MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
July 10, 2025

I. **CALL TO ORDER** – Vice Chair Zach Davis called the meeting to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

II. **ATTENDANCE** – Planning Commission members present were Zach Davis, Mike Owens, Judy Worth, Bruce Nicol, Robin Michler, William Wilson, Johnathon Davis, Molly Davis, and Frank Penn. Planning staff members present were Jim Duncan, Traci Wade, Daniel Crum, Chris Chaney, Jeremy Young, Cheryl Gallt, James Mills, and Paula Schumacher. Other staff present were Tracy Jones, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Shannon Ison, Division of Fire and Emergency Services.

III. **APPROVAL OF MINUTES** – Mr. Owens made a motion, seconded by Ms. Worth, and carried 9-0 (M. Davis abstained, Forester and Barksdale absent) to approve the June 12, 2025 minutes as presented.

IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Wilson made a motion, seconded by Mr. Michler, and carried 9-0 (Forester and Barksdale absent), to approve the performance bonds and letters of credit as presented.

V. **COMMISSION ITEMS**

A. **ELECTION OF OFFICERS** – The Commission's By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. The Nominating Committee was named at the June 12th Planning Commission meeting and has presented its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

Note: Ms. Worth reported the slate of officers recommended by the Nominating Committee to the Planning Commission. There were no further nominations from the floor.

The current officers are as follows:
Chair: Larry Forester
Vice Chair: Zach Davis
Secretary: Robin Michler
Parliamentarian: Judy Worth

The Nominating Committee recommended the following slate:
Chair: Zach Davis
Vice Chair: Ivy Barksdale
Secretary: Robin Michler
Parliamentarian: Judy Worth

Action - Mr. Wilson made a motion, seconded by Mr. J. Davis, to approve the recommended slate of officers, and granting the secretary one vote.

Ms. Worth made a motion, seconded by Mr. Penn, to delegate the Secretary's duties, except for signing minutes, to the Director of the Division of Planning and his staff.

The Planning Commission voted for both motions together, and they carried 9-0 (Forester and Barksdale, absent).

VI. **POSTPONEMENTS AND WITHDRAWALS**

A. PLN-FRP-25-00014: BOONSBORO MANOR (INTERSTATE PARK PROPERTY) (IVCP ATHENS SOUTH LLC) (AMD) (8/31/25)* – located at 5354 ATHENS BOONSBORO ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Spencer Surveying

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

Note: The purpose of this amendment is to create 15 lots and dedicate right-of-way for Hat Trick Way. Waivers of the Land Subdivision Regulations for the cross-section for Hat Trick Way and access to lots provided solely by an access easement have been requested.

The Subdivision Committee Recommended: **Postponement.** There are questions about converting an access easement into a public street.

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

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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Denote: This property shall be developed in accordance with the approved final development plan.
13. Provided the Planning Commission grants the requested waiver and access easement as sole frontage for a lot.
14. Discuss proposed dedication of Hat Trick Way.

Applicant Representation - Stephanie Blain, Palmer Engineering, was present on behalf of the applicant. She requested a one-month postponement so they could work out some issues that had been raised by staff.

Action - Mr. Owens made a motion, seconded by Mr. J. Davis, and carried 9-0 (Forester and Barksdale absent), to postpone PLN-FRP-25-00014: BOONSBORO MANOR (INTERSTATE PARK PROPERTY) (IVCP ATHENS SOUTH LLC) (AMD) to the August 14, 2025 meeting.

B. PLN-MJDP-25-00033: JERRICO, INC., PROFESSIONAL OFFICE PROJECT (LOT 3) (AMD) (8/31/25)* – located at 251 YORKSHIRE BOULEVARD, LEXINGTON, KY
Council District: 7
Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to add 40 parking spaces and required interior landscaping to Lot 3.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding Vehicular Use Area (VUA) and compliance with Article 16-6 of the Zoning Ordinance.

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

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. Urban Forester's approval of tree preservation plan.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Waste Management's approval of refuse collection locations.
9. United States Postal Service Office's approval of kiosk locations or easement.

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

10. Discuss location of proposed VUA in front yard and compliance with Article 16-6 of the Zoning Ordinance.

Applicant Representation - Daniel Rehner, Thoroughbred Engineering, was present to represent the applicant. He requested a one-month postponement.

Action - Mr. Penn made a motion, seconded by Mr. Wilson, and carried 9-0 (Forester and Barksdale absent), to postpone PLN-MJDP-25-00033: JERRICO, INC., PROFESSIONAL OFFICE PROJECT (LOT 3) (AMD) to the August 14, 2025 meeting.

VI. LAND SUBDIVISION ITEMS – The Subdivision Committee met on Thursday, July 3, 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 Vaughan Adkins, Division of Engineering; and Steve Parker, Division of Traffic Engineering. Staff members in attendance were Traci Wade, Daniel Crum, Chris Chaney, Jeremy Young, Cheryl Gallt, James Mills, Bill Sheehy; 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.*

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.

Ms. Wade read the consent agenda.

1. PLN-MJDP-25-00034: BLUE SKY INDUSTRIAL ESTATES, TRACT A, BLOCK A (LEADERSHIP & SHARED SERVICES BUILDING) (8/31/25)* – located at 673 & 689 BLUE SKY PARKWAY, LEXINGTON, KY
Council District: 12
Project Contact: MLH Civil Engineers

Note: The purpose of this plan is to depict a 23,500 square foot building and parking layout.

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

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

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. Provide open space exhibit.
14. Provide lighting plan in compliance with Article 30 of Zoning Ordinance.
15. Denote the number of bike parking spaces in site statistics.
16. Denote gate to the approval of Division of Fire.

