

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

July 23, 2026

- I. **CALL TO ORDER** - Chair Zach Davis called the meeting to order at 1:30 p.m. ET (12:30 p.m. CT) in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **ATTENDANCE** – Planning Commission members present were Zach Davis, Ivy Barksdale, Molly Davis, Mike Owens, Frank Penn, Larry Forester, Johnathon Davis, Bruce Nicol, Judy Worth, and William Wilson. Planning staff members present were Jim Duncan, Traci Wade Daniel Crum, Dalton Belcher, Jeremy Young, Chris Chaney, Boyd Sewe, Hal Bailey, Iris Dooling, Rachael Lay, and Ben Wolford. Other staff present were Tracy Jones and Brittany Smith, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Brian Morgan, Division of Fire and Emergency Services.
- III. **APPROVAL OF MINUTES** – A motion was made by Mr. Forester, seconded by Mr. J. Davis, and carried 8-0-2 (Michler absent, Owens and Worth abstained), for the approval of minutes from the May 28, 2026, public hearing.
- IV. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal were considered at this time.
- A. **PLN-MAR-26-00008: SOUTH BROADWAY PROJECT OWNER, LLC** (8/29/26)* – a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone for 5.089 net (5.406 gross) acres for property located at 1021, 1057, and 1059-1069 S Broadway.
- Applicant Representation - Attorney Dick Murphy was present to represent the applicant. He requested a one-month postponement to the August 27, 2026, public hearing.
- Action - Mr. Wilson made a motion, seconded by Ms. Worth, and carried 10-0 (Michler absent) to postpone **PLN-MAR-26-00008: SOUTH BROADWAY PROJECT OWNER, LLC** and the associated development plan, **PLN-MJDP-26-00021: PARKER TOBACCO CO. INC. (THE DEAN LEXINGTON)**, to the August 27, 2026, meeting.
- B. **PLN-MAR-26-00009: EDWARD McGHEE** (7/23/26)* – a petition for a zone map amendment from Single Family Residential (R-1C and R-1D) zones to a Medium Density Residential (R-4) zone for 9.417 net (11.121 gross) acres for property located at 4865 Bates Creek Road and 4720 Saron Drive.
- Applicant Representation – Attorney Robert Dean was present to represent the applicant. He requested a two-month postponement to the September 24, 2026 public hearing.
- Action - Mr. J. Davis made a motion, seconded by Mr. Penn, and carried 10-0 (Michler absent) to postpone **PLN-MAR-26-00009: EDWARD McGHEE** and the associated development plan, **PLN-MJDP-26-00025: TOM COLLINS FARM (MCGHEE PROPERTY)**, to the September 24, 2026, meeting.
- C. **PLN-MAR-26-00004: MT. LAUREL LANDS COMPANY** (7/23/26)* – a petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Wholesale and Warehouse Business (B-4) zone for 1.12 net (2.62 gross) acres for property located at 2137 Old Paris Road.
- Applicant Representation – Daniel Crum, Principal Planner, requested a one-month postponement to the August 27, 2026 public hearing on behalf of the applicant who was absent.
- Action – Mr. Owens made a motion, seconded by Mr. J. Davis, and carried 10-0 (Michler absent) to postpone **PLN-MAR-26-00004: MT. LAUREL LANDS COMPANY** and the associated development plan, **PLN-MJDP-26-00024: MT. LAUREL LANDS CO. PROPERTY**, to the August 27, 2026, meeting.
- D. **PLN-ZOTA-26-00007: ATTENDED DONATION CENTER REGULATIONS** – a text amendment to Article 1- 11 to add a new definition for attended donation centers, and to allow the use as a principal use in the B-3, B-4, B-6P, and PUD-3 zones, and as a conditional use in the B-1 zone.

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

Applicant Representation – Attorney Lauren Nichols was present to represent the applicant. She requested a one-month postponement to the August 27, 2026 public hearing.

Action – Mr. Owens made a motion, seconded by Mr. J. Davis, and carried 10-0 to postpone **PLN-ZOTA-26-00007: ATTENDED DONATION CENTER REGULATIONS** to the August 27, 2026 meeting.

V. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, May 7, 2026 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Mike Owens, 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, Cheryl Gallt, Ryelle Browning, Paula Owens; Lieutenant Brian Morgan, Division of Fire and Emergency Services; Tracy Jones and Brittany Smith, 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.*

1. **PRELIMINARY SUBDIVISION PLANS**

- a. **PLN-MJSUB-26-00004: LANE ALLEN PARK, LOTS 2 & 3** (8/29/26)* – located at 1899 PARKERS MILL ROAD, LEXINGTON, KY
Council District: 10
Project Contact: Vision Engineering

Note: The purpose of this plan is to subdivide the property into 28 single-family residential lots, a street right-of-way, and one HOA lot.

Requirements Not Met:

1. Correct Note #28, changing "developer" to "development".
2. Provide street names. (LSR 5-2(d)(2)) (Planning)
3. Correct typo in Note #30.
4. Depict all existing and proposed easements. (LSR 5-2(d)(1)) (Engineering)
5. Denote all required floodplain information. (ZO Art 19-7(g) & SWM 1.6) (Engineering)
6. Provide stormwater design that conforms with LFUCG standards and regulations. (SWM 10.5, 6.1.4, 1.4.4, 1.67 & Figure 1-3) (Engineering)
7. Denote CLOMR approval is required prior to the issuance of any land disturbance or building permits.

Waiver(s) Necessary:

PLN-WAV-26-00020: LANE ALLEN PARK, LOTS 2 & 3 - requesting waiver to modify street geometrics. (LSR Art. 6-8(a) and Exhibit 6-1).

Design Considerations:

1. See all Accela comments provided by the Division of Engineering.
2. Provide two street names suggestions or Addressing staff will assign. (Addressing)
3. Address sanitary sewer capacity. (ZO Art. 5-2(h)) (Engineering)
4. Locate hydrants so they are greater than 43' radius to accommodate for fire apparatus turnaround vehicle clearance at the time of water plan submittal. (Fire)

Plan Questions or Concerns:

1. Discuss intermittent stream that crosses Lots 4, 5, & 20. (Planning)
2. Discuss intersection improvements at entrance with Lane Allen. (Planning)
3. Discuss half-road improvements along Parkers Mill Road. (LSR 6-8(p)) (Planning)

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4. Discuss stormwater management proposal. (Engineering)

The Subdivision Committee Recommended: **Postponement.** There are questions regarding stormwater detention and roadway intersection improvements.

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. Department of Environmental Quality's approval of environmentally sensitive areas and greenways.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Open Space Planner's approval of open space and vegetative areas.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Correct all noted deficiencies listed as "requirements not met" herein.

Staff Presentation – Mr. Chris Chaney, Senior Planner, presented the revised staff report to the Commission. He shared renderings of the property, explaining its location and noted the applicants plan to build 28 single-family homes. Mr. Chaney indicated that an intermittent stream raised drainage concerns on the property. He also noted there was an associated waiver request for street geometrics at the entrance to the proposed development property. The development entrance will align with Lane Allen Road and improvements will be constructed along Parkers Mill Road.

