

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
October 9, 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, Bruce Nicol, Judy Worth, Larry Forester, Robin Michler, Johnathon Davis, Frank Penn, and Molly Davis. Planning staff members present were Jim Duncan, Traci Wade, Daniel Crum, Chris Chaney, Cheryl Gallt, and Paula Owens. 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.
- III. **APPROVAL OF MINUTES** - Ms. Worth made a motion, seconded by Mr. J. Davis, and carried 9-0 (Owens and Wilson absent) to approve the September 11, 2025 minutes as presented.
- IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** - Mr. Penn made a motion, seconded by Ms. Worth, and carried 9-0 (Owens and Wilson 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).
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.

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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 sewered 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 continue to work on right-of-way issues with the state.

Action - Mr. Forester made a motion, seconded by Ms. Worth, and carried 9-0 (Owens and Wilson absent), to postpone PLN-MJDP-25-00042: PHELPS PROPERTY to the November 13, 2025 meeting.

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

- b. PLN-MJSUB-25-00004: COX PROPERTY (REVERE RUN, UNIT 2) (JACOBS FARM) (12/1/25)* - located at 2449 LIBERTY ROAD, LEXINGTON, KY
Council District: 6
Project Contact: EA Partners

Note: The purpose of the plan is to reflect development of 16 single-family lots and public street.

Requirements Not Met:

1. Depict internal pedestrian walkways to connect to all adjacent rights-of-way. (ZO Art. 16-6(a)(3)) (Traffic)
2. Depict ungated pedestrian access from Liberty Road. (Traffic)
3. Remove vehicular access to Liberty Road. (LSR 6-8(q)(2) (Planning)
4. Denote arterial landscape easement for double frontage lots. (ZO Art. 18-3(b)) (Planning)

Waiver(s) Necessary:

1. Waiver for lot frontage along a public street. (LSR 6-4(c))
2. Waiver for street patterns and continuity. (LSR 6-8(b))
3. Finding for Access Easement. ((LSR 6-8(m))

Design Considerations:

1. Kentucky Utilities requests utility easement along 20-foot building line in Lots 14-16.

Plan Questions or Concerns:

1. Depict proposed cross-section for Liberty Road. (Traffic)
2. Pedestrian access from Liberty Road should meet the location for the new multi-use path that will be on that side of the street. (Traffic)
3. Discuss location of second access easement location. (Traffic & Planning)
4. Discuss lotting pattern that requires access easement. (Engineering)
5. Discuss stormwater management plan including location, ownership, and maintenance. (DWQ Storm)
6. Is sanitary sewer tap available to each proposed lot, and where will it connect to the existing sewer? (DWQ-Sanitary)

The Subdivision Committee Recommended: **Postponement.** There are questions regarding compliance with Articles 6-4(c), 6-8(b), 6-8(m), and 6-8(q)(2) of the Land Subdivision Regulations and connectivity.

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

1. Urban County Engineer's acceptance of drainage, 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Provided the Planning Commission grants a waiver for LSR 6-4(c), LSR 6-8(m), and LSR 6-8(b).
9. Correct all noted deficiencies listed as "requirements not met" herein.

Applicant Representation - Rick Nunnery, EA Partners, was present to represent the applicant. He requested a one-month postponement.

Action - Mr. Michler made a motion, seconded by Ms. Barksdale, and carried 9-0 (Owens and Wilson absent), to postpone PLN-MJSUB-25-00004: COX PROPERTY (REVERE RUN, UNIT 2) (JACOBS FARM) to the November 13, 2025 meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, October 2, 2025 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Judy Worth, and Frank Penn. Other Committee members present were Vaughan Adkins, Division of Engineering; and David Filiatreau, Division of Traffic

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Engineering. Staff members in attendance were Daniel Crum, Chris Chaney, Cheryl Gallt, Paula Owens; 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.

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. Final Subdivision Plans

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

Note: The purpose of this amendment is to create 16 lots. A finding that access to lots provided solely by an access easement 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.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.

