

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

**May 22, 2025**

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

Planning Commission members present: Larry Forester, Robin Michler, Mike Owens, Bill Wilson, Frank Penn, Bruce Nicol, Ivy Barksdale, Johnathon Davis, Molly 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 and Brittany Smith, Department of Law. Embry Beatty, Division of Fire and Emergency Services; Vaughn Adkins, Division of Engineering and David Filiatreau, Division of Traffic Engineering.

- II. **APPROVAL OF MINUTES** – A motion was made by Judy Worth, seconded by Mr. Bill Wilson for the approval of the minutes of the March 13, 2025 and April 24, 2025 public hearings, and carried 11-0.

- 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 discussions with Staff, and requested a three month postponement to the August 28, 2025, meeting.

Action – A motion was made by Mr. Frank Penn and seconded by Mr. Owens and carried 11-0 to postpone **PLN-ZOTA-24-00006: REVISIONS TO ARTICLE 23A-10 FOR THE ECONOMIC DEVELOPMENT (ED) ZONE** until the August 28, 2025 public hearing.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, May 1, 2025 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Mike Owens, Frank Penn, and Judy Worth. Other Committee members present were Vaughn Adkins, Division of Engineering; and David Filiatreau, Division of Traffic Engineering. Staff members in attendance were Traci Wade, Daniel Crum, Chris Chaney, Cheryl Gallt, Paula Schumacher; Embry Beatty, 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.*

- V. **ZONING ITEMS** - The Zoning Committee met on May 1, 2025, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Zach Davis, William Wilson, Molly Davis, Johnathon Davis, Robin Michler, and Bruce Nicol. Staff members present were Jim Duncan, Chris Taylor, Traci Wade, Daniel Crum, Chris Chaney, Jeremy Young, James Mills, and Bill Sheehy; as well as Tracy Jones, Department of Law.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations

- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

**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. ROSE HOLDINGS LEXINGTON, LLC ZONING MAP AMENDMENT AND LANE ALLEN PARK, LOTS 2 AND 3 DEVELOPMENT PLAN**

- a. **PLN-MAR-24-00017: ROSE HOLDINGS-LEXINGTON, LLC** (4/24/25)\* – 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 (11.924 gross) acres for property located at 1899 Parkers Mill Road.

**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 petitioner proposes the rezoning of the subject property to the Planned Neighborhood Residential (R-3) zone to construct a single-family residential development.

The Zoning Committee Recommended: **Postponement.**

The Staff Recommends: **Postponement** for the following reasons:

1. The applicant should conduct a flood study to determine the extent of the flood hazard areas present on the property prior to the consideration of the proposed zone change to substantially increase the allowable density on the subject property.
2. The applicant should address the following Goals, Objectives, and Criteria of the 2045 Comprehensive Plan:
  - a. Theme D, Goal #1.a: Implement the Complete Streets policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles;
  - b. Theme D, Connectivity Policy #2: Create multi-modal streets that satisfy all user needs and provide equitable multi-modal access for those who do not drive due to age, disability, expense, or choice.
  - c. Theme D, Goal #3.b: Incentivize the renovation, restoration, development and maintenance of historic residential and commercial structures;
  - d. Theme D, Goal #3.c: Develop incentives to retain, restore, preserve and continue use of historic resources such as historic sites, rural settlements and urban and rural neighborhoods;
  - e. Theme D, Growth Policy #5: Identify and preserve Lexington's historic assets, while minimizing unsubstantiated calls for preservation that can hinder the city's future growth
  - f. Theme B, Protection Policy #2: Conserve and protect environmentally sensitive areas, including sensitive natural habitats, greenways, wetlands and water bodies;
  - g. Theme B, Protection Policy #9: Respect the geographic context of natural land, encourage development to protect steep slopes, and locate building structures to reduce unnecessary earth disruption.

