

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky February 13, 2024

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on February 13, 2024 at 5:00 p.m. Present were Vice Mayor Wu in the chair presiding, in the absence of Mayor Gorton, and the following members of the Council: Sheehan, Worley, F. Brown, J. Brown, Ellinger, Elliott Baxter, Fogle, Gray, LeGris, Lynch, Monarrez, Plomin, and Sevigny. Absent was Council Member Reynolds.

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At 5:00 p.m., Vice Mayor Wu opened the hearing.

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An Ordinance changing the zone from a Highway Service Business (B-3) Zone and Single Family Residential (R-1B) Zone to a Medium Density Residential (R-4) Zone, for 5.24 net (7.71 gross) acres, for property located at 2200 Old Paris Rd. and 2324 Paris Pike. (Joyland Crossing, LLC; Council District 12) received second reading.

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Vice Mayor Wu swore in the witnesses, and reviewed the procedures and order of proceedings 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 from the Planning Commission Public Hearing; (5) Copy of the 2018 Goals and Objectives; (6) Copies of the Zoning Ordinance and Land Subdivision Regulations; (7) Copy of Staff Presentation; (8) 1995 Paris Pike Small Area Plan; and, (9) Emails, petitions, and comments received after the Planning Commission Public Hearing.

Daniel Crum, Div. of Planning, described the subject property and surrounding property, and the various uses that have been applied to it in the past. He displayed photographs and maps of the subject property and described its physical characteristics.

Mr. Crum also discussed the proposed development and the reasons for the Planning Staff's and the Planning Commission's recommendations.

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Richard Murphy appeared as counsel for the Petitioner and filed the following exhibits: (1) Affidavit of Posting Signs; (2) witness list; and, (3) Illustrations of the potential development.

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. He also shared the results from a traffic generation study.

Catherin Perkins, appeared as counsel for the Opposition (Joyland Neighborhood Board of Directors), cross-examined Mr. Murphy.

Ms. Perkins asked about land buffers and school bus access. Mr. Murphy responded.

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Ms. Perkins filed the following exhibits: (1) Presentation by Patty Draus presented to the Planning Commission during Public Hearing; (2) Copy of 1993 Inter-Local Agreement; and, (3) Presentation materials from Amy Clark.

Ms. Perkins called Patty Draus, Dist. 6, to the podium to share drone footage of the proposed development and surrounding areas.

Ms. Perkins and Ms. Draus asked for conditions to be applied to the proposed zone change.

Ms. Draus contradicted the results of the traffic study shared previously, noting that pedestrian, vehicular, and bicycle safety conditions should be included.

Ms. Perkins spoke about watershed, sink holes, and stated the development was not appropriate for the area.

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At 6:13 p.m., Ms. Fogle departed the meeting.

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At 6:14 p.m., the meeting stood at recess.

At 6:22 p.m., the meeting reconvened with the absence of Ms. Fogle.

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Vice Mayor Wu swore in those present who were not in attendance at the beginning of the hearing.

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Mr. Ellinger moved, Ms. Plomin seconded, to allow Amy Clark to join public comment. The motion passed by majority vote (Worley, Wu, Gray, Lynch, and Monarrez voted No) and Ms. Clark was given 3 minutes to speak.

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The following persons spoke in opposition: (1) Stacy Underhill, Dist. 6; (2) Lynne Slone, Dist. 6; (3) Karen Payne, Dist. 12; (4) Dave Cooper, Dist. 1; (5) Debbie Aminoff, Dist. 12; (6) Amy Clark, Dist. 5.

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The following persons spoke in support: (1) Zach Skubiz, Dist. 5.

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Mr. Crum offered rebuttal comments.
Mr. Murphy made rebuttal comments on behalf of the Petitioner.
Ms. Perkins made rebuttal comments on behalf of the Opposition.

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Mr. Crum offered summation for the Staff.
Mr. Murphy offered summation for the Petitioner
Ms. Perkins offered summation for the Opposition.

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At 7:20 p.m., the meeting stood at recess.
At 7:26 p.m., the meeting reconvened

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Vice Mayor Wu opened the floor for questions from the Council Members.
Ms. Gray asked about traffic issues in the area and height requirements of developments. Mr. Crum responded. Ms. Wade also responded to Ms. Grays questions regarding traffic. Ms. Gray then asked about height requirements. Mr. Crum responded.
Ms. LeGris asked about landscape buffers and the existing tree inventory. Mr. Crum responded. Ms. LeGris asked about conditional use and fence requirements. Ms.

Wade and Mr. Crum responded. Ms. LeGris asked the Petitioner about the tree canopy and coverage. Mr. Murphy called Fred Eastridge, Vision Engineers, to the podium to offer a response.

Ms. Lynch asked about neighborhood engagement during the application process. Mr. Murphy responded. Ms. Lynch asked about sanitary sewer issues. Mr. Crum responded.

Mr. J. Brown noted his appreciation for the efforts to engage the surrounding neighborhoods. He then asked about height requirements near the existing railroad tracks. Mr. Murphy responded. Mr. Brown asked about the tree canopy. Mr. Murphy responded. Mr. Brown asked about on-site management for the property. Mr. Murphy responded. Mr. Brown asked Ms. Wade about the traffic study. Ms. Wade responded. He then asked Mr. Murphy about the traffic study. Mr. Murphy responded.

