

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION & ZONING ITEMS
May 14, 2026

- I. **CALL TO ORDER** – Chair 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, Ivy Barksdale (arrived at 1:32 p.m.), Robin Michler, William Wilson, Mike Owens, Judy Worth, Larry Forester, Molly Davis, Bruce Nicol, and Frank Penn. Planning staff members present were Jim Duncan, Traci Wade, Daniel Crum, Chris Chaney, Cheryl Galt, Ryelle Browning, and Paula Owens. Other staff present were Tracy Jones and Brittany Smith, Department of Law; Jeff Neil, Division of Traffic Engineering; Hillard Newman, Division of Engineering; and Lieutenant Brian Morgan, Division of Fire and Emergency Services.
- III. **MINUTES** - Ms. M. Davis made a motion, seconded by Ms. Worth, and carried 9-0, (Penn abstained, J. Davis and Barksdale absent) to approve the March 12, 2026 minutes.
- IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Penn made a motion, seconded by Mr. Wilson, and carried 10-0 (J. Davis absent), to approve the performance bonds and letters of credit as presented.
- V. **POSTPONEMENTS AND WITHDRAWALS**
- A. **PLN-MJDP-26-00030: WML PROPERTIES, LLC (TWO KEYS) (AMD)** (7/5/26)* – located at 503 S. UPPER STREET, LEXINGTON, KY
Council District: 3
Project Contact: Barrett Partners, Inc.
- Applicant Representation - Attorney Scott Schutte was present to represent the applicant. He requested a one-month postponement.
- Action - Ms. Worth made a motion, seconded by Mr. Wilson, and carried 10-0 (J. Davis absent), to postpone PLN-MJDP-26-00030: WML PROPERTIES, LLC (TWO KEYS) (AMD) to the June 11, 2026 meeting.
- B. **PLN-CELL-26-00001: BRIAR HILL SOUTH WIRELESS COMMUNICATION FACILITY** – an application for a 195-foot-tall self-supporting tower, with an approximately 4-foot-tall lightning arrestor attached at the top, for a total height of 199-feet, plus related ground facilities, for property at 2151 Royster Road.
- Staff Comments - Mr. Chaney informed the Planning Commission that the applicant had withdrawn their request via email.
- Action - Ms. M. Davis made a motion, seconded by Ms. Barksdale, and carried 10-0 (J. Davis absent), to withdraw PLN-CELL-26-00001: BRIAR HILL SOUTH WIRELESS COMMUNICATION FACILITY.
- VI. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, March 5, 2026 at 8:30 a.m. The meeting was attended by Commission members Mike Owens, Frank Penn, and Judy Worth. Other Committee members present were Vaughan 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, Ryelle Browning, Paula Owens; Firefighter 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.*

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

- 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. Development Plans

- a. PLN-MJDP-26-00010: BRYANT PROPERTY (AMD) (4/5/26)* – located at 1800 & 1810 BRYANT ROAD, LEXINGTON, KY
Council District: 6
Project Contact: Vision Engineering

Note: The purpose of this amendment is to reconfigure building, parking, and circulation on Lot 2, and add access easement on Lot 1.

Requirements Not Met:

1. Addition of building line on Lot 1 along cul-de-sac/access easement. (ZO Art. 12-6(a)) (Planning)
2. Addition of all easements including Lot 3. (ZO Art. 12-6(a)(10)) (Planning)
3. Clarify Lighting Plan to comply with Article 30 of the Zoning Ordinance. (Planning)
4. Add "relocation of dumpster and addition of access easement on Lot 1" to purpose of amendment. (ZO Art. 12-7(d)) (Planning)
5. Correct title for cul-de-sac to access easement. (ZO Art. 12-6(a)(10)) (Planning)
6. Denote any waiver or variance, if approved by the Planning Commission. (Planning)
7. Update enclosure detail to comply with p. 7 of the Dumpster Service Guide. (Waste Management)
8. Provide Open Space Exhibit that includes common open space, and include open space requirements in site statistics as a percentage. (ZO Art. 20-3) (Open Space)
9. Turn-arounds will need to be provided within the parking lot drive aisle between the apartment buildings. (Fire)
10. Amend Tree Inventory Map to comply with ZO Art. 26-4. (Urban Forester)
11. Provide mitigation measures to be taken, if any, for justified removals. (ZO Art. 26-4(c)) (Urban Forester)
12. Depict easements for stormwater controls. (LSR 6-7(c)) (Engineering)
13. Remove reference to plat J-551 with the wrong title. (Engineering)

