

Lexington, Kentucky August 14, 2007

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on August 14, 2007 at 6:00 P.M. Present were Council Member Gorton in the chair presiding in the absence of Mayor Newberry and the following members of the Council: Council Members Ellinger, James, Lane, McChord, Moloney, Stevens, Stinnett, Beard, Blevins, Blues, Crosbie and DeCamp. Absent were Council Members Gray and Myers.

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An Ordinance changing the zone from a Single Family Residential (R-1B) zone to a Planned Neighborhood Residential (R-3) zone for 1.26 net (1.56 gross) acres of property located at 756 Wilderness Road, subject to a certain use restriction imposed as a condition of granting the zone change (Rodney & Allison Moberly) was given second reading with a public hearing being held.

Ms. Gorton explained the procedures of the public hearing and swore in the witnesses.

Mr. Bill Saltee, Div. of Planning, gave his presentation and filed the following exhibits: (1) Legal Notice, (2) Affidavit of notices mailed, (3) MAR 2007-10, Final Report and minutes of the Planning Commission; (4) 1983 Zoning Ordinance with amendments, (5) Land Subdivision Regulations; (6) 2007 Comprehensive Plan; (7) Zoning Map, USA #34; (8) Aerial and ground photographs of subject area, (9) 2006 Comprehensive Plan Land Use Map - East Section and (10) Preliminary Development Plan.

Mr. Richard Murphy, attorney for the petitioner, gave the reasons for the requested zone change and filed the following exhibits: (1) Handout, (2) Affidavit of signs posted, (3) Aerial Photograph and (4) Photographs of area.

The following witness spoke in support of the requested zone change: (1) Mr. Charles Hite, planner.

The following citizens spoke against the requested zone change: (1) Mr. Jim Dougherty, Wilderness Road; (2) Mr. Steve Van Winkle, Wilderness Road; (3) Mr. William Riggs, Wilderness Road; (4) Ms. Samantha Frederick, representing two Wilderness Rd properties, who filed the following exhibits: (a) Petitions and

Photographs of area; (5) Ms. Becky Haynes, Wilderness Road; and (6) Ms. Carolyn Kidd, Wilderness Road.

Mr. Jimmy Eads, Wilderness Road, gave his time to speak to Ms. Frederick.

Mr. Murphy gave his rebuttal and made his closing statement.

Mr. Van Winkle made his closing statement.

The Council asked questions of Mr. Sallee, Mr. Murphy, Mr. Tom Hatfield, EA Partners (a witness for Mr. Murphy), and Mr. Ed Gardner, Dept. of Law.

Ms. Gorton turned the chair over to Mr. Ellinger so she could speak on the issue.

The Council asked questions of Mr. Sallee.

Ms. Gorton resumed the chair.

There was a discussion among the Council on the issues involved.

Ms. James asked Ms. Frederick about what the area residents thought of the zone change request.

The Council recessed at 8:06 p.m.

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At 8:15 p.m., the Council returned with the same members present.

Mr. Murphy stated that Ms. Moberly, the petitioner, was on her way to the meeting.

Mr. Stinnett made a motion, seconded by Ms. Crosbie, to approve the following Findings of Fact for Disapproval:

Existing R-1B zoning on the property is appropriate and the proposed R-3 zoning is inappropriate based on the following Findings of Fact for Disapproval:

1. Traffic in the area in which the subject property is located has increased dramatically in the last several years and the proposed re-zoning and corresponding development will exacerbate that problem.
2. Road improvements planned for the area are not sufficient to address the current traffic issues and the traffic situation will worsen if the requested re-zoning is granted.
3. Retaining the existing R-1B zoning at this time is compatible with Goal 15 of the 2007 Comprehensive Plan to preserve, protect and enhance the character and quality of existing neighborhoods.
4. Wilderness Road and Paradise Lane are not sufficient to carry the additional traffic which will be created by the proposed development of 8 units of houses on the subject property.
5. There are stormwater issues in the area of the subject property and on the subject property which will be exacerbated by the proposed development.

The motion passed by the following vote:

Aye: Gorton, James, McChord, Moloney, Stinnett,
Blevins, Blues, Crosbie, DeCamp ----- 9

Nay: Ellinger, Lane, Stevens, Beard ----- 4

Mr. McChord made a motion, seconded by Mr. Blevins, to approve the ordinance and it **failed to pass** by the following vote:

Aye: Ellinger, Lane, Stevens ----- 3

Nay: Gorton, James, McChord, Moloney, Stinnett,
Beard, Blevins, Blues, Crosbie, DeCamp ----- 10

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Upon motion of Mr. Blevins, seconded by Mr. Moloney and passed by unanimous vote, the meeting adjourned at 8:27 p.m.

Clerk of the Urban County Council