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

July 24, 2025

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

Planning Commission members present: Zach Davis, Ivy Barksdale, Mike Owens, Larry Forester, Frank Penn, Bruce Nicol, and Judy Worth.

Planning staff members present: Jim Duncan, Traci Wade, Daniel Crum, Jeremy Young, , and Bill Sheehy. Other staff members present were Tracy Jones Department of Law. Firefighter Embry Beatty, Division of Fire and Emergency Services; David Filiatreau, Division of Traffic Engineering; and Vaughn Adkins, Division of Engineering.

- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Larry Forester, seconded by Ms. Judy Worth for the approval of the minutes of the May 22, 2025 public hearings, and carried 7-0.

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

1. **PLN-MAR-25-00007: ANDERSON CAMPUS RENTAL PROPERTIES, LLC (8/3/25)*** – a petition for a zone map amendment from a Single Family Residential (R-1D) zone and a Townhouse Residential (R-1T) zone to a Medium Residential (R-4) zone, for 0.431 net (0.498 gross) acres for properties located at 119 Burley Avenue, 122 Simpson Avenue, 1104 Fern Avenue, and a portion of 109 Simpson Avenue. The applicant is also requesting a variance to reduce the VUA perimeter buffer from 8' to 3' at the rear of 122 Simpson Avenue.

Applicant Comment – Mr. Dick Murphy, attorney for the applicant stated that they had a meeting with Staff and are making changes to the development plan. Mr. Murphy indicated that they are requesting postponement to the August 14, 2025 public hearing.

Action – A motion was made by Mr. Mike Owens and seconded by Ms. Judy Worth, and carried 7-0 (Johnathon Davis, Molly Davis, Robin Michler, and Bill Wilson absent) to postpone **PLN-MAR-25-00007: ANDERSON CAMPUS RENTAL PROPERTIES, LLC** until the August 14, 2025 public hearing.

- IV. **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 Vaughn 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.*

- 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 Larry Forester, Robin Michler, Zach Davis, William Wilson, Johnathon Davis, Bruce Nicol, 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.

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

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

- 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.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS – None at this time.

VI. COMMISSION ITEMS - The Chair announced that the Commission member would hear Commission items at this time.

- a. **BOAR-25-1: OLIVIA ROCKAWAY**– a petition for an appeal to the decision of the Board of Architectural Review to approve a certificate of appropriateness for property located at 115 Penmoken Park.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendation for the Board of Architectural Review appeal. Mr. Crum gave a brief reminder on the BOAR process and indicated that this application is an appeal of a decision by the Board of Architectural Review for a property located at 115 Penmoken Park. Mr. Crum stated that the BOAR approved a Certificate of Appropriateness request at the subject property on April 16, 2025 meeting after the property owner had built an addition without her contractor obtaining the proper permits. Mr. Crum presented the proposed modifications including construction of a rear addition and stoop.

Mr. Crum noted that the property at 115 Penmoken Park was located in the Pensacola Park H-1 overlay zone and presented to the Planning Commission aerial photographs and maps of the surrounding area. Mr. Crum presented photographs of the addition that was built without the proper permits and the timeline of events starting with the complaint filed by the appellant, the neighboring property owner, in January and ending in May with request for an appeal of the Board's decision.

Staff's review stated that the proposed addition is an extension of an existing addition that was added in the 1970's. Staff noted that the guidelines call for the addition to be located at the rear of the structure, and while there is no setback in the initial design, other aspects of the design have been changed in order to break up the building massing along the western elevation. Mr. Crum reiterated that while Staff is in agreement with the updated designs, they do not condone building an addition without a permit. Mr. Crum concluded by stating that the Planning Staff found that the Board of Architectural Review did not err in their issuance of the COA, and Staff was recommending disapproval of the appeal and that he could answer any questions from the Planning Commission.

Commission Questions and Comment – Mr. Frank Penn inquired if the Planning Commission was to consider how the roof will be guttered and where the water would be going. Mr. Crum indicated that there are no Historic Preservation guidelines that address the things Mr. Penn is asking about and they are being asked to look at this based solely on the adopted guidelines.

Chair Zach Davis asked if a developer submits a development plan one month and the next month the regulations have been removed, then are they longer required to follow them. Mr. Crum indicated that the setback regulation that Mr. Davis is alluding to is not a reflection on the zoning and that if the regulation was still in effect, the applicant would just have needed to apply for a variance.

Historic Preservation Staff Presentation – Dennis Barry, Division of Historic Preservation, thanked Planning Staff for their work and indicated that this application stemmed from a concerned neighbor notifying Staff about the construction. Mr. Barry stated that both Building Inspection and Historic Preservation reached out to the home owner and an application to the BOAR that was heard and postponed from February to March then continued to April where the Board approved it. He concluded by stating that he could answer any questions from the Planning Commission.