Ms. Elliott Baxter asked about parking. Mr. Murphy responded. She then asked about maximum height requirements. Mr. Crum responded. She asked about the types of businesses permitted in a B3 zone. Mr. Crum responded.

Ms. Plomin noted her respect for the Paris Pike Corridor Commission. She asked about the Petitioner's engagement with the Commission. Mr. Murphy responded. Ms. Plomin asked if Ms. Wade was in attendance of a meeting with the Commission. Ms. Wade answered in the affirmative.

Mr. Sevigny asked about an upcoming Zoning Ordinance Text Amendment and any potential impact it could have on this proposed development. Mr. Crum and Ms. Wade responded.

Vice Mayor Wu called Point of Order. Mr. Sevigny concurred.

Mr. Worley asked about the traffic study. Mr. Murphy responded.

Vice Mayor Wu asked about neighborhood engagement, any compromises incorporated, and about access points, traffic, and buffers. Mr. Murphy responded. He then asked any changes that were recommended by the Planning Commission. Mr. Crum responded.

Mr. J. Brown asked about traffic. Mr. Crum responded.

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At 8:01 p.m., Vice Mayor Wu closed the hearing.

Mr. J. Brown thanked all who came to participate in the public hearing. He noted some lingering concerns, but stated he trusted the process.

Ms. Elliott Baxter also thanked everyone for attending the meeting this evening. She noted the difficulty with Zone Change Public Hearings, but commended the Petitioner for offering an option of “down-zoning,” and expressed appreciation for the consideration of an emergency access to the proposed development. Ms. Elliott Baxter concurred with Mr. J. Brown.

Mr. Sevigny asked if a height limit could be implemented, noting his concern with potential changes that could impact the height.

Mr. Sevigny motioned, Ms. Gray seconded, to impose a height restriction of four stories.

Ms. Tracey Jones, Dept. of Law, responded regarding procedure.

Vice Mayor Wu asked a procedural question.

Mr. Worley also asked a procedural question. Ms. Jones responded.

Mr. Sevigny clarified his concerns and wishes regarding the motion.

Vice Mayor Wu asked about the current statutory allowance. Ms. Jones responded. Mr. Murphy responded. Vice Mayor Wu asked about the requirement to restrict “feet,” as opposed to “stories.” Ms. Wade responded.

Vice Mayor Wu asked Mr. Sevigny to amend his motion.

Mr. Sevigny amended his motion to include a restriction of sixty feet. Ms. Wade responded, noting a reason to include the restriction must accompany the proposed restriction.

Ms. Jones objected to the motion.

Mr. Sevigny withdrew his motion, Ms. Gray withdrew her second.

Mr. Worley commended the neighbors for their involvement, noting their concerns were valid but stated he would be supporting the zone change.

Mr. J. Brown echoed Mr. Worley’s sentiments, noting his support and stating his willingness to be involved in the development plan on behalf of the neighbors.

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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: Sheehan, Worley, Wu, F. Brown, J. Brown, -----10
Ellinger, Elliott Baxter, LeGris, Lynch,
Monarrez

Nay: Gray, Plomin, Seigny -----3

Absent: Fogle

Having considered the above matter on November 16, 2023, at a Public Hearing, and having voted 9-0 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 Medium Density Residential (R-4) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning encourages the expansion of housing choices by providing for higher density residential development in an area predominately characterized by single family residential uses (Theme A, Goal #1.b).
 - b. The request provides for dedicated accessible units that will serve Lexington's aging population, and population with disabilities (Theme A, Goal #1.c).
 - c. The request encourages redevelopment of underutilized parcels of land within the Urban Service Area (Theme A, Goal #2.a; Theme E, Goal #1.e).
 - d. The request will create additional demand for transit along the Paris Pike corridor, and the applicant has committed to providing funds toward the development of a transit shelter to serve the southern side of Paris Pike (Theme D, Goal #1.c).
2. The proposal is in agreement with the Policies of the 2018 Comprehensive Plan for the following reasons:
 - a. The request complies with the requirements for the Multi-Family Design Standards (Theme A, Design Policy #3).
 - b. The proposal directs increased residential density to one of our major corridors (Theme A, Density Policies #1, 2, and 4).
 - c. The development provides for adequate greenspace and focal points within the site (Theme A, Design Policy #10).
 - d. The development is designed so that the parking areas are not the primary visual component of the site (Theme A, Design Policy #7).
3. 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 intensifies an underutilized property, demonstrates compliance with the requirements of the Multi-Family Design Standards, creates a defined vertical edge along the corridor, mitigates
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for extensive interior pedestrian circulation, lays the foundation for

c. future pedestrian connections along this portion of Paris Pike, and commits to providing transit infrastructure in the future.

d. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the request does not impact any environmentally sensitive areas, creates centralized open space, and will increase the tree canopy present on site.

4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00054: Jones/ Cottrell Property and Joyland Crossing. LLC Property (Jovland Crossing Apartments) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

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

Aye: Sheehan, Worley, Wu, F. Brown, J. Brown, -----10
Ellinger, Elliott Baxter, LeGris, Lynch,
Monarrez

Nay: Gray, Plomin, Sevigny -----3

Absent: Fogle

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Vice Mayor Wu thanked the participants for their involvement.

Seeing no objection, Vice Mayor Wu declared the meeting adjourned at 8:19 p.m.

Clerk of the Urban County Council