

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky October 17, 2023

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on October 17, 2023 at 5:04 p.m. Present were Vice Mayor Wu in the chair presiding, in the absence of Mayor Gorton, and the following members of the Council: Ellinger, Elliott Baxter, Gray, LeGris, Monarrez, Plomin, Reynolds, Sheehan, Worley, F. Brown, and J. Brown. Absent were Council Members Fogle, Lynch, and Seigny.

* * *

At 5:05 p.m., Vice Mayor Wu opened the hearing.

* * *

An Ordinance changing the zone from a Highway Service Business (B-3) zone and Agricultural Rural (A-R) zone to a Community Center (CC) zone, for 8.36 net (11.95 gross) acres, for property located at 4075 Old Richmond Rd. (Anderson Communities, Inc.; Council District 12) received second reading.

* * *

Vice Mayor Wu swore in the witnesses, and reviewed the procedures and order of proceedings for the meeting.

* * *

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) Copy of the 2018 Comprehensive Plan; (5) 1996 Expansion Area Master Plan (EAMP); (6) Copy of the Zoning Ordinance; (7) Copy of the Land Subdivision Regulations; (8) Prime AE Traffic Impact Study; (9) Prime AE Parking Demand Mitigation Study; (10) Development Snapshot of Property; (11) Exhibits filed during the August 10, 2023 Planning Commission Public Hearing; and (12) 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.

Daniel Crum, Div. of Planning, discussed the proposed development and the reasons for the Planning Staff's and the Planning Commission's recommendations.

Bruce Simpson, counsel for the Opposition, cross-examined Mr. Crum.

Dick Murphy, counsel for the Petitioner, cross-examined Mr. Crum.

*

*

*

Dick Murphy appeared as counsel for the Petitioner and filed the following exhibits: (1) Affidavit of Posting Signs; (2) Exhibits Packet; and, (3) Preliminary Development Plan.

Mr. Murphy 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.

*

*

*

Bruce Simpson appeared as counsel for the Opposition (the Old Richmond Road Neighborhood Association) and filed the following exhibits: (1) Exhibits Presentation Booklet.

On direct examination, Mr. Simpson questioned expert witnesses Adam Kirk, Traffic Engineer, and Beau Fisher, Shield Environmental Associates, who briefly reviewed a PowerPoint presentation.

*

*

*

Mr. Murphy cross-examined the witnesses for the Opposition.

*

*

*

At 6:40 p.m., the meeting stood at recess.

At 6:49 p.m., the meeting reconvened with the same persons present.

*

*

*

The following persons spoke in opposition: (1) Vicki Watkins, Council District 12; (2) Elisabeth Jensen, Council District 12; (3) Edwin Biesinger, Council District 12; (4) Mary Diane Hanna, Council District 12; (5) Arthur Bowman, Council District 7; (6) Taft McKinstry, Council District 12; (7) Lyle Hanna, Council District 1; (8) Alston Kerr, Council District 12; (9) James Hodge, Council District 12; (10) Cabby Boone, Council District 12; (11) Lori Kirk, Council District 12 (who filed Opposition Exhibit #2 – Letter from Linda Green); (12) Hillary Boone, Council District 12; (13) Don Todd, Council District 12 (who filed Opposition Exhibit #3 – Presentation Sheet); (14) Jeff Walker, Council District 12;

(15) Wonda Mills, Council District 7; (16) Robert Lee, Council District 7; (17) Lisa Gannoe, Council District 12; (18) Dallam Harper, Council District 7 (who filed Opposition Exhibit #4 - Photographs); and, (19) Margaret Graves, Council District 6, on behalf of Bluegrass Land Conservancy.

*

*

*

The following persons spoke in support: (1) Lisa Corpus, Council District 12; and, (2) Steven Albert, Council District 4.

*

*

*

Mr. Crum offered rebuttal comments.

Mr. Murphy made rebuttal and summation comments on behalf of the Petitioner.

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

*

*

*

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

Ms. Gray requested clarification regarding the ownership of the subject property.

Mr. Murphy responded. Ms. Wade responded.

Ms. Sheehan asked questions about the proximity to new workforce developments and the pedestrian facilities in the area. Ms. Wade responded. Mr. Murphy responded. She asked about low-medium density as defined in Placeholder. Mr. Crum responded. Ms. Sheehan requested to have other uses included in a Community Center (CC) Zone explained before the conclusion of the hearing.

Ms. LeGris asked questions about sidewalks, buffering, tree canopy, and the overall landscape plan. Mr. Crum responded. Tony Barrett, Barrett Partners, Inc., responded on behalf of the Petitioner. Ms. LeGris inquired about stormwater management and mitigation. Mr. Crum responded.

Ms. Reynolds asked about surrounding residential housing types, and the relation of Expansion Area Master Plan to Placebuilder. Mr. Crum responded.

Mr. Worley inquired about language in the Expansion Area Master Plan as relates to Comprehensive Plan, and the Dept. of Law's interpretation of it. Tracy Jones, Dept. of Law, responded.

Ms. Elliott Baxter asked about preliminary technical reviews that occurred prior to the request going before the Council. Mr. Crum responded. Ms. Elliott Baxter requested

for follow-up to Ms. Sheehan's earlier request regarding the approved uses in CC zones. Ms. Wade responded. She asked the Petitioner about their decision to reduce the number of overall units. Dennis Anderson, Petitioner, responded.