Waiver(s) Necessary:

1. PLN-WAV-26-00003: BRYANT PROPERTY (AMD) - requests a waiver of the sidewalk standards to eliminate sidewalk on the southeast side of the street on Lot 3 (LSR 6-8(n)(1)), in association with PLN-MJDP-26-00010, for property at 1800 & 1810 Bryant Road.

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

Design Considerations:

1. See all Accela comments provided by the Division of Engineering.
2. All pedestrian crossing greater than 24' shall be raised. (Bike/Ped)
3. The sanitary sewer capacity application on file will need to be updated prior to the issuance of building permits. (DWQ-Sanitary)
4. Sidewalks cannot count towards your vegetative open space. (Open Space)
5. The inlets from the proposed public street are directed through a private property (Lot 1). Where is the stormwater management for quality and quantity for Lot 1? The public storm is required to be kept separate from the private on-site systems. (Engineering)

Plan Questions or Concerns:

1. Discuss Note #10 for mitigation of loss of trees. (Planning)
2. Explain patterned crossing between Building 2 and 3 and in front of Building 4. (Traffic)
3. Discuss who will own and maintain the Stormwater Management areas. (SWM 1.5.6) (Engineering)
4. Are you building a berm over the existing sanitary sewer easement? (Engineering)
5. What is the proposal for stormwater management? ZO 21-6(a)(9) (Engineering)
6. Discuss access easement conversion to public or private street. Does cul-de-sac meet public street standards? (Planning)

The Subdivision Committee Recommend: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Urban Forester's approval of tree inventory map.
4. Open Space planner's approval of the treatment of greenways and greenspace.
5. Department of Environmental Quality's approval if environmentally sensitive areas.
6. Provided the Planning Commission approves PLN-WAV-26-00002.
7. Correct all noted deficiencies listed as "requirements not met" herein.

Staff Presentation - Ms. Gallt re-oriented the Commission to the development plan. She reminded the Commission that they had voted to reconsider the plan at the March 12, 2026 meeting. They also continued the application at the April 9, 2026 meeting, and requested more information regarding the potential of a gravesite on the subject property as well as the encroachment of a swimming pool. She stated that staff had conferred with the Historic Preservation Office, who indicated that there were only two known gravesites in the area, but neither were on the subject property. Ms. Gallt pointed to the locations on the aerial photograph, and indicated that one location had a non-build plat associated with it because of the graves that had been discovered there, and the other cemetery was delineated by a stone fence. She briefly reminded the Commission of the conditions of the revised staff report.

Requirements Not Met:

1. Addition of building line on Lot 1 parallel to cul-de-sac/access easement. (ZO Art. 12-6(a)) (Planning)
- ~~1.2.~~ Addition of all easements including Lot 3. (ZO Art. 12-6(a)(10)) (Planning)
- ~~2.3.~~ Clarify Lighting Plan to comply with Article 30 of the Zoning Ordinance. (Planning)
- ~~3.4.~~ Add "~~relocation of dumpster~~" and Remove "addition of access easement on Lot 1" to purpose of amendment. (ZO Art. 12-7(d)) (Planning)
- ~~5.~~ Correct title for cul-de-sac to access easement. (ZO Art. 12-6(a)(10)) (Planning)
- ~~4.6.~~ Denote any waiver or variance, if approved by the Planning Commission. (Planning)
- ~~7.~~ Update enclosure detail to comply with p. 7 of the Dumpster Service Guide. (Waste Management)
- ~~5.8.~~ Provide Open Space Exhibit that includes common open space, and include open space requirements in site statistics as a percentage. (ZO Art. 20-3) (Open Space)
- ~~9.~~ Turn-arounds will need to be provided within the parking lot drive aisle between the apartment buildings. (Fire)
- ~~6.10.~~ Amend Tree Inventory Map to comply with ZO Art. 26-4. (Urban Forester)
- ~~7.11.~~ Provide mitigation measures to be taken, if any, for justified removals. (ZO Art. 26-4(c)) (Urban Forester)
- ~~8.12.~~ Depict easements for stormwater controls. (LSR 6-7(c)) (Engineering)