Mr. Chaney stated that staff recommends approval, subject to the following conditions:

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. Department of Environmental Quality's approval of environmentally sensitive areas and greenways.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Open Space Planner's approval of open space and vegetative areas.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Provided the Planning Commission grants the requested waiver.
11. Correct all noted deficiencies listed as "requirements not met" herein.

Staff Presentation - Mr. Jeremy Young, Senior Planner, oriented the Commission with the requested waiver **PLN-WAV-26-00020: LANE ALLEN PARK, LOTS 2 & 3**. Mr. Young indicated that the applicant was requesting to increase the maximum sag vertical curve at the first interior intersection from 3 percent to 4.73 percent and the entrance road crest vertical curve at Parkers Mill Road from 3 percent to 4.71 percent.

Mr. Young stated that the staff recommends approval of the requested waiver(s), Article 6-8(a) and Exhibit 6-1, for the following reasons:

1. Granting the requested waiver for street geometrics will not adversely affect public health, welfare and safety in compliance with the intent of the Land Subdivision Regulations, as the revised geometrics maintain the minimum required stopping sight distance, and vehicular safety at the interior intersection is supported by a stopped condition. No negative traffic or safety concerns are anticipated.
2. The granting of the waivers is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship as achieving full compliance requires raising the roadway by 2.5 feet, causing a loss of at least five residential lots, changes in utility layout, and compromising the project's feasibility. These circumstances meet the threshold of undue hardship associated with site grading constraints.

Commission Comment – Ms. M. Davis stated that she had heard adverse comment to adding more homes on Parkers Mill Road. She asked how many cars could be stacked near the exit of the proposed development and questioned the safety of making a left turn out of the property.

Mr. David Filiatreau, Traffic Engineering, indicated that stacking at the intersection with Lane Allen Road should be minimal due to the low volume of proposed units within the subdivision. He stated that the intersection would need to be reconstructed, and that the traffic light will remain for additional safety.

Ms. Worth asked if the concerns heard at the Subdivision Committee meeting regarding intermittent and ephemeral streams had been resolved.

Vaughan Adkins, Engineering, indicated that the location of the streams on the property allow for development.

Applicant Presentation – Matt Carter, Vision Engineering, stated that he had resolved concerns with staff. He indicated that he, and the applicant, are in agreement with staffs recommendation.

Commission Comment – Mr. Penn sought clarification on whether the proposed development would need a CLOMR.

Mr. Carter stated that they would make a request for a CLOMR once the development plan is approved.

Citizen Comment – Braden Stamper, University of Kentucky student, stated that he is in support of this project, noting that it is a step in the right direction to resolve Lexington's housing deficit by utilizing appropriate land within the Urban Service Boundary.

Action – Mr. Penn made a motion, seconded by Mr. Forester, and carried 10-0 to approve **PLN-MJSUB-26-00004: LANE ALLEN PARK, LOTS 2 & 3** based on the findings and 11 conditions given by staff.

Action – Mr. Penn made a motion, seconded by Mr. Forester, and carried 10-0 to approve **PLN-WAV-26-00020: LANE ALLEN PARK, LOTS 2 & 3** based on the findings given by staff.

VI. ZONING ITEMS - The Zoning Committee met on Thursday, May 7, 2026 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Zach Davis, Molly Davis, Johnathan Davis, Larry Forester, and William Wilson. Staff members present were Traci Wade, Daniel Crum, Jeremy Young, Chris Chaney, Ryelle Browning, Ben Wolford; Tracy Jones and Brittany Smith, Department of Law.

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

1. PLUMBERS AND STEAMFITTERS LOCAL NO. 452 BUILDING CORPORATION MAP AMENDMENT REQUEST AND SOUTHSIDE TECHNICAL CENTER DEVELOPMENT PLAN

- a. **PLN-MAR-26-000013: PLUMBERS AND STEAMFITTERS LOCAL NO. 452 BUILDING CORPORATION** (8/29/26)* – a petition for a zone map amendment from a Single-Family Residential (R-1C) zone to a Corridor Business (B-3) zone for 4.912 net (6.047 gross) acres for property located at 1770 and 1800 Harrodsburg Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

Note: The applicant is seeking to rezone the subject property from a Single Family Residential (R-1C) zone to the Corridor Business (B-3) zone to establish a trade school.

The Zoning Committee Recommended: **Approval.**

The Staff Recommends: **Conditional Approval** for the following reasons:

1. The proposed Corridor Business (B-3) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives for the following reasons:
 - a. The proposal will provide training and opportunities to enhance the workforce in the area by providing specialized training and experience to trades such as plumbing, HVAC, and pipefitting. (Theme C, Goal #1.a and Theme C, Goal #2.a).
 - b. The commercial character of the proposed development matches the character of this portion of the Harrodsburg Road corridor, while keeping the scale of the operations compatible with adjoining single-family residential development (Theme A, Goal #2.b).
 - c. The proposal will improve a desirable community by working to achieve an effective, equitable, and comprehensive transportation system as they intend to add bicycle parking at this location where none currently exists and encourage students to carpool to limit vehicular traffic (Theme D, Goal #1.b.).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
 - a. At the existing scale, the building and use are sensitive to both the adjoining commercial and single-family residential contexts (Theme A, Design Policy #4).
 - b. The proposal features internal and external sidewalks which creates a pedestrian-friendly walkable block (Theme A, Design Policy #5).
 - c. The proposal activates a former school site within the community, providing an educational opportunity to develop necessary skills to work in various trades. (Theme A, Equity Policy #9).
 - d. The proposal offers alternative post-secondary educational opportunities to develop skills that will allow students to explore specialized vocational opportunities (Theme C, Prosperity Policy #7).
3. The justification and corollary Final Development Plan are in agreement with the Development Criteria of the 2045 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Land Use, as the request activates a use located near neighborhood serving commercial areas (A-DS12-1) and along a major corridor, and LexTran operates in the near vicinity (D-CO3-1).
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development criteria, as the proposal includes sidewalk connections to transit (A-DS-1-2), and the applicant has more parking than they will need for the number of students and they will encourage carpooling to reduce the amount of traffic accessing the site (C-PS10-1).
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as the development does not impact environmentally sensitive areas (B-PR2-1), and will maintain the existing landscaping and trees present on site (B-PR7-1).
 - d. The request meets the requirements for Site Design, as there is access to the main parking area from McCubbing Drive and a secondary parking area will have limited use only by employees of the school (A-DS7-1), and the site has been used as a similar trade school use in the past and has adequate facilities on site to accommodate the school operations (A-EQ9-1).
 - e. The request meets the criteria for Building Form, as the request is at an appropriate scale to surrounding structures (A-DN2-2), and provides a pedestrian-friendly atmosphere with internal

and external sidewalks to connect to the interior parking area and the nearby neighborhood (A-DS5-3).

