

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.

V. **ZONING ITEMS** - The Zoning Committee met on December 4, 2025, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Zach Davis, Larry Forester, Bruce Nicol, Johnathon Davis, Robin Michler, and Molly Davis. Staff members present were Traci Wade, Daniel Crum, Jeremy Young, Chris Chaney, Boyd Sewe, Paula Owens; and 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

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. **DAILEY HOMES, LLC. MAP AMENDMENT REQUEST AND SAMUEL H BRYAN, TRACT 8 (CARNES PROPERTY) DEVELOPMENT PLAN**

- a. **PLN-MAR-25-00018: DAILEY HOMES, LLC** (1/29/26)* – a petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Mixed Low Density Residential (R-2) zone for 3.267 net (3.488 gross) acres for property located at 2914 Clays Mill Road.

COMPREHENSIVE PLAN AND PROPOSED USE

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.

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

Note: The applicant is proposing the rezoning of the subject property to construct 41 single-family townhouse units. Additionally, the applicant proposes to extend Loretta Drive to the adjacent property line and provide a new access point on Clays Mill Road to increase connectivity for residents.

The Zoning Committee Recommended: **Postponement**.

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

1. The applicant should provide information relating to their public outreach efforts.
2. The applicant should provide further information regarding the following development criteria:
 - a. D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
 - b. B-PR7-1: Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.
 - c. B-RE1-1: Developments should improve the tree canopy.
 - d. B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.

Staff Presentation – Mr. Jeremy Young oriented the Commission to the area of the zone change request on Clays Mill Road. He explained that the applicant is seeking a zone change from a Single Family Residential (R-1B) zone to a Mixed Low Density Residential (R-2) zone. Mr. Young shared aerial images of the subject property, surrounding zoning, and the roads that would be connected should the project be approved. He also shared renderings of the proposed designs of the townhomes.

During this presentation, Mr. Young referenced the initial concerns in the staff report, mainly a sinkhole on the property that was mapped in the Kentucky Geological Survey and emphasized the importance of on-site tree preservation if the project were to be approved. Mr. Young stated that the geotechnical investigation seemed inconsistent with the typical core drillings that would indicate a sinkhole. He also confirmed that, while the plan is a slightly denser proposal than the neighboring properties, it was not so extreme that it would appear out of place.

Mr. Young indicated that the staff now recommended approval in accordance with the reasons listed below:

1. The proposed Mixed Low Density Residential (R-2) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals, Objectives and Policies for the following reasons:
 - a. The request will help meet an increase in the demand for housing and provide a variety of housing options (Theme A, Goal 1, Objective b).
 - b. The request provides increased residential density on an underutilized parcel (Theme A, Goal 2, Objectives a and d).
 - c. The extension of Loretta Drive and the creation of a new connection to Clays Mill Road provide connectivity and street continuity (Theme A, Goal 3, Objectives b, d and e).
 - d. The additional street connection would provide a second access point for both neighborhood residents and emergency services (Theme A, Goal 4, Objective c).
 - e. The proposed pedestrian connections and open space amenities of the design align with the environmental and quality of life components of the Comprehensive Plan (Theme B, Goal 2, Objective d; Theme D, Goal 1, Objective a).
2. The proposed Mixed Low Density Residential (R-2) zone is in agreement with the Policies of the Imagine Lexington 2045 Comprehensive Plan, for the following reasons:
 - a. The introduction of compact townhomes within the area provides additional housing choice at a higher density than currently exists within the area (Design Policy #8; Density Policy #4).
 - b. The request provides a pedestrian-friendly street pattern (Design Policy #5).
 - c. The proposal calls for the continuation of an existing stub street, and promotes a grid-type street network (Design Policy #13).
3. The justification and corollary 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 increases residential density in a compact development (A-DN2-1; B-SU3-1).

- b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability as it creates multiple route options (grid type structure) to alleviate congestion in lieu of additional lanes upon existing roadways (D-CO4-2) and connects an existing stub street (A-DS13-1).
 - c. The request several criteria for Environmental Sustainability and Resiliency, as the request does not impact any environmentally sensitive areas (B-PR-2-1), and minimizes impact on adjacent development through the use of buffering elements (B-PR3-1).
 - d. The proposal meets the criteria for Site Design, as the development improves pedestrian connectivity in the area (C-LI8-1), and provides for programmed open space (D-PL4-1).
 - e. The plan meets the criteria for Building Form, as it scaled to respect the context of neighboring structures (A-DS4-2) and minimizes significant contrasts in scale, massing and design (A-DN2-2).
4. This recommendation is made subject to approval and certification of PLN-MJDP-25-00065 SAMUEL H BRYAN, TRACT 8 (CARNES PROPERTY) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's Approval.