2. PLN-MJDP-25-00035: HAMBURG PLACE MALL, UNIT 1 PARCEL 2, OUTLOT 4 (AMD) (8/31/25)* – located at 1849 ALYSHEBA WAY, LEXINGTON, KY
Council District: 6
Project Contact: MLH Civil Engineers/John Hunt

Note: The purpose of this amendment is to add 220 square feet to building and revise parking and circulation.

The Subdivision Committee Recommended: **Approval**, subject to the following 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. Urban Forester's approval of tree preservation plan.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Provide Lighting Plan per Article 30 of the Zoning ordinance.
13. Addition of revised site statistics box for height, use, and lot coverage.
14. Dimension all buildings on outlots.

3. PLN-MJDP-25-00036: TURNER PROPERTY AND MEADOWTHORPE COMMUNITY BUSINESS CENTER (TURNER COMMONS) (AMD) (8/31/25)* – located at 125 TURNER COMMONS WAY, LEXINGTON, KY
Council District: 11
Project Contact: Palmer Engineering

Note: The purpose of this amendment is to add land to reconfigure main entrance, modify buildings and parking layouts across the plan.

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

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

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. Clarify road on the vicinity map.
14. Dimension ingress and egress into property and driveways for parking.
15. Denote location of street cross-sections on plan face for Main Street and North Forbes Road.
16. Addition of private street maintenance note per Article 5-4(h)(1) of the Land Subdivision Regulations.
17. Correct Commission Certification for a major plan per Article 21-6(a)(15) of the Zoning Ordinance.
18. Clarify totals in the site statistics box.
19. Provide Lighting Plan per Article 30 of the Zoning Ordinance.

Action - Ms. Worth made a motion, seconded by Mr. Wilson, and carried 9-0 (Forester and Barksdale absent), to approve the consent agenda as presented.

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.

1. Preliminary Subdivision Plans - None at this time.

2. Development Plans

Note: Mr. J. Davis left the meeting to recuse himself from the following plan.

a. PLN-MJDP-25-00029: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN AND SUITES) (AMD) (8/3/25)* – located at 1880 NEWTOWN PIKE & 1480 COLEMAN COURT, LEXINGTON, KY
Council District: 2
Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to reconfigure building square footage increasing lot coverage and revising parking and dumpster location.

Note: The Planning Commission continued this item at the June 12, 2025 meeting.

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.

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

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. Remove gray shading and hatching.
12. Denote review and recommendation of Royal Springs Wellhead Protection Committee.
13. Clarify numbers in site statistics for parking.

Staff Presentation - Ms. Gallt re-oriented the Planning Commission to the development plan. She reiterated the conditions of approval and said that staff was still recommending approval. Ms. Gallt said that there had been some concern over detention on the property, but the applicant had changed the plan to meet the requirements of the Division of Engineering. She stated that there would be additional parking for the proposed hotel on an adjacent property.

Applicant Representation - Attorney Nathan Billings and Daniel Rehner, Thoroughbred Engineering, were present to represent the applicant. Mr. Billings said that this plan was actually eligible for the consent agenda, except the neighboring property had some concerns. He told the Commission that after discussions with the Division of Engineering, they had changed their parking lot design to satisfy concerns about detention. He opined that the disagreement with the neighbors might continue, but reminded them that the plan has been recommended for approval by the Committees and the Staff. He asked for approval at this time.

Commission Questions - Ms. M. Davis inquired about the number of parking spaces, noting that it did not appear to be enough for the number of rooms in the proposed hotel. Mr. Billings pointed out the parking areas and said they had a reciprocal parking agreement with the adjacent hotel for more. Ms. Davis felt that the extra parking areas were too far for guests to walk. Mr. Rehner told Ms. Davis that the extra parking was about 220 feet from the hotel entrance.

Ms. M. Davis asked which neighbor had issues with the development plan. Mr. Billings pointed to the Mariott Hotel property and their golf course that wrapped around the backside of the subject property.

Mr. Nicol asked if the development plan and the parking met the objective standards. Mr. Billings replied that they did.

Opposition Representation - Attorney Jon Woodall was present to represent the Marriott Property Group. He agreed that the neighbors had some issues with each other, and briefly described some of them. He said the neighbors were concerned about fire safety because of the proposed building's proximity to the building line. He added that the gas station that leases some of the property had concerns with the development as well. He said that his clients did not want their parking lot used for emergency vehicles and did not want the secondary entrance open to their property.

Commission Questions - Mr. Penn asked Mr. Woodall what he preferred for the crash gate. Mr. Woodall replied that he would want it locked for emergency use only, and did not want the emergency vehicles to use their parking lot to fight fires that were not on their property.

Captain Shannon Ison, Division of Fire, addressed the gate and said that the gate could be locked, but it must be accessible for emergency vehicles.

Ms. Worth asked if it was possible to fight a potential fire on the subject property without utilizing the neighboring property. Captain Ison replied that they would need access through the gate, and they would go wherever they felt it was necessary to fight a fire.

Mr. Nicol asked if the Division of Fire considered lot lines when fighting a fire. Captain Ison replied they were not considered.

Mr. Z. Davis asked if future development on the Marriott property could affect emergency response. Captain Ison replied that they would object to any building that would create difficulty reaching a structure.

Mr. Owens asked for clarification about what the applicant planned to do with the gate, keep it locked or unlocked. Mr. Billings replied that they would do whatever the Division of Fire asked them to do. He also pointed out that the Marriott only had one entrance, so it would benefit them to have the secondary emergency access.

