

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION AND ZONING ITEMS PUBLIC HEARING**

February 27, 2025

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUGG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Larry Forester, Robin Michler, Mike Owens(arrived at approximately 1:35 PM), Bill Wilson, Frank Penn, Bruce Nicol, Ivy Barksdale, Johnathon Davis, Zach Davis, and Judy Worth.

Planning staff members present: Jim Duncan, Traci Wade, Daniel Crum, Cheryl Gallt, Chris Chaney, and Bill Sheehy. Other staff members present were Tracy Jones, Department of Law. Captain Greg Lengal, Division of Fire and Emergency Services; and David Filiatreau, Division of Traffic Engineering.

- II. **APPROVAL OF MINUTES** – A motion was made by Johnathon Davis, seconded by Ms. Worth for the approval of the minutes of the November 21, 2024 public hearing, and carried 7-0.

- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.

1. **PLN-ZOTA-24-00006: REVISIONS TO ARTICLE 23A-10 FOR THE ECONOMIC DEVELOPMENT (ED) ZONE**
– a text amendment to modify the Economic Development (ED) zone.

Applicant Comment – Mr. Branden Gross, attorney for the applicant, stated that they are continuing to have discussion with Staff, and requested a one month postponement to the March 27, 2025 meeting.

Action – A motion was made by Mr. Penn and seconded by Mr. J. Davis and carried 10-0 to postpone PLN-ZOTA-24-00006: REVISIONS TO ARTICLE 23A-10 FOR THE ECONOMIC DEVELOPMENT (ED) ZONE until the January 30, 2025 public hearing.

2. **PLN-MAR-24-00017: ROSE HOLDINGS-LEXINGTON, LLC (1/5/25) *** – a petition for a zone map amendment from a Single Family Residential (R-1A) zone to a Planned Neighborhood Residential (R-3) zone, for 11.587 net (11.92 gross) acres for property located at 1899 Parkers Mill Road.

Applicant Comment – Mr. Matt Carter, engineer for the applicant, stated that the attorney for this application is still having discussions with the neighborhood about the project and drainage, and asked for a one month postponement.

Action – A motion was made by Ms. Worth and seconded by Mr. J. Davis and carried 11-0 to postpone PLN-MAR-24-00017: ROSE HOLDINGS-LEXINGTON, LLC until the March 27, 2024 public hearing.

3. **PLN-MJDP-24-00056: RED MILE MIXED-USE DEVELOPMENT (AMD)**

Applicant Comment – Mr. Matt Carter, engineer for the applicant, stated that there was a new condition that he had not seen that limits the development to a threshold of 40% until there was a mixed use development. Mr. Carter asked if they could still go forward with the application. Ms. Cheryl Galt stated that the application could still be heard and that the note mentioned by Mr. Carter could be discussed as well.

Commission Comment – Mr. Owens asked if Mr. Carter was in agreement with the note proposed by Staff and Mr. Carter indicated that it would be wise to postpone to discuss it further with Staff. Mr. Carter concluded by asking for a two week postponement.

Mr. Penn asked if the Planning Commission would discuss the parking on the property in two weeks and Ms. Gallt indicated that they would.

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Mr. Wilson asked why this application had been postponed so many times. Mr. Carter stated that some of the postponements were due to changes in the building designs by the architects and this postponement had to do with not seeing a condition until today.

Action – A motion was made by Mr. Owens and seconded by Ms. Worth and carried 10-0 to postpone PLN-MJDP-24-00056: RED MILE MIXED-USE DEVELOPMENT (AMD) until the March 13, 2025 public hearing.

4. **PLN- PLN-MAR-25-00002: TOWN BRANCH PARK, INC.** (4/6/25)* – a petition for a zone map amendment from a Mixed Low Density Residential (R-2) zone to a Lexington Center Business (B-2B) zone, for 0.33 net (0.46 gross) acres for properties located at 724 W. High Street, 300 Madison Place and 304 Madison Place. In addition to the rezoning request above, the applicant intends to request approval of a variance to reduce the property perimeter landscape buffer for a business zone adjacent to a residential zone from 15' to 0' and the vehicular use perimeter buffer from 8' to 0'.

