

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

August 28, 2025

- I. **CALL TO ORDER** – Chair Zach Davis called 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 (arrived at approximately 1:32 PM) , Molly Davis, Mike Owens, Larry Forester, Frank Penn, and Judy Worth.

Planning staff members present: Jim Duncan, Traci Wade, Daniel Crum, Jeremy Young, James Mills, and Bill Sheehy. Other staff members present were Tracy Jones and Brittany Smith, 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. Bill Wilson, seconded by Mr. Larry Forester for the approval of the minutes of the July 10, 2025 public hearings, and carried 7-0 (Barksdale, J. Davis, and Nicol absent)
- 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 he wanted to postpone this application to the November 20th meeting and that they plan to continue to meet with Staff and have ongoing discussions.

Action – A motion was made by Mr. Mike Owens and seconded by Ms. Judy Worth, and carried 7-0 (Barksdale, J. Davis, Michler, and Nicol absent) to postpone **PLN ZOTA-24-00006: REVISIONS TO ARTICLE 23A-10 FOR THE ECONOMIC DEVELOPMENT (ED) ZONE LLC** until the November 20, 2025 public hearing.

2. **PLN MAR-25-00010: WAR ADMIRAL PLACE, LLC** (8/31/25)* – a petition for a zone map amendment from Commercial Center (B-6P) zone with conditional zoning restrictions to a Commercial Center (B-6P) zone with modified conditional zoning restrictions for 56.27 net (71.45 gross) acres for properties located at 2300-2350 Grey Lag Way; 2320 and 2344 Elkhorn Road; and 2200-2277 War Admiral Way.

Applicant Comment – Mr. Nick Nicholson, attorney for the applicant, asked for a one month postponement to the September 25, 2025 meeting to get with Staff and work on the justification statement.

Action – A motion was made by Ms. Judy Worth and seconded by Mr. Larry Forester, and carried 7-0 (Barksdale, J. Davis, Michler and Nicol absent) to postpone **PLN MAR-25-00010: WAR ADMIRAL PLACE, LLC** until the September 25, 2025 public hearing.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, August 7, 2025 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Mike Owens, 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, Jeremy Young, Cheryl Galt, James Mills, Paula Schumacher; Embry Beatty, Division of Fire and Emergency Services; Tracy Jones and Brittany Smith, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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 August 7, 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, William Wilson, Johnathon Davis, and Molly Davis. Staff members present were Traci Wade, Daniel Crum, Chris Chaney, Jeremy Young, James Mills, 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:

- 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**

1. **PLN-ZOTA-25-00006: MICRO-DISTILLERY IN THE DOWNTOWN BUSINESS (B-2) ZONE** – a text amendment to modify the Downtown Business (B-2) zone to allow micro-distilleries.

INITIATED BY: New Era Whiskey and Spirits, LLC
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement for the following reasons:

1. The proposed text amendment allows micro-distilleries as a principal use in the Downtown Business (B-2) zone with restrictions. Additional research and analysis are necessary regarding the appropriateness of these restrictions and how they align with the intent of the Downtown Business (B-2) zone.
2. Additional time is necessary to research best practices and other ordinances that regulate the proposed use as well as related definitions.

Staff Presentation – Mr. Jeremy Young presented the Staff recommendation on the proposed text amendment. Mr. Young began by defining what a micro-distillery is, noting that it can produce up to 50,000 gallons of distilled spirit per calendar year under a Class B License. Mr. Young stated that the applicant is

looking to add micro-distilleries as a principal use in the B-2 zone with a production limit of 10,000 gallons of distillate annually, limiting the distilling operation to within the structure, as well as an associated retail or drinking establishment.

Mr. Young gave a brief overview of the B-2 zone stating that is a specialized district for higher density residential and high intensity commercial and mixed use developments. Mr. Young noted that the zoning ordinance recognizes that the downtown core is meant to be the focal point of business, recreation and activities in Lexington. Additionally, Mr. Young presented a zoning map to demonstrate the location for all the B-2 zoning in Lexington.

Mr. Young indicated that when Staff first received this request they were not sure if a micro-distillery would be appropriate in this particular zone. However, after a significant amount of research of other city's ordinances, Staff determined that it was an appropriate use with a few different conditions than those that were proposed by the applicant. Mr. Young indicated that the initial 10,000 gallon limit proposed by the applicant could be limiting, so they added a micro-distillery to the list of conditional uses in the B-2 and B-2B zones. This would allow for an applicant to go to the Board of Adjustment to ask them to allow for more than the initial 10,000 gallon limit and go up to 50,000 gallons as the maximum.

Mr. Young concluded by stating that Staff was recommending approval of the Staff alternative text and could answer any questions from the Planning Commission.

Commission Comments and Questions – Ms. Molly Davis asked if micro-distilleries were making beer or spirits. Mr. Young indicated that it is specifically distilled spirits and there are other specific ordinances for wineries and breweries.

Ms. Davis asked if there were any smells that micro-distilleries make that a neighbor might find objectionable and if 10,000 gallons was enough for an applicant. Mr. Young stated that 10,000 gallons is generally a small amount for micro-distilleries and that the distilleries in Distiller's Row in Louisville have around that amount. Additionally, Mr. Young conveyed that the smell question would be better addressed by the applicant.

