

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky June 12, 2018

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on June 12, 2018 at 5:00 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, Smith, Worley, Bledsoe, F. Brown, Evans, Farmer, Gibbs, Henson, and Lamb. Absent were Council Members: Mossotti, Stinnett, Bledsoe, and J. Brown.

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At 5:02 p.m., Vice Mayor Kay opened the hearing.

An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone, for 2.09 net (2.60 gross) acres, for property located at 3009, 3013 & 3021 Tates Creek Rd. received second reading.

Vice Mayor Kay swore in the witnesses, and reviewed the procedures and order of proceeding for the meeting.

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Ms. Traci Wade, Div. of Planning, gave a presentation on the recommendation of the Planning Commission and filed the following exhibits: (1) Legal Notice of hearing to be held; (2) Affidavit of Traci Wade of Notices Mailed, (3) Recommendation of the Urban County Planning Commission - PLN-MAR-18-0001, (4) 2013 Comprehensive Plan with Goals and Objectives (5) 2018 Comprehensive Plan Update (6) 1983 LFUCG Zoning Ordinance as Amended; (7) 1983 LFUCG Land Subdivision Regulations as Amended; (8) Copies of emails (9) Printed Planning Maps; (10) Printed PowerPoint presentation.

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

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Mr. Darby Turner appeared as counsel for the Petitioner and filed the following exhibits: (1) Affidavit of Posting Signs.

Mr. Turner introduced various representatives for the Petitioners; he talked about the requested zone change, and discussed the location and proposed uses, as well as historical uses that have applied.

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The following persons spoke in opposition: (1) Mr. Joe Martinolich, Shirlee Ct.; (2) Ms. Meredith Reed, Shirlee Dr.; (3) Mr. Al Salyer, Hildeen Dr.; (4) Ms. Janice Saylor Hildeen Dr.; (5) Mr. Steve White, Jesselyn Dr.; (6) Mr. Peter Sawaya, Bates Creek Rd.; (7) Ms. Julie Tatar, Glendover Cove; (8) Mr. Erwin Jones, Glendover Cove; (9) Ms. Grace Perreiah, Jesselyn Dr.; (10) Mr. Barry Saturday, Laredo Dr.; (11) Mr. Tom Reed, Bates Creek Rd.; (12) Ms. Libby Farmer, Bates Creek Rd.; (13) Ms. Paulene Hunter, Montevista Dr.; and (14) Mr. Danny Williams, Warwick Ct..

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6:40 p.m. The meeting stood at recess.

6:45 p.m. The meeting reconvened with the same persons present.

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Ms. Wade offered rebuttal comments for Planning Staff.

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

Ms. Reed, Mr. White, Ms. Tatar, Ms. Farmer, and Mr. Williams made rebuttal and summation comments on behalf of the Opposition.

Mr. Turner offered summation for the Petitioner.

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

Ms. Lamb asked about the zone, amending the findings of facts to add restrictions. She also asked about the distance from the fence to the street. Mr. Turner responded. Ms. Wade responded.

Mr. F. Brown asked Ms. Wade about the zoning and surrounding area. Ms. Wade responded.

Ms. Evans asked Ms. Wade about the 2018 Comprehensive Plan. Ms. Wade responded.

Mr. Moloney asked Ms. Wade about the setback and restrictions on the property.
Ms. Wade responded.

Ms. Henson asked Ms. Wade about the locations of the proposed entrance and exit on the subject property. Ms. Wade responded.

Vice Mayor Kay asked Ms. Tracy Jones, Dept. of Law, about adding restrictions to the proposed zone. Ms. Jones responded.

Ms. Lamb requested clarification on the buffers proposed by the Petitioner and the existing tree canopy. She asked about emergency vehicles entering and exiting the property, and the U-turn on Bates Creek Rd. Ms. Wade responded.

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At 7:31 p.m. Vice Mayor Kay closed the hearing.

7:45 p.m. The meeting stood at recess.

8:00 p.m. The meeting reconvened with the same persons present.

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Ms. Lamb moved to amend the Findings of Fact to add additional restrictions as follows. Mr. Gibbs seconded the motion.