Applicant Comment – Mr. Nick Nicholson attorney for the applicant, stated that the applicant was seeking a potential new opportunity and location and asked for an indefinite postponement.

Action – A motion was made by Ms. Worth and seconded by Ms. Barksdale and carried 10-0 to indefinitely postpone PLN-MAR-25-00002: TOWN BRANCH PARK, INC as requested by the applicant.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, February 6, 2025 at 8:30 a.m. The meeting was attended by Commission members Bruce Nicol, Ivy Barksdale, and Judy Worth. Other Committee members present were Vaughan Adkins, Division of Engineering; and Jeff Neal and Steve Parker, Division of Traffic Engineering. Staff members in attendance were Traci Wade, Daniel Crum, Chris Chaney, Cheryl Gallt, Paula Schumacher; Shannon Ison, Division of Fire and Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission:

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria: (1) the Subdivision Committee recommendation is for approval, as listed on this agenda, and
(2) the Petitioner agrees with the Subdivision Committee recommendation and conditions listed on the agenda, and
(3) no discussion of the item is desired by the Commission, and
(4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

- B. **DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

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1. Development Plans

- a. PLN-MJDP-24-00100: HAMBURG EAST, LOT 4-C (FIREBIRDS WOOD FIRED GRILL) (AMD) (4/6/25)* – located at 2400 POLO CLUB BOULEVARD, LEXINGTON, KY

Council District: 12

Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise the building footprint, square footage, parking, and vehicular circulation on Lot 4-C.

Note: This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: **Approval**, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Update Tree Protection Plan and Tree Inventory for Lot 4C.
14. Denote exactions to the approval of the Division of Planning.
15. Provide Lighting Plan per Article 30 of the Zoning Ordinance.
16. Record consolidation plat for lot line change prior to certification.
17. Proposed consolidation must match limits of previously approved development plan(s).

Development Plan Presentation – Mr. Chris Chaney oriented the Planning Commission to the location and characteristics of the subject property. Mr. Chaney stated that the application is located at 2400 Polo Club Boulevard, was located in the CC zone, and that the applicant was seeking to revise the building footprint, square footage, parking, and vehicular circulation on Lot 4C. Mr. Chaney indicated that Staff was recommending approval based on the conditions provided by Staff and highlighted Staff's condition to update the Tree Protection Plan, provide a lighting plan, and to denote exactions.

Commission Questions and Comments – Mr. Frank Penn asked if there was a residential component in the CC zone and Mr. Chaney indicated that there was. Ms. Cheryl Gallt, also indicated that the CC zone can have a residential component, but at this time the residential component has not been built on the proposed plan yet.

Applicant Comment – Mr. Matt Carter, engineer for the applicant indicated that he was in agreement with the conditions recommended by Staff. Additionally, he stated that there was currently not anyone lined up to develop that part of the property that is residential, but when they do develop it, it will have retail on the bottom floor and six floors of apartments.

Commission Questions and Comments – Mr. Penn asked if there was any residential component in this current iteration of the plan and Mr. Carter indicated that there was not and that the compliance report was only applicable to the lot discussed today.

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Action – A motion was made by Mr. Penn and seconded by Mr. Owens and carried 9-0-1 (Michler abstained) to approve PLN-MJDP-24-00100: HAMBURG EAST, LOT 4-C (FIREBIRDS WOOD FIRED GRILL) (AMD) with the 17 conditions provided by Staff.

Action – A motion was made by Mr. Penn and seconded by Mr. Owens and carried 10-0 to approve the compliance report provided by Staff.

- b. PLN-MJDP-25-00003: SIKURA JUSTICE PROPERTY, UNIT 6 (POLO CLUB CENTER, LOT 1) (AMD) (4/6/25)* – located at 2945 POLO CLUB LANE, LEXINGTON, KY
Council District: 12
Project Contact: NJL, LLC

Note: The purpose of this amendment is to revise Lot 1 and change proposed use from townhomes/commercial to commercial only.

Note: This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: Postponement. There are questions regarding compliance with Article 23A-9(k)(4) of the Zoning Ordinance and submittal of required infrastructure and EAMP compliance statements.