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

3. The applicant should address the following development criteria for the Enhanced Neighborhood Place-Type, and Low Density Residential Development Type.
  - a. E-ST8-2: Development should provide community oriented places and services.
  - 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-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site;
  - d. B-RE5-1: Dividing floodplains into privately owned parcels with flood insurance should be avoided;
  - e. B-RE5-2: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them
  - f. A-DS9-1: Development should provide active and engaging amenities within neighborhood focused open spaces.
  - g. C-LI8-1: Development should enhance a well-connected and activated public realm.
  - h. E-GR4-1: Developments should incorporate reuse of viable existing structures
  - i. E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.

b. **PLN-MJDP-24-00081: LANE ALLEN PARK, LOTS 2 & 3 (4/24/25)\*** – located at 1899 PARKERS MILL ROAD, LEXINGTON, KY

Council District: 10

Project Contact: Vision Engineering

Note: The purpose of this plan is to depict lotting layout for 25 single-family homes, in support of the requested zone change from a Single Family Residential (R-1A) zone to a Planned Neighborhood Residential (R-3) zone.

The Subdivision Committee Recommends: Postponement. There are questions regarding the need for a floodplain study to identify the extent of the floodplain.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council approves the zone change to R-3; 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. Department of Environmental Quality's approval if environmentally sensitive areas.
6. Correct plan title to match staff report.
7. Include Note 22 and all site statistics from previous plan dated November 5, 2024.
8. Remove date and correct typing in Commission Certification.
9. Depict all lines and symbology to be clearly reproducible in black and white.
10. Provide floodplain study in compliance with the stormwater manual to document the floodplain.
11. Denote proposed right-of-way dedication for Parkers Mill Road in cross-section CC.
12. Correct Note #21 to include Lots 5, 6, 22, & 23 per "calculated floodplain".
13. Discuss Placebuilder criteria.

Staff Presentation – Mr. James Mills 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 a Single Family Residential (R-1A) zone to a Planned Neighborhood Residential (R-3) zone, for 11.587 net (11.924 gross) acres for property located at 1899 Parkers Mill Road. Mr. Mills indicated that the applicant is seeking to develop 30 single family residential lots using the Low Density Residential Development Type and the Enhanced Neighborhood Place-Type. Mr. Mills noted the residential zoning in the area and highlighting that most properties around the development are R-1A, R-1B, and R-1C. Mr. Mills discussed the reasons for the initial postponement recommendation stating that there were concerns with the floodplain on the property, the impact of environmentally sensitive areas, the destruction of a historic home and significant trees on the property, as well as issues with connectivity and the sidewalk network.

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In response to those concerns Mr. Mills indicated that the applicant had performed a flood study and made changes to the development plan based on those findings. Those changes included creating new lotting patterns, reducing road crossings, and designating lots in the flood plain as "non-buildable." Additionally, Mr. Mills indicated that after the destruction of significant trees, there were only 10 left on the property and to mitigate this, Staff was recommending additional plantings.

Mr. Mills concluded by stating that Staff was recommending approval because the application increases residential density, while minimizing disruption of environmentally sensitive features and areas, and respects the scale of the adjoining development. Mr. Mills stated he 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 showcased the layout of the 30 proposed lots and the change in the pattern, which resulted in a lotting pattern, which resulted in a reduction in the number of crossings of the floodplain since the last development plan. Mr. Chaney indicated that the applicant had met the initial conditions and noted that they had also fulfilled the latest conditions recommended by Staff. Mr. Chaney stated that at the time of the final development plan, the applicant will have to do an additional study for how the post development floodplain would look. Mr. Chaney concluded by stating that Staff was recommending approval based on Staff's conditions and could answer any questions from the Planning Commission.

Applicant Presentation – Mr. Bruce Simpson, attorney for the applicant, stated that he was pleased with Staff's recommendation of approval and gave a summary of the 11-acre parcel. Mr. Simpson stated that they were seeking to make sure that these homes and the prices of these homes are in line with what is already in the surrounding neighborhood. Mr. Simpson noted that they had meetings with the neighborhood, most recently on Monday, and that they had given access to the various studies and other documents so they can see exactly how it would affect this area. Mr. Simpson also stated that the neighborhood was concerned with the R-3 zoning because it allowed for a mix of housing types but noted the applicant's commitment to single-family housing and limiting it to 30 homes.

Mr. Simpson stated that at this time, only 22 of the 30 lots are buildable due to the retention basin and floodplain issues and that as stated previously, additional study would be required by FEMA and the Army Corp of Engineers to determine the best way to build and deal with the floodplain. Additionally, Mr. Simpson discussed the destruction of a historic home and stated that it was dilapidated and that the cost of updating it would have far exceeded its justification. Mr. Simpson concluded by stating again that he appreciated Staff's recommendation and asked for approval.