Mr. Billings told the Planning Commission that they had approved a plan that was previously, but they only had to bring it back because the building footprint had changed by two feet. He also reiterated that they were making no changes to the water quality measures, as requested by the Division of Engineering. He asked for approval.

Mr. Wilson asked staff if they had anything they could clarify. Ms. Wade replied that staff was recommending approval, and was confident that the plan did meet the Ordinance.

Mr. Z. Davis asked the Law Department about hindering potential development on the Marriott property in the future and fire safety. Ms. Jones replied that the Division of Fire would always have a sign-off on future development, and they would make sure that all parties would have adequate fire protection.

Action - Mr. Wilson made a motion, seconded by Ms. Worth, and carried 7-1-1 (Forester, Barksdale absent, M. Davis opposed, J. Davis, recused) to approve PLN-MJDP-25-00029: COLEMAN PROPERTY (NEWTOWN PIKE HAMPTON INN AND SUITES) (AMD) as presented by staff.

Note: Mr. J. Davis returned at this time.

b. PLN-MJDP-25-00031: MARLBORO MANOR SUBDIVISION, LEXINGTON MOTEL (BLAIR PROPERTY, KOPPUS AND HART PROPERTY) (TRANSY HAGGARD APARTMENTS) (8/31/25)* – located at 450 RADCLIFFE ROAD and 475 & 495 HAGGARD LANE, LEXINGTON, KY
Council District: 1
Project Contact: Prime Engineering

Note: The purpose of this plan is to depict lotting scheme for 29 single-family dwellings, 26 townhomes, four multi-family structures and one senior living facility. A waiver of the Land Subdivision Regulations for an alley has been requested.

The Subdivision Committee Recommended: **Approval**, subject to the following 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, including traffic calming measures.
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. Provide Lighting Plan per Article 30 of the Zoning Ordinance.

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

14. Provided the Planning Commission grants a waiver of the Land Subdivision Regulations for the proposed alley.

Staff Presentation - Mr. Chaney oriented the Planning Commission to the development plan that included single family homes, multi-family units, and senior living units. He noted the standard signoffs remaining as well as other conditions. He then described the waiver that was being requested for an alley cross-section. He explained that there were no alley cross-sections available in the Land Subdivision Regulations. Mr. Chaney said that the Staff recommended approval of the waiver for the following reasons:

1. Granting the requested waiver does not adversely affect public health, welfare and safety for the mixed-use project in this location. The alley is available as access to off-street parking on single-family lots, but frontage also exists for each lot along a street that is compliant with the Land Subdivision Regulations.
2. Granting the waiver is consistent with the intent of Article 1-5(b) of the Land Subdivision Regulations for Design Innovation and Large-Scale Development as utilizing alleys achieves the basic objectives of the Land Subdivision Regulations by providing safe, convenient and efficient traffic circulation. However, granting this waiver would not be consistent with Article 1-5(c) as this development is not within the defined Infill & Redevelopment Area.

Commission Questions - Mr. Michler asked about parking on the alley and curb cuts for the townhomes. He expressed concern that there would be too many curb cuts. Mr. Chaney replied that there would be no street parking allowed because of the multiple curb cuts and the width.

Mr. Michler asked the Division of Traffic Engineering to speak to the functionality of the sidewalk when there would be so many driveways. Mr. Filiatreau said this would not be what we think of as a traditional alley. He said that they approved of this alley in absence of typical alley design. He opined that most people would walk on the main street rather than the alley.

Ms. M. Davis asked if the alley was intended to be used for motorists to park in their driveways. Mr. Filiatreau replied that was correct, and the plan did depict the location of the driveways that all came off the alley rather than the other roads. He added that this was why there were not usually sidewalks on alleys.

Mr. Michler asked if the applicant planned to depict the driveways for the single-family homes. Ms. Wade replied that the goal of a Preliminary Subdivision Plan was to make sure the lots met the regulations, and the driveways would not typically be shown.

Applicant Presentation - Attorney Jon Woodall and Steve Garland, Prime AE, were present to represent the applicant. Mr. Woodall said that the applicant was happy to meet whatever requirements the Division of Traffic Engineering had for the alley. They requested approval at this time.

Action - Mr. Owens made a motion, seconded by Mr. J. Davis, and carried 9-0 (Forester and Barksdale absent) to approve PLN-MJDP-25-00031: MARLBORO MANOR SUBDIVISION, LEXINGTON MOTEL (BLAIR PROPERTY, KOPPUS AND HART PROPERTY) (TRANSY HAGGARD APARTMENTS) as presented by staff.

Mr. Owens made a motion, seconded by Mr. J. Davis, and carried 9-0 (Forester and Barksdale absent) to approve the requested waiver for the two reasons recommended by staff.

c. PLN-MJDP-25-00032: INTERSTATE PARK PROPERTY (BOONESBORO MANOR) (IVCP ATHENS SOUTH LLC) (TACO BELL) (AMD) (8/31/25)* – located at 5354 ATHENS BOONSBORO ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Karpinski Engineering

Note: The purpose of this amendment is to depict proposed quick service drive-through on Tract 1D and proposed access road.

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

The Subdivision Committee Recommended: **Postponement.** There are questions about converting an access easement into a public street.

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

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. Provide lighting plan that conforms to Article 30 of the Zoning Ordinance.
14. Denote previously approved waivers and conditions on the face of the plan.
15. Correct cross-sections for Doe Run Trail extended (D-D and H-H) and verify remaining cross-sections are appropriately labelled "private streets" vs. "access easements."
16. Clarify timing of sanitary sewer capacity improvements as they relate to the issuance of building permits in Note #15.
17. Update Note #16 to reflect new lotting scheme proposed on Final Record Plat.