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- ~~13. Remove reference to plat J-551 with the wrong title. (Engineering)~~
- ~~9. Correct side yard setback line to 25 feet adjacent to A-U zone. (ZO Art. 15-3) (Planning)~~
- ~~10. Denote existing zoning along west/southwest property line. (ZO Art. 21-6) (Planning)~~

Waiver(s) Necessary:

1. PLN-WAV-26-00003: BRYANT PROPERTY (AMD) - requests a waiver of the sidewalk standards to eliminate sidewalk on the southeast side of the street on Lot 3. (LSR 6-8(n)(1))

Design Considerations:

1. See all Accela comments provided by the Division of Engineering.
2. All pedestrian crossing greater than 24' shall be raised. (Bike/Ped)
3. The sanitary sewer capacity application on file will need to be updated prior to the issuance of building permits. (DWQ-Sanitary)
4. Sidewalks cannot count towards your vegetative open space. (Open Space)
5. The inlets from the proposed public street are directed through a private property (Lot 1). Where is the stormwater management for quality and quantity for Lot 1? The public storm is required to be kept separate from the private on-site systems. (Engineering)

Plan Questions or Concerns:

1. Discuss Note #10 for mitigation of loss of trees. (Planning)
- ~~2. Explain patterned crossing between Building 2 and 3 and in front of Building 4. (Traffic)~~
- ~~2.3. Discuss who will own and maintain the Stormwater Management areas. (SWM 1.5.6) (Engineering)~~
- ~~3.4. Are you building a berm over the existing sanitary sewer easement? (Engineering)~~
- ~~4.5. What is the proposal for stormwater management? ZO 21-6(a)(9) (Engineering)~~
- ~~5.6. Discuss access easement conversion to public or private street. Does cul-de-sac meet public street standards? Final record plat dedicating cul-de-sac shall be recorded prior to certification of development plan. (Planning)~~

The Staff Recommends: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Urban Forester's approval of tree inventory map.
4. Open Space planner's approval of the treatment of greenways and greenspace.
5. Department of Environmental Quality's approval if environmentally sensitive areas.
6. Provided the Planning Commission approves PLN-WAV-26-00002.
7. Correct all noted deficiencies listed as "requirements not met" herein.

Applicant Presentation - Attorney Nathan Billings was present to represent that applicant. He presented a report from HMB Consultants that described their efforts to find evidence of a cemetery on the subject property. He described the on-site meeting he had with Mr. Gribbins, who had claimed that there were gravestones on his property, as well as the subject property. Mr. Gribbins could not produce any evidence of gravestones on the subject property. Mr. Billings said that there was no historical or visible evidence of gravestones on the property. He opined that they had done everything possible to research the area, and reminded the Commission that any construction would have to stop, if any evidence was found.

Commission Questions - Ms. Worth asked Mr. Billings to address the swimming pool that was encroaching on the subject property. Mr. Billings said that, based on Mr. Gribbins claims that he was given permission to build the pool in that location, that "license" was revocable at will by the owner at any time. It was not considered "adverse possession".

Chair Davis asked Ms. Jones if they could hear public comments. Ms. Jones replied that they could, as long as it was only regarding the new information that had been presented.

Citizen Comments - Denise Enlow, 1815 Timber Creek Drive, was concerned that the gravesite research was done by the applicant rather than an unbiased third party.

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Commission Discussion - Mr. Wilson asked the staff if they could allay the concerns of the citizens regarding the validity of the gravesite report. He also wanted to know if the city was in agreement with the information contained in the report. Ms. Jones stated that these types of reports are presented to the Planning Commission often, and it was up to them how to use the information. Mr. Chaney stated that HMB had provided several studies to KYTC that he had seen during his former employment and were a legitimate company. Ms. Wade also reiterated that Ms. Galt had met with LFUCG Historic Preservation staff to discuss the area, and had not found any other evidence of graves.