4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited:
- i. Self-service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
 - ii. Automobile service stations.
 - iii. Carnivals, special events, festivals, or concerts on a temporary basis.
 - iv. Rental of equipment whose retail sale would be permitted in the B-1 zone.
 - v. Arcades, including pinball and electronic games.
 - vi. Pawnshops.
 - vii. Banquet facilities.
 - viii. Establishments primarily engaged in agricultural sales and services.
 - ix. Ecotourism activities to include hiking, bicycling and equine trails; recreational outfitters, and canoeing and kayaking launch sites.
 - x. Un-hosted short-term rentals.
 - xi. Establishments and lots for the display, rental, and sale of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - xii. Car washing establishments.
 - xiii. Indoor amusements, such as billiard or pool halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.
 - xiv. Parking lots and structures.
 - xv. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - xvi. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership, when such use is at least two hundred (200) feet from a residential zone.
 - xvii. Mobile food vendor parks.
 - xviii. Medicinal cannabis dispensaries and safety compliance facilities.

These restrictions are appropriate and necessary to ensure compatibility with the adjoining residential land uses.

5. This recommendation is made subject to approval and certification of PLN-MJDP-26-00047: SOUTHSIDE TECHNICAL CENTER, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Staff Presentation – Dalton Belcher, Senior Planner, oriented the Commission with the requested zone change. He indicated that the applicant is seeking to rezone the subject property from a Single Family Residential (R-1C) zone to the Corridor Business (B-3) zone to establish a trade school. Mr. Belcher noted that this property was previously occupied by Fayette County Public Schools, who are exempt from zoning regulations. He clarified that FCPS operated within an R-1C zone, and that the current applicant is a private organization, requiring a rezoning to operate. Mr. Belcher used aerial images to familiarize the Commission with streets, neighborhoods, and zones adjacent to the property.

Mr. Belcher noted four conditional zoning restrictions that were proposed to be removed from staff's recommendation by the Zoning Committee. Those conditions were:

- i. Self-service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
- vi. Pawnshops
- vii. Banquet Facilities
- ix. Ecotourism activities to include hiking, bicycling and equine trails, recreational outfitters, and canoeing and kayaking launch sites

Mr. Belcher then indicated that after holding a neighborhood meeting, the applicant proposed additional zoning restrictions based on the interests and recommendations of the neighborhood. Those conditions were:

1. Nightclubs with entertainment
2. Animal kennels
3. Gas stations
4. A requirement that if a "private club" is developed on the property, it be required to have adequate on-site parking.

Mr. Belcher indicated that staff recommends removing the 4th suggested condition by the neighborhood due to the inability to uphold the request within the Zoning Ordinance.

Commission Comment – Mr. Penn asked if the lot could be subdivided.

Mr. Belcher confirmed that the lot could be subdivided, but there was no intention by the applicant to do so, stating they plan to operate as a trade school and use the space as needed for their facilities.

Mr. Belcher stated that the Zoning Committee recommended **Approval** and offered to answer any questions.

- b. **PLN-MJDP-26-00047: SOUTHSIDE TECHNICAL CENTER PROPERTY** (8/29/26)* – located at 1770 & 1800 HARRODSBURG ROAD, LEXINGTON, KY
Council District: 10
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict the current site layout, in support of the requested zone change from a Single-Family Residential (R-1C) zone to a Corridor Business (B-3) zone.

Requirements Not Met:

1. Depict building lines. (ZO Art. 21-6(a)(14)) (Planning)
2. Denote no change in exterior lighting or provide lighting plan. (ZO Art. 30) (Planning)
3. Depict pedestrian entrances to buildings. (ZO Art. 21-6(a)(5)) (Planning)
4. Addition of direct sidewalk connection to McCubbing Drive. (ZO Art. 16-6(3)(a)(iii)) (Traffic & Bike/Ped)
5. Addition of bicycle parking at 10% of the total vehicular parking provided. (ZO Art 16-12(a)(1)) (Bike/Ped)
6. Submit a separate tree inventory map. (ZO Art. 26-4(b)) (Urban Forester)
7. Upload open space exhibit to Accela and provide open space in site statistics as a percentage. (ZO Art. 20-3) (Open Space)

Waiver(s) Necessary: None at this time.

Design Considerations:

1. See all Accela comments provided by the Division of Engineering.
2. Any future plan will require a dumpster location. (Waste Management)

Plan Questions or Concerns:

1. Discuss Placebuilder criteria.
2. Discuss removal of circle drive on Harrodsburg Road. (Planning)
3. Confirm there are no proposed site changes (including right-of-way). (Engineering)
4. Address sanitary sewer capacity. (Engineering)

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

1. Provided the Urban County Council approves the zone change to B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.

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3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscaping buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Open Space Planner's approval of open space areas.
10. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
11. Division of Waste Management's approval of refuse collection locations.
12. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
13. United States Postal Service Office's approval of kiosk locations or easement.
14. Correct all noted deficiencies listed as "requirements not met" herein.

Staff Presentation – Mr. Chaney oriented the Commission with the proposed development plan for the property, noting that the applicant does not plan on making any changes that would affect the building's ability to function as a trade school. He stated the changes that the applicant did intend to make were to update the existing building and bring it into compliance with the Zoning Ordinance. Mr. Chaney shared a rendering of the proposed development plan, familiarizing the Commission with the surrounding streets and neighborhoods. He clarified that the applicant intends to use the additional entrance at the back of the building, specifically for faculty parking.

Mr. Chaney stated that staff recommends approval of the development plan and the 14 associated conditions and offered to answer any questions from the Commission.

Commission Comment – Ms. M. Davis asked if there were sidewalks on both sides of Clays Mill and Harrodsburg Roads. Mr. Chaney indicated that there were sidewalks at both locations, and that they tied into the proposed development.

Applicant Presentation – Attorney Scott Schuette was present to represent the applicant. He confirmed the applicant's intention of operating a trade school on the property and explained that the lot would not be subdivided as it is needed for student parking. Mr. Schuette noted that the applicant has operated in two other locations in Lexington for a combined 123 years, and does not plan to leave this property. He indicated that he is in agreement with staff's recommendations.

Action – Mr. Forester made a motion, seconded by Ms. Worth, and carried 10-0 to approve **PLN-MAR-26-000013: PLUMBERS AND STEAMFITTERS LOCAL NO. 452 BUILDING CORPORATION** based on the findings and 17 conditional zoning restrictions provided by staff as follows:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited:

- i. Automobile service stations.
- ii. Carnivals, special events, festivals, or concerts on a temporary basis.
- iii. Rental of equipment whose retail sale would be permitted in the B-1 zone.
- iv. Arcades, including pinball and electronic games.
- v. Establishments primarily engaged in agricultural sales and services.
- vi. Un-hosted short-term rentals.
- vii. Establishments and lots for the display, rental, and sale of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
- viii. Car washing establishments.
- ix. Indoor amusements, such as billiard or pool halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.
- x. Parking lots and structures.
- xi. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- xii. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership, when such use is at least two hundred (200) feet from a residential zone.

- xiii. Mobile food vendor parks.
- xiv. Medicinal cannabis dispensaries and safety compliance facilities.
- xv. Nightclubs with entertainment
- xvi. Animal kennels
- xvii. Gas stations

Action – Mr. Forester made a motion, seconded by Mr. Wilson, and carried 10-0 to approve **PLN-MJDP-26-00047: SOUTHSIDE TECHNICAL CENTER PROPERTY** based on the findings and 14 conditions provided by staff.