Commission Questions and Comments – Mr. Robin Michler stated his concern for the significant trees being removed before the committee meeting and that there seemed to be some confusion on how many trees are needed to mitigate what was removed. Mr. Michler asked what Mr. Simpson was going to do to mitigate that. Mr. Simpson stated he had not been asked about that, but it could be figured out at the time of the final development plan.

Mr. Michler stated that when dealing with single-family developments, that it might not help with the density goals, but an applicant should do what they can to help maintain existing tree canopy and preserving historic homes, even at a high cost. Mr. Michler asked Mr. Simpson what happened to the goals and objectives of the Comprehensive Plan while this was being developed. Mr. Simpson responded, stating that the goals Mr. Michler are talking about are important, but there has to be common sense when dealing with economic issues. Mr. Simpson stated he thought they had done their due diligence with this development and that the cost of updating the historic house did not make sense for the development. Additionally, Mr. Simpson stated that this development would increase the density by 300% if they did not ask for a zone change, but built in the zoning currently in place.

Mr. Nicol asked if Mr. Simpson had met the objective requirements stated in Staff's conditions. Mr. Simpson stated that they had and they had worked with and met with the Staff many times to do so.

Ms. Molly Davis asked Mr. Simpson to point out which houses would be built first. Mr. Dan Rose, applicant, stated that there was not a prioritized lot, but #15 was owned by his brother and he intended to build on it. Mr. Rose also explained that he would be working with a custom home builder and the homes would be prioritized from there as they are bought.

Ms. Davis noted that there were comments from a Mr. Ken Cooke about his concerns for the property and she asked if the applicant had met with him. Mr. Rose indicated that they had and had listened to Mr. Cooke's concerns. Mr. Rose indicated that they eliminated a portion of the road over the floodplain shown on the original development plan that was of concern to Mr. Cooke after that meeting.

Ms. Davis asked who made the decision to take down 84 significant trees on the property and Mr. Rose stated that when they demolished the historic house there were a lot of trees around there that they decided to take down. Mr. Rose stated that it was his intention to have very nice landscaping, plants, and greenspace to make up for the trees being taken down.

Mr. Jihad Hillany provided more clarity and stated that some of the trees were damaged and that at the time of the final development plan they will put in 40% tree canopy to mitigate the old trees.

Public Comment – Peter Ecabert, attorney for a neighbor, stated his clients concern regarding traffic on Parkers Mill Road and asked for a postponement to review Mr. Simpson's filings.

Claude Wagner, 1894 Parkers Mill Road, stated his support for this plan and his opinion that the applicant would do a good job with the development.

Nasim Khan, 1911 Parkers Mill Road, stated her and her husband's support for the development and would help people looking for nice homes.

Janice Rosebrook, St. Raphael's Episcopal Church, stated that the church was not opposed to the development.

Harold Janes, 1886 Parkers Mill Road, stated his support for the development and stated that he did not think that there were 84 significant trees on the site before.

Jim Goodman, 1212 Cape Cod Circle, stated his support for this project and that he did not want apartments in this development due to the increased traffic it would cause.

Carin Lovell, 1280 Colonial Drive resident, stated that she was against this proposal and alleged that the applicant had not told them correct information and that the applicant was going to take out another significant tree on the property.

Applicant Rebuttal – Mr. Simpson stated that the project has significant neighborhood and church support. He stated that he understood the issues with the trees that were taken down, but that they would come up with a significant tree mitigation plan to make up for it. Mr. Simpson contended that the applicant had done their homework, and they will continue to do so to get this approved here and at the time of the final development plan. Additionally, Mr. Simpson stated that he was sympathetic to the neighbor's concerns about the 30 units, but that they would restrict the property to 30 single family dwelling units.

Mr. Simpson concluded by stating that he thought this project was an excellent fit for this area, the applicant has done a lot of work on it, and he would appreciate a vote of approval.

Public Rebuttal – Harold Janes, 1886 Parkers Mill Road, stated that concerns with higher density developments coming here do not make sense because the layout of the roads here would never allow for them.