Ms. M. Davis asked who was responsible for the maintenance of the subject property, specifically where it was overgrown. Ms. Wade responded that the growth of trees was generally not an enforcement issue, but the overgrowth of grass was considered a nuisance and the responsibility of the property owner.

Ms. M. Davis asked staff to describe the motions for the previous hearings of this application. Ms. Wade briefly described the previous discussion and motions made during the March and April meetings.

Action - Mr. Wilson made a motion, seconded by Mr. Nicol, to approve PLN-MJDP-26-00010: BRYANT PROPERTY (AMD) as presented by staff, with the seven listed conditions.

Staff Comments - Ms. Wade reminded the Planning Commission that the applicant had agreed to provide a 30% tree canopy, and suggested that it should be added as a condition. Mr. Wilson and Mr. Nicol agreed to amend the motion to include the new condition.

Action - The motion carried 9-1 (J. Davis absent, M. Davis opposed), with the additional condition:

8. Denote 30% tree canopy will be provided.

Action - Mr. Wilson made a motion, seconded by Ms. Worth, and carried 10-0, to approve PLN-WAV-26-00003: BRYANT PROPERTY (AMD), as presented by staff, with the condition of approval.

The Staff Recommended: **Approval of the requested waiver to Article 6-8(n)(1) for the construction of a sidewalk on one side of the street** for the following reasons:

1. Granting the requested waiver to release the applicant of responsibility of construction of the sidewalk on both sides of the street will not adversely affect the public health, safety, and welfare in compliance with the intent of the Land Subdivision Regulations. The applicant has proposed a sidewalk connection to the Brighton Trail along the southwest property boundary, and the cul-de-sac has already been constructed.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship due to the extreme elevations and utilities located on the southwest side of the access easement/cul-de-sac. To construct the sidewalk, it would also encroach into the adjacent property in close proximity of the structure on the property.

Conditions of Approval:

- a. Bike and Pedestrian Planners approval of the sidewalk connection on the property from the street to the trail.
- b. PLN-MJDP-26-00027: HAZEN PROPERTY, MONTMULLIN STREET SUBDIVISION (EVER LEXINGTON) (7/5/26)* – located at 121 PRALL STREET, 118 MONTMULLIN STREET, and 545, 553, 563 S. LIMESTONE, LEXINGTON, KY
Council District: 3
Project Contact: EA Partners

Note: The purpose of the plan is to depict a multi-story, mixed-use building utilizing the Neighborhood Business Form-Based Project provisions of the B-1 zone. The plan includes 155 residential dwelling units and non-residential space.

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Requirements Not Met:

1. Submit an open space exhibit that matched the site statistics box on the development plan. (Open Space)
2. Provide bicycle parking facilities that comply with ZO Art. 16-12. (Bike/Ped)
3. Commercial driveway entrance shall comply with Standard Drawing 307-2. (Engineering)
4. Label the existing retaining wall at the rear of the property. (Engineering)

Waiver(s) Necessary: None at this time.

Design Considerations:

1. See all Accela comments provided by the Division of Engineering.
2. If a sewer capacity application has already been filed, it will have to be updated prior to the issuance of building permits. A sanitary sewer analysis is needed to evaluate the additional flow on the existing system. (DWQ-Sanitary)
3. What is the proposal for stormwater management? (ZO Art. 21-6(a)(9)) (Engineering)
4. Reconcile depicted street cross-sections with more recent plats. (Engineering)
5. Verify and discuss existence of power pole in sidewalk on Montmullin Street. (Engineering)

Plan Questions or Concerns:

1. Discuss change to dimension of street tree well on S. Limestone cross-section. (Planning)
2. Discuss increase in lot coverage, building square footage, number of bedrooms, and height of building. (Planning)
3. Confirm this location will have trash compactor or dumpster. (Waste Management)
4. A consolidation plat will be needed to combine the various individual parcels, before building permits are granted. (Engineering)
5. Discuss tree boxes/planters and proximity to utilities on Limestone. (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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Open Space Planner's approval of open space and vegetative 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. Correct all noted deficiencies listed as "requirements not met" herein.

Staff Presentation - Mr. Chaney oriented the Planning Commission to the form-based project that includes 155 dwelling units and non-residential space. He pointed out that the entrance points to the building had changed and there was now internal circulation for the parking levels. He displayed some renderings that had been provided. Mr. Chaney also described the street tree wells that had been proposed in the Limestone cross-section.