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.

1. RAK PROPERTIES, LLC MAP AMENDMENT REQUEST AND HAMBURG PLACE FARM SIR BARTON WAY OFFICE PARK PHASE 2 LOT 9 (SIR BARTON WAY APARTMENTS) DEVELOPMENT PLAN

- a. **PLN-MAR-26-00012: RAK PROPERTIES LEXINGTON, LLC** (8/13/26)* – a petition for a zone map amendment from a Professional Office (P-1) zone to a Medium Density Residential (R-4) zone for 4.724 net (4.724 gross) acres for property located at 2501 Sir Barton Way.

Note: The petitioner is proposing the Medium Density Residential zone to construct a 99 unit, multi-family development. The proposal includes two two-story and three three-story structures, along with a central office/amenity area.

The Zoning Committee Recommended: **Postponement.**

The Staff Recommends: **Disapproval** for the following reasons:

1. The requested Medium Density Residential (R-4) zone is not in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The application failed to provide information as to how the proposed development would integrate with the surrounding community (Theme A, Goal 2.b).
 - b. The proposal does not improve Lexington's transportation network through ample street and sidewalk connections between new and existing development. (Theme A, Goal 3.e).
 - c. The proposal does not prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence. (Theme B, Goal 3.c).
 - d. The limited access fails to establish and promote road network connections to reduce police, EMS, and fire response times and improve efficiency and operations of city services Theme A, Goal 4.c).
2. The requested Medium Density Residential (R-4) zone is not in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:

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- a. The isolated nature of the property limits the viability of pedestrian access (Design Policy #4, #5 and #7).
 - b. The project lacks adequate road connections to enhance service times & access to public safety, waste management and delivery services for all residents (Design Policy #2).
 - c. The street design does not reflect & promote the desired place-type. (Connectivity Policy #1).
3. The requested Medium Density Residential (R-4) zone is not in agreement with the Development Criteria of the 2045 Comprehensive Plan for the following reasons:
 - a. Land Use: Staff finds that the isolated, disconnected nature of the proposed development fails to create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment (C-LI7-1). Additionally, the applicant has not indicated that any public engagement efforts have taken place (D-PL7-1).
 - b. Staff finds that the request does not meet the criteria for Transportation, Connectivity, and Walkability as the development fails to provide adequate connectivity (A-DS4-1, D-CO2-1, D-CO2-2), lacks road frontage that is appropriate for multi-family residential development, and routes all vehicular traffic to the site through a single access easement (D-CO4-2).
 - c. Staff finds that the request does not meet the criteria for Site Design, due to lack of pedestrian-oriented activated streetscape (A-DS5-4), failure to provide neighborhood focused open space (A-DS9-2) and does not provide a well-connected and activated public realm (C-LI8-1).
 - d. Staff finds that the request does not meet the requirements for Building Form as the applicant has not demonstrated compliance with the Multi-family Design Standards (A-DS3-1) and fails to maximize connections with the street and create a pedestrian-friendly atmosphere (A-DS5-3).
4. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2045 Comprehensive Plan
5. The applicant has not provided a justification regarding the inappropriateness of the Professional Office (P-1) zone and the appropriateness of the Medium Density Residential (R-4) zone. Staff concludes that the Professional Office (P-1) zone remains appropriate for the subject property, because it is consistent and compatible with the existing development of the surrounding office park development.

Staff Presentation – Mr. Young oriented the Commission to the zone change request. He noted that the applicant was seeking a zone change from a P-1 zone to an R-4 zone, to develop 99 apartment units with a clubhouse and amenities. He shared aerial images and maps to show the relation between the property, I-75, and surrounding neighborhoods. Mr. Young stated that most of the zones surrounding the property are zones P-1 or A-R.

Mr. Young indicated that the applicant had chosen a Regional Center placetype, defined as a vibrant hub of commerce, employment, diverse housing opportunities, and entertainment. He explained that this placetype is often located at major intersections and along primary corridors.

Mr. Young emphasized staff's recommendation of disapproval, noting problems with internal connectivity, walkability, design, and an improper integration into the surrounding community. He offered to answer any questions from the Commission.

Commission Comment – Mr. Nicol stated that the need for housing opportunity has surpassed the desire for professional office space, and that he sees this property as an underutilized parcel that isn't suitable for much else other than housing.

Mr. Owens requested confirmation that the only access to the property would be from Sir Barton Way, between two branch banks.

Mr. Young confirmed that the property has no public road frontage, therefore it would only be accessible by using a pre-existing access easement.

- b. **PLN-MJDP-26-00032: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, PHASE 2, LOT9 (SIR BARTON WAY APARTMENTS) (AMD)** (8/13/26)* – located at 2501 SIR BARTON WAY, LEXINGTON, KY
 Council District: 6
 Project Contact: Rich Design Studios

Note: The purpose of this plan is to depict a multi-family residential development, in support of the requested zone change from a Professional Office (P-1) zone to a Medium Density Residential (R-4) zone.

Requirements Not Met:

1. Denote: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this development plan shall require a separate review and building permit from the Division of Building Inspection prior to construction. (Z.O. Art. 21(b)(1)) (Building Inspection)
2. Denote: Development in areas of alluvial soils will comply with Article 6-11 of the Land Subdivision Regulations. (LSR Art. 6-11(a)(2)) (Environmental Services)
3. Denote: No land disturbance, construction, clearing of native vegetation, or mowing shall occur in the vegetative buffer zone. Invasive species may be removed by hand-held equipment or a forestry grinder. (SWM 1.4.4) (Engineering)
4. Use standard site statistics table and consolidate all site data. (Planning)
5. Correct title block to match staff report. (Planning)
6. Denote zone change request in purpose of plan note. (Planning)
7. Dimension all driveways and walkways. (ZO Art. 21-6(a)(5)) (Planning)
8. Denote construction access. (ZO Art. 21-6(a)(5)) (Planning)
9. Denote building entrances. (ZO Art. 21-6(a)(5)) (Planning)
10. Remove VUA between principal structures and street. (ZO Art. 16-5(c)(1 & 2)) (Planning)
11. Depict VUA interior landscape areas that conform with ZO Art. 18-3(b)(4)(a). (Planning)
12. Clarify 25' floodplain setback. (Planning)
13. Depict bicycle parking. (Planning)
14. Verify correct Commission Certification. (ZO Art. 21-6(b)(6&7)) (Planning)
15. Connect sidewalk in access easement from Sir Barton Way to the internal pedestrian network, and connect internal pedestrian network between buildings. (ZO Art. 16-6(3)(a)(ii)) (Bike/Ped, Traffic)
16. Alter parking lot layout to show cross-access. (ZO Art. 16-6(3)(d)) (Traffic)
17. Alter access to driveway apron at the end of the access easement. (ZO Art. 16-15(j)) (Traffic)
18. Commercial entrances shall be located a minimum of three (3) feet from the property line or more to allow the corresponding apron flare to remain inside the projected property line and be in compliance with LFUCG Standard Drawing 307-2 or 307-3. (Traffic & Engineering)
19. Denote all pavement markings, aside from standard parking stalls, shall be thermoplastic. (Traffic)
20. Reverse flow of building numbers to clockwise. (Addressing)
21. Address of the complex must be clearly visible from Sir Barton Way, or create a name for the access road. (Addressing)
22. Depict vegetative buffer. (ZO Art. 19-7(g) and SWM) (Engineering)
23. Depict the regulatory flood protection elevation and/or flood protection elevation. (ZO 19-7(g)) (Engineering)
24. Fifty percent or greater of the required bicycle parking for multi-family developments shall be covered and either located directly adjacent to the structure or in a location internal to the structure. Bicycle parking shall be allocated proportionately between the residential structures on a development based on the number of residential units in each structure. (Bike/Ped)
25. Label the centerline of the blueline stream. (Environmental Services)
26. Change Note #6 to read, "Screening and landscaping shall conform with ZO Art. 18, LSR 6-10, and Tree Protection Ordinance". (Landscape Examiner)
27. Upload open space exhibit to Accela, and include open space requirements in the site statistics as a percentage. (ZO Art. 20-3) (Open Space)

