

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky June 21, 2022

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on June 21, 2022 at 5:30 p.m. Present were Moloney in the chair presiding, in the absence of Mayor Gorton, and the following members of the Council: Plomin, Reynolds, Sheehan, Baxter, Bledsoe, F. Brown, J. Brown, Ellinger, Kloiber, Lamb, LeGris. Absent were Council Members McCurn, Worley, and Kay.

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At 5:31 p.m., Mr. Moloney 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 14.773 net (15.519 gross) acres, for property located at 4630 Old Schoolhouse Lane. (Cowgill Development, LLC; Council District 9) received second reading.

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Mr. Moloney swore in the witnesses. Tracy Jones, Dept. of Law, 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) Exhibits presented at the Planning Commission Hearing on April 28, 2022; (5) Copy of Imagine Lexington; (6) Copy of the Zoning Ordinance; (7) Copy of the Land Subdivision Regulations; and (8) Copy of Staff 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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Nick Nicholson appeared as counsel for the Petitioner and filed the following exhibits: (1) Witness List; (2) Affidavit of Posting Signs; and (3) Copy of PowerPoint Presentation.

Mr. Nicholson 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.

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Mark Amann, appeared as representative for the Opposition (the Dogwood Trace Neighborhood Association) and filed the following exhibits: (1) Copy of PowerPoint Presentation.

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The following persons spoke in opposition: (1) David Kolpek; (2) Kim Crocetti (who filed Opposition Exhibit 2 – LFUCG South Elkhorn Greenway Trail Map); (3) Mark Sok, Agape Dr., (who filed Opposition Exhibit 3 – Dogwood Trace Signed Petition); (4) Bryan Gibson (who filed Opposition Exhibit 4 – PowerPoint Presentation); (5) Mike Crocetti, District 9; (6) Karen Springate, Rhema Way; (7) Roger Lashbrook, Rhema Way; (8) Bennett Clark, La Cross Ct.; (9) Matt Elliott, District 9; (10) Gerry Holbein, Matthew Ct.; and, (11) Christopher Coldiron, La Cross Ct.

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At 7:10 p.m. the meeting recessed.

At 7:15 p.m. the meeting reconvened with the same persons present.

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Ms. Wade offered rebuttal comments.

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

Mr. Sok made rebuttal and summation comments on behalf of the Opposition.

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Mr. Moloney opened the floor for questions from the Council Members.

Mr. J. Brown asked questions regarding the closure of Agape Dr., traffic mitigation and the tree protection barrier. Ms. Wade responded. Mr. J. Brown asked about the attendance at the petitioner's engagement opportunities. Mr. Nicholson responded.

Ms. Bledsoe spoke about previous actions taken on Agape Dr. She asked Ms. Wade about density in an R-3 Zone under the Imagine Lexington plan and spoke about previous zone changes. Ms. Wade responded. She spoke about trail safety, fencing and traffic calming measures.

Ms. Reynolds spoke about density as defined in Imagine Lexington as compared to comprehensive plans in the past. She asked about the possibility of reducing the number of houses. Mr. Nicholson responded. Ms. Reynolds inquired about fence height inclusion in the petitioner's zone change application. Ms. Wade responded.

Ms. Baxter thanked everyone for attending and spoke about the challenging nature of the zone change process. She asked about the development's timeline. Mr. Nicholson responded. Ms. Baxter asked for an overview of the Planning process post-zone change approval and at what point in the process opportunities for additional public engagement may occur. Ms. Wade responded.

Mr. Ellinger asked for clarification on the development's egress and ingress removal of the Agape Dr. barricade, and if the Council would provide input on those items at a later date. Ms. Wade responded. He inquired about changes to street access on Rhema Way and Agape Dr. as well as potentially decreasing lot sizes and increasing fence height. Mr. Nicholson responded.

Ms. Baxter asked about street connectivity in relation to the National Fire Code. Captain Greg Lengal, Dept. of Fire and Emergency Services, responded, referencing an aerial photo of the property.

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At 7:56 p.m., Mr. Moloney closed the hearing and the meeting recessed.

At 8:10 p.m., the meeting reconvened with the same persons present.

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Ms. Baxter thanked the neighbors for their participation and patience during the process. She spoke about the additional conditions requested by the neighborhood association.

Upon motion by Ms. Baxter, seconded by Ms. Bledsoe, and approved by unanimous vote, the following use and buffering conditional zoning restriction was placed on the property, pursuant to Article 6-7 of the Zoning Ordinance: A 8-foot wooden fence

will be installed along the property line with existing adjacent single family lots at the time of development in coordination with the urban forester to minimize the impact to the tree protection area. These restrictions are appropriate and necessary to ensure the new development has greater buffering from existing neighborhoods while increasing housing options.

Mr. Ellinger queried if the motion on the floor was only for the conditional change and the type of vote necessitated. Ms. Jones responded.

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Upon motion by Ms. Baxter, seconded by Ms. Plomin, the Council approved the Zone Change based on the Findings of Fact and Recommendations of the Planning Commission, as amended, as follows, by the following vote.

Aye: Moloney, Plomin, Reynolds, Sheehan, Baxter, -----12
Bledsoe, F. Brown, J. Brown, Ellinger, Kloiber,
Lamb, LeGris

Nay: -----0

1. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will allow for the development of a vacant and underutilized property located within the Urban Service Area for a residential use (Theme E, Goal #1.d and #1.e).
 - b. The proposed rezoning will support infill and redevelopment (Theme A, Goal #2), by establishing a single family residential area within context of the surrounding development and tying into the established roadway and trail networks (Theme A, Goal#2.b; Theme D, Goal#1.a).
 - c. The proposed development will respect the design features of the area, while providing varied housing choices with the proposed lot layout, which differs slightly from the general area, but retains a similar lot size (Theme A, Goal #1.c; Theme A, Goal #3.a).
 - d. The proposed development will connect with the greenway and nearby park system to provide a safe and well-designed pedestrian and bike system (Theme A, Goal #3.b) and will not impact the floodplain area (Theme B, Goal #3.b).
 - e. The proposed rezoning will uphold the Urban Service Area preservation strategy by providing an appropriate and sustainable development of a long-underutilized parcel (Theme E, Goal #1.b).
2. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed project will connect to the future trail network through a dedicated 15-foot easement, integrating pedestrian and bicycle access to established open space

- amenities within close proximity for residents (Design Policy #9 and #10).
 - b. The proposed project will provide a connected street system that will enhance emergency service accessibility while creating inviting streetscapes (Design Policy #2).
 - c. The proposed rezoning is sensitive to the surrounding context of the adjacent neighborhoods, as it is proposing a similar built form as the adjacent developments (Design Policy #4).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
- a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will provide additional single-family residential dwelling units in a manner that is safe and pedestrian oriented.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the development will connect with the established roadway and future trail network.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will respect the environmentally sensitive area, and will provide street tree canopy coverage.
4. This recommendation is made subject to approval and certification of PLN-MJSUB-22-00001: Margaret W. Camic Property (W.E. Savage Property), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Mr. Ellinger inquired if the amended Findings of Fact constituted as a material change. Ms. Jones responded.

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

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

Aye: Moloney, Plomin, Reynolds, Sheehan, Baxter, -----12
 Bledsoe, F. Brown, J. Brown, Ellinger, Kloiber,
 Lamb, LeGris

Nay: -----0

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Mr. Moloney thanked the participants for their involvement.

Upon motion by Ms. Plomin, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 8:18 p.m.

Deputy Clerk of the Urban County Council

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