

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky May 24, 2016

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on May 24, 2016 at 6:03 p.m. Present were Vice-Mayor Kay in the chair presiding, in the absence of Mayor Gray, and the following members of the council: Scutchfield, Akers, Bledsoe, F. Brown, J. Brown, Gibbs, Hensley, Lamb, and Moloney. Absent were Council Members Stinnett, Evans, Farmer, Henson, and Mossotti.

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At 6:03 p.m. Vice Mayor Kay opened the public hearing.

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Ms. Mossotti joined the meeting.

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An Ordinance changing the zone from an Agricultural-Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 5.80 net and gross acres; from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone, for 7.79 net (8.64 gross) acres; from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 15.59 net (16.40 gross) acres; from a Single Family Residential (R-1D) zone to a Highway Service Business (B-3) zone, for 1.33 net (1.64 gross) acres; and from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone, for 20.30 net and gross acres, for property located at 2731 and 2751 Leestown Rd. (a portion of), including a dimensional variance (Anderson-Village at Great Acres, LLC; Council District 2) received second reading.

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Vice Mayor Kay described the order of proceedings and swore in the witnesses.

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Mr. Bill Sallee, Div. of Planning, gave a 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 – MARV 2016-6; (4) PowerPoint Presentation; (5) 2013 Comprehensive Plan with Goals and Objectives; (6) 1983 LFUCG Zoning Ordinance as Amended; (7) 1983 LFUCG Land Subdivision Regulations, as Amended; and (8) Copies of emails in opposition to the zone change.

Mr. Sallee described the current zoning of subject property and surrounding property. He also discussed the proposed development, the proposed Findings of Fact, and the proposed conditional and prohibited uses.

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Mr. Richard Murphy, counsel for the Petitioner, cross-examined Mr. Sallee regarding the various bodies that have reviewed and approved the proposed development plan.

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Mr. Murphy gave a presentation for the Petitioners, Mr. Dennis Anderson and Anderson Village at Great Acres, and filed the following exhibits: (1) Affidavit of posting signs on property; (2) Copies of letters in support; and (3) Witness List.

Mr. Murphy described communities that Mr. Anderson has developed in the past, and discussed the how the proposed development fits the tenets of the 2013 Comprehensive Plan.

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The following persons spoke in opposition to the zone change: (1) Mr. Matthew Jacobs, Shannon Trace; and (2) Mr. Jeffrey Swain, Masterson Court (upon motion by Ms. Akers, seconded by Ms. Bledsoe, and approved by unanimous vote, the Council granted Mr. Swain three additional minutes of speaking time).

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Mr. Sallee spoke about the floodplain on and near the subject property.

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Mr. Murphy made a rebuttal argument regarding the preliminary nature of the proposed development plan and the process involved in conceiving and producing a final plan. He discussed the petitioner’s plans for stormwater management, and the levels of approval from various governmental agencies that are required.

Mr. Swain indicated that he would withdraw his opposition if there was sufficient stormwater mitigation.

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Ms. Bledsoe asked about the proposed roundabout and the existing trees on the property. Mr. Steve Garland, engineer for the Petitioner, responded.

Ms. Lamb asked about the ownership of the townhomes, traffic controls, landscaping, and lighting. Mr. Dennis Anderson, Petitioner, responded.

Ms. Mossotti asked about the concern of Mr. Jacobs about the potential loss of the creek. Mr. Jacobs, Mr. Garland, and Mr. Anderson responded.

Ms. Mossotti asked about flooding in the area. Mr. Swain responded.

Mr. Moloney commented on flooding in the relevant area.

Ms. Akers talked about flooding, and asked Mr. Anderson about the types of road surfaces used in other of his developments, the orientation of the buildings in the proposed development, and the proportion of commercial to residential development. Mr. Anderson responded.

Ms. Akers commented to Mr. Jacobs about attention paid to working around the creek, and the level of oversight that occurs. Mr. Anderson agreed.

Ms. Lamb asked if the streets on the subject property were private or public land. Mr. Sallee responded.

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Vice Mayor Kay closed the hearing at 7:38 p.m.