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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. Provided the Planning Commission finds an access easement as sole frontage for a lot is appropriate.

Staff Presentation - Mr. Chaney oriented the Commission to the Final Record Plat. He stated that the applicant had made some revisions to the lot lines on the plan, and there was now only 15 lots. They were also requesting that Planning Commission make a finding to approve lots which are proposed to have their sole access provided via an access easement, rather than via a public or private street. Mr. Chaney explained that Staff recommended approval with the following finding of appropriateness:

1. Allowing for the use of an access easement as sole vehicular access to this development is consistent with the intent of the Land Subdivision Regulations and will not negatively impact public health and safety. The Hat Trick Way roadway has been constructed to LFUCG Construction Standards with the exception of an appropriate termination of a public street, and the adjacent parcels are currently served by an access easement over this parcel. The applicant is proposing that traffic can turn around in the constructed parking lot on Tract 1D and have previously provided auto-turn exhibits indicating most vehicles can turn around within Tract 1D. Similarly, Doe Run Trail terminates in a large parking lot adjacent to the soccer complex which does allow for large vehicles to turn around.

This recommendation is made subject to the following additional condition:

- a. Denote maintenance of access easements on final record plats.

Commission Question - Mr. Penn asked if the property owners would approve of cars turning around on their lot. Mr. Chaney replied that the applicant would be able to answer the question better.

Applicant Representation - Stephanie Blaine, Palmer Engineering, explained why they had withdrawn the waiver request and requested a finding for the access easements instead. She stated that there was a gated access on Doe Run Trail, but it was located after the access points to the lots on this plat. She also pointed out that there was not any space for a dedicated turn-around area on Hat Trick Way.

Commission Questions - Mr. Penn asked if the access easement maintenance would be the responsibility of the property owners. Ms. Blaine replied that there was an ownership group that would maintain the access easements as well as the detention areas. She stated that this maintenance agreement would follow the deeds.

Ms. M. Davis asked if this was adjacent to another development plan. There was some discussion and Ms. Wade noted the development plans that were nearby, but none were adjacent to this plan.

Action - Ms. Worth made a motion, seconded by Mr. Forester, and carried 9-0 (Owens and Wilson absent), to approve PLN-FRP-25-00014: BOONESBORO MANOR (INTERSTATE PARK PROPERTY) (IVCP ATHENS SOUTH LLC) (AMO) and finding that the access easements as sole access was appropriate as presented by staff.

- b. PLN-MJDP-25-00049: PATCHEN WILKES, UNIT 2, LOT 8 (11/2/25)* - located at 1811 WINCHESTER ROAD, LEXINGTON, KY
Council District: 6
Project Contact: EA Partners

Note: The purpose of the plan is to depict development of a Kroger Marketplace and automobile fuel station on Lot 8.

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

Requirements Not Met:

1. Provide dumpster enclosure and pad specifications for behind the grocery store and at the fuel station. (DSG pgs. 6 & 10) (Waste Management)
2. Clarify street names. (Addressing)
3. Remove Note #12. (Sidewalk location should not be conceptual at this stage.) (Traffic)
4. Depict internal pedestrian walkways that comply with ZO Art. 16-6(a)(3)(c). (Traffic)
5. Denote site totals in site statistics. (ZO Art. 21-6(a)(13)) (Planning)
6. Dimension all driveways and walkways. (ZO Art. 21-6(a)(5)) (Engineering)
7. Depict all existing and proposed easements. (ZO Art. 21-6 (a)(10) & (c)(5)) (Engineering)
8. Correct Note #4 per ZO Art. 21-6(b)(1)). (Engineering)
9. Denote crosswalks shall be raised where they exceed 24' maximum. (ZO Art. 16-6(a)(3)(c)) (Planning & Traffic)
10. Correct location of external bike racks. (ZO Art. 16-12(b)) (Planning & Bike/Bed)
11. Provide internal walkways that comply with ZO Art. 16-6(c)(2). (Bike/Ped)
12. Provide open space exhibit that corresponds to those specified in the site statistics, and include open space requirements in the site statistics as a percentage. (ZO Art. 20-3) (Open Space)
13. List VUA tree canopy provided. (ZO Art. 18-3) (Urban Forester)