Commission Questions – Ms. Worth referenced a letter from Mr. William Burke, which referenced an agreement between Ms. Carnes and Dailey Homes. The letter stated that approximately 40 mature trees were removed as a condition of the sale, and that Dailey Homes paid for the removal. Mr. Young stated that there is no ordinance that precludes someone from removing trees on their property or property that they plan on purchasing prior to initiating the development plan process. Ms. Worth hoped that Council could find a way to better protect trees during the application process.

Ms. Molly Davis referenced concerns about bat habitat and the geotechnical survey's authenticity because it was not performed by a secondary disinterested party. Mr. Young stated that the Planning Commission has no stipulation over who performs the survey, and that the initial report appeared to be positive. Mr. Crum added that this was simply a preliminary development plan, and that there are still many steps to authenticate those findings, be it geological or environmental, before any development is approved.

Mr. Owens requested evidence of any similar housing to what was being proposed in the nearby area. Mr. Young stated that over the years, homes have gotten larger in the area, and that while there were no developments of these proportions, this was the natural next step in reference to the 2045 Comprehensive Plan. Ms. Gallt reminded the Commission of similar homes nearby off of Pasadena Drive.

- b. **PLN-MJDP-25-00065: SAMUEL H BRYAN, TRACT 8 (CARNES PROPERTY)** (1/29/26)* – located at 2914 CLAYS MILL ROAD, LEXINGTON, KY

Note: The purpose of this plan is to depict building layout for 41 townhomes and future road connection in support of the requested zone change from a Single Family Residential (R-1B) zone to a Mixed Low Density Residential (R-2) zone.

Requirements Not Met:

1. Dimension standard driveway radius. (Traffic)
2. Replace "Tree Inventory" header above significant trees with "Significant Trees", and add existing canopy coverage percentage. (ZO Art. 26-4(b)) (Urban Forester)
3. Label tree protection areas. (ZO Art. 21-6(a)(11)) (Planning)
4. Addition of record plat (L-89) information. (ZO Art. 21-6(a)(2)) (Planning)

Waiver(s) Necessary:

1. **PLN-WAV-25-00007: SAMUEL H BRYAN, TRACT 8 (CARNES PROPERTY)** - requests a waiver for minimum intersection spacing. (LSR Art. 8-8(q)(2)(c))
 - Staff will report at the meeting.

Design Considerations:

1. Consider addition of traffic calming to the intersection by adding bulb outs to narrow the cross-sections. (Traffic)

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2. A public sanitary sewer tap is required for each proposed lot before subdividing. (Engineering)

Plan Questions or Concerns:

1. Where will proposed stormwater basin connect or discharge to an existing system? (Engineering)
2. Discuss compliance with common open space standards of ZO Art. 20, and provide an open space exhibit or add note to plan. (Open Space)
3. Discuss width of proposed street and on-street parking. (ZO Art. 21-6(a)(6)) (Planning)
4. Discuss Placebuilder criteria.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding the environmentally sensitive area (sinkhole).

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

1. Provided the Urban County Council approves the zone change to R-2; 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 of environmentally sensitive areas.
7. Provided the Planning Commission grants the requested waiver.
8. Correct all noted deficiencies listed as "requirements not met" herein.

Development Plan Presentation – Ms. Gallt oriented the Commission to the development plan. She provided overhead images of the newly proposed Holland Drive, and how it would connect to Loretta Drive. She discussed the proposed street width and the on-street parking. Ms. Gallt stated that the Staff now recommended approval of the development plan based on the following revised conditions:

Requirements Not Met:

1. Dimension standard driveway radius. (Traffic)
2. Add existing canopy coverage percentage. (ZO Art. 26-4(b)) (Urban Forester)
3. Addition of record plat (L-89) information. (ZO Art. 21-6(a)(2)) (Planning)

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

1. Provided the Urban County Council approves the zone change to R-2; 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 of environmentally sensitive areas.
7. Provided the Planning Commission grants the requested waiver.
8. Correct all noted deficiencies listed as "requirements not met" herein.

Commission Questions – Mr. Michler discussed the on-street parking for the proposed Holland Drive and expressed concern in regard to the lack of available public parking.

Ms. Gallt agreed that the space between the ends of the proposed driveways and the street aprons is not long enough to park a car, and that the Staff left that as a discussion item.

