

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky April 12, 2022

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on April 12, 2022 at 5:30 p.m. Present were Vice Mayor Kay in the chair presiding, in the absence of Mayor Gorton, and the following members of the Council: Bledsoe, F. Brown, Ellinger, Lamb, LeGris, McCurn, Moloney, Plomin, Sheehan, Worley, and Baxter. Absent were Council Members J. Brown, Kloiber, and Reynolds.

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At 5:37 p.m., Vice Mayor Kay opened the hearing.

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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 3.88 net and gross acres, and from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone, for 7.88 net (9.245 gross) acres, for property located at 4085 Harrodsburg Rd. (Harrodsburg Rd., LLC; Council District 9) received second reading.

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

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Traci Wade, Div. of Planning, gave a presentation on the recommendation of the Planning Commission and filed the following exhibits: (1) Legal Notice of Public Hearing; (2) Affidavit of Notices Mailed; (3) Copy of Planning Commission Final Report and Recommendation; (4) Emails Submitted for the Planning Commission Public Hearing; (5) Copy of the 2018 Comprehensive Plan – Imagine Lexington; (6) Copies of the Zoning Ordinance; (7) Copy of Land Subdivision Regulations; (8) Copy of Staff Presentation; and (9) Email Received after the Planning Commission Public Hearing.

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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Bruce Simpson appeared as counsel for the Petitioner and filed the following exhibits: (1) Copy of Powerpoint Presentation.

Mr. Simpson introduced various representatives for the Petitioners; he talked about the requested zone change, displayed photographs of the subject property, and discussed the location and proposed uses, as well as historical uses that have applied.

Sam Dunn, Peppertree Ct., appeared as representative for neighbors of the adjoining and nearby properties, and read a statement in support of the zone change. He recapped the process and collaboration between the residents and the Petitioners before outlining certain conditions the neighbors desired to see included in the zone change.

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The following persons spoke in support: (1) Joy Murphy, Council District 9; (2) Chester Tackett, Council District 9; (3) Scott Sandberg, Council District 9; (4) LaShawn Fugate, Council District 9; (5) Peter Woollam, Council District 9; (6) John Feddock, Council District 9; (7) Jay Conne, Council District 9; (8) Casey Weesner, Council District 9; and (9) Brad Kerkhoff, Council District 9.

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Ms. Wade offered rebuttal comments.

Mr. Simpson offered summation for the Petitioner.

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

Ms. Baxter thanked everyone for their participation and commended the developer for working with the neighborhood. She inquired about the impact the service road connection might have on the number of single family homes and townhomes. Mr. Simpson responded.

Mr. Moloney commended the residents and developer for their ability to work together and compromise.

Ms. Bledsoe spoke about the challenge of balancing the needs of the City regarding development with the desires of the neighborhood. She expressed appreciation for the compromise between the neighborhood and Petitioner.

Mr. Ellinger thanked the residents and developer for cooperating and coming to a compromise.

Ms. Lamb asked about the square footage of the single family homes and townhomes. Mr. Simpson responded. She described her positive experience with the development of the Summit at Fritz Farm and the development's apartments which are directly adjacent to single family homes.

Mr. Worley noted the unanimous disapproval by the Planning Communication and spoke in support of the proposed zone change.

Ms. LeGris inquired about the pedestrian infrastructure and the connectivity to Syringa Dr. Mr. Simpson responded.

Vice Mayor Kay spoke about connectivity in development plans and density. He commended the developers and the neighborhood for their compromise and spoke in support of the proposed zone change.

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At 7:26 p.m., Vice Mayor Kay closed the hearing.

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Upon motion by Ms. Baxter, seconded by Ms. Sheehan, the Council approved the Findings of Fact, as follows, by the following vote.