Staff Presentation - Mr. Chaney oriented the Planning Commission to the amended development plan to add a drive-through to the property. He said that the staff had only recommended postponement because there were some concerns about an access easement on a final record plat that was also filed for this property. The access easement had nothing to do with the drive-through so staff could recommend approval at this time.

Applicant Representation - Fritz Alderman, Karpinski Engineering, and Stephanie Blain, Palmer Engineering were present to represent the applicant. Mr. Alderman asked for approval of the plan.

Ms. M. Davis asked about a possible parking space discrepancy, and Ms. Wade replied that the displayed plan was old, and the new plan had updated parking. Ms. Blain added that the revision had to be made to angled parking for better flow in one-way circulation. This change was made at the request of the Division of Traffic Engineering.

Ms. Worth asked if the question of the access easement would come at a different time. Ms. Wade replied that it would come during the time of the final record plat.

Action - Mr. Nicol made a motion, seconded by Mr. J. Davis, and carried 9-0 (Forester and Barksdale absent) to approve PLN-MJDP-25-00032: INTERSTATE PARK PROPERTY (BOONESBORO MANOR) (IVCP ATHENS SOUTH LLC) (TACO BELL) (AMD) as presented by staff.

V. ZONING ITEMS - The Zoning Committee met on July 3, 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, Larry Forester, Johnathon Davis, Bruce Nicol, Robin Michler, and Molly Davis. Staff members present were Traci Wade, Daniel Crum, Chris Chaney, Jeremy Young, and Bill Sheehy.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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

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

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. RD PROPERTY GROUP, LLC ZONING MAP AMENDMENT AND PATCHEN WILKES, UNIT 2 DEVELOPMENT PLAN

Note: The Planning Commission postponed this item at the June 26, 2025 meeting.

a. PLN-MAR-25-00008: RD PROPERTY GROUP, LLC – a petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone and a Neighborhood Business (B-1) zone to a Commercial Center (B-6P) zone and to remove existing conditional zoning restrictions within the property's Neighborhood Business (B-1) zone, for 32.30 net (34.28 gross) acres for property located at 1811 Winchester Road (a portion of). The applicant is also requesting a variance to increase the maximum VUA between a building and a street from 60' to 110'.

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 a portion of the subject property to construct a mixed-use development that consists of a grocery store, a gas station, commercial outlots, as well as a multi-family residential component. The grocery store is proposed to be a total of 127,000 square feet, and includes an attached pharmacy and liquor store, and a total of 492 parking spaces. The store is oriented towards an internal access drive that runs parallel to Winchester Road. A gas station is proposed along Charleston Drive, west of the proposed grocery. The proposal includes five outlots along Winchester Road, which will be accessed through internal access driveways.

The multi-family residential component consists of two multi-family residential buildings, with a total of 154 units. These buildings are proposed to be accessed from Thunderstick Drive, and feature 154 parking spaces.

The Zoning Committee Recommended: **Postponement.**

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

The Staff Recommends: **Approval** of the zone change to B-6P for the following reasons:

1. The proposed Commercial Center (B-6P) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
   a. The request allows for more flexibility to create higher density housing (Theme A, Goal #1.b)
   b. The proposal utilizes an underdeveloped property along a corridor for a mixed-use development (Theme A, Goal #2.a; Theme E, Goal #1.d and #1.e)
   c. The request will provide for neighborhood serving commercial uses (Theme A, Goal #3.d).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
   a. The request will improve connectivity by extending existing stub streets, thereby increasing connectivity (Theme A, Design Policy #2 and #13)
   b. The proposed apartment uses will increase the variety of housing choice available in the area (Theme A, Design Policy #8).
   c. The request provides commercial uses that will provide for nearby residents' daily needs (Theme A, Design Policy #12).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2045 Comprehensive Plan.
   a. The proposed rezoning meets the criteria for Land Use, as the request provides neighborhood level commercial areas (A-DS12-1), incorporates residential uses into their commercial center (A-DN3-2), and provides a greater access to healthy and affordable food (C-PS15-2).
   b. The proposed rezoning meets several criteria for Transportation, Connectivity, and Walkability, as the request makes vehicular connections to the existing commercial areas and allows for future connectivity with both Patchen Wilkes Farm and the existing Eastland Parkway neighborhood (A-DS4-1; A-DS13-1), and provides a starting point for future pedestrian facilities along the Winchester Road frontage (D-CO-2).
   c. The request meets the criteria for Environmental Sustainability and Resiliency, as the request locates the structure outside of the floodplain setback (B-PR-2-1), provides for street trees (D-SP10-1), and will avoid overlighting B-PR10-1).
   d. The proposal meets several criteria for Site Design, as the development introduces a pavilion and the potential for programmatic elements within their open space (D-PL4-1), provides for connections to existing stub streets (C-Li8-1), and meets the parking requirements of the B-6P zone (C-PS1-2).
   e. The plan meets several of the criteria for Building Form, as the request intensifies a parcel that is located along a Corridor (A-DS4-2), and transitions its uses from the most auto-centric outlots along the corridor to grocery and multi-family residential further into the site (A-EQ5-1).

4. This recommendation is made subject to approval and certification of PLN-MJDP-25-00027: PATCHEN WILKES UNIT 2) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

The Staff Recommends: **Approval** of the removal of the conditional zoning for the following reasons:

1. The nearby increases in allowable land use intensity, expansion of the Urban Services Boundary, adoption of the Urban Growth Master Plan, and the construction of large regional scale institutions are changes that have occurred that have shifted the intensity of anticipated development along this portion of Winchester Road, and make the current conditions inappropriate.

b. VARIANCE – As part of their application, the petitioner is also seeking a dimensional variance to increase the allowable width of Vehicular Use Area in front of the building from 60 feet to 110 feet.