Peter Ecabert, attorney for a neighbor, respectfully asked for a postponement again to look over the changes made by Mr. Simpson.

Commission Questions and Comments – Mr. Michler asked for clarification on the assertion that the current R-1 zoning only allows for one house per acre. Mr. Daniel Crum stated that the current zoning could allow for 1 acre lots, but given the chosen Place Type, R-3 was a recommended zone. Additionally, Mr. Crum stated that Staff is against any conditions proposed by Mr. Simpson because they would be at odds with what the goals and objectives of the Comprehensive Plan call for in the proposed zone. Ms. Wade clarified that R-1A zoning prior to the 1994 does require one acre lots.

Mr. Michler asked if there was any discussion on connecting this development to other subdivisions in the area as is asked for in the Comprehensive Plan. Mr. Crum stated that there were environmental constraints to this site, as well as no opportunity that made sense to put in stub streets and provide greater connections. Mr. Michler asked if this was approved, would the Planning Commission be approving it with the original tree protection plan and original tree surveying. Mr. Crum indicated that the application is currently in the tree inventory stage and that the applicant would have to update their plan to reflect the current layout and trees.

Ms. Davis asked if there were any fines when an applicant takes down trees like happened here. Mr. Crum stated that actions like this would be handled with the Urban Forester and they would figure out a tree mitigation plan.

Ms. Davis asked why the applicant did not go with an R-2 zone and Mr. Crum stated that the R-2 zone has a maximum lot size and the project in its current configuration would exceed that.

Mr. Owens stated that it did not seem like Staff wanted the zoning restrictions proposed by the applicant and he asked if with the R-3 zone, someone could buy this property and build more dense housing. Mr. Crum indicated that was the case.

Mr. Penn asked if deed restrictions could prohibit building more dense housing projects. Ms. Tracy Jones, Department of Law, stated that we do not get involved with private agreements, but that Staff is not for these restrictions because it basically makes the R-3 zone into a R-1 zone and that is not a recommended zone with the Place Type they have chosen.

Action – A motion was made by Mr. Frank Penn and seconded by Ms. Barksdale and carried 10-1 (M. Davis opposed) to approve PLN-MAR-24-00017: ROSE HOLDINGS-LEXINGTON, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Frank Penn and seconded by Ms. Barksdale and carried 9-2 (M. Davis and Michler opposed) to approve PLN-MJDP-24-00081: LANE ALLEN PARK, LOTS 2 & 3 with the six conditions recommended by Staff, deleting condition #6 and adding a condition to limit the number of single family units to 30 as a development plan note.

## **C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS**

1. **PLN- ZOTA-25-00002: LOT COVERAGE IN THE CORRIDOR BUSINESS(B-3) ZONE** – a text amendment to amend the 30% lot coverage requirement in the B-3 zone.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION  
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Approval of the Staff Alternative Text.

The Staff Recommends: Approval of the Staff Alternative Text, for the following reasons:

1. The proposed text amendment allows for greater flexibility in meeting the requirements of the Corridor Business (B-3) zone, while remaining consistent with the intent of the zone.
2. The proposed text amendment provides for a minimum threshold of utilization that is in agreement with the following adopted goals, objectives, policies contained within *Imagine Lexington 2045* for the following reasons:
  - a. Theme E, Goal#1, Objective d: Emphasize redevelopment of underutilized corridors
  - b. Theme E, Goal#1, Objective e: Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

Staff Presentation – Mr. Chris Taylor presented the Staff recommendation on the proposed text amendment. Mr. Taylor gave a brief explanation on how this text amendment came to be and noted the changes to the B-3 zone that took place last year to address the newly adopted Comprehensive Plan. Mr. Taylor stated that during the public input portion of the Comprehensive Plan, increasing density and using existing properties for growth was an area of focus for Staff and lead to a recommendation of a 30% lot

coverage requirement in the B-3 zone. In Staff's assessment, this was to nudge development into a higher utilization of the land than what was typical before. Mr. Taylor stated that due to changes in land use and development patterns brought on by the COVID 19 pandemic, this 30% building utilization has become an issue. Mr. Taylor explained that in the January 2025 Planning Commission public hearing, a text amendment was initiated by the Planning Commission to eliminate the 30% lot coverage requirement. Additionally, Staff was asked to find alternatives to eliminating the 30% requirement.