Mr. J. Brown inquired about community engagement. Mr. Anderson responded. He inquired to the impact of the Kentucky Transportation Cabinet's plan to add a restricted crossing U-turn (RCUT) to the intersection adjacent to the subject property, before asking if the development would potentially be more economical as a B-1 zone than CC zone. Ms. Wade responded. Mr. Murphy responded.

Vice Mayor Wu asked questions about the RCUT Project RFP. Ms. Wade responded. He inquired about the criteria required for CC zones. Ms. Wade responded.

Ms. Plomin shared some information pertaining to other proposed RCUTs in the City.

* * *

At 8:52 p.m., Vice Mayor Wu closed the hearing.

* * *

Ms. Plomin thanked participants for their passion of those residents who shared their concerns and comments. She spoke in support of the process, but in opposition of the zone change.

Vice Mayor Wu acknowledged resistance to both expansion and infill developments, and shared insight to his method of evaluating each application/development based on its own merits.

Ms. Elliott Baxter commented that the location of the subject property was not only a doorway to the rural land surrounding Lexington, but also served as doorway to the City of Lexington. She expressed frustration at the resistance toward infill, noting that despite the land remaining undeveloped since its inclusion in the 1996 Comprehensive Plan, it was still inside the urban service boundary. Ms. Elliott Baxter stated she would be voting in support of the zone change.

Mr. J. Brown thanked residents for sharing their thoughts and concerns, saying that he wanted to ensure the community felt that they were heard. He spoke of the need for housing in Lexington, and elaborated that the consideration of a zone change

application involves foresight into how the proposed development would impact the City of Lexington as a whole.

Ms. Sheehan thanked residents for sharing their thoughts and concerns. She encouraged residents to speak with the applicant, and shared her reasons for supporting the zone change.

Mr. Worley spoke about the need for housing and stating the property had been zoned for development since 1996. He discussed policies for infill and development, pointing out the area was inside the urban services boundary despite its rural appearance. Mr. Worley shared his reasons for supporting the zone change.

Ms. LeGris expressed her confliction between negative environmental impacts and the need for infill. She shared her reasons for supporting the zone change.

Ms. Gray stated it was a hard decision to make, but that she would be in support of the zone change. She spoke about the resistance to infill and/or development, acknowledging that some of those who opposed the zone change for purposes of landfill were also previously against expanding the urban service boundary.

*

*

*

Upon motion by Mr. F. Brown, seconded by Ms. Elliott Baxter, the Council approved the Findings of Fact, as follows, by the following vote.

Aye: Ellinger, Elliott Baxter, Gray, LeGris, Monarrez, -----11
Reynolds, Sheehan, Worley, Wu, F. Brown, J.
Brown

Nay: Plomin -----1

Having considered the above matter on August 10, 2023, at a Public Hearing, and having voted 8-2 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend APPROVAL of this matter for the following reasons:

1. The proposed Community Center (CC) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
 - a. The proposal introduces multi-family residential uses into an area predominately characterized by single-family attached and detached units, the applicant expands the variety of housing types and densities present in the area (Theme A, Goal #1.c).
 - b. By developing an underutilized parcel of land within the Urban Service Area, the proposal supports goals relating to redevelopment and strategic growth (Theme A, Goal #2.a; Theme E Goal #1.c).
 - c. The proposal creates more meaningful and direct pedestrian and multi-modal connections, which contributes

- to an effective and comprehensive transportation system in this area (Theme D, Goal #1.c).
- d. The proposed pedestrian network will move pedestrians and vehicles throughout the site in a context-sensitive manner that is in keeping with a "main street" feel that is appropriate for a Community Center zone (Theme A, Design Policies 1 & 5).
 - e. The development demonstrates compliance with the Multi-Family Design Standards (Theme A, Design Policy 3).
 - f. The request utilizes smaller scale townhome units to provide for more context sensitive transitions from the surrounding development (Theme A, Design Policy 4).
 - g. The development orients parking to the rear of the structures (Theme A, Design Policy 7).
 - h. The proposal increases densities and intensities along the Athens Boonesboro Road corridor in a context-sensitive manner (Theme A, Density Policies 1, 2, and 4).
 - i. The orientation of the commercial uses towards the centralized multi-modal path allows for easy connections to neighborhood scale supportive uses for the surrounding development. (Theme A, Density Policy 3).
2. The justification and corollary development plan are in agreement with the development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the proposal demonstrates compliance with the requirements of the Multi-Family Design Standards, orients the parking to the side and rear of the development, and utilizes townhouse units to minimize contrasts in scale and massing.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the revised proposal provides a redesigned road network with significant traffic calming measures, and provides for safer and more direct pedestrian connections both within the site, and to the surrounding areas.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposed design works and provides for distributed and usable open space throughout the development, and avoids developing any environmentally sensitive areas.
 3. This recommendation is made subject to approval and certification of PLN-MJDP-23-00024: PHELPS 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 about voting procedures. Ms. Wade responded.

*

*

*

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

Aye: Ellinger, Elliott Baxter, Gray, LeGris, Monarrez, -----11
 Reynolds, Sheehan, Worley, Wu, F. Brown, J.
 Brown

Nay: Plomin -----1

*

*

*

Vice Mayor Wu thanked the participants for their involvement.

Seeing no objection, Vice Mayor Wu declared the meeting adjourned at 9:17 p.m.

Deputy Clerk of the Urban County Council

-