MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING

July 30, 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, Molly Davis, Mike Owens, Frank Penn, Larry Forester, Johnathan Davis, Bruce Nicol, Judy Worth, and William Wilson. Planning staff members present were Jim Duncan, Traci Wade Daniel Crum, and Ben Wolford. Other staff present were Tracy Jones and Ella Helmuth, Department of Law.

III. APPROVAL OF MINUTES – A motion was made by Ms. M. Davis, seconded by Mr. J. Davis, and carried 7-0 (Michler, Worth, Wilson, and Barksdale absent), for the approval of minutes from the June 11, 2026, public hearing.

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.*

III. ZONING ITEMS - The Zoning Committee met on Thursday, July 2, 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, Bruce Nicol. Larry Forester, and William Wilson. Staff members present were Traci Wade, Daniel Crum, Dalton Belcher, Chris Chaney, Ben Wolford; Tracy Jones and Brittany Smith, Department of Law.

Note: William Wilson and Judy Worth entered the meeting at 1:37 p.m.

A. PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENT

1. PLN-ZOTA-26-00008: DATA CENTER REGULATIONS – a text amendment to create regulations pertaining to data center uses.

INITIATED BY: Urban County Council
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended**: Postponement**, of the proposed text.

The Staff Recommends: **Approval**, of the proposed text for the following reasons:

1. The proposed text amendment clearly defines data centers and removes outdated language related to "data processing centers" from the Zoning Ordinance, which provides clarity for the land use regulations of Lexington-Fayette County.
2. The proposed language protects local communities by prohibiting major data centers, which are the largest and most impactful type. Such data centers have a high likelihood of noise, emissions, energy and water consumption that can negatively impact the community.
3. The proposed text amendment creates strict, enforceable criteria for evaluating minor data centers, and ensures that there are opportunities for public input and participation in the planning process and focuses such uses in industrial areas which minimizes the external impacts on the community.
4. Lastly, the proposed text amendment allows for accessory server rooms to operate without requiring additional review or approval. Such uses provide on-site support for existing business and industrial

uses within Lexington-Fayette County and are proportional to the square footage of the existing principal permitted use.

Staff Presentation – Daniel Crum, Principal Planner, oriented the Planning Commission with the Zoning Ordinance Text Amendment. Mr. Crum stated that this ZOTA was initiated by the Urban County Council on June 9, 2026 with the intent to create regulations pertaining to Data Center Uses. While initiated by the Urban County Council, Mr. Crum explained that no initiation text was provided, and that job was tasked to the planning staff. Mr. Crum indicated that within a maximum 60-day review period, staff generated an initiation text based on a review of other best practices, existing legislation, model ordinances, and consultant recommendations. He confirmed that staff's initiation text is intended to serve as a starting framework to protect the community, with opportunities for further change based on public comment, Planning Commission feedback, and Urban County Council action.

Mr. Crum defined Data Center Uses as uses devoted to the storage, management, processing, and transmission of digital data, noting these uses include computer and network equipment, systems, servers, appliances, and other associated components related to digital data operations. He explained that the Urban County Council issued a moratorium to pause any future data center developments while staff evaluated their uses to propose a new guiding framework.

Mr. Crum shared images with the Planning Commission exemplifying the increasing size of data centers over the past 50 years, noting the increased digital connectivity of our world and communities. He indicated that the need for data centers will increase exponentially after 2026 and used maps to show current data centers in the United States compared to post 2026 projections.

Mr. Crum shared photos of existing data centers in other parts of the United States, giving perspective of the potential dimensions of large-scale data centers, and their impact on power consumption, and the environment. He noted that under the current Zoning Ordinance, Lexington has no regulations in place addressing size and demand for data center developments. Mr. Crum indicated that staff's goal was to create language that would protect Fayette County from hyper-scale data processing centers while also allowing more reasonable development to occur within the community.

Expanding on the information in his presentation, Mr. Crum explained the different types of cooling found in data centers, focusing on direct evaporative cooling, and closed loop cooling. He noted that the difference in water usage between these two processes could be millions of gallons of water. Mr. Crum stated that the major land use impacts of data centers are water consumption and discharge, demand on the power grid, noise levels and lighting, and the loss of jobs-producing industrial land.

Mr. Crum stated that the staff's framework would not permit major data centers in any zone. He emphasized that minor data centers would be a conditional use in the B-4 and I-1 zones and must operate under a 50,000 square foot structure limit. At the time of application, energy, water, and noise plans would all be a requirement. Mr. Crum clarified that server rooms would be considered an accessory use that is scaled to the size of the overall facility.