Mr. Taylor stated that after discussions with Staff and members of the Planning Commission, Staff looked into the relationship between the amount of buildings and vehicular use area on the lot. Mr. Taylor explained that Staff's compromise was to create a vehicular use area ratio requirement of 0.30. Mr. Taylor demonstrated how the calculation was performed, and stated that doing this was not eliminating a threshold, but it was lowering one to make it easier for developments. Additionally, Mr. Taylor stated that after discussions with community businesses, Staff added that a ratio may be reduced by the amount of VUA that is covered by a canopy and square footage of UVA constructed with allowable permeable materials. Mr. Taylor stated that this would allow for more options for a commercial property to reach that recommended VUA and allow more flexibility than there is currently.

Mr. Taylor stated that Staff was recommending approval of the Staff alternative text and could answer any questions from the Planning Commission.

Commission Comments and Questions – Ms. Worth asked what types of canopy would be allowable. Mr. Taylor stated that it would be canopy that would be placed over the vehicular use and not tree canopy.

Mr. Davis asked what types of permeable materials that would be allowable and what would be the minimum. Mr. Taylor stated that it was a one-to-one ratio, that if you had 500 square feet of permeable material, it would reduce their VUA calculation by 500 square feet.

Ms. Molly Davis asked what types of materials could they be built with. Mr. Taylor stated that it was already defined in Article 16 of the Zoning Ordinance.

Mr. Nicol stated that he was having issues with this because the intention for the initiation was to get rid of a requirement completely, and now there is a new requirement proposed. Additionally, Mr. Nicol stated he thought this compromise was counterproductive, that there would be unintended consequences, and that we should not be limiting vehicular use area.

Mr. Michler stated that he thought that the Staff alternative was an improvement from the initially proposed text and allows a lot more flexibility and are easy to calculate and figure out the cost.

Public Comment – Dick Murphy, attorney for Anderson Communities, stated their opposition for the Staff alternative because it would in effect impose a maximum parking requirement that would make things difficult for potential development. Mr. Murphy concluded by asking the Planning Commission to adopt the text amendment in its original form and get rid of the minimum lot coverage requirement.

Commission Comments and Questions – Mr. Zach Davis asked what was the math and reason that Staff went with the 0.3 VUA ratio. Mr. Taylor stated that in Staff's research they looked at many properties on the corridors and many businesses just had the 0.3 number and that ratio worked very well in corridor businesses.

Public Comment – Brenden Gross, attorney for Goodwill, stated their opposition and contended that there was no correlation between building and vehicular use area.

Commission Comments and Questions – Mr. Zach Davis asked why covering VUA square footage with a canopy should be a way to reduce the VUA. Mr. Taylor stated that a canopy does not create the heat island effect that asphalt and concrete does.

Public Comment – Amy Clark, 628 Kastle Road, stated she thought this should be postponed because it needed more work in her assessment.

Commission Comments and Questions – Mr. Zach Davis stated he was having issues with this and pointed to the minutes of the January 30, 2025 meeting where the intent of the text amendment was to eliminate lot coverage in the B-3 zone and it has lead to this alternative text.

Ms. Molly Davis stated that she thought it was the environmental benefits of permeable materials that speaks to the Comprehensive Plan and she thought it was a great compromise to what was asked, but it might be worthwhile to take more time so other members could understand the changes better.

Mr. Nicol stated that he thought a lot of good work was done in 2022 when the Planning Commission and Staff eliminated parking minimums and that he wanted to do this with lot coverage in the B-3 zone in order for the market to determine how much lot coverage is appropriate.

Action – A motion was made by Mr. Bruce Nicol and seconded by Ms. Barksdale to approve PLN- ZOTA-25-00002: LOT COVERAGE IN THE CORRIDOR BUSINESS (B-3) ZONE to remove the 30% lot coverage requirement in the B-3 zone.

Commission Comments and Questions – Mr. Michler stated that if the Planning Commission voted to approve the language proposed by Mr. Nicol they would be eliminating a de-facto parking maximum and would enable larger parking lots. Mr. Michler stated he thought it was important that the dominant feature of our corridor businesses should not be parking lots. Mr. Michler ended by urging the Planning Commission to approve the Staff alternative text instead.