Mr. Michler noted that a large number of trees were removed to clear space for the development, and echoed Ms. Worth's curiosity about how, moving forward, the Commission could find a way to protect the natural landscape within proposed development projects.

Ms. Gallt referenced the development plan and pointed out the trees that remained on the property and reassured the Commission that the trees in question were removed before plan was filed.

Waiver Presentation- Mr. Chaney oriented the Commission to the specifics of the requested waiver for street spacing requirements. He explained the conditions of which the request can be approved by the Commission. He explained the applicant's proposal to create additional connections to Clays Mill Road, create an effective transportation network, and add meaningful ease of use for future development projects. He reassured the Commission that adding this additional point of access will not affect public safety or welfare. Mr. Chaney stated that the staff recommended approval of the waiver request for the following reasons:

1. Granting the requested waiver for reduced access spacing along a minor arterial will not adversely affect public health, safety, and welfare in compliance with the intent of the Land Subdivision Regulations. This proposal increases connectivity and redundancy in the local street network and no existing crash data exists for this portion of Clays Mill Road.
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 size of the subject property and the existing street network.

Commission Questions – There were no further questions at this time.

Applicant Presentation – Attorney Charlotte McCoy presented herself as council to Dailey Homes. She began by thanking the Planning Staff for their hard work and taking the time to address questions raised by the Commission. She provided clarification regarding the removal of trees on the property before the Planning Commission saw the application. Matt Carter, Vision Engineering, stated that he spoke with Traffic Engineering to find ways to add traffic calming measures and ultimately decided to reduce Holland Drive to 24 feet and remove the option for on-street parking. He also mentioned that his company, based on evidence found during their investigation, believes that there is no sinkhole on the property, and instead believes it is a depression.

Commission Questions – Ms. Davis asked if there had been consideration of how many homes could be built without a zone change. Mr. Carter answered that without the requested zone change, based on the current planned street configuration, they would only be able to build around nine homes.

Citizen Comments – Eileen Lindsey, no address provided, argued that Clays Mill Road is not safe or efficient area of the site. She spoke about the dangers of turning onto Clays Mill Road and expressed opposition in adding too many homes into a small area.

John Rollins, 2116 Clays Mill Road, stated that there are four schools within a quarter-mile corridor and expressed concern with how the geotechnical report was executed.

Taylor Dunn asked the Planning Commission to postpone this project and echoed previous sentiments pertaining to public safety and traffic congestion.

Bob Sturdivant, President of the Pasadena Neighborhood Association, thanked the Commission for offering their time, and stated that in a three-mile stretch of Clays Mill Road there are 11 schools and three daycares. His neighborhood members were concerned for the safety of the children.

William Burke, 2917 Jason Court, stated that he has issue with the size and the scope of the proposed project and opposed the density associated with it.

Michael Harmon, 588 Cecil Way, expressed his opposition to opening up Loretta Drive and connecting it to Holland Drive. He stated that he is not opposed to development but does oppose taking away his quiet neighborhood.

Carolyn Elliot, 2929 Neal Drive, told the Commission that they have been misled, and that there are no similar homes that exist in the community.

Harry Byrd, Ashley Way, stated that he believes that the narrow road would impede trash and emergency vehicles from doing their job. He also stated that he would prefer fewer smaller, affordable homes to 41 expensive town homes.

Tim Beirise, 2904 Jason Court, asked the Commission to deny the request, stating that the homes would create too much density, and their dimensions would obstruct the views of his neighbors. He raised parking concerns regarding the narrow road and where those cars will park.

Phillip Tincher, 2916 Neal Drive, said that the proposed homes do not align with those already built in the neighborhood and asked for directions to find the results of a recently performed traffic study.

Whitney Payne, 627 Cecil Way, echoed Mr. Tincher's request for results of the recently performed traffic study and expressed her concerns regarding traffic safety in the neighborhood and around the school zones.

Kristen Vicini, 525 Ashley Way, stated that, as a recent home buyer in the neighborhood, she worries about traffic safety and the challenges associated with commuting on Clays Mill Road daily.

Michael Burrell, 2905 Loretta Drive, said he was concerned about the requested waiver for the project and the precedent it could set for other areas when they become available to be purchased and developed.

Applicant Rebuttal – Ms. McCoy reiterated that the narrowed road is intended to be a traffic calming method. She reassured the audience that the traffic study is available on Accela, and that adding another access point to Clays Mill Road is good for safety and offers residents an additional option to exit the neighborhood. Ms. McCoy also stated that the townhomes offer a secondary option to potential homebuyers who are looking for something different than what the neighborhood already provides.