Waiver(s) Necessary:

1. PLN-WAV-26-00014: - Lot frontage and access provisions under Article 6-4(c) of the Subdivision Regulations and approval of the use of the existing access easement under Article

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

6-8(m) of the Subdivision Regulations in association with PLN-MJDP-26-00032, for property at 2501 Sir Barton Way.

Design Considerations:

1. See all Accela comments provided by the Division of Engineering
2. Fire department access shall be provided within 150 ft. of all portions of the exterior of a building, measured by an approved route. This distance shall be extended to 450 ft. if the building is protected by an approved automatic sprinkler system. (NFPA 1, 2016) (Fire)

Plan Questions or Concerns:

1. Address sanitary sewer capacity. (ZO Art. 5-2(h)) (Engineering)
2. What is the proposal for stormwater management? (ZO Art. 21-6(a)(9)) (Engineering)
3. Discuss who will own and maintain the Stormwater Management areas. (ZO Art. 6-7(c)) (Engineering)
4. Discuss maintenance of access easement. (Engineering)
5. Discuss Placebuilder criteria.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding cross-parcel access and second access for 100 units or more.

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

1. Provided the Urban County Council approves the zone change to R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree inventory map.
5. Open Space Planner's approval of open space areas.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Correct all noted deficiencies listed as "requirements not met" herein.

Mr. Chaney oriented the Commission to the development plan. He indicated that the development plan shows one space where the applicant suggests putting a stub street to the proposed development, but a previously approved development plan shows a building on the adjacent property in that location. Mr. Chaney also noted another spot that could potentially be suitable for an access stub, but stated that an existing utility box would create limitations.

Mr. Chaney presented a revised staff report which included the following requirements and conditions:

Requirements Not Met:

1. Dimension all ~~driveways~~ and walkways. (ZO Art. 21-6(a)(5)) (Planning)
2. Remove VUA between principal structures and street. (ZO Art. 16-5(c)(1 & 2)) (Planning)
3. Depict VUA interior landscape areas that conform with ZO Art. 18-3(b)(4)(a). (Planning)
4. Depict bicycle parking. (Planning)
5. Alter parking lot layout to show cross-access. (ZO Art. 16-6(3)(e)) (Traffic)
6. Alter access to driveway apron at the end of the access easement. (ZO Art. 16-15(j)) (Traffic)
7. Commercial entrances shall be located a minimum of three (3) feet from the property line or more to allow the corresponding apron flare to remain inside the projected property line and be in compliance with LFUCG Standard Drawing 307-2 or 307-3. (Traffic & Engineering)
8. Address of the complex must be clearly visible from Sir Barton Way, or create a name for the access road. (Addressing)
9. Depict the regulatory flood protection elevation and/or flood protection elevation. (ZO 19-7(g)) (Engineering)
10. Fifty percent or greater of the required bicycle parking for multi-family developments shall be covered and either located directly adjacent to the structure or in a location internal to the

structure. Bicycle parking shall be allocated proportionately between the residential structures on a development based on the number of residential units in each structure. (Bike/Ped)

11. Label the centerline of the blueline stream. (Environmental Services)
12. Upload open space exhibit to Accela, and include open space requirements in the site statistics as a percentage. (ZO Art. 20-3) (Open Space)
13. Include unit count in site statistics.

Waiver(s) Necessary:

1. PLN-WAV-26-00014: Lot frontage and access provisions under Article 6-4(c) of the Subdivision Regulations and approval of the use of the existing access easement under Article 6-8(m) of the Subdivision Regulations in association with PLN-MJDP-26-00032, for property at 2501 Sir Barton Way.

Design Considerations:

1. See all Accela comments provided by the Division of Engineering.
2. Fire department access shall be provided within 150 ft. of all portions of the exterior of a building, measured by an approved route. This distance shall be extended to 450 ft. if the building is protected by an approved automatic sprinkler system. (NFPA 1, 2016) (Fire)

Plan Questions or Concerns:

1. Address sanitary sewer capacity. (ZO Art. 5-2(h)) (Engineering)
2. What is the proposal for stormwater management? (ZO Art. 21-6(a)(9)) (Engineering)
3. Discuss who will own and maintain the Stormwater Management areas. (ZO Art. 6-7(c)) (Engineering)
4. Discuss maintenance of access easement. (Engineering)
5. Discuss Placebuilder criteria.

The Staff Recommends: **Disapproval**, for the following reasons:

1. Numerous requirements of the Zoning Ordinance have not been met, including street frontage along a public or private street for the minimum established by Article 8-13 and connectivity to adjoining development required by Article 16-6. Without street frontage and connectivity between the adjoining lots, the site poses a safety concern for all users of the access easement and the intersection of such access easement with Sir Barton Way.
2. The intent of the Medium Density Residential (R-4) zone states that the zone and the development proposed within the zone, "should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population." Further, medium to medium-high density uses should be located along collector and arterial roadways and established in accordance with the Goals, Objectives, Policies and Development Criteria of the Comprehensive Plan. The proposed R-4 zone lacks frontage along a collector or arterial street, and creates future issues for connectivity within an established Professional Office Park.

Staff Presentation - Mr. Young oriented the Commission with the requested waiver PLN-WAV-26-00014 for lot frontage and access provisions under Article 6-4(c) of the Subdivision Regulations and approval of the use of the existing access easement under Article 6-8(m) of the Subdivision Regulations.

Mr. Young stated that the staff recommends disapproval because the applicant has not demonstrated that strict compliance with the regulations would create undue hardship. The applicant could develop this property as designed and previously approved in the current zone without the need for waivers.

Applicant Presentation – Attorney Dick Murphy was present to represent the applicant. He oriented the Commission with the history and context of the property, stating that RAK Properties, LLC purchased the lot several years ago to develop a medical practice, but did not proceed with the project leaving the property vacant. He explained that the potential purchaser of the property, who he also represented, is MMK Ventures, LLC, a locally owned housing development company.