Waiver(s) Necessary:

1. PLN-WAV-25-00002
 - a. ZO Art. 16-12(b) - Location of bicycle parking
 - b. ZO Art. 16-15(b) - Commercial entrances standards

Design Considerations:

1. Review all Accela comments and design considerations provided by the Division of Engineering.
2. At-grade entrance should be reserved for an access easement or private street. (Traffic Engineering & Engineering)

Plan Questions or Concerns:

1. Clarify whether there will be a dumpster or compactor behind the grocery store. (Waste Management)
2. Discuss which portions of Thunderstick Drive and Charleston Drive will be built as part of this plan. (Traffic Engineering)
3. Discuss timing of infrastructure construction. (Engineering)
4. Is a sanitary sewer tap available for each lot? (Engineering)
5. Address sanitary sewer capacity. (ZO 5-2(h)) (Engineering)
6. How will the existing sanitary sewer system be accessed for the proposed development? (ZO 5-2) (Engineering)
7. What is the proposal for stormwater management? (ZO 21-6(a)(9). Where will the proposed discharge to or connect to a public system or drainage easement? Are any additional easements going to be required to make the connections? (Engineering)
8. Will easements be needed for pass-through drainage? (Engineering)
9. Discuss who will own and maintain the Stormwater Management areas or storm sewer system. (Engineering)
10. Discuss access to frontage road. (ZO Art. 16-15(e)) (Planning)

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

Staff Presentation - Mr. Chaney oriented the Planning Commission to the development plan that had been approved by the Technical Review Committee, and informed them that the applicant had requested two waivers. The applicant requested that bicycle parking locations to be located at various locations throughout the development rather than one large location. They also requested a waiver for the commercial entrance standards. Mr. Chaney explained the following recommendations of staff:

The Staff Recommends: **Approval of the requested waiver of Article 16-12(b) of the Zoning Ordinance**, for the following reasons:

1. The waiver will not compromise public health, safety, and welfare as adequate bicycle parking will be provided within reasonable distances of the entrances to the structure; and
2. The extent of waiver of this particular regulation is the minimum necessary to reasonably afford relief to the applicant as meeting the requirements would create unnecessary clutter and obstruction near the main entrances to the grocery store; and
3. (b) A strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The Staff Recommends: **Approval of the requested waiver of Article 16-15(b) of the Zoning Ordinance**, for the following reasons:

1. This waiver request does not compromise public health safety and welfare and supports the intent of Article 16-1 S(b) by providing adequate space for the normal traffic expected at this location; and
2. The extent of waiver of this particular regulation is the minimum necessary to reasonably afford relief to the applicant as constructing a narrower entrance would not allow for the normal turning movements of delivery vehicles; and
3. A strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

This recommendation is made subject to the following additional requirement(s):

- a. If a waiver of Article 16-12(b) is granted, the applicant must include four additional bicycle parking spaces, with no less than 50% located proximate to entrances, and include all required bicycle parking spaces to the approval of the Bicycle-Pedestrian Planner.
- b. If a waiver of Article 16-15(b) is granted, the applicant must install a raised pedestrian crossing to the approval of the Bicycle-Pedestrian Planner and the Division of Traffic Engineering.

Commission Questions - Mr. Penn asked why some of the bicycle parking was near the gas station. Mr. Chaney replied that applicant could better respond to that question.

Mr. Michler asked for clarification about the proposed width of the entrance to allow for delivery trucks. Mr. Chaney said that the concern was about trucks crossing into the egress lane, but the applicant could also better respond.

Mr. Michler asked if the egress turn lane was required. Mr. Chaney replied that it was not. Mr. Filiatreau from Traffic Engineering explained that they were basically asking for the same width as an industrial entrance, but adding the egress lane. He verified that the egress lane was not required. But added that, in the future, there would be a street across from the entrance, so it could then act as a 4-way intersection. He stated that this was why they were supporting the request.

