibbs, Henson, Kay, Lamb, Stinnett, Akers, Bledsoe, F. Brown, J. Brown.	---------11
Nay:		----------0

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Upon motion by Mr. Stinnett, seconded by Ms. Akers, and approved by unanimous vote, the meeting adjourned at 6:52 p.m.

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Deputy Clerk of the Urban County Council