Mr. Murphy indicated that through conversations with his client, the decision to change zones from P-1 to R-4 was made to create a better residential living experience for the renters of the units. He emphasized that the property is listed as a vacant lot, and he believed that a residential use would be the least impactful way to develop an underutilized space. He also stated that while the entrance to the property is solely through an access easement, an already constructed left turn lane allows for safe entrance from Sir Barton Way.

Mr. Murphy shared a rendering of the proposed development, noting that the applicant is not requesting any variances relating to floodplain setbacks. He then called attention to the center of the property, where a community center would be built for residents of the units, as well as a western connection to a planned multipurpose trail. Mr. Murphy stated that the property's close proximal relation to the Whitaker Family YMCA added even more community value to the proposed development.

Mr. Murphy compared the applicants development plan to a previously approved plan from 2021, and indicated that the new plan had fewer parking spaces, resulting in less impact to traffic, and northern vehicular connections, aiding in accessibility, that the previous plan did not have.

Sam Gray, Broker with Cushman and Wakefield Commercial Real Estate, addressed the Commission on the declining need for the P-1 zone. Mr. Gray claimed that the property has experienced no interest from developers to build office spaces but has had many residential inquiries. He stated that the environment has changed in regard to office space, with more employees working from home, and a reduction in team size across many organizations. Mr. Gray indicated that office development and rental prices were undesirable to developers and companies.

Mr. Murphy stated that he disagreed with staff's recommendation of disapproval.

Note: Chair Davis left the meeting at 3:24 p.m.

Commission Comments – Ms. M. Davis asked for confirmation that a constructed church south of the property would limit the proposed development's ability to connect to its southmost neighboring property.

Mr. Murphy confirmed that since a church was already built in the south, the applicant would not be able to connect their property to the church.

Ms. M. Davis asked if there was another reasonable residential zone that the applicant could request that would not require a waiver.

Mr. Murphy stated that the required waiver would be needed for any residential zone change.

Citizen Comment – Julie Kaenig, 2667 Lucca Place, expressed concern about the height of the proposed development, and stated that the design was not aesthetically pleasing.

Note: Traci Wade, Planning Manager, informed Vice Chair Barksdale that the Tuscany Neighborhood Association requested 30 minutes to speak, which was previously granted by Chair Davis.

Dan Stratton, 2421 San Milano Place, representing the Tuscany Neighborhood Association indicated that they had several speakers that would address specific concerns. He stated that the neighborhood opposed the zone change. He further stated that the proposed development disrupted the balance of the Hamburg area.

Note: Mr. J. Davis left the meeting at 3:34 p.m.

Tammy Hingst, 2577 Pascoli Place, stated that the proposed development displayed a fundamental incompatibility with the Tuscany Neighborhood.

Lance Kline, 2429 Pascoli Place, expressed concern with safety and traffic along Sir Barton Way.

Note: Chair Davis returned to the meeting at 3:39 p.m.

Gary Ermers, 2465 Pascoli Place, addressed existing issues with flooding in the Tuscany Neighborhood, stating that adding 99 units in five large buildings would make the problems worse.

Karen Hendren, 2445 Rossini Place, shared dissatisfaction with the noise, light, and traffic that the proposed development would create.

Karen Casey, 2400 San Milano Place, discussed the environmental dangers to wildlife that come with a large residential development.

Debbie Jones, Tuscany Neighborhood Association, shared concerns relating to privacy, property value, and environmental impacts.

Laura Kline, 2429 Pascoli Place, recognized the responsibility of the Planning Commission, and addressed concerns with safety and security, noting higher levels of activity that accompany large residential developments.

Larry Smith, 2484 Coroneo Lane, summarized the comments from the Tuscany Neighborhood Association, and opined that the proposed development does not align with the 2045 Comprehensive Plan.

Murielle Brohez, 2433 Rossini Place, stated that previous developments along Sir Barton Way have increased flooding and traffic, and she believes that the new proposed development will add to those issues.

Larisa Plecha, 2433 San Milano Place, stated that the need for housing in Lexington is important, but the proposed development does not fit the context of the neighborhood.

Alan Black, 2437 Pascoli Place, stated that approving this development would set a precedent of more large scale residential development in the Hamburg area.

Applicant Rebuttal – Ross Mash, MMK Ventures, LLC, stated that he was intimately familiar with Lexington's idea for infill development. He noted that the parcel has many characteristics that make it a good option for residential development, including its proximity to Hamburg and other community centers.

Mr. Murphy indicated that the project was not about money, but about establishing homes in Lexington and utilizing a vacant parcel of land.

Citizen Rebuttal – Gary Ermers, 2565 Pascoli Place, stated that there are other opportunities for the developer to build homes within the expanded Urban Service Area without impacting the established development pattern in Hamburg.

Lance Kline, 2429 Pascoli Place, stated that the proposed development would not only impact traffic in his neighborhood, but in surrounding neighborhoods as well.

Staff Comment – Ms. Wade addressed Mr. Murphy's arguments about access easements and the Land Subdivision Regulations, noting that the Hamburg property has been developed mostly along Sir Barton Way, leaving undesirable lots with poor frontage. She acknowledged that staff agrees P-1 might not be the best zone for the property, but believes that a residential zone would be even more ill-fitted for the area. Ms. Wade noted the lack of connection to nearby residential areas, clarifying that the property would be isolated, and not reasonably integrated into the community. Ms. Wade stressed the importance of following the required regulations, emphasizing the need for the waiver associated with the zone change and proposed development if approved.

Mr. Crum added that updates to the Zoning Ordinance, after the passing of House Bill 443, created a need to ensure that more issues were resolved during the zone change process, rather than in the final stages of the approval of the development plan.

Commission Comment – Mr. Nicol suggested the staff assess this property as vacant and underutilized based on the amount of time it has spent as an underdeveloped parcel.

Ms. Wade indicated that staff believes residential infill development is important, but in this circumstance, staff's recommendation is based on efforts to avoid creating problematic situations for the neighbors, future or current, of the proposed development property. She added that staff acknowledge the gap in housing availability in Lexington, but not every site is suited for residential development.

Note: The Planning Commission called for a recess at 4:30 p.m., and returned at 4:50 p.m.

Note: Mr. Forester left the meeting at 4:34 p.m.

Commission Comment – Mr. Wilson asked if any public engagement relating to the proposed development had taken place.

Mr. Murphy stated that in conversations with Dan Stratton, he asked if the Tuscany Neighborhood Association wanted to meet and was told it was not necessary. He also indicated that efforts were made to meet with the East Liberty Neighborhood Association but he never heard back.

Mr. Owens thanked the public for taking time to speak. He stated that he sees idle, underdeveloped land, and believes that the need for housing calls for residential developments in vacant lots.

Action – Mr. Owens made a motion, seconded by Mr. Nicol, and failed to carry (due to a tie vote) 4-4 (J. Davis, Forester, and Michler absent) to approve **PLN-MAR-26-00012: RAK PROPERTIES LEXINGTON, LLC** for the findings and reasons presented by the applicant.

Staff Comment – Tracy Jones, Department of Law, informed the Commission that under KRS, they must reconvene in 30 days, at the August 27 public hearing, to vote again when there is a tie vote for a zone change.