Commission Questions and Comment – Mr. Mike Owens inquired as to when the appeal for that approval was filed and Mr. Barry indicated that the appeal was filed on May 14th.

Chair Zach Davis asked what Historic Preservation's recommendation was for the initial application and Mr. Barry indicated they had recommended disapproval.

Appellant Comment – Mr. Bruce Simpson, attorney for the applicant, stated that based on his research from the meeting, the Board of Architectural Review tried to find a way to approve this application, even though it has never been in compliance with the guidelines they use to make decisions. Additionally, Mr. Simpson contended that at no time was a building permit applied for in connection with the structure, nor a Certificate of Appropriateness. Mr. Simpson stated that the applicant was portrayed as a victim who had trusted a contractor to get all the appropriate permits who did not get what he was supposed to do, but that this was a case of hard cases making bad law. Mr. Simpson stated that while the applicant had a lot of sympathetic facts, his client did all the right things, at great personal expense, and there was not any exception for her.

Mr. Simpson presented 20 minutes of a video from the BOAR hearing and argued that even though the findings of fact stated that it does not provide a precedent, that this would be a new loophole for new people to use to get around getting the appropriate permits. Mr. Simpson stated it does not matter how sympathetic the facts are and given that the applicant did not testify at any of the hearings, the application does not follow the guidelines and should be disapproved.

Property Owner Comment – Ms. Diane Lowe, owner, apologized that the contractor she trusted did not apply for the appropriate permits and that she was unaware that he had not. She stated that she was also unaware that it was in a historic district. Ms. Lowe indicated that the person representing her at the Board meeting had construction knowledge and he was complying with everything that the Board had asked for. Additionally, Ms. Lowe stated it had been stated at the earlier Board meeting that she would be renting out the new portion to students, and that was the last thing she wanted. Ms. Lowe relayed that she had built the addition for more room to make her quilts for various charities. Ms. Lowe concluded by stating she was willing to work with her neighbor to make sure she feels comfortable with the building and she thought it was all taken care of because the BOAR had approved the COA.

Staff Rebuttal – Mr. Crum stated that the 24-foot addition is not out of character with some of the other homes and additions in the area. Mr. Crum stated that Planning Staff does review the video from the meetings and the findings from them before they make any recommendations and independently make their own decisions from the historic preservation guidelines. Mr. Crum stated that the job of the Planning Commission was to assess whether or not the BOAR's decision was made in error and after taking the Commission through the guidelines, Staff had indicated that the recommendation by the BOAR was in agreement with the guidelines. Mr. Crum concluded by reaffirming that Staff was recommending disapproval of the appeal and could answer any questions from the Planning Commission.

Commission Questions and Comment – Mr. Frank Penn asked what the recommendation from Historic Preservation was to the BOAR. Mr. Crum stated that their recommendation was one of disapproval citing that the step-in as essential, but came up with findings of approval after the Board heard from the applicant.

Mr. Nicol asked if the guidelines were prescriptive or a "shall" that were being forced onto a property owner and Mr. Crum indicated that it was not and that the BOAR has discretion over the process.

Mr. Penn asked if Staff was concerned about this setting a precedent to accommodate people that did not want to get permits. Mr. Crum stated that the Planning Commission receives applications like this once or twice a year and it has not led to an overabundance of what Mr. Penn is describing.

Ms. Judy Worth stated that it bothers her that after the recent changes to objective standards that there are guidelines and not objective standards. Ms. Tracy Jones explained that the guidelines are used by the BOAR to see how they do or do not apply to the application in front of them. Additionally, Ms. Jones stated that sometimes the BOAR does

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not agree with the Staff recommendations like the Planning Commission does and from there it is determining if there is enough evidence to back up their recommendation.

Mr. Owens asked where the side lot line was measured from. Mr. Crum indicated that it was from the wall of the addition.

Mr. Owens asked how long this addition has been sitting idle. Mr. Crum stated that according to the record the work shown had started around Christmas and had been idle since that time. Mr. Owens stated that after watching footage from the BOAR meeting that this situation was very difficult and that since then the owner has been trying to be compliant and fix the mistake. Additionally, Mr. Owens reflected that on his time on the Board of Adjustment a colleague stated that there was no such thing as a "precedent setting" application because every application is different and not exactly alike. He stated he was in agreement with Staff's recommendations.