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Ms. Worth requested if there was any information regarding a traffic study in the area. Mr. Filiatreau replied that the state was doing a corridor study of Winchester Road that would most likely begin in January.

Ms. Worth asked about flooding in the area being a potential problem. Vaughan Atkins, Division of Engineering, replied that the applicant was required to submit a stormwater study that addressed existing conditions and their plans to manage their stormwater.

Ms. M. Davis asked if the bike parking location at the back of the store was intended for employees. Mr. Chaney confirmed that it was. Ms. M. Davis asked if there was a sidewalk to entrance from that location, and Mr. Chaney replied there was, and identified it on the development plan.

Ms. M. Davis asked if the bicycle parking was intended to be long-term as mentioned in ZO Art. 16-12(a)(3). Mr. Chaney replied that he did not believe so.

Applicant Representation -Attorney Branden Gross was present to represent the applicant. He informed the Commission that they were required to get an encroachment agreement to build the intersection at Winchester Road, and that would require a traffic study. He also pointed out that they had areas of pervious parking pavers in the Kroger parking lot that would be part of their overall stormwater management plan. He also addressed the bicycle parking near the gas station. He said that it would be an amenity and shelter area, and he provided a picture of a structure that was similar to what was being proposed. He briefly discussed the bicycle parking locations, and agreed with the recommendations of staff for approval. Mr. Gross also discussed why they were asking for the commercial entrance standards waiver. He submitted an auto turn exhibit and discussed their reasoning for the request. He asked the Planning Commission to approve the two waivers as requested.

Commission Questions - Mr. Michler asked if staff would amend their recommendation because the applicant seemed to be citing the entrance being part of a future 4-way intersection as their justification rather than allowing for the normal turning movements of delivery vehicles. Mr. Chaney replied that the auto-turn exhibit was the basis for the staff recommendation. Mr. Michler was concerned that other commercial applications would begin to request larger entrances for their trucks as well, and wanted all of the justifications of the applicant to be noted so that it would not become a problem.

Action - Mr. Forester made a motion to approve PLN-WAV-25-00002 as recommended by staff with the two listed requirements.

Ms. Worth asked if there should be an amendment as proposed by Mr. Michler. There was some discussion among staff and the Commission in this regard. Mr. Forester asked the Law Department for guidance, and Ms. Jones made a suggestion to change the wording on Reason #2 of the waiver for Article 16-1 S(b) to read, "The extent of waiver of this particular regulation is the minimum necessary to reasonably afford relief to the applicant as constructing a narrower entrance would not allow for the normal turning movements of delivery vehicles at this location with a right and left egress lane and a future four-way intersection."

Mr. Michler stated that the suggested amendment addressed his concerns, and Mr. Forester agreed to amend the motion to include the reference to a future four-way intersection.

Action - The motion was seconded by Ms. Worth, and carried 9-0 (Wilson and Owens absent), to approve PLN-WAV-25-00002 as amended.

- c. PLN-MJDP-25-00052: GAINSWAY MALL SHOPPING CENTER (SOUTHEASTERN HILLS SUBDIVISION. UNIT 3)(AMO) (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.

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

Requirements Not Met:

1. Provide sidewalk for all adjacent rights-of-way to the building entrance that meet 20 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. 20 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.
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.

Staff Presentation - Mr. Chaney oriented the Planning Commission to the development plan and the waiver that was being requested by the applicant. He stated that the applicant had also submitted a revised plan, and he briefly discussed the following revised conditions:

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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 - (i;::ire)
1. Please revise Note #4 to include public streets. (Engineering)
2. Is an access easement needed to allow this parcel to use the existing driveway? (Engineering)
3. 4. Is a sanitary sewer tap available for each proposed lot? If subdivided, public sewers are needed. (LSR 6-6(d)) (Engineering)
4. a. It isn't clear where the new lot lines will be. An easement for the proposed service connection may be required. (Engineering)
5. 6. What is the proposal for stormwater management? (ZO 21-6(a)(9)) (Engineering)
6. 1. Where is the stormwater management facility for this area? (Engineering)
7. & Verify that stormwater management requirements for quantity and quality are being met. (Engineering)
8. g. Who owns and maintains the existing stormwater system? (Engineering)
9. 40. Consider if easements are required. (Engineering)
1. Q. 4. 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 Staff Recommends: **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.
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.

