

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
September 11, 2025

- I. **CALL TO ORDER** – Chair Zach Davis called the meeting to order at 1:31 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, Ivy Barksdale (arrived at 1:37 p.m.), Judy Worth, Larry Forester, Robin Michler, William Wilson, Johnathon Davis, and Molly Davis. Planning staff members present were Jim Duncan, Traci Wade, Daniel Crum, Chris Chaney, Cheryl Gallt, James Mills, and Paula Schumacher. Other staff present were Tracy Jones and Brittany Smith, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Firefighter Embry Beatty, Division of Fire and Emergency Services.
- Chair Davis called for a moment of silence to be observed in honor of those who died on September 11, 2001.
- III. **APPROVAL OF MINUTES** – Ms. M. Davis made a motion, seconded by Mr. J. Davis, and carried 7-0 (Owens, Penn, Nicol, and Barksdale absent) to approve the August 14, 2025 minutes as presented.
- IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Wilson made a motion, seconded by Mr. Forester, and carried 7-0 (Owens, Penn, Nicol, and Barksdale absent), to approve the performance bonds and letters of credit as presented.
- V. **POSTPONEMENTS AND WITHDRAWALS**

- a. **PLN-MJDP-25-00042: PHELPS PROPERTY** (11/2/25)* – located at 4075 OLD RICHMOND ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Barrett Partners, Inc.

Note: The purpose of the plan is to depict development of a convenience store and gas station, a restaurant, multi-family and townhouse residential. Waivers of Zoning Ordinance Article 16-6(a)(1), Zoning Ordinance Article 16-6(a)(2), and Zoning Ordinance Article 23A-9(k)(4).

Requirements Not Met:

1. Provide dumpster enclosure and pad specifications in compliance with DSG pgs. 7, 8, & 10. (Waste Management)
2. Depict all existing and proposed easements. (ZO Art. 21-6(a)(10)) (Engineering & Planning)
3. Dimension all driveways and walkways. (ZO Art. 21-6(a)(5)) (Engineering)
4. Provide open space exhibit depicting location and area calculations for usable open space that complies with ZO Art. 23A-9(k)(1). (Open Space & Planning)
5. Clarify street cross-sections C-C & E-E, and addition of cross-section for private street. (ZO Art. 21-6(a)(6)) (Planning)
6. Depict internal walkways in compliance with ZO Art. 16-6(a)(3). (Traffic & Bike/Ped)
7. Modify raised pedestrian crossing to comply with ZO Art. 16-6(a)(3)(c). (Traffic)
8. Addition of new cross-section of Aphids Way, including pedestrian path. (ZO Art. 21-6(a)(6)) (Planning)
9. Addition of building line. (ZO Art. 23A-9(i)) (Planning)
10. Addition of purpose of plan note. (Planning)
11. Provide a 15' buffer between the adjacent EAR-1 properties in compliance with ZO Art. 18-3(a)(1). (Landscape)
12. Provide typical detail for landscape berm. (Planning)
13. Modify VUA in the front yard of Richmond Road and Aphids Way. (ZO Art. 16-6(a)(1)) (Planning)
14. Modify the placement of parking areas between buildings and street. (ZO Art. 23A-9(k)(4)) (Planning)

Waiver(s) Necessary:

1. ZO Art. 16-6(a)(1) VUA in the front yard.
2. ZO Art. 16-6(a)(2) Limited parking in front yard in the CC Zone (Lot 2).

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3. ZO Art. 23A-9(k)(4) Limited parking in the front yard for Lot 2.

Design Considerations:

1. Review all Accela comments and design considerations provided by the Division of Engineering.
2. Submit a 50% design report to Planning and Engineering. (LSR Art. 4-5(b)) (Engineering)
3. Appears that there are line levels that may need to be turned off for Aphids Way. (Traffic)

Plan Questions or Concerns:

