

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky November 17, 2016

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on November 17, 2016 at 7:35 p.m. Present were Vice-Mayor Kay in the chair presiding, in the absence of Mayor Gray, and the following members of the Council: Moloney, Plomin, Scutchfield, Stinnett, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs, and Henson. Absent were Council Members Mossotti, Akers, and Lamb.

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At 7:35 p.m. Vice Mayor Kay opened the hearing and swore in witnesses and spoke about the hearing process.

Vice Mayor Kay gave a ruling that no architectural renderings will be displayed during the hearing and asked that renderings already on display be removed.

Mr. Richard Murphy, Counsel for the Petitioner, objected to the ruling.

Mr. F. Brown asked Ms. Andrea Brown, Dept. of Law, for a recommendation on this ruling. Ms. Brown responded.

Mr. Stinnett asked Ms. Brown how these renderings were part of prior actions within the zone change process. Ms. Brown responded.

Mr. Farmer asked Ms. Brown if Petitioner would be bound by the presented renderings. Ms. Brown responded.

Vice Mayor Kay spoke about the part renderings have in the zone change process.

Mr. Stinnett asked Ms. Brown if the Planning Commission specifically referenced design guidelines as part of their approval. Ms. Brown responded.

Council discussed the matter of the architectural renderings.

Mr. Stinnett made a motion to keep the architectural renderings as part of the evidence of the hearing. Mr. Moloney seconded the motion.

Vice Mayor Kay asked Ms. Brown about the voting requirements for the motion. Ms. Brown responded.

Ms. Evans asked Vice Mayor Kay about the rules surrounding inclusion or exclusion of the renderings and he responded.

Mr. J. Brown spoke about his concern with excluding the renderings.

Vice Mayor Kay asked Mr. Bill Sallee, Div. of Planning, to clarify the role of the renderings. Mr. Sallee responded.

Ms. Henson spoke about her reluctance to include the renderings. Ms. Brown elaborated on each party's view of the renderings throughout the zone change process.

Vice Mayor Kay spoke about meeting guidelines.

Mr. Moloney asked about discussing information distributed by the Div. of Planning. Ms. Brown responded.

Mr. Stinnett's motion was approved by the following vote:

Aye:	Moloney, Plomin, Scutchfield, Stinnett, Bledsoe, F. Brown, J. Brown	-----7
Nay:	Evans, Farmer, Gibbs, Henson, Kay	-----5

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Vice Mayor Kay reviewed the procedures and order of proceeding for the meeting.

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An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 13.81 net (14.47 gross) acres, for property located at 564 Asbury Ln. (a portion of). (Palumbo Properties, Inc.; Council District 1) received second reading.

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Mr. Sallee gave a presentation and filed the following exhibits: (1) Legal Notice of hearing; (2) Affidavit of Notices Mailed; (3) Recommendation of the Planning Commission – MARC 2015-7; (4) Copy of printed Email from Mr. Joshua Samples on November 14, 2016; (5) 2013 Comprehensive Plan with Goals and Objectives; (6) Winburn Russell Cave Neighborhoods Small Area Plan; (7) 1983 LFUCG Zoning Ordinance as Amended; (8) LFUCG Land Subdivision Regulations as Amended; and (9) A Copy of the PowerPoint presentation given during the public hearing.

Mr. Sallee described the subject property and displayed photographs and an overhead map depicting the property. He described the requested change and surrounding property that was not displayed on the map. Mr. Sallee described various aspects of the Comprehensive Plan as applied to the proposed change and discussed the Planning Commission's hearing, its recommendation, and its findings.

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Mr. Dick Murphy, attorney for the applicant, gave a presentation and filed the following exhibits: (1) Affidavit of Posting Signs and photograph; (2) Applicant's Exhibits; and (3) Traffic Impact Study Summary Review.

Mr. Murphy talked about the location of the property, the small area plan design guidelines, and the Petitioner's plans for the property. Mr. Murphy introduced Mr. Charles Barnhart, an architect at Sherman, Carter, Barnhart. Mr. Barnhart discussed the design guidelines, input from Div. of Planning staff, the orientation and size of the buildings and parking, and the proposed architecture.

Mr. Murphy talked about traffic connectivity to the area and the Comprehensive Plan.

Mr. Joshua Samples, Dawson Springs Way, cross examined Mr. Murphy about the presentation. Mr. Murphy responded.

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The following persons spoke in opposition to the proposed zone change: (1) Mr. Virgil Jones, Dawson Springs Way (Ms. Lynn Wilson and another individual yielded time to Mr. Jones); (2) Mr. James Lyle, Silver Springs Dr.; (3) Mr. Joshua Samples, Dawson Springs Way, entered petitions of opposition into the record and received an additional minute and a half of time by granting of the chair; (4) Ms. Sheila Coles, Hollow Creek Rd.; and (5) Ms. Chelsey Atwater, Dawson Creek Way.