Mr. Mike Owens asked for clarity if the limit was 10,000 gallons of distillate or 50,000 gallons. Mr. Young indicated that 10,000 was the initial amount allowed, but an applicant could go to the Board of Adjustment to ask for a maximum of 50,000 gallons under the Staff alternative text.

Mr. Frank Penn asked for further confirmation that 50,000 gallons was the new limit and Mr. Young reaffirmed his previous answer that it could go up to 50,000 gallons with a conditional use permit.

Applicant Presentation – Jon Woodall, attorney for the applicant, gave a brief overview of the application and noted that in June the Urban County Council adopted a new definition of micro-distilleries which allowed for 50,000 gallons or less of distillate. Mr. Woodall stated that the applicant in their facility is only asking for 10,000 gallons and that would lead to about 180 barrels of bourbon a year. Mr. Woodall stated that he agreed with Staff's alternative text that there needs to be a mechanism to allow an applicant to ask for more than the initial 10,000 gallon limit and stated he could answer any questions from the Planning Commission.

Commission Comments and Questions – Mr. Penn asked why the applicant was calling the distilled spirit whiskey and not bourbon. Mr. Charlie Curtz, applicant, stated that there will be production of rye whiskey as well as bourbon.

Mr. Penn asked if they intended to distill whiskey on the premises and if there would be a smell associated with the distillation. Mr. Curtz stated that the state requires them to distill 600 wine gallons a year at the facility through the still that is onsite and that there is no smell associated with this process since there is no fermentation at this site.

Public Comment – Brian Luftman, Co-Founder of Never Say Die Bourbon, stated his support for this text amendment so Lexington can be a part of the bourbon tourism that comes to the state.

Nick Nicholson, stated his support for this text amendment, and mentioned his experience in dealing with Whiskey Row in Louisville and how successful it has become.

Casey Mather, speaking for the Northside Neighborhood Association, was supportive of the text amendment, but noted the neighborhood's concerns regarding potential fire safety and mold.

Action – A motion was made by Mr. Larry Forester and seconded by Mr. Mike Owens, and carried 8-0 (J. Davis, Michler and Nicol absent) to approve PLN-ZOTA-25-00006: MICRO-DISTILLERY IN THE DOWNTOWN BUSINESS (B-2) ZONE with the Staff alternative language.

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

Commission Comment – Ms. Molly Davis highlighted a documentary titled "Lexington: Resilience in the Red Line" that included Planning Commission member Bill Wilson and Manager of Long Range Planning, Hal Baillie. She stated it was a fascinating and horrifying documentary about the red lining and other discriminatory practices that were used against the African American community in Lexington.

Mr. Wilson asked if there was any additional discussions on affordable housing in Lexington. Mr. Jim Duncan, Planning Director, stated that there was discussion about an affordable housing work session on July 24th to bring affordable housing developers together. Mr. Duncan stated that that has been arranged for the work session on September 18th. Mr. Duncan indicated that this would be a roundtable discussion and there would not be a presentation.

Chair Davis stated that he has had multiple discussions with Staff and this is going to be an ongoing discussion after the work session.

Ms. Judy Worth stated that she would like to include people like Dennis Anderson who typically don't build affordable housing. Mr. Duncan stated he understood, but that is not what they asked for on July 24th and reiterated the participants in the roundtable would be developers who focus on affordable housing. A roundtable with the market rate developers like Mr. Anderson could potentially follow this discussion.

Mr. Penn stated that this is going to take months not one session and how do we best utilize the time that they have. Mr. Penn stated that this is not the same 17 years ago and that the issues today were not here then.

Ms. Worth stated she agreed with Mr. Penn.

Chair Davis stated he would work with Mr. Duncan to work out a solution and the best way to use their time.

VII. STAFF ITEMS

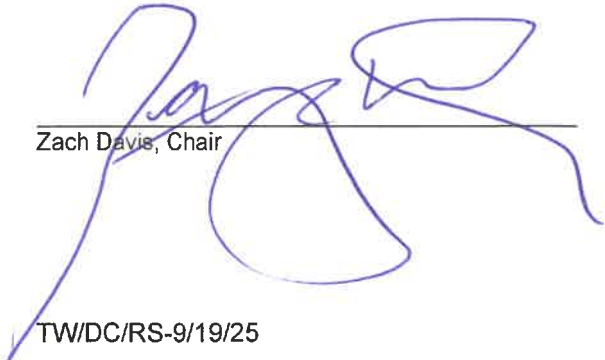
VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision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

IX. MEETING DATES FOR SEPTEMBER 2025

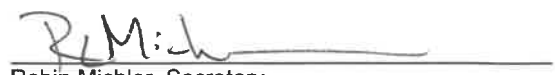
Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	September 4, 2025
Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	September 4, 2025
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center.....	September 11, 2025
Work Session, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	September 18, 2025
Technical Committee, Wednesday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	September 24, 2025
Zoning Items Public Hearing, Thursday, 1:30 p.m., in Council Chambers, 2nd Floor, Gov't Center.....	September 25, 2025

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Zach Davis, Chair



Robin Michler, Secretary

TW/DC/RS-9/19/25