1. Provide street name suggestion or Addressing Office will assign a name. (Addressing)
2. Discuss connectivity with Lots 2 & 3 to provide a secondary means of egress. (Fire)
3. Clarify if trail connect to Jacobson Park entrance. (Open Space)
4. Discuss how the property will be sewerred and sanitary sewer capacity. (LSR Art.5-2(h)) (Engineering & Sanitary)
5. Discuss section E-E and where it is shown on the plan. (Engineering)
6. Is the intersection in the middle a 4-way stop condition? Discuss the "raised pedestrian table" and vehicular movement. (Engineering)
7. What is the cross-section of the 16'-6" right-in only off of Athens Boonesboro Road and 16' right-in from Aphids Way? (Engineering)
8. Have proposed entrances been approved by KYTC/Traffic Engineering? (LSR 6-8(p) & (q)) (Engineering)
9. Discuss construction entrance shown on the west side of the property (a construction easement/encroachment from KYTC would be required for this). (Engineering)
10. Discuss Old Richmond Road regarding timing of closure, take back of right-of-way, and what it will become. (Engineering)
11. What are the specifications for the 8' path? (Engineering)
12. Will the parcel be subdivided? Is a sanitary sewer tap available for each proposed lot? If subdivided, Public Sewers are needed. (LSR 6-6(d)) (Engineering)
13. What is the proposal for stormwater management? (ZO 21-6(a)(9)) (Engineering)
14. The plan shows encroachment into an existing stormwater management facility. Has there been an analysis to determine if the proposed reconfiguration will be of adequate size/volume for stormwater quantity and quality from the existing and this proposed development? (Engineering)
15. Discuss who will own and maintain the Stormwater Management areas. (SWM 1.5 & LSR 6-7) (Engineering)
16. Discuss addition of "Do Not Enter" sign for the access from Richmond Road. (Traffic)

The Subdivision Committee Recommended: **Postponement.** There are questions regarding compliance with Articles 16 and 18 of the Zoning Ordinance.

Should the 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Open Space Planner's approval of open space areas.
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. Kentucky Transportation Cabinet's approval of access to Athens Boonsboro Road.
13. Correct all noted deficiencies listed as "requirements not met" herein.
14. Provided the Planning Commission grants the requested waivers.

Applicant Representation - Attorney Dick Murphy was present to represent the applicant. He requested one-month postponement so they could work on right-of-way issues with the state.

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Action - Mr. Forester made a motion, seconded by Ms. Worth, and carried 7-0 (Owens, Penn, Nicol, and Barksdale absent), to postpone PLN-MJDP-25-00042: PHELPS PROPERTY to the October 9, 2025 meeting.

- b. PLN-MJDP-25-00052: GAINSWAY MALL SHOPPING CENTER (SOUTHEASTERN HILLS SUBDIVISION, UNIT 3) (AMD) (11/2/25)* – located at 1163 & 1165 CENTRE PARKWAY, LEXINGTON, KY
Council District: 8
Project Contact: Vision Engineering

Note: The purpose of the plan is to depict parking and circulation for a new multi-tenant retail building. Waivers of Zoning Ordinance Articles 16-6(a)(1) and 16-6(a)(3) have been requested.

Requirements Not Met:

1. Provide sidewalk for all adjacent rights-of-way to the building entrance that meet ZO Art. 16-6(a)(3). (Traffic)
2. Revise dumpster enclosure detail to include gate retainers (drop rods) along with drilled holes and one additional bollard. (Waste Management)
3. Provide open space exhibit that complies with ZO Art. 20, and include open space requirements in the site statistics as a percentage. (ZO Art. 20-3) (Open Space)
4. Provide crosswalk or sidewalk to the park per ZO Art. 20-5. (Open Space)
5. Submit tree protection plan that complies with ZO Art. 26-4(c) and denote tree protection areas per ZO Art. 26-2. (Urban Forester)

Waiver(s) Necessary:

1. ZO Art. 16-6(a)(1) - No VUA in front yard for corner lots.
2. ZO Art. 16-6(a)(3) - Pedestrian access to right-of-way.

Design Considerations: None at this time.

Plan Questions or Concerns:

1. Discuss drive aisle around building only 16' wide. (Fire)
2. Please revise Note #4 to include public streets. (Engineering)
3. Is an access easement needed to allow this parcel to use the existing driveway? (Engineering)
4. Is a sanitary sewer tap available for each proposed lot? If subdivided, public sewers are needed. (LSR 6-6(d)) (Engineering)
5. It isn't clear where the new lot lines will be. An easement for the proposed service connection may be required. (Engineering)
6. What is the proposal for stormwater management? (ZO 21-6(a)(9)) (Engineering)
7. Where is the stormwater management facility for this area? (Engineering)
8. Verify that stormwater management requirements for quantity and quality are being met. (Engineering)
9. Who owns and maintains the existing stormwater system? (Engineering)
10. Consider if easements are required. (Engineering)
11. Is a commercial maintenance agreement and an organized commercial development group to share responsibility for the driveway and the existing storm system planned? (Engineering)

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. Open Space Planner's approval of open space areas.

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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. Correct all noted deficiencies listed as "requirements not met" herein.
14. Provided the Planning Commission approves the requested waivers.

Applicant Representation - Mark McIntosh, Vision Engineering, was present to represent the applicant. He requested a one-month postponement so they could work on issues regarding sidewalk connectivity.