Note: Mr. Nicol left the meeting at 5:15 p.m.

Action – Ms. Worth made a motion, seconded by Mr. Owens, and carried 7-0 to continue **PLN-MJDP-26-00032: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, PHASE 2, LOT9 (SIR BARTON WAY APARTMENTS) (AMD** and the associated waiver **PLN-WAV-26-00014** to the August 27 public hearing.

VII. COMMISSION ITEMS

- A. PLN-CELL-26-00004: CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS** – A request to increase the height of an existing cell tower from 79 feet to 139 feet for property located at 2280 Hume Road.

Staff Presentation – Mr. Crum oriented the Commission with the location of the telecommunications tower. He shared maps and photos of the property located on Hume Road, detailing its proximity to I-75 and Winchester Road. He noted that the zones around the subject property were a mix of residential and agricultural zones. Mr. Crum confirmed that the applicant intends to use all of the existing facilities already constructed on the site, including the access road, screening, and fencing.

Mr. Crum stated that this was an expansion of an existing cell tower. Mr. Crum then outlined the requirements of the Uniform Application as well as the requirements of Article 25 of the Zoning Ordinance, noting the expansion met all requirements except the necessary setback from adjoining property lines. Mr. Crum explained that the applicant is seeking relief from the setback requirement in order to utilize the existing tower's location.

Article 25 of the Zoning Ordinance affords the Planning Commission the ability to provide relief from certain Communication Tower requirements. In order for the proposal to be approved, the request requires relief with respect to the setback from adjoining properties' lives within the agricultural zones.

Mr. Crum informed the Commission that with a 139-foot-tall tower, a setback of 139 feet from all property lines would be required. He stated that the initial 75-foot tower at this location was granted relief from the setback requirements when it was approved in 2018 to allow for lesser setbacks from the western and northern property lines. Mr. Crum stated that the staff found that the additional tower height would not pose a threat at this location, since there are no neighboring structures within the tower's fall zone, and the nearest travel lane on the interstate is over 160 feet away.

Mr. Crum stated that staff recommend conditional approval because the proposed tower meets the yard/setback requirement on two sides. He further stated that the tower meets the remaining locational requirements of Article 25 in the Zoning Ordinance.

The staff recommended the following conditions of approval:

1. That the tower be located as shown on the site layout and constructed as noted in the elevation drawings.
2. That the proposed tower meet all requirements of Article 25 other than the 1:1 height-to-yard ratio to the north and west, based on the variances that have been requested.
3. That any applicable permits (e.g., grading, building and/or occupancy) be obtained prior to construction from the appropriate Divisions of the Urban County Government.
4. That, if approved, the development plan for the property be amended within 30 days of Planning Commission action.

Commission Comment – Ms. M. Davis asked if the neighborhood was informed of this project. Mr. Crum confirmed that State Law required notifications to be mailed to the owners of surrounding properties, similar to that of a zone change.

Applicant Presentation – Attorney Russell Brown was present to represent the applicant. He stated that the goal of Verizon Wireless was to expand coverage in the immediate area, and to the east. Mr. Brown explained that the expansion of coverage wasn't possible with the current height of the tower.

Commission Comment – Mr. Wilson asked if any other companies were co-located on the existing tower. Mr. Brown clarified that currently no other companies were co-located on the tower but acknowledged that adding height would create opportunities.

Ms. Worth requested that the applicant consider installing infrared lighting to help protect night flying birds and bats.

Action – Mr. Wilson made a motion, seconded by Mr. Penn, and carried 7-0 (J. Davis, Nicol, Forester, and Michler absent) to approve **PLN-CELL-26-00004: CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS**.

B. DOWNTOWN AREA MASTER PLAN – An Amendment to the Comprehensive Plan.

Staff Presentation - Boyd O. Sewe, Principal Planner in the Long Range Section of the Division of Planning, and the Project Manager for the Downtown Area Master Plan entered the following items into the record: 1.) the mailed meeting notice that was sent to surrounding counties, 2.) the resolution to add the Downtown Area Master Plan as an addendum to the 2023 Comprehensive Plan, 3.) the public input comments that were received during the plan's review period, and 4.) the Downtown Area Master Plan in its current form.

Mr. Sewe shared the extensive public engagement efforts that were fulfilled within the last year and a half while collaborating with residents, businesses, stakeholders, and the Downtown Area Master Plan Advisory

Committee. He added that Planning Staff and the consultants reviewed all the public input that was received and made revisions where it was deemed appropriate. Mr. Sewe then introduced Andrew J. Overbeck, consultant with Myers, Kline, Schmalenberger and Kinzelman (MKSK), to present more information on the Downtown Area Master Plan.

Consultant Presentation - Mr. Andrew Overbeck, MKSK introduced the plan to the Planning Commission. He described the Downtown Area Master Plan as a yearlong, community-driven process to create a long-term plan and vision for Lexington's Downtown. Mr. Overbeck discussed the engagement data as it was shown on the overhead screen. He stated that there were over 2,200 Lexington voices engaged in the project and further outlined the engagement as: 1.) 475 interactive workshop attendees, 2.) 943 online survey respondents, 3.) 100 stakeholders in roundtables, 4.) over 700 residents engaged with at various community events, 5.) staff attendance at 32 neighborhood events, and 6.) over 5,000 unique visits to the project's website, www.downtownlexplan.com. Mr. Overbeck explained that plan adoption would establish long-range policy direction, identify priorities for future public and private investment, guide future zoning, transportation, housing, and public-realm work, and establish an implementation framework. Mr. Overbeck then explained that plan adoption does not immediately change zoning, approve catalyst-site developments, commit funding, or change the neighborhood identity or development rights. Mr. Overbeck shared that one of the first items on the project task list was defining the downtown boundary, and he discussed the boundary as it was shown on the overhead screen.

Mr. Overbeck discussed the four themes: Growing, Greener, Multimodal, and Welcoming Downtown. The presentation shared different catalyst sites (Mill & Short, Good Samaritan Hospital, and Newtown Pike), to illustrate future mixed-use and housing opportunities. He emphasized that the images were conceptual in nature and could change depending on the property owner's decisions. While discussing the plan themes, Mr. Overbeck reviewed the recommendations for greenery and street trees, walkability, multimodal streets, and discussed strategies to support Lexington's unhoused population. Mr. Overbeck concluded his presentation by stating that the plan is community-driven, technically grounded, implementable, and flexible, and asked the Planning Commission if they had any questions.

Commission Questions – Ms. M. Davis asked how the public input from the East End community was addressed. Mr. Hal Baillie, Long-Range Planning Manager, referenced former discussions that were had at the Planning Commission Work Session meetings prior to the current hearing. Mr. Baillie noted that there were differing viewpoints within the East End, as some members of the community wanted to be included in the Downtown area, while others requested to remain removed from the Downtown area. Mr. Baillie further acknowledged that there is distrust within the community and the major themes from public input included cultural heritage preservation, housing types, ownership opportunities, and anti-displacement concerns. He stated that it was his belief that the plan is the best-balanced approach. Mr. Baillie acknowledged how some areas have existing Small Area Plans that are active and added that the Downtown Area Master Plan would support those plans and their strategies.