Mr. Chaney explained the waiver requests for no VUA in the front yard and pedestrian access to the right-of-way, and told the Commission that staff was recommending approval for the following reasons:

The Staff Recommends: **Approval of the requested waiver of Article 16-6(a)(1) of the Zoning Ordinance**, for the following reasons:

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1. The waiver will not compromise public health, safety, and welfare, and will have minimal adverse impacts due to VUA in the front yards because of the grade separation between the site and the roadway, and because the Division of Fire indicated that the drive depicted is important for fire access.
2. The extent of waiver of this particular regulation is the minimum necessary to reasonably afford relief to the applicant as the drive aisle in one direction and does not include any parking spaces.
3. A strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The Staff Recommends: **Approval of the requested waiver of Article 16-6(a)(3) of the Zoning Ordinance.** for the following reasons:

1. This waiver request does not compromise public health safety and welfare as reasonable pedestrian connections are possible immediately outside the subject property which meets the intent of Article 16-6(a)(3).
2. The extent of waiver of this particular regulation is the minimum necessary to reasonably afford relief to the applicant as access to the adjoining rights-of-way is provided in two directions and is ADA compliant.
3. A strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant due to the existing topography and the presence of mature trees.

This recommendation is made subject to the following additional requirement(s):

- a. Depict the single lane drive lane to the approval of the Division of Fire on the final development plan.
- b. Meet the requirement to connect to the public rights-of-way from internal pedestrian walkways to the approval of the Bicycle and Pedestrian Coordinator.

Commission Questions- Ms. M. Davis asked where the front of the building would be oriented. Mr. Chaney replied that the building would face inward.

Ms. M. Davis inquired about the purpose of the internal road around the building. Mr. Chaney responded that it was most likely for deliveries.

Ms. M. Davis asked if there was reciprocal parking in the development. Mr. Chaney referred to the applicant for the answer.

Ms. **M**. Davis asked if the bicycle parking was in an acceptable location, and Mr. Chaney did not believe that they were noted on the plan yet.

Applicant Representation - Jihad Hallany, Vision Engineering, was present to represent the applicant. He said he would be happy to add another bike rack if needed. He agreed with staff recommendation and asked for approval.

Chair Davis reminded the Commission would need to approve the development plan as well as the waiver request.

Action - Mr. Michler made a motion, seconded by Mr. Penn, and carried 9-0 (Wilson and Owens absent), to approve PLN-MJDP-25-00052: GAINSWAY MALL SHOPPING CENTER (SOUTHEASTERN HILLS SUBDIVISION, UNIT 3) (AMD) as well as the two waivers, as presented by staff.

Action - Mr. Michler made a motion, seconded by Mr. Penn, and carried 9-0 (Owens and Wilson absent), to approve both waiver requests for PLN-MJDP-25-00052: GAINSWAY MALL SHOPPING CENTER (SOUTHEASTERN HILLS SUBDIVISION, UNIT 3) (AMO) as recommended by staff with the added requirements as listed.

VIII. COMMISSION ITEMS

Mr. Duncan asked the Planning Commission to consider cancelling the October 16th Work Session because some of the items were not ready to be presented.

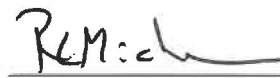
* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Action - Mr. Forester made a motion, seconded by Mr. Penn, and carried 9-0 (Owens and Wilson absent), to cancel the October 16, 2025 Work Session.

IX. ADJOURNMENT - Chair Davis adjourned the meeting at 2:53 p.m.



Zachary Davis, chair



Robin Michler, secretary