The Zoning Committee Recommended: **Postponement.**

The Staff Recommends: **Disapproval** of the requested variance for the following reasons:

1. The applicant has not provided a sufficient justification to meet the requirements of Article 7 of the Zoning Ordinance or KRS 100.243. There do not appear to be special circumstances that are unique to the subject property that do not generally apply to land in the general vicinity, or in the same zone that justify the need for the variance.

2. The applicant has not provided sufficient information to determine that strict enforcement of the Zoning Ordinance will result in an unnecessary hardship or deprive the applicant of the reasonable use of their land
3. Approval of the requested variance would negatively impact the pedestrian experience in the area, and is not consistent with the character of development in the area.

c. **PLN-MJDP-25-00027: PATCHEN WILKES, UNIT 2** (8/3/25)* – located at 1811 WINCHESTER ROAD, LEXINGTON, KY
Council District: 6
Project Contact: EA Partners

Note: The purpose of this plan is to depict a 127,000 sq. ft. grocery store with parking, a gas station, and 154 multi-family dwelling units in support of the requested zone change from a Neighborhood Business (B-1) zone and Planned Neighborhood Residential (R-3) zone to a Highway Business (B-6P) zone and removing the conditional zoning from the remaining B-1 zoned area.

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

1. Provided the Urban County Council approves the zone change to B-6P and removes conditional zoning; 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. Add north arrow to vicinity map.
9. Add section line for cross-section E-E.
10. Provide Tree Inventory Map per Article 26 of the Zoning Ordinance.
11. Depict VUA (Vehicular Use Are) perimeter buffering per Article 18(a)(2) of the Zoning Ordinance.
12. Depict proposed development of Outlots #2-6 per Article 21of the Zoning Ordinance.
13. Discuss lack of pedestrian connection between multi-family residential and grocery store.
14. Discuss orienting proposed grocery store to Charleston Drive instead of Winchester Road.
15. Discuss Placebuilder criteria.

Staff Presentation - Mr. Crum oriented the Commission to the zone change request. He explained that the applicant wished to build a Kroger Marketplace as the center of the development. He also said that they desired a zone change, as well as a removal of conditional zoning requirements attached to a smaller B-1 zone portion of the property. He said that the Staff agrees with the Regional Center Place Type and Medium Density Non-Residential/Mixed Use Development Type. He pointed out the features of the surrounding areas and the portion of the property that would remain in the B-1 zone. He told the Commission that there was limited transit service, and the Kentucky Transportation Cabinet was studying improvements to Winchester Road. He briefly described the initial concerns of the Staff, and the revised plans. Mr. Crum added that the variance request previously mentioned was no longer required. Lastly, Mr. Crum addressed the aspects of the Comprehensive Plan that were being met and those that were not. He stated that Staff recommended approval of the zone change request from a B-1 to a B-6P zone.

Commission Questions - Mr. Michler asked if there were any written comments sent, and Mr. Crum replied that there was one citizen comment letter sent in regarding the zone change piece of the application.

Mr. Michler stated that he was concerned that dividing the property into zones in this way could cause a circumvention of the Floor Area Ratio (FAR) requirements. Mr. Crum confirmed that the applicant stated that they had chosen to keep the B-1 zone on the front outlots so they could avoid the FAR requirements as well as parking requirements of the B-6P zone. He added that there was nothing in the Ordinance that prohibited them from doing this, but there were disadvantages to their choice as well, including drive-throughs being a conditional use in the B-1 zone.

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Mr. Michler also stated that he was concerned that the residential buildings had no users and could just be depicted to comply with the FAR. Mr. Crum stated that it was the understanding of Staff that the applicant did intend to build the apartments. Mr. Michler said that another Kroger that had been built in a B-6P zone had not built any of the buildings other than the grocery store and was concerned that this property could end up the same way.

Mr. Nicol asked if the project could be completed with the current B-1 zoning, and why the request to B-6P zone was a better option. Mr. Crum explained that the B-1 zone does not allow for such a large building such as the proposed grocery store. He also stated the conditional zoning restrictions currently required vertical mixed use, and that has not proven to be successful. He explained that the B-6P zone allows for taller buildings and gives residential flexibility. Mr. Nicol appreciated that the B-6P allowed for the multi-family residential units.

Ms. M. Davis asked if Kroger had considered changing the orientation of the building to Charleston Drive rather than Winchester Road. She added that she felt that the back of the Kroger building should not face the multi-family buildings. Mr. Crum said that it had been discussed from the beginning of the plan, but the applicant had some spacing concerns with orientation towards Charleston Drive. He added that the applicant could speak to the question.

Mr. Owens requested more information about the outlots on the front of the property, specifically if the Planning Commission would see the plans. Mr. Crum reminded them that the Planning Commission would not see the development plans unless there was a waiver associated with the plan or a specific health, safety, or welfare concern.

Mr. Owens asked about drive-throughs on the outlots. Mr. Crum replied that, if the conditional zoning was lifted during this zone change process, a drive through would require a conditional use permit.

Staff Presentation - Mr. Chaney oriented the Planning Commission to the preliminary development plan. He told the Commission that staff had requested that the applicant depict something on each outlot so that they could justify their request to remove the conditional zoning. Mr. Chaney listed the following revised conditions, and told the Commission that the Staff was recommending approval.

1. Provided the Urban County Council approves the zone change to B-6P and removes conditional zoning; 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. Discuss Placebuilder criteria.