Ms. Worth stated to Mr. Nicol that an applicant can apply for a waiver with the Staff alternative text and if there was a compelling case, then could be granted one.

Mr. Nicol stated that he thought that the Staff alternative text penalizes businesses and the waiver process is to burdensome for most businesses.

Ms. Barksdale stated she thought every alternative is another cost to business and that she is in favor of Mr. Nicol's motion.

Mr. Owens stated that he could not vote for the motion on the floor right now and that he supports the Staff alternative language.

Action – Chair Forester called the question. The motion carried 6-5 (Penn, Worth, Michler, Owens, and M. Davis opposed) to approve PLN- ZOTA-25-00002: LOT COVERAGE IN THE CORRIDOR BUSINESS(B-3) ZONE to remove the 30% lot coverage requirement in the B-3 zone as originally proposed during from the January 30, 2025, public hearing.

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

Commission Comments and Questions – Mr. Owens presented a resolution that he had sent to Staff and members of the Planning Commission regarding their recent action in regards to House Bill 443. Mr. Owens stated that after hearing from legislators involved and comments from the public, there was a strong desire and need for opportunities for public input and participation before the approval of final development plans. Mr. Owens stated that he had come up with a resolution to send to the Council that would allow for public comment and meeting objective standards and welcomed any and all comments.

Mr. Penn stated that he did not think that this was something for the legislature in Frankfort to fix and that the Planning Commission was capable of doing it themselves.

Ms. Molly Davis asked Ms. Tracy Jones about the procedure if this were to pass and what would happen after the resolution was passed.

Ms. Jones stated that if this were to move forward, she would recommend changes and it is not consistent with the statute or the process. Ms. Jones stated that the Planning Commission has already taken part in their part of the process for a text amendment and the Urban County Council already has their recommendation, with 15 additional changes made by Council. Ms. Jones pointed out that this resolution was possible, but it would not be part of the regular process for the text amendment and could potentially make the Council's already complicated changes even more complicated.

Ms. Davis asked if the Council had an amendment about public engagement in their changes to the Planning Commission's recommendations. Ms. Jones indicated that they had but it is not what this resolution had asked for. Ms. Jones elaborated and noted the Council's amendments were to ensure the process was in line with what the legislation says, despite what those legislators who drafted it are now saying in public. Mr. Jim Duncan stated that a sign would be posted on the property at the time of an application so that the citizens know there is a development plan pending and follow the application through the process if they wish. Mr. Duncan also stated that the Council was looking at increasing the notification distance for waivers and sending mail notice to nearby properties.

Ms. Davis asked what would happen if a valid health and safety concerns was brought up after a development plan is certified. Ms. Jones stated that generally the those concerns would have been brought up before and that the bill states that health, safety, and wellness concerns must have substantial evidence and that an objector would have to argue that it relates to the application of the objective standards.

Mr. Zach Davis thanked Staff for their work on this and stated that he thought this resolution was a clarification and it would be in line with the House Bill 443. Mr. Davis asked if there was an opportunity for a citizen to make public comment at the technical committee level. Mr. Duncan stated that they could not. Mr. Davis stated he thought all of the public comment process on this did not make sense to him. He concluded by stating that he was in support of this resolution.

Ms. Barksdale asked what the public can do if they have a comment and who hears it. Mr. Duncan stated that once it is posted, it will lead to more information via a website, and then if they have any comments or concerns it will be sent to Staff, and could lead to a change in the regulation. Ms. Barksdale stated her concern that the public could not adequately comment and when they could it would not change anything or be too late.

Mr. Wilson stated that if you have public comment where it does not really have any effect on the outcome, you are going to lose the public's trust and would diminish what the Planning Commission does. Mr. Duncan stated that he understands, agrees, and that's what Staff has said all along. Additionally, Mr. Duncan stated that he still thought there was value in this type of public comment and could help with future regulations and policy.

Mr. Wilson asked Ms. Jones what she would recommended they say if they do decided to go forward.

Action – A motion was made by Mr. Mike Owens and seconded by Ms. Barksdale to send a resolution to council which carried 9-2 (Forester and Nicol opposed) to address Planning process changes and public input.

After discussion and deliberation with Ms. Jones, the Planning Commission proposed the resolution, as follows.