Staff Comments – Traci Wade, Planning Manager, clarified that “heritage trees”, as mentioned during public comment, are not mentioned in the Zoning Ordinance. She also stated that reducing the width of the street to 24 feet would require a waiver of the Land Subdivision Regulations, noting that the smallest street allowed is 27 feet.

Steve Parker, Division of Traffic Engineering, stated that the project engineer was contacted and informed that the regulation width for a street with no on-street parking is 27 feet. He also stated that there was space in the plan for 12 to 17 full sized cars to park along the street and reiterated that unless otherwise indicated, residential neighborhood street parking is for the public.

Embry Beatty, Division of Fire and Emergency Services, stated that when he reviews applications, he grants parking on both sides of the street to those streets of 30 feet in width, one sided street parking to those of 27 feet in width, and anything less than 27 feet, parking is fully restricted with no parking allowed. He emphasized the importance of firefighters being able to effectively do their job pertaining to public safety.

Commission Questions – Mr. Wilson sought clarification that the Commission would get an opportunity to see the proposal again before the process concludes. Ms. Wade confirmed that the Commission will have the chance to see this project again regardless of another waiver request because it will need a preliminary subdivision plan.

Action - Mr. Forester made a motion, seconded by Mr. Wilson, and carried 8-1 (Penn and Nicol absent, Davis opposed), to approve PLN-MAR-25-00018: DAILEY HOMES, LLC, for the reasons given by staff in the revised staff report.

Action - Mr. Forester made a motion, seconded by Mr. Wilson, and carried 8-1 (Penn and Nicol absent, M. Davis opposed), to approve PLN-WAV-25-00007: SAMUEL H BRYAN, TRACT 8 (CARNES PROPERTY) as presented by staff.

Action - Mr. Forester made a motion, seconded by Mr. Wilson, and carried 9-0 (Penn and Nicol absent), to approve PLN-MJDP-25-00065: SAMUEL H BRYAN, TRACT 8 (CARNES PROPERTY), with the revised conditions presented by staff.

2. SUBTEXT ACQUISITIONS, LLC MAP AMENDMENT and HAZEN PROPERTY, MONTMULLIN STREET SUBDIVISION (EVER LEXINGTON) DEVELOPMENT PLAN

- a. **PLN-MAR-25-00022: SUBTEXT ACQUISITIONS, LLC (2/1/26)*** – a petition for a zone map amendment from a Single Family Residential (R-1E) zone and Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone for 0.51 net (0.61 gross) acres for property located at 118 Montmullin Street, 121 & 123 Prall Street, and a portion of 545-549 and 553 S. Limestone.

COMPREHENSIVE PLAN AND PROPOSED USE

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Note: The petitioner is proposing the Neighborhood Business zone to establish a high-density mixed-use building. The proposed development consists of an eight-story, 90-foot-tall mixed-use structure, with an integrated 215 space parking structure. The applicant is proposing a total of 170 residential units, with 491 bedrooms, and a density of 171 dwelling units per net acre. The request includes 1,000 square feet of first floor retail space, located along the S. Limestone frontage.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Neighborhood Business (B-1) zone with a Form-Based Neighborhood Business Project is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposal addresses a need for housing, and emphasizes the proposed increase in residential density along a major corridor (Theme A Goal #1.b & #1.d; Theme E, Goal #1.d). S. Limestone and Nicholasville Road are high-volume roadways that connect downtown to major employment and community activity areas.
 - b. The proposed development will be well connected, especially because it is located adjacent to future transit improvements and will improve the pedestrian facilities along Prall Street, Montmullin Street, and S. Limestone (Theme A, Goal #3.b).
 - c. The density and intensity of the proposed development will strengthen demand for transit along the corridor (Theme D, Goal #1.b).

2. The requested Neighborhood Business (B-1) zone with a Form-Based Neighborhood Business Project is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The activation of the first floor with retail, landscaping, and amenity spaces creates a people first/ pedestrian friendly design that will create inviting streetscapes. (Design Policy #1, #5, and #6).
 - b. The request responds to the context of the corridor, providing additional density and intensity (Design Policy #4; Density Policy #1 and #2).
 - c. By locating the parking internally, within parking structures, the proposed development enhances walkability and bikeability (Design Policy #7).
 - d. The request will provide additional housing options for this area, which is predominately characterized by student housing in single family structures (Design Policy #8).
 - e. The proposed amenities and open space areas will provide neighborhood-focused open spaces with the interior courtyard and neighborhood-focused retail on the first floor, facing S. Limestone (Design Policy #9 and #12).

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