Action - Ms. Worth made a motion, seconded by Mr. Wilson, and carried 7-0 (Owens, Penn, Nicol, and Barksdale absent) to postpone PLN-MJDP-25-00052: GAINSWAY MALL SHOPPING CENTER (SOUTHEASTERN HILLS SUBDIVISION, UNIT 3) (AMD) to the October 9, 2025 meeting.

- c. PLN-MAR-25-00012: 1234 SCOVILLE ROAD - a petition for an amendment to the Montclair Neighborhood Design (ND-1) Overlay zone in the Single Family Residential (R-1C) zone to increase the maximum depth of a building from 55 feet to 82 feet at 1234 Scoville Road.

The Zoning Committee recommended: Disapproval.

The Staff recommends: Disapproval, for the following reasons:

1. The applicant has not provided any information regarding special circumstances or unique conditions of the property that justify the proposed modification that are specific to the subject property. The property is one of the widest lots along Scoville Road.
2. The applicant has not demonstrated that being limited to fifty-five (55) feet of building depth would deprive the property owner of reasonable use of their land, or create an unnecessary hardship.
3. Granting the modification would alter the essential character of the general vicinity as no eighty-two (82) foot deep buildings exist along Scoville Road.
4. The request does not meet the intent behind the Montclair ND-1 standards, which emphasizes retaining compatible building scope and form.

Applicant Representative - Vince Thompson of Gibson, Taylor Thompson Architecture & Design, was present to represent the applicant. He informed the Commission that the applicant wished to withdraw the application.

Action - Ms. M. Davis made a motion, seconded by Mr. J. Davis, and carried 7-0-1 (Owens, Penn, and Nicol, absent and Barksdale recused), to withdraw PLN-MAR-25-00012: 1234 SCOVILLE ROAD.

- d. 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

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.

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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.

Staff Comments - Ms. Wade informed the Planning Commission that the applicant had withdrawn their waiver request so the plan could be brought back to the Technical Review Committee for review and approval.

Commission Discussion - There was some conversation among the Planning Commission regarding this process, and Ms. Wade requested that the Planning Commission accept the withdrawal of the waiver in a formal motion.

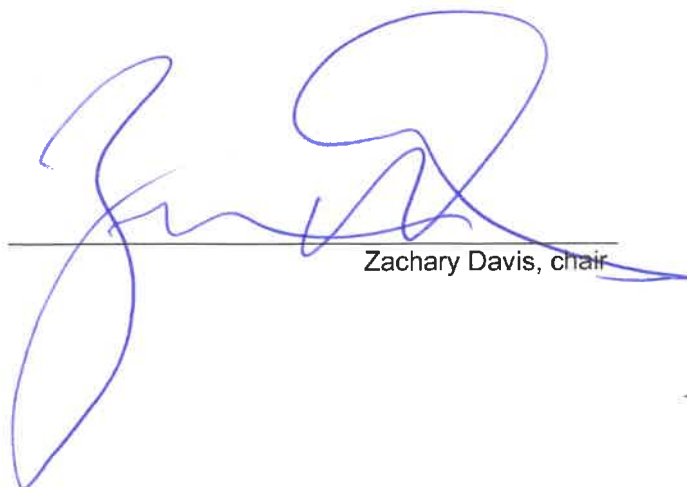
Action - Ms. M. Davis made a motion, seconded by Mr. J. Davis, and carried 8-0 (Owens, Penn, and Nicol absent), to accept the withdrawal of the waiver request.

VIII. COMMISSION ITEMS

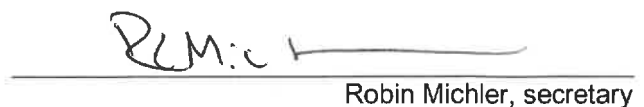
- A. APPOINT MEMBER TO FLOODPLAIN APPEALS COMMITTEE** – Mr. Forester made a motion, seconded by Mr. J. Davis, and carried 7-0-1 (Owens, Penn, and Nicol, absent, M. Davis recused) to appoint Molly Davis to the Floodplain Appeals Committee. Ms. M. Davis accepted the appointment.

Mr. Duncan reminded the Planning Commission about their upcoming work session that would be a round table discussion about affordable housing on September 18, 2025. Ms. M. Davis asked if the public could attend the work session. Mr. Duncan replied that anyone would be welcome to attend and listen to the conversation.

- IX. ADJOURNMENT** – Chair Davis adjourned the meeting at 1:43 p.m.



Zachary Davis, chair



Robin Michler, secretary

TW/DC/CC/CG/PS

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