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this development plan shall require a separate review and building permit from the Division of Building Inspection prior to construction.
14. Denote scale (1:50) and correct graphic scale to match.
15. Provide Expansion Area Master Plan compliance letter.
16. Amend site statistics to utilize standard site statistics table.
17. Depict Vehicular Use Area (VUA) perimeter buffer per Article 18-3(a)(2) of the Zoning Ordinance.
18. Denote bearings and distance for all lots in this development.
19. Denote height of proposed structures in feet.
20. Depict compliance with Article 18(3)(b) of the Zoning Ordinance.
21. Denote exactions to the approval of the Division of Planning.
22. Denote building lines on Lot 1.
23. Provide Lighting Plan per Article 30 of the Zoning Ordinance.
24. Discuss compliance with Article 23A-9(k)(4) of the Zoning Ordinance.
25. Discuss proximity of northern access point and circulation onto Lot 1.
26. Discuss submission of Infrastructure and Expansion Area Master Plan compliance statements.

Development Plan Presentation – Mr. Chris Chaney oriented the Planning Commission to the location and characteristics of the subject property. Mr. Chaney stated that this application was to amend Lot one to change its proposed use from a mix of commercial and townhomes, to just commercial. Mr. Chaney indicated that this sign required a sign to be posted and the signing of an affidavit. Additionally, Mr. Chaney stated that there were 12 standard signoffs as well as 14 others that included denoting building lines on lot 1.

Mr. Chaney concluded by stating Staff is recommending approval and that it is in compliance with the future land use, design, and infrastructure of the Expansion Area Master Plan.

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Applicant Comment – Josh Cecil, on behalf of the applicant, stated that he would appreciate the Commission voting for approval on this and could answer any questions from the Planning Commission. Additionally, he indicated that he was in agreement with Staff's recommendations.

Action – A motion was made by Ms. Ivy Barksdale and seconded by Mr. J. Davis and carried 10-0 to approve PLN-MJDP-25-00003: SIKURA JUSTICE PROPERTY, UNIT 6 (POLO CLUB CENTER, LOT 1) (AMD) with the 26 conditions provided by Staff.

Action – A motion was made by Ms. Barksdale and seconded by Ms. Worth and carried 10-0 to approve the compliance report provided by Staff.

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. D&J REALTY, INC ZONING MAP AMENDMENT AND COVEY RIDGE DEVELOPMENT LOT 4 (AMD)DEVELOPMENT PLAN

- a. **PLN-MAR-25-00001: D&J REALTY, INC.** (4/6/25)* – a petition for a zone map amendment from a Interchange Service Business (B-5P) zone to a Light Industrial (I-1) zone, for 0.99 net (1.31 gross) acres for property located at 125 Canebrake Drive.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is proposing the rezoning of the subject property to construct a 5,800 square-foot facility for the indoor storage of recreational vehicles and campers. The applicant has indicated that the use will not have staffing on-site. Parking for the use will be accommodated within the proposed structure, with no exterior parking areas identified. The applicant has indicated that a dump station will be provided on-site to empty the sewage tanks of the recreational vehicles stored there.

The Zoning Committee Recommended: Postponement

The Staff Recommends: Postponement, for the following reasons:

1. The applicant should provide information relating to their public outreach efforts.
2. The applicant should identify Goals, Objectives, and Policies of the Comprehensive Plan that are being met with this request.
3. The letter of justification does not include any discussion of the Urban Growth Master Plan (UGMP). The applicant should review the plan and provide information as to how the request relates to the overall plan for Area #5, and what goals of the plan are being met with this request.

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4. The applicant should provide further information regarding the following development criteria:
 - a. D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
 - b. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.
 - c. B-SU4-1: Development should minimize and/or mitigate impervious surfaces.
 - d. C-LI8-1: Development should enhance a well-connected and activated public realm.

b. PLN-MJDP-24-00093: COVEY RIDGE DEVELOPMENT, LOT 4 (AMD) (4/6/25)* - located at 125 CANEBRAKE DRIVE, LEXINGTON, KY

Council District: 12

Project Contact: D & J Realty Inc.