Ms. M. Davis asked if the Plan's public input comments would remain online and how future public input comments would be addressed. Ms. Davis further added that the plan seemed to have a short turnaround time for public input comments. Mr. Baillie stated that many of the plan's elements occurred after significant updates were given to the Planning Commission and to the public at different neighborhood meetings and events. He stated that there were updates on chapters, the written aspects, and on the visual aspects throughout the process but it was consolidated and shared as one draft. He explained that post-adoption comments would be part of implementation discussions and stated that when the plan reaches implementation, it would be the responsibility of the Urban County Council and appropriate officials to advance the strategies that are identified within the plan.

Ms. Worth asked about the off-campus student housing concerns that were referenced in public input comments. Mr. Baillie explained that off-campus housing serves Lexington residents broadly and that it could not be separated into "student" vs. "non-student" categories. He emphasized that the off-campus housing should be looked at as housing that is serving a need for Lexingtonians that are not living on campus. Mr. Baillie then referenced how the University of Kentucky representatives collaborated with Planning on the Downtown

Area Master Plan and further explained that they have discussed the significant concern of the lack of housing that is being built on campus and shared that there are long-term plans to include additional on-campus housing.

Mr. Owens asked about the ownership of Good Samaritan Hospital. Mr. Baillie confirmed that the University of Kentucky owned the property.

Mr. Owens asked if the University of Kentucky was in accord with Planning staff regarding the different possibilities of the plan. Mr. Baillie shared that a representative from the University of Kentucky did work with Planning throughout the process and mentioned their long-term plans for adding density for the student population and for the workforce population.

Mr. Penn asked questions about housing definitions, specifically unit vs. bed leasing. Mr. Baillie stated that when he says, "all housing is for Lexingtonians" that they cannot distinguish between housing that is being provided to students compared to housing that is being provided to anyone else within the community. He emphasized that distinguishing housing types by occupancy type is not allowed under fair housing principles.

Ms. Davis stated that occupancy of six or more individuals could be defined as a "boarding house." Mr. Baillie referenced the definition for "Functional Family" that was established to address student populations and stated that there were other types of housing opportunities that could be considered.

Citizen Comments – Billie Mallory stated that she was with the East End Community Development Corporation and expressed her support for the Downtown Area Master Plan. Ms. Mallory noted the incorporation of the East End and expressed her hope that previously unfunded tasks that were referenced in the East End Small Area Plan could be progressed through the Downtown Area Master Plan. Ms. Mallory stated that she hopes that they can remain a supportive partner from the East End.

Robert Hodge stated that he was the President of the William Wells Brown Neighborhood Association. Mr. Hodge expressed that they hosted a neighborhood association meeting that had standing room only, and that there were no attendees of that meeting who were in support of the Downtown Area Master Plan. Mr. Hodge referenced historic displacement of Black neighborhoods, such as Adams Town, South Hill, Deweese Street, Kinkade Town, Davis Town, Charlette Court, and said that it was his assumption to add Prall Town to that list as well. Mr. Hodge made note of there being a lack of communication and responsiveness from staff when they are asked questions.

Vivian Hodge stated that she was the Vice President of the William Wells Brown Neighborhood Association. Ms. Hodge expressed her concerns about anti-displacement and the contradictions between the anti-displacement goals and the text that is written on page 116 of the plan about the 12-story buildings. Ms. Hodge urged the Planning Commission to ensure that the team makes sure that the policies and strategies that are mentioned within the plan are in place prior to plan approval and shared her distrust in the process.

Rolanda Woolfork stated that she was with the Georgetown Area Neighborhood Association. Ms. Woolfork said that they provided feedback about the Downtown Area Master Plan, but they did not wish to be included within the Downtown boundary. She expressed concerns about displacement, concerns about recent Code Enforcement activity, concerns about the impacts of existing businesses, and concerns about insufficient communication. Ms. Woolfork referenced a potential school that could be built in the area from the Downtown Area Master Plan and shared her concern about it being proposed in an area that would displace thriving businesses. She also mentioned the Hope VI Housing Project and described it as a failure to the community. Ms. Woolfork asked the Planning Commission to reconsider the Downtown Area Master Plan prior to adoption.

Jeffrey Beatty raised concerns about railroad track operations and raised concerns regarding potential development of the area along Newtown Pike adjacent to the railroad. He further shared his concern for the impact on traffic, and the fear of displacement that has happened previously to similar historic neighborhoods.

Gwendolyn Alcorn stated that there were a lot of vacant lots located in the West End. Ms. Alcorn stated that she had difficulty receiving assistance to build affordable housing. She emphasized the distrust she had in the Planning Staff.

Amy Clark, 628 Kastle Road, requested postponement on plan adoption to have additional discussion on the plan. She cited concerns about the prioritization of small-scale housing, tree canopy conflicts with proposed zoning changes, and student housing pressures. Ms. Clark stated that she planned a phone conversation with American Civil Liberties Union (ACLU) to determine if students are a protected class in terms of housing policy.

Commission Comments – Mr. Wilson acknowledged the distrust from the community and shared that Planning Staff has been transparent about the distrust throughout the process. He further stated that there is a need for continued outreach and trust building in the community.

Mr. Penn stated that the definition of insanity was to repeat the same action over and over again while expecting a different outcome. He emphasized the importance of implementation and raised concerns about defining student housing. He indicated that implementing the plan would be key to its success, but it would be up to the elected officials to implement it.

Ms. M. Davis acknowledged that Master Plans cannot address every detail and reiterated the importance of implementing the plan. Ms. Davis further expressed empathy for the historically displaced communities and shared her support for adoption of the plan with continued community engagement. Ms. Davis informed the public that Mr. Sewe's role was not directly linked to fixing affordable housing, but there are other resources in the city that could assist.

Ms. Barksdale reiterated Mr. Penn's definition of insanity. Ms. Barksdale then emphasized the importance of learning from previous mistakes and the need to avoid repeating the same mistakes to protect the existing businesses and community. Ms. Barksdale asked if that was the best area in Lexington to build a school, then what could be done to assist the existing businesses in that location.

Mr. Wilson stated that he agreed with Ms. Barksdale. He further added that they must be aware that the Planning Commission itself can only plan, and that the issue of execution and implementation is done by the Urban County Council.

Action – Mr. Z. Davis made a motion, seconded by Ms. M. Davis and carried 7-0 (Michler, Nicol, J. Davis, and Forester absent) to adopt the resolution to add the Downtown Area Master Plan as an addendum to the 2023 Comprehensive Plan, *Imagine Lexington 2045*.

VIII. STAFF ITEMS

Mr. Duncan thanked the Commission and reminded them that the next meeting of the Planning Commission will be next Thursday, July 30, at 1:30 p.m. ET (12:30 p.m. CT) for a public hearing related to PLN-ZOTA-26-00008: DATA CENTER REGULATIONS.

IX. ADJOURNMENT - The meeting was adjourned at 6:30 p.m. ET (5:30 p.m. CT).

Zach Davis, Chair

Robin Michler, Secretary

TW/DC/DB/CC/BW

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