Ms. Worth stated that she agreed with Mr. Owens for the most part, but recalled a previous, similar application where the applicant was not as sympathetic, and it was disapproved. She stated that she thought it was important to be cautious about this to make sure it doesn't become an issue.

Chair Zach Davis said he was sympathetic to the applicant but he was not inclined to support the Staff's recommendation.

Action – A motion was made by Mr. Bruce Nicol and seconded by Ms. Ivy Barksdale, and carried 6-1 (Zach Davis opposed) (Johnathon Davis, Molly Davis, Robin Michler, and Bill Wilson absent) to disapprove BOAR-25-1: OLIVIA ROCKAWAY for reasons provided by Staff.

- b. **INITIATION OF A ZONING ORDINANCE TEXT AMENDMENT** - The Commission considered initiation of a text amendment to update Articles 1 and 10 of the Zoning Ordinance to update regulations pertaining to manufactured housing.

Staff Presentation – Mr. Daniel Crum oriented the Planning Commission to a request to initiate a text amendment to update the regulations defining manufactured housing to be in compliant with House Bill 160, which was passed by the legislature in 2025. Mr. Crum stated that HB 160 modifies portions of KRS 100 that ensure that qualified manufactured homes are treated similarly to site-built homes. Additionally, HB 160 limits the local governments ability to require different zoning, setbacks, design criteria, or other requirements for qualified manufactured homes. Mr. Crum defined qualified manufactured home and noted that they must be affixed to a permanent foundation, is installed within five years of construction, and has all parts that operate during transport removed. Mr. Crum stated that the law goes into effect July 1, 2026 so the ordinance must be updated by then and that there will be time for any questions or concerns.

Action – A motion was made by Mr. Penn and seconded by Ms. Worth, and carried 7-0 (Johnathon Davis, Molly Davis, Robin Michler, and Bill Wilson absent) to initiate a text amendment to address House Bill 160, which created a new section of KRS Chapter 100 to require local laws dealing with manufactured housing.

VII. STAFF ITEMS

Commission Comments – Mr. Penn gave a brief introduction to the work session introduced by Mr. Bill Wilson several weeks ago to bring together affordable housing and market housing to hear their comments and concerns about what would be helpful to bring in the housing that Lexington needs. Mr. Penn suggested speakers like Austin Sims, Todd Johnson, and Luther Deaton and stated that there is not a single model to make affordable housing work and it will take collaboration from many parties.

Mr. Bruce Nicol also suggested Johan Graham from AU Associates and Zack Worsham from Winterwood should be in attendance.

Ms. Judy Worth stated that she would be interested in finding some alternative financing options for these affordable housing developments.

Mr. Larry Forester stated that it would be a better idea to do a financing work session separately from this work session because you cannot get to the financing unless you have a plan.

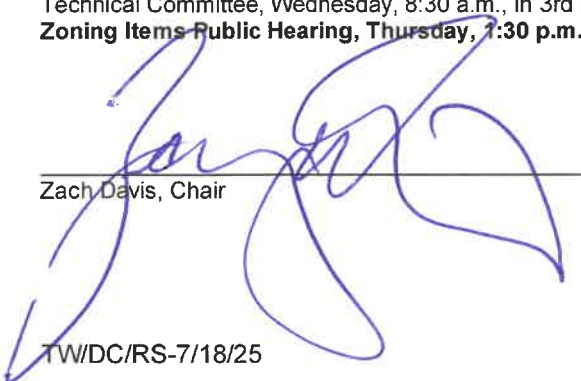
Ms. Barksdale stated that she did not want to focus just on rentals for affordable housing and wanted the average person to be able to buy a home in Fayette County.

Director Comment – Director Jim Duncan repeated the suggestions made by the Commission to confirm with the topics and speakers. Director Duncan asked if everyone agreed that the bankers and financiers did not have to be there yet and the Planning Commission agreed. Director Duncan stated that the rest of the year is very full, but he believed this could be discussed and made happen at the September 18th work session.

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 July and August 2025

Work Session, Thursday, 1:30 p.m., in 3rd Floor Conf Room, Phoenix Building	July 31, 2025
Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	August 7, 2025
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	August 7, 2025
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center.....	August 14, 2025
Work Session, Thursday, 1:30 p.m., in 3rd Floor Conf Room, Phoenix Building	August 21, 2025
Technical Committee, Wednesday, 8:30 a.m., in 3rd Floor Conf Room, Phoenix Building.....	August 27, 2025
Zoning Items Public Hearing , Thursday, 1:30 p.m., in Council Chambers, 2nd Floor, Gov't Center.....	August 28, 2025



Zach Davis, Chair



Robin Michler, Secretary

TW/DC/RS-7/18/25