Mr. Crum presented the request to remove the conditional zoning from the B-1 zone area of the property. He said that staff recommended approval due to significant changes in the area. The existing conditional zoning restrictions are as follows:

1. There shall be a minimum of 125 residential units in the B-1 zone.
2. Signage shall be provided only as per the B-6P zone.
3. Sixty percent (60%) of all commercial square footage shall be in multi-story buildings with a mixture of residential units.
4. Existing trees withing 30 feet of the Winchester Road right-of-way are to be preserved, except those trees that are diseased or dying, and those needed to be removed for right-of-way improvements.
5. The sale of gasoline shall be restricted only to one business, only as an accessory to a convenience store, with no more than eight gasoline pumps.
6. No more than four drive-through facilities shall be provided on the subject property.

Mr. Crum reiterated that the Staff supported removal of all of the existing restrictions.

Commission Questions - Mr. Michler opined that the conditional zoning ensured that the development would be neighborhood oriented, but removing it would essentially remove the neighborhood center. Mr. Crum stated that the development would need to interface with the neighborhood, but also serve the needs of the greater area.

Mr. Nicol agreed that the grocery store would serve more than the Patchen Wilkes neighborhoods because of the lack of other grocery stores in the area. He felt that the development would serve the greater Winchester Road corridor.

Applicant Representation - Attorney Branden Gross was present to represent the applicant, and noted their desire to withdraw the variance since it was no longer necessary. He told the Planning Commission about the multiple neighborhood meetings that he had attended, and they had encouraged some changes made to the development plan. He reiterated that Kroger was the only known user at this time, and the other buildings were just conceptual. He briefly described the reasoning behind the request for the B-6P zone. He also informed the Commission that they had no users for the apartments, but as soon as they did, they would detail compliance with the multi-family design standards. Mr. Gross stated that they hesitated to include the buildings on the outlots in the B-1 zone area, because they were unsure of the users at this time. He reminded the Planning Commission that drive-throughs in the B-1 zone were a conditional use and there were no fueling stations allowed at all. Regarding the orientation of the Kroger building, he explained that the neighbors did not want the building facing them because of potential light and noise pollution. He explained other reasons why they wanted to keep the orientation of the grocery store to Winchester Road rather than Charleston Drive.

Commission Questions - Mr. Michler stated his concern about the number of parking spaces in the proposed development. He opined that the grocery store would perhaps only serve that many people a few times per year. Mr. Gross replied that while they had reduced the number of parking spots by 23%, Kroger knew their business and how many spots they needed.

Mr. Michler said that it appeared that the applicant was trying to circumvent the FAR requirements by requesting the zone change/removal of conditional zoning as they did. Mr. Gross agreed that it was intentional because the plan would not work if the entire property was zoned B-6P.

Mr. Nicol asked the applicant if they had met the objective standards of parking requirements to receive an approval recommendation from the Staff. Mr. Gross replied that they had, and in fact were under-parked compared to what was allowable. Mr. Nicol felt that this was important, because the property owners/tenants and the market should be able to determine what was needed for their business.

Citizen Comments - Jennifer Bringardner, resident of the Patchen Wilkes Townhomes, said that the applicant had been very helpful and responsive with her concerns. Her concerns were the safety of children crossing the street from the high school, and the potential light and noise pollution from the grocery store.

Applicant Rebuttal - Mr. Gross stated that the intersection of Charleston Drive and Winchester Road would be a fully lighted intersection with crosswalks for safety. He told the Planning Commission that he had committed to the neighbors that he would keep them apprised of changes and final development filings. He also reminded them that there were new lighting standards that would protect the neighbors from too much lighting.

Commission Comments - Mr. Michler stated that he could only support the re-zoning if it extended all the way to Winchester Road. He did not approve of the removal of the conditional zoning, because he felt that the development should be neighborhood oriented.

Mr. Nicol said the land was underutilized, and this development was much needed.

Action - Mr. Nicol made a motion, seconded by Mr. Penn, and carried 9-0 (Forester and Barksdale absent), to approve **PLN-MAR-25-00008: RD PROPERTY GROUP, LLC** to change the noted portion of the property to B-6P, for the reasons listed by staff.

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

Mr. Nicol made a motion, seconded by Mr. J. Davis, to approve the removal of the conditional zoning for **PLN-MAR-25-00008: RD PROPERTY GROUP, LLC** for the reasons presented by staff.

Commission Discussion - Mr. Penn said that he was concerned that the applicant was trying to make a zone fit a development plan without considering the intent of that zone.

Mr. Michler opined that it would be a mistake to remove the conditional zoning.

The motion failed by a vote of 3-6. (M Davis, J. Davis, Michler, Z. Davis, Worth, and Penn opposed, Forester and Barksdale absent)

Note: Mr. J. Davis left the meeting at approximately 4:16 p.m.

Action - Mr. Michler made a motion to leave the conditional zoning requirements in place for the B-1 portion of the property.

Commission Comments - Mr. Nicol suggested that some of the conditional zoning could be removed.

At this time, there was considerable discussion among the Planning Commission about removing portions of the conditional zoning with several suggestions and comments by members, staff, and the applicant.

Action - Mr. Michler amended his motion to leave conditional zoning restrictions #2, #5, and #6 in place, but removing #1, #3, and #4 from the B-1 zone portion of the property. The motion was seconded by Ms. Worth, and carried 6-2 (M. Davis, Penn opposed, Forester, Barksdale, J. Davis absent).

Mr. Nicol made a motion, seconded by Ms. Worth, and carried 8-0 (Forester, Barksdale, J. Davis absent), to approve PLN-MJDP-25-00027: PATCHEN WILKES, UNIT 2, with the revised conditions, but removing #7.

Note: Chair Davis called for a ten-minute break at 4:25 p.m., and reconvened at 4:36 p.m. Mr. Nicol left the meeting at this time.