At the request of the objectors, the Chair offered an additional three minutes of speaking time, and Mr. Samples made further remarks in opposition.

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At 9:25 p.m., the Council went into recess.

At 9:34 p.m., the meeting reconvened with the same members present.

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Mr. Sallee gave his rebuttal and spoke to comments from the persons opposing the zone change.

Mr. Murphy made his rebuttal comments.

Mr. Samples, with the permission of the Chair, offered rebuttal comments. He filed his Exhibit 1 – Petition with signatures.

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Mr. Samples and Mr. Murphy gave their summary statements.

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Mr. Moloney asked about right-of-way and the small area plan. Mr. Sallee and Mr. J. Brown responded.

Ms. Evans asked about proposed structures. Mr. Barnhart responded.

Mr. Henson asked Mr. Sallee to describe portions of the property in question. Mr. Sallee responded.

Mr. Virgil Jones commented on travelling through and around the property.

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At 9:56 p.m., Vice Mayor Kay declared the hearing closed.

Vice Mayor Kay asked a procedural question to the Dept. of Law. Ms. Andrea Brown, Dept. of Law, responded.

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Vice Mayor Kay moved to adopt the Findings of Fact and the Recommendations of the Planning Commission. The motion was seconded by Mr. Stinnett. The Findings of Fact and Recommendation of the Planning Commission are as follows:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan, and the adopted 2016 Winburn and Russell Cave Neighbors Small Area Plan (WRCN SAP), for the following reasons:
 - a. The 2013 Comprehensive Plan's Goals and Objectives encourage expanded housing choices (Theme A, Goal #1); support opportunities for infill, redevelopment and adaptive reuse that respect an area's context and design features (Theme A, Goal #2a); encourage 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 #1b and #3); encourage providing for well-designed neighborhoods (Theme A, Goal #3); and support preserving urban neighborhoods (Theme D, Goal #3c.).
 - b. The requested zone change and proposed development will utilize vacant land inside the Urban Service Area, expand housing choices within the immediate area and provide a development pattern that respects the adjacent single-family residential neighborhoods by limiting the scale and mass of the buildings.

- c. The Winburn & Russell Cave Neighborhoods Small Area Plan (SAP) identifies seven guiding planning principles to increase transportation connectivity; increase equity for residents; promote strategies to increase home ownership and improve housing conditions; optimize the use of land to promote mixed housing types; ensure infill is well designed and sensitive to existing neighborhoods; and improve public safety.
 - d. The petitioner's proposal addresses necessary transportation connections to adjoining properties, offers market-rate multi-family dwelling units, and meets many of the design guidelines that ensure such infill is sensitive to the surrounding neighborhoods.
 - e. As part of the SAP planning process, a set of design standards was developed for multi-family developments that provide a framework for evaluating the proposed development. The site planning guidelines have been met, and based on preliminary design work, many of the open space, landscaping, and architectural design guidelines will also be met.
 - f. Adherence to the design standards should ensure a context sensitive development and therefore, agreement with many of the goals established in the 2013 Comprehensive Plan and principles of the Winburn & Russell Cave Neighborhood Small Area Plan.
2. This recommendation is made subject to approval and certification of ZDP 2015-33: Newtown Springs, 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 land use restriction shall apply via conditional zoning:
 - a. A twenty foot (20') tree preservation area (TPA) and landscape buffer shall be established along the eastern property boundary. This buffer shall contain trees and shrubs as required by Article 18 of the Zoning Ordinance. Existing trees over 4" caliper in size shall be maintained within the TPA and buffer. Only diseased, dead and/or dying trees may be removed, and only with the Urban Forester's approval.
 - b. No pole lighting may be installed on the subject property; however, ground-level lighting, lighting for pedestrian paths and sidewalks and indirect lighting shall be permitted.

These restrictions are necessary and appropriate for the subject property to ensure greater compliance with the specific Winburn & Russell Cave Neighborhoods Small Area Plan recommendations, and to better protect the surrounding neighborhoods.

The motion was approved by the following vote:

Aye:	Moloney, Plomin, Scutchfield, Stinnett, Bledsoe, F. Brown, Evans, Farmer, Gibbs, Henson, Kay	-----11
Nay:	J. Brown	-----1

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Upon motion by Mr. Farmer, and seconded by Mr. F. Brown, an Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 13.81 net (14.47 gross) acres, for property located at 564 Asbury Ln. (a portion of). (Palumbo Properties, Inc.; Council District 1) was approved by the following vote:

Aye: Moloney, Plomin, Scutchfield, Stinnett, -----11
Bledsoe, F. Brown, Evans, Farmer,
Gibbs, Henson, Kay

Nay: J. Brown -----1

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Upon motion by Mr. Stinnett, seconded by Mr. F. Brown, and approved by
unanimous vote, the meeting adjourned at 10:03 p.m.

Deputy Clerk of the Urban County Council