Note: The purpose of this plan is to depict indoor storage facility for large recreational vehicles near the interstate, in support of the requested zone change from an Interchange Service Business (B-5P) zone to a Light Industrial (I-1) zone.

The Subdivision Committee Recommended: **Approval**, subject to the following revised conditions:

1. Provided the Urban County Council approves the zone change to I-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Verify plan is printed to scale.
9. Provide dimensions on cross-sections.
10. Depict zone-to-zone landscape buffer per Article 18 of the Zoning Ordinance.
11. Depict existing tree canopy.
12. Amend purpose of plan to include reference to plan supporting zone change request from B-5P to I-1.
13. Denote existing zoning for Lot 4 in site statistics box.
14. Depict parking per Article 16 of the Zoning Ordinance.
15. Denote addresses on all lots.
16. Denote height of building in feet.
17. Denote plan type as Preliminary Development Plan.
18. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and revised recommendation for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from an Interchange Service Business (B-5P) zone to a Light Industrial (I-1) zone, for 0.99 net (1.31 gross) acres for property located at 125 Canebrake Drive. Mr. Crum indicated that the applicant is seeking to rezone the subject property to establish a recreational vehicle storage use using the Industry and Production Center Place-Type and the Industrial and Production Development Type. Mr. Crum stated that Staff was in agreement with selections in Place-Type and Development Type.

Mr. Crum described the existing zoning around the subject property, noting the industrial and highway business-oriented properties, as well as the regulating plan for this area which was recently adopted as part of the Urban Growth Management Plan. Mr. Crum noted that the proposed zone change and use is in line with what the plan allows.

Mr. Crum concluded by stating that Staff was recommending Approval of the subject zone change and could answer any questions from the Planning Commission.

Development Plan Presentation – Mr. Chris Chaney oriented the Planning Commission to the location and characteristics of the subject property. Mr. Chaney indicated that the applicant is depicting a 5,800 square

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foot structure for the storage of large recreational vehicles, with access to Canebrake Drive at the northern portion of the property. Mr. Chaney continued, showcasing the street trees along Canebrake Drive and indicated the applicant's intention to improve the existing stormwater retention basin.

Mr. Chaney indicated that Staff was recommending approval of this development plan subject to conditions recommended by Staff. Mr. Chaney indicated that he could answer any questions from the Planning Commission.

Commission Comments and Questions – Mr. Michler asked what the implications are for showing or not showing parking on the development plan due to the requirements. Mr. Crum stated that even if it is not being shown, the area is still subject to the vehicular use area requirements regardless if parking striping is being shown or not. Mr. Crum indicated that the applicant was not trying to bypass any regulations by not showing the parking area on the plan.

Applicant Presentation – Tony Thomas, associate of David Samokar the owner of D & J Realty, stated that Staff has helped Mr. Samokar navigate this process a lot and that the applicant is happy to comply with the conditions, particularly the condition about sidewalk facilities. Mr. Thomas stated he could answer any questions from the Planning Commission.

Commission Comments and Questions – Ms. Worth asked about the dump station onsite and where that would be on the property. Mr. Thomas stated that there was a manhole on the south corner of the site that meets all the requirements to serve the proposed dump station. He also pointed out the proposed location on the plan, adjacent to the retention basin.

Action – A motion was made by Mr. Michler and seconded by Mr. J. Davis and carried 10-0 to approve PLN-MAR-25-00001: D&J REALTY, INC. for reasons provided by Staff.

Action – A motion was made by Mr. Michler and seconded by Ms. Worth and carried 10-0 to approve PLN-MJDP-24-00093: COVEY RIDGE DEVELOPMENT, LOT 4 (AMD) with the nine conditions provided by Staff.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

VI. COMMISSION ITEMS - The Chair will announce that any item a Commission member would like to present will be heard at this time.

VII. STAFF ITEMS

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. MEETING DATES FOR March 2025

Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	March 6, 2025
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	March 6, 2025
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center.....	March 13, 2025
Work Session, Wednesday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	March 20, 2025
Technical Committee, Wednesday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	March 26, 2025
Zoning Items Public Hearing , Thursday, 1:30 p.m., in Council Chambers, 2 nd Floor, Gov't Center.....	March 27, 2025

TW/DC/RS-2/25/25

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