2. ON THE BLOCK, LLC ZONING MAP AMENDMENT AND ON THE BLOCK, LLC PROPERTY DEVELOPMENT PLAN

Note: The Planning Commission postponed this item at the June 26, 2025 meeting.

a. PLN-MAR-25-00009: ON THE BLOCK, LLC (8/3/25)* – a petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone to for 0.0402 net (0.0993 gross) acres for the property located at 400 Chestnut Street. The applicant is also requesting a variance to reduce the required property perimeter landscaping from 15' to 0'.

COMPREHENSIVE PLAN AND PROPOSED USE
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The petitioner is proposing the Neighborhood Business (B-1) zone in order to lease to prospective commercial tenants. The applicant intends to utilize the property for potential retail, restaurants, professional offices, restaurants, or personal service uses. No parking for the use will be provided on-site; although, on-street parking is available in the general vicinity.

The Zoning Committee Recommended: **Approval.**

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

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

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
   a. The proposed project is in a location that promotes infill, redevelopment, adaptive reuse, and mixed-use developments (Theme A, Goal #2.a).
   b. The proposed rezoning will allow for a commercial development with the potential for a neighborhood-serving business (Theme A, Goal 3.d).
   c. The proposed project will remain in scale with the surrounding context through the reuse of an existing, non-conforming structure (Theme A, Goal #2.b) while prioritizing multi-modal facilities promoting safer connectivity (Theme A, Goal #3.b).
2. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
   a. The proposed rezoning will allow the applicant to reuse an existing structure for a commercial use in scale with the surrounding context (Theme A, Design Policy #4).
   b. The proposal will not have any on-site parking, prioritizing multi-modal connectivity (Theme A, Design Policy #7).
   c. The proposal intends to prioritize multi-modal connections for the potential commercial user (Theme A, Design Policy #10).
   d. The proposal seeks to add neighborhood-level commercial opportunities through re-zoning the property (Theme A, Design Policy #12).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
   a. The proposed rezoning meets the recommendations for Land Use, as the proposed development will re-establish a commercial use within a neighborhood context (A-DS10-1), which will provide a pedestrian-oriented commercial opportunity (A-DN3-1).
   b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, as the proposal will provide safe multi-modal facilities (A-DS5-1) that incorporates dedicated connections to neighborhood anchors (C-PS10-1) promoting pedestrian, bike, and transit users to the property (A-DS1-2).
   c. The request meets the criteria for Environmental Sustainability and Resiliency, as the applicant proposes to use native, low-impact landscaping (B-PR2-1), while not adding any impervious surface to the site (B-SU4-1).
   d. The request meets the requirements for Site Design, as the proposed development will activate the streetscape by promoting a pedestrian-oriented site (A-DS5-4) with no on-site parking (C-PS10-2) that will enhance the public realm by activating the street corner (C-LI8-1).
   e. The request meets the criteria for Building Form, as the proposal maintains appropriate scale to the surrounding neighborhood (A-DS4-2) through the reuse of a viable existing structure (E-GR4-1) while creating a pedestrian-oriented atmosphere (A-DS5-3) through the activation of the street corner (D-PL2-1).
4. This recommendation is made subject to approval and certification of <u>PLN-MJDP-25-00028: ON THE BLOCK, LLC PROPERTY</u> prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. <u>VARIANCE</u> – As part of their application, the petitioner is also seeking two variances to reduce the required perimeter buffer for a business zone adjacent to a residential zone from fifteen (15) feet to zero (0) feet.

<u>The Zoning Committee Recommended: **Approval.**</u>

<u>The Staff Recommends: **Approval** of the requested variance for the following reasons:</u>
1. Approval of the requested variances should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public, as the site has always operated commercially.
2. Strict application of the Zoning Ordinance would adversely impact the applicant's ability to utilize the parcel, as the existing structure is built to commercial building code, not residential building code.
3. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

<u>This recommendation of Approval is made subject to the following conditions:</u>

a. Provided the Planning Commission and Urban County Council approve the requested zone change to the B-1 zone, otherwise the requested variances shall be null and void.
b. The development shall be constructed in accordance with the approved development plan and supplemental documents, or as amended by the Planning Commission.
c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
d. Action of the Planning Commission shall be noted on the Development Plan and future plats for the subject property.

c. **PLN-MJDP-25-00028: ON THE BLOCK, LLC PROPERTY** (8/3/25)* – located at 400 CHESTNUT STREET, LEXINGTON, KY
Council District: 1
Project Contact: Mizu Engineering

Note: The purpose of this plan is to depict an existing structure and lot, in support of the requested zone change from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Residential (B-1) zone.

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

1. Provided the Urban County Council approves the zone change to B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscaping buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Greenspace planner's approval of the treatment of greenways and greenspace.
10. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
11. Division of Waste Management's approval of refuse collection locations.
12. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
13. United States Postal Service Office's approval of kiosk locations or easement.
14. 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.
15. Denote written scale in addition to graphic scale.
16. Orient design scheme and vicinity map with north to the top of page.
17. Correct plan title to match staff report.
18. Depict contour lines at 2' intervals.
19. Depict all doors on existing structure.
20. Provided a variance is approved for zone-to-zone screening per Article 18 of the Zoning Ordinance.
21. Denote height of building in feet.
22. Provide Tree Inventory Map and Tree Protection Plan per Article 26 of the Zoning Ordinance.
23. Discuss Placebuilder criteria.