Under the provisions of Article 6-7 of the Zoning Ordinance, the following conditional zoning restrictions shall apply to the subject property:

1. Prohibited Uses:
 - a. Dormitories
 - b. Boarding or lodging houses, assisted living facilities, and hospitality houses for up to eight (8) persons.
 - c. Community residences
 - d. Group residential projects, as provided in Article 9
 - e. All conditional uses in Planned Neighborhood Residential (R-3) zone, except for the permitted conditional uses in the R-1A zone.
2. Limit to a maximum of 14 dwelling units as agreed to by the applicant.

These restrictions are appropriate and necessary to maintain the character of the Bates Creek Road Corridor.

The motion was approved by the following vote:

Aye: Evans, Farmer, Gibbs, Henson, Kay, Lamb, ----10
Moloney, Plomin, Smith, Worley

Nay: F Brown -----1

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Ms. Lamb moved to approve the Findings of Fact, as amended, and the motion was seconded by Mr. Gibbs.

The amended Findings of Fact were as follows:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following conditional zoning restrictions shall apply to the subject property:

1. Prohibited Uses:

- a. Dormitories
- b. Boarding or lodging houses, assisted living facilities, and hospitality houses for up to eight (8) persons.
- c. Community residences
- d. Group residential projects, as provided in Article 9
- e. All conditional uses in Planned Neighborhood Residential (R-3) zone, except for the permitted conditional uses in the R-1A zone.

2. Limit to a maximum of 14 dwelling units as agreed to by the applicant.

These restrictions are appropriate and necessary to maintain the character of the Bates Creek Road Corridor.

3. The Planned Neighborhood Residential (R-3) zone is in substantial agreement with the 2013 Comprehensive Plan, for the following reasons:

- a. The Goals and Objectives of the Plan recommend to expand housing choices within the community (Theme A, Goal #1); to support infill and redevelopment (Theme A, Goal #2); and to uphold the Urban Services Area concept by encouraging development of vacant and underutilized properties (Theme E, Goal #1).
- b. The proposed townhouses (and their associated density) are compatible with the surrounding area, which is encouraged by Theme A, Goal #2. The development is residential in nature, as is the surrounding zoning, and the development will respect the area's context and design features.
- c. The proposed density is in keeping with the recommendations of the Comprehensive Plan to encourage infill sites of between two and five acres to develop at or above the average density of the area in which they are built (pg 102).
- d. The subject site is situated along a minor arterial roadway, with adequate public infrastructure to serve the proposed use, and the higher density development will buffer the established neighborhood from the higher intensity use of the churches along the opposite side of Bates Creek Road.
- e. The proposed single-family attached dwelling units (townhouses) are compatible with the surrounding residential zoning and land use pattern. The units are of a size that is similar to other residential uses in the immediate area (between 3,000 and 4,000 square feet each), which should not detract from the existing urban form along Bates Creek Road in the immediate vicinity.

4. The proposed infill and redevelopment of the subject site along the Bates Creek Road corridor is supported by the adopted 2018 Comprehensive Plan's Goals and Objectives, including "accommodate the demand for housing in Lexington responsibly, prioritizing higher density and mixture of housing types (Theme A, Goal #1, Obj. b.); and "maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features" (Theme E, Goal #1, Obj. d.).

5. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00002: Hinda Heights Subdivision, Blk B (Old Stone Townhouses), prior to

forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.

The Council passed the amended Findings of Facts by the following vote:

Aye: Evans, Farmer, Gibbs, Henson, Kay, Lamb, 10
Moloney, Plomin, Smith, Worley

Nay: F Brown 1

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An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone, for 2.09 net (2.60 gross) acres, for property located at 3009, 3013 & 3021 Tates Creek Rd. (Off Season, LLC; Council District 4), as amended, received a new first reading.

Ms. Lamb, moved to suspend the rules and give second reading to the ordinance. The motion was seconded by Mr. Gibbs, and approved by unanimous vote.

The Ordinance received second reading.

Upon motion by Mr. Farmer, and seconded by Ms. Lamb, the ordinance was approved by the following vote:

Aye: Evans, Farmer, Gibbs, Henson, Kay, Lamb, 10
Moloney, Plomin, Smith, Worley

Nay: F Brown 1

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Ms. Lamb thanked the citizens for attending and colleagues for their attention and consideration.

Vice Mayor Kay thanked the participants for their involvement.

Upon motion by Ms. Plomin, seconded by Mr. Gibbs, and approved by unanimous vote, the meeting adjourned at 8:14 p.m.

Deputy Clerk of the Urban County Council