

## Lexington-Fayette Urban County Government

200 E. Main St Lexington, KY 40507

# Action Minutes Urban County Council

Tuesday, October 8, 2013 5:00 PM Council Chambers

### **Public Hearing - Zone Change**

#### I. Roll Call

Present 10 - Jennifer Scutchfield; Julian Beard; Harry Clarke; Chuck Ellinger; Bill Farmer, Jr.; Chris Ford; Peggy Henson; Steve Kay; Diane Lawless and Jennifer Mossotti

**Absent** 5 - George Myers; Kevin Stinnett; Shevawn Akers; Linda Gorton and Ed Lane

#### II. Ordinance – Second Reading

#### 1. 0908-13

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 24.88 net (27.71 gross) acres, for property located at 4500 and 4524 Old Schoolhouse Ln. (Ball Homes, LLC; Council District 10). Conditional Approval 11-0 OBJECTORS (To Be Heard By October 23, 2013) [Div. of Planning, King] **PUBLIC HEARING** 

Mr. Clarke made a motion, seconded by Mr. Farmer, to approve Findings of Fact for Disapproval of the zone change request. The motion failed to pass by the following vote:

Aye: 4 - Harry Clarke; Bill Farmer, Jr.; Diane Lawless and Jennifer Mossotti

Nay: 6 - Jennifer Scutchfield; Julian Beard; Chuck Ellinger; Chris Ford; Peggy Henson and Steve Kay

Absent: 5 - George Myers; Kevin Stinnett; Shevawn Akers; Linda Gorton and Ed Lane

A motion was made by Ms. Henson, seconded by Ms. Scutchfield, to amend Mr. Kay's motion to add a condition of 75-foot buffer around the bur oak tree. The motion passed by the following vote:

Aye: 9 - Jennifer Scutchfield; Harry Clarke; Chuck Ellinger; Bill Farmer, Jr.; Chris Ford; Peggy Henson; Steve Kay; Diane Lawless and Jennifer Mossotti

Nay: 1 - Julian Beard

Absent: 5 - George Myers; Kevin Stinnett; Shevawn Akers; Linda Gorton and Ed Lane

A motion was made by Mr. Kay, seconded by Mr. Beard, to approve Findings of Fact for approval from the Planning Commission with amendment, condition of

75-foot buffer around tree. The motion failed by pass by operation of law (KRS 100.211) by the following vote:

Aye: 7 - Jennifer Scutchfield; Chuck Ellinger; Bill Farmer, Jr.; Chris Ford; Peggy Henson; Steve Kay and Jennifer Mossotti

Nay: 3 - Julian Beard; Harry Clarke and Diane Lawless

Absent: 5 - George Myers; Kevin Stinnett; Shevawn Akers; Linda Gorton and Ed Lane

A motion was made by Ms. Mossotti, seconded by Ms. Lawless, to approve Findings of Fact from the Planning Commission with a condition of a 70-ft buffer around the bur oak tree. The motion passed by the following vote:

Aye: 8 - Jennifer Scutchfield; Chuck Ellinger; Bill Farmer, Jr.; Chris Ford; Peggy Henson; Steve Kay; Diane Lawless and Jennifer Mossotti

Nay: 2 - Julian Beard and Harry Clarke

Absent: 5 - George Myers; Kevin Stinnett; Shevawn Akers; Linda Gorton and Ed Lane

Ordinance as amended by new Findings of Fact with conditions Received First Reading.

A motion was made by Mr. Farmer, seconded by Ms. Henson, that the rules be Suspended for Second Reading.. The motion PASSED by an unanimous vote.

Aye: 10 - Jennifer Scutchfield; Julian Beard; Harry Clarke; Chuck Ellinger; Bill Farmer, Jr.; Chris Ford; Peggy Henson; Steve Kay; Diane Lawless and Jennifer Mossotti

**Nay**: 0

Absent: 5 - George Myers; Kevin Stinnett; Shevawn Akers; Linda Gorton and Ed Lane

A motion was made by Mr. Kay, seconded by Ms. Henson, to approve the amended ordinance. The motion failed to pass by operation of law (KRS 100.211) by the following vote:

Aye: 7 - Jennifer Scutchfield; Julian Beard; Chuck Ellinger; Chris Ford; Peggy Henson; Steve Kay and Jennifer Mossotti

Nay: 3 - Harry Clarke; Bill Farmer, Jr. and Diane Lawless

Absent: 5 - George Myers; Kevin Stinnett; Shevawn Akers; Linda Gorton and Ed Lane

Enactment No: O-118-2013

#### Adjournment

A motion was made by Council Member Ford, seconded by Council Member Beard, that the meeting adjourn. The motion Passed by the following vote:

Aye: 10 - Jennifer Scutchfield; Julian Beard; Harry Clarke; Chuck Ellinger; Bill

Farmer, Jr.; Chris Ford; Peggy Henson; Steve Kay; Diane Lawless and

Jennifer Mossotti

**Nay:** 0

Absent: 5 - George Myers; Kevin Stinnett; Shevawn Akers; Linda Gorton and Ed Lane