Staff Presentation - Mr. Mills oriented the Commission to the zone change application. He explained that there had been a deed issue that prompted a postponement, but it had been resolved. He told the Commission that in addition to the zone change, the applicant was requesting a variance. Mr. Mills said that the R-3 zoned property had been used commercially since 1932. He explained that the Staff agreed with the applicant's request for the Enhanced Neighborhood Place Type, Low Density Non-Residential Development Type, as well as the requested B-1 zone. The applicant had also met with some neighbors. He listed the proposed conditional zoning restrictions that were recommended by staff and discussed by the Zoning Committee. The Staff recommends that the following uses shall be prohibited:

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

1. Retail or package sale of beer, wine, or liquor
2. Bars
3. Private clubs
4. Cocktail lounges
5. Nightclubs
6. Pool Halls
7. Parking structures

Mr. Mills continued and said that the zone change met the Goals & Objectives of the Comprehensive Plan, and Staff was recommending approval.

Mr. Chaney oriented the Planning commission to the corresponding preliminary development plan, and the conditions of approval. He explained that there were no proposed structure changes.

Commission Questions - Ms. M. Davis asked about public engagement, and Mr. Mills replied that the applicant did not have a formal meeting, but could comment about the conversations that they had with neighbors. Mr. Mills stated that most of the citizen comments were referring to uses that they did not want at the location.

Ms. M. Davis asked about parking availability. Mr. Mills replied that there was on-street parking in the area.

Staff Presentation Continued - Mr. Mills explained the accompanying variance request for zone-to zone screening, and the reasons why the Staff was recommending approval.

Applicant Representation - Attorney Lexi Holland, and Kyle Hogue, Mizu Engineering, were present to represent the applicant. Ms. Holland explained that the area needed commercial/retail support. She requested approval of the zone change because the property had a long history as a business. She explained that there had been a deed issue and dispute regarding a property line and fence, but said that they had recorded a corrected deed and submitted a copy to the Staff. She asked for no further delay in a vote of approval, because the Planning Commission could not act on the dispute. She also described the conversations that the owner had with surrounding neighbors.

Opposition Representation - Attorney Jessica Winters was present to represent a neighboring property owner, Samuel Hicks. She explained why Mr. Hicks was in opposition to the development plan and the variance request. She also briefly described the ongoing property line dispute. She displayed several photographs depicting the issues.

Citizen Comments - Robert Hodge, president of the William Wells Brown Neighborhood Association, stated that he owned 9 properties in the area, but the applicant had never reached out to discuss their plans. He requested that there be some extra conditions regarding hours of service, parking, and allowable uses.

Vivian Hodge, vice-president of the William Wells Brown Neighborhood Association, told the Commission that she had spoken to the owner the day before. She expressed concerns over some potential uses of the property to him.

Andrew Mueller, owner of subject property, gave some background of the property since he purchased it. He wanted to bring business to the neighborhood and make it better. He said that the previous owner and real estate agent are to blame for the property line dispute.

Applicant Rebuttal - Mr. Hogue stated that he had tried to reach out to the citizens who had made comments. He added that that he was unable to reach some of them though. He told the Planning Commission that they had done everything they could to correct the deed and dispute. Mr. Hogue said that the purpose of zone change was to make it possible to have business there without going to the Board of Adjustment every time the business changed hands.

Ms. Holland reiterated that the development plan said that there were no plans to do any work behind the disputed fence. They had no intention to tear down the fence at this time. She also restated the need for the landscape variance.

Staff Rebuttal - Mr. Mills stated that if the variance was not granted, part of the existing structure would have to be removed because of the zero-foot lot line. Ms. Wade also clarified that the list of suggested conditional zoning restrictions was from the Staff.

Mr. Owens asked Ms. Jones to clarify if the Planning Commission could weigh in on the property line dispute. Ms. Jones confirmed that the dispute over the property line was out of the purview of the Commission.

Ms. Worth asked the applicant if they were aware of the existing neighborhood association. Mr. Mueller replied that he was not aware of the neighborhood association, but he spoke to everyone that he met when at the property. He reiterated that had attempted to reach out to everyone who had concerns, but not everyone replied. He reminded the Commission that he had purchased the property to better the neighborhood.

Ms. Worth asked if the owner planned to lease it, and if they planned to limit the types of businesses that are allowed there. Ms. Holland replied that he did plan to lease it, and was amenable to the conditional zoning restrictions.

Commission Discussion - Mr. Penn reiterated that the Planning Commission would not be involved in the property dispute, and there was nothing preventing them from approving the zone change. Mr. Wilson agreed.

Action - Mr. Wilson made a motion, seconded by Mr. Owens, and carried 7-0 (Forester, Barksdale, Nicol and J. Davis absent), to approve PLN-MAR-25-00009: ON THE BLOCK, LLC, as recommended by staff, with the 7 conditional zoning restrictions.

Mr. Wilson made a motion, seconded by Mr. Owens, and carried 7-0 (Forester, Barksdale, Nicol and J. Davis absent), to approve PLN-MJDP-25-00028: ON THE BLOCK, LLC PROPERTY, as presented by Staff, but removing Condition #23.

Mr. Wilson made a motion, seconded by Mr. Owens, and carried 7-0 (Forester, Barksdale, Nicol and J. Davis absent), to approve the variance request, with the conditions provided by Staff.

IV. COMMISSION ITEMS

Mr. Duncan congratulated the new leadership chosen by the Planning Commission, and Chair Davis thanked former Chair Forester for his dedication and service to the community.

Mr. Duncan reminded the Commission about the upcoming Work Session and gave them a brief description of the agenda.

IX. ADJOUNMENT – Chair Davis adjourned the meeting at 5:22 p.m.

Zachary Davis, chair

RMich

Robin Michler, secretary

TW/DC/CC/CG/PS

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