Aye: Bledsoe, F. Brown, Ellinger, Lamb, LeGris, -----11
McCurn, Moloney, Plomin, Sheehan, Worley,
Baxter

Nay: -----0

The requested zone change to the Highway Services Business (B-3) zone and the Planned neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan, for the following reasons:

1. The requested zone change would allow for infill of a vacant property or underutilized site by adding residential and commercial land uses, which will also include pocket parks for use by future residential properties. This supports Theme A, Goal #2, Objective a, to identify areas for infill, and Objective c, to incorporate adequate greenspace and open space into the development for the intended population.
2. The requested zone change will create connectivity between residential and commercial developments both by pedestrian and vehicular access that connect to a major corridor. This supports

Theme A, Goal #3, Objective b, to strive for positive and safe social interaction, including connections for pedestrians and various modes of transportation; and Theme A, Goal #4, Objective c, to establish and promote road network connections in order to reduce police, fire and EMS response time. Connections between adjacent land uses are also supported by Theme D, Goal #1 to work to achieve an effective and comprehensive transportation system.

- 3. The requested zone change creates additional single family homes, townhomes and commercial businesses on a property that previously only contained one home, connects the neighborhood to the new commercial development, and will provide goods and services both to the nearby residential neighborhoods and for commuters along the Harrodsburg Road corridor. This supports Theme E, Goal #1 Objective c, to emphasize redevelopment of under-utilized corridors and Objective d, to maximize development of vacant land within the Urban Service Area.
- 4. The proposed development is context sensitive to the adjoining properties because it creates a transition in the intensity of land use, with the most intense commercial uses along the Harrodsburg Road corridor and the lower density single family dwelling units adjacent to the existing single family homes in the Palomar Hills neighborhood, which supports Density Policy #2 (A-DN2). The proposed commercial area will continue the existing neighborhood-serving commercial development along Harrodsburg Road, which supports Design Policy #12 (A-DS12).

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Upon motion by Ms. Baxter, seconded by Ms. Bledsoe, the following use and buffering conditional zoning restrictions were placed on the property, pursuant to Article 6-7 of the Zoning Ordinance, as follows, by the following vote:

Aye: Bledsoe, F. Brown, Ellinger, Lamb, LeGris, -----11
McCurn, Moloney, Plomin, Sheehan, Worley,
Baxter

Nay: -----0

- 1. The R-3 portion of the zone change shall be limited to not more than 7 single family homes and not more than 14 townhome units.
- 2. There shall be vehicular connectivity between the B-3 portion of the zone change and the Palomar Hills Neighborhood, the specific layout of which shall be determined by the Planning Commission on a development plan.
- 3. Screening and buffering provision shall be as described and depicted on the preliminary development plan.
- 4. Existing trees bordering the subject property shall be preserved except for deceased or dying trees and those trees which and adjoining property owner agrees to be removed.
- 5. The following uses shall be prohibited:
 - a. Pawnshops
 - b. Adult Arcades
 - c. Massage parlors
 - d. Adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments and sexual entertainment centers
 - e. Athletic club facilities greater than 6,000 square feet
 - f. Mining of nonmetallic minerals

- g. Nightclubs
- h. Tattoo parlors
- i. Carnivals, special events, festivals and concerts
- j. Self-service laundry
- k. Billiard or pool halls; dancing halls, skating rinks; miniature golf or putting courses and bowling alleys
- l. Establishments and lots for the display and rental, sale, service, repair, minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items, except that there may be permitted an electric car dealership

These restrictions are appropriate and necessary to ensure the adjoining single family neighborhood is not adversely impacted by the most intense highway services businesses.

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Upon motion by Ms. Bledsoe, seconded by Mr. F. Brown, and approved by unanimous vote, the rules were suspended and the ordinance received second reading.

Upon motion by Ms. Bledsoe, and seconded by Ms. Baxter, the ordinance was approved by the following vote:

Aye: Bledsoe, F. Brown, Ellinger, Lamb, LeGris,
McCurn, Moloney, Plomin, Sheehan, Worley,
Baxter

Nay:

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Vice Mayor Kay thanked the participants for their involvement.

Upon motion by Ms. Bledsoe, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 7:36 p.m.

Deputy Clerk of the Urban County Council