Mr. Chaney provided a copy of the context/character renderings to the Commission.

Commission Question - Ms. M. Davis asked where the greenspace was located, and Mr. Chaney referred to the applicant.

Mr. Penn asked why the Planning Commission was seeing this project again. Ms. Wade explained that they had recently seen the zone change, but because this was a form-based project, the final development plan also had to be approved by the Planning Commission.

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Applicant Representation - Rory Kahly, EA Partners, was present to represent the applicant. He agreed with the staff findings and requirements, and asked for approval. He pointed out the useable and vegetative open space, and noted its close proximity to a park to meet the open space requirements.

Ms. M. Davis asked Ms. Wade to re-explain the history of the zone change requests. Ms. Wade reiterated the timeline and necessary approvals.

There was some Commission and staff discussion about the types of development plans that would still be heard by the Planning Commission, including form-based and adaptive re-use projects.

Action - Ms. Worth made a motion, seconded by Mr. Forester, and carried 10-0 (J. Davis absent), to approve PLN-MJDP-26-00027: HAZEN PROPERTY, MONTMULLIN STREET SUBDIVISION (EVER LEXINGTON) as presented by staff, with the 12 listed conditions.

2. Waivers

- a. PLN-WAV-26-00013: TURNER PROPRTY & MEADOWTHORPE COMMUNITY BUSINESS CENTER (TURNER COMMONS) - requests a waiver for an alternate cross-section for industrial local streets, (LSR Exhibit 6-3), in association with PLN-FRP-26-00013, for property at 125 Turner Commons Way.

Staff Presentation - Mr. Chaney oriented the Commission to the record plat associated with the waiver request, and explained the alternate cross-section requests. He explained the reasons why staff was recommending approval of the requests at this time.

The Staff Recommended: **Approval of the requested waiver**, for the following reasons:

1. Granting the waiver will not adversely affect public health, safety, and welfare as the proposed cross sections do not meet the standards but provide adequate space for vehicles and pedestrians within a mixed-use environment with limited industrial traffic.
2. The cross-sections indicated were shown on a previously approved final development plan for the subject property within an infill and redevelopment context.

Applicant Representation - Attorney Nathan Billings was present to represent the applicant. He requested approval and briefly described the development in the area. He stated that the cross-sections have always appeared on this plan, but they needed to get the waiver for approval of the plat.

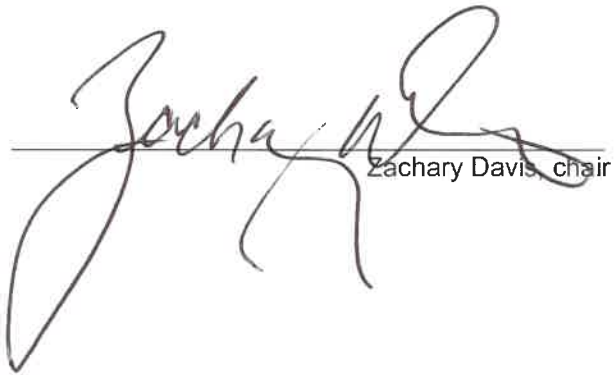
Action - Mr. Michler made a motion, seconded by Ms. M. Davis, and carried 10-0 (J. Davis absent), to approve PLN-WAV-26-00013: TURNER PROPRTY & MEADOWTHORPE COMMUNITY BUSINESS CENTER (TURNER COMMONS) for the reasons provided by staff.

VII. COMMISSION ITEMS

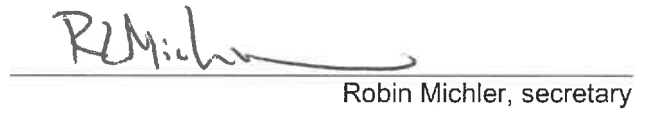
Chair Comments - Chair Davis announced that he was forming a Solar Work Group, and stated that the first public meeting would be held in the Phoenix Building Conference Room on May 20th at 11 a.m.

VIII. ADJOURNMENT – Chair Davis adjourned the meeting at 2:31 p.m.

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Zachary Davis, chair



Robin Michler, secretary