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Ms. Bledsoe moved to accept the Findings of Fact and the Recommendation of the Planning Commission. The motion was seconded by Mr. F. Brown. The Findings of Fact are as follows:

1. A Planned Neighborhood Residential (R-3) zone, and a restricted Highway

Service Business (B-3) zone at this location are in agreement with the 2013 Comprehensive Plan for the following reasons:

- a. The Goals and Objectives of the Plan encourage expanding housing choices (Theme A, Goal #1); supporting infill and redevelopment within the Urban Service Area (Theme A, Goal #2); identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a.); providing for well-designed neighborhoods (Theme A, Goal #3); expanding options for mixed use throughout Lexington (Theme A, Goal #3a.); minimizing disruption of natural features when building new communities (Theme A, Goal #3d.); identifying and protecting natural resources and landscapes before development occurs (Theme B, Goal #3a.); providing quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington (Theme C, Goal #2d.); developing a viable network of accessible transportation alternatives (including transit, bicycles, walkways and greenways) (Theme D, Goal #1b.); and encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1a., #1b. and #3).
 - b. The Comprehensive Plan also states that higher density development should be encouraged near greenways and public parks, if possible (pages 43 & 44); building green infrastructure and trails throughout the community should be accomplished (page 88); utilizing single-loaded streets adjacent to greenways will provide improved access to the community's open space (page 91); and placemaking standards outlined in the Growing Successful Neighborhoods chapter are ideal (page 39).
 - c. The proposed development permitted by this rezoning meets the placemaking standards set forth in the 2013 Comprehensive Plan, which include: inviting streetscape, varied housing choice, abundant private and public open space, neighborhood focal points, and quality connections with parks, schools and stores. The proposed development incorporates the existing floodplain as a greenway (open space) that will connect to Masterson Station Park to the west and commercial areas to the east. The proposal provides townhouses and multi-family residential units near the proposed neighborhood commercial focal point, with the existing single-family residential uses located a greater distance away. It also provides important multi-modal neighborhood connections and an inviting streetscape along the extension of Lucille Drive.
 - d. The proposal expands the existing housing choices within the vicinity to include multi-family residential and townhouses. These types of residential land use are either limited or do not currently exist. The proposed neighborhood node is bordered by the higher density residential, with townhouses proposed nearest existing single-family residential along Leesway Drive and Masterson Station Drive.
 - e. The proposal will utilize the existing floodplain for greenway improvements and connections between existing and proposed trail systems in this portion of the Urban Service Area. The petitioner also proposes single-loaded local streets so that the greenway will remain accessible for the public.
2. This recommendation is made subject to the approval and certification of ZDP 2016-22: Greathouse Property (Village at Great Acres), 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 use restrictions are recommended via conditional zoning for the B-3 zone on the subject property:

PROHIBITED USES

- a. Establishments and lots for the display, rental, sale, service and minor

- repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
- b. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.
- c. Drive-in restaurants.
- d. Tattoo parlors.
- e. Carnivals and circuses.
- f. Pawn shops.
- g. Adult arcades, massage parlors, adult book stores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- h. Advertising signs as regulated under Article 17 of the Zoning Ordinance (billboards).
- i. Hotels and motels.
- j. Cocktails lounges and nightclubs as principal uses.
- k. Outdoor recreational facilities, including go-cart tracks; archery courts; skate-board and roller skating tracks; trampoline centers; rifle and other firearm ranges; water parks; and other similar uses.

These restrictions are appropriate in order to protect the adjacent residential properties from the possible negative impacts of the most intense business uses permitted in the B-3 zone, and to more fully implement the 2013 Comprehensive Plan.

The motion passed by the following vote:

Aye: Scutchfield, Akers, Bledsoe, F. Brown, J. Brown, -----11
Gibbs, Hensley, Kay, Lamb, Moloney, Mossotti

Nay: -----0

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Upon motion of Ms. Akers, and seconded by Mr. Hensley, an Ordinance changing the zone from an Agricultural-Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 5.80 net and gross acres; from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone, for 7.79 net (8.64 gross) acres; from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 15.59 net (16.40 gross) acres; from a Single Family Residential (R-1D) zone to a Highway Service Business (B-3) zone, for 1.33 net (1.64 gross) acres; and from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone, for 20.30 net and gross acres, for property located at 2731 and 2751 Leestown Rd. (a portion of), including a dimensional variance (Anderson-Village at Great Acres, LLC; Council District 2) was approved by the following vote:

Aye: Scutchfield, Akers, Bledsoe, F. Brown, J. Brown, -----11
Gibbs, Hensley, Kay, Lamb, Moloney, Mossotti

Nay: -----0

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Upon motion by Ms. Akers, seconded by Ms. Scutchfield, and approved by unanimous vote, the meeting adjourned at 7:40 p.m.

Clerk of the Urban County Council