*WHEREAS, ZOTA 25-0001: Ministerial Review of Development Plans was proposed to comply with House Bill 443, enacted by the General Assembly of the Commonwealth of Kentucky, to take effect on July 1, 2025; and*

*WHEREAS, upon extensive review and discussion, and following public hearings on March 27, 2025 and April 10, 2025, the Planning Commission recommended approval of the Planning Staff Alternative Language of ZOTA 25-00001, with revisions adopting objective standards and a new development plan process, and issued a recommendation for the Lexington-Fayette Urban County Council to consider opportunities for public comment and participation; and*

*WHEREAS, there has been extensive discussion and public hearings, including testimony from Kentucky legislators regarding the intent of the bill not to exclude public engagement, all of which indicated there is a strong desire and need for opportunities for public input and engagement before ministerial approval of development plans based on objective standards; and*

*WHEREAS, House Bill 443 specifically states in Section (2) that "Ordinances, rules and regulations governing development plans may allow for discretion to be applied by the approving authority in circumstances where...(b) the approving authority determines, based on substantial evidence, that a strict ministerial application of the established objective standards would pose a specific threat to public health, safety or welfare in the affected area"; and*  
*WHEREAS, the Planning Commission asserts that the "approving authority" able to exercise discretion as set out by Section 2(b) of the bill is the Planning Commission; and*

*WHEREAS, the Planning Commission asserts that it is desirable for the public to be heard when the approving authority determines based on substantial evidence that the ministerial application of the established objective standards would pose a specific threat to public health, safety, or welfare in the affected area of a development plan, prior to the ministerial approval of a development plan; and the Commission believes that this public engagement could be included in the process while complying with House Bill 443.*

NOW, THEREFORE, BE IT RESOLVED BY THE LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION:

Section 1 – As this Planning Commission is considered the approving authority of a development plan, it hereby resolves for all recommendations from the Technical Review Committee stating that development plans meet the adopted objective standards to appear on a Consent Agenda for the Planning Commission to ministerially approve said development plans. When the Consent Agenda is presented to the Planning Commission, the Commission resolves to afford an opportunity for the public to raise substantial evidence that strict ministerial application of an established objective standard would pose a specific threat to public health, safety or welfare in the affected area of a specific development plan and request a hearing on the application of that objective standard to that plan. If the approving authority determines that a request to be heard is not warranted, or if no public comment is provided, or if no substantial evidence is presented that a specific threat to public health, safety or welfare in the affected area is posed by the ministerial application of the established objective standard in question, the development plan would be ministerially approved by the approving authority as an item on the Consent Agenda. If the approving authority determines a request to be heard is warranted, a full public hearing would take place and a decision made regarding application of the established objective standard to the development plan by the approving authority upon conclusion of the public hearing.

Section 2 – That the Planning Commission hereby suggests that the Urban County Council adopt such further amendments to ZOTA 25-0001 as necessary in order to effectuate the process and intent set forth hereinabove.

Section 3 – That this Resolution shall become effective on the date of its passage

PASSED: May 22, 2025

## 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 May and June 2025

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|-----------------------------------------------------------------------------------------------------------------------------|----------------------|
| Work Session, Thursday, 1:30 p.m., in 3 <sup>rd</sup> Floor Conf Room, Phoenix Building .....                               | May 29, 2025         |
| Subdivision Committee, Thursday, 8:30 a.m., in 3 <sup>rd</sup> Floor Conf Room, Phoenix Building .....                      | June 5, 2025         |
| Zoning Committee, Thursday, 1:30 p.m., in 3 <sup>rd</sup> Floor Conf Room, Phoenix Building .....                           | June 5, 2025         |
| <b>Subdivision Items Public Hearing</b> , Thursday, 1:30 p.m. in Council Chambers, 2 <sup>nd</sup> Floor, Gov't Center..... | <b>June 12, 2025</b> |
| Technical Committee, Wednesday, 8:30 a.m., in 3 <sup>rd</sup> Floor Conf Room, Phoenix Building .....                       | June 25, 2025        |
| <b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., in Council Chambers, 2 <sup>nd</sup> Floor, Gov't Center.....     | <b>June 26, 2025</b> |



Larry Forester, Chair



Robin Michler, Secretary

TW/DC/RS-5/15/25