Mr. Crum stated that staff recommended **approval** for the following reasons:

1. The proposed text amendment clearly defines data centers and removes outdated language related to "data processing centers" from the Zoning Ordinance, which provides clarity for the land use regulations of Lexington-Fayette County.
2. The proposed language protects local communities by prohibiting major data centers, which are the largest and most impactful type. Such data centers have a high likelihood of noise, emissions, energy and water consumption that can negatively impact the community.
3. The proposed text amendment creates strict, enforceable criteria for evaluating minor data centers, and ensures that there are opportunities for public input and participation in the planning process and focuses such uses in industrial areas which minimizes the external impacts on the community.
4. Lastly, the proposed text amendment allows for accessory server rooms to operate without requiring additional review or approval. Such uses provide on-site support for existing business and industrial uses within Lexington-Fayette County and are proportional to the square footage of the existing principal permitted use.

Mr. Crum offered to answer any questions from the Planning Commission.

Commission Comment - Mr. Nicol thanked Mr. Crum for his presentation and emphasized to the public that the Planning Commission is making a recommendation to the Council, who is responsible for the final decision on data center regulations.

Ms. M. Davis asked Mr. Crum to define “energy cap conditions”.

Mr. Crum explained that the Board of Adjustments has the authority to cap a data center’s power consumption based on materials presented by the developer at the time of application.

Mr. Owens noticed in the staff report certain zones prohibited large-scale data centers, but it wasn’t mentioned in others. He sought clarification as to if that was an assumed restriction in those unmentioned zones.

Mr. Crum clarified that if a data center was not listed as permitted use in a zone, it was prohibited by default.

Mr. Owens noted that, during his presentation, Mr. Crum mentioned two main methods of water cooling and asked if staff would ultimately recommend one over the other.

Mr. Crum explained that staff reasoning for not including a cooling recommendation in the staff report was to avoid hyper-specific restrictions if more effective, environmentally conscious systems were found in the future.

Ms. Worth asked if staff recommended requiring air quality testing in relation to the evaporation created by closed loop cooling systems.

Mr. Crum explained that certain elements related to the environmental impacts of data centers fall under the control of other jurisdictions. He added that any approved development plan for a data center would have to adhere to all state and federal requirements.

Ms. Worth noted that she did not see any reference to a specific decommissioning plan and asked if staff had thought of any requirements.

Mr. Crum indicated that due to the limited size and footprints of data centers proposed under this framework, specific decommissioning language was not as necessary.

Mr. Penn asked if every data center application would require an associate development plan.

Mr. Crum explained that data center applications would require a conditional use permit and site plan associated with the location.

Mr. Forester asked Mr. Crum to elaborate on how staff’s recommendation would affect banks.

Mr. Crum emphasized that staff’s language was attempting to create rules and regulations for sites with the sole function of transmitting and broadcasting data. He explained that staff’s recommendation on server room size was made to scale appropriately to buildings with a pre-existing use such as banks.

Note: At this time, there was discussion between the Planning Commission and staff regarding documents received once the meeting began. Traci Wade, Planning Manager, explained that the Planning Commission received multiple packets of citizen comment prior to the meeting, and those could be found in Granicus. She noted that a fourth packet had been circulated to the Planning Commission including citizen comment that arrived after 10:00 a.m. of the morning of the meeting.

Mr. J. Davis thanked the staff for their efforts to create effective language in a short amount of time. He asked Mr. Crum if it was possible to re-evaluate a data center's water and electrical use once its service has already begun.

Mr. Crum explained that water and electrical usage fall into the jurisdiction of utility companies, but the BOA can place restrictions on developments.

Chair Davis noted that there are residential zones, and some zones permit residential uses. He suggested applying a 1000 ft. buffer between data centers and residential uses, not just residential zones.

Mr. Crum indicated that was a change that could be incorporated into the Planning Commission's recommendation to Council.

Ms. M. Davis questioned how the BOA had the experience and knowledge to dictate restrictions on data centers.

Mr. Crum explained that the application process ensures that the applicant is aware of the burden of proof that they must provide. He acknowledged that while the members of the BOA might not be experts on water and electrical uses, the applicant and staff would provide them with all information needed to review and make a decision.

Mr. Nicol addressed the public and ensured that large-scale data centers would be prohibited in all zones per staff's report.

Legal Representation – Attorney Jon Woodall was present as representation for DartPoints Enterprise. Mr. Woodall recognized the importance of this public hearing and decision for the community. He introduced DartPoints, explaining that they work in secure storage and transmission of data for important community functions such as banks, hospitals and government agencies. He emphasized that DartPoints has no intention of developing hyper-scale data infrastructure in Fayette County. Mr. Woodall commended staff for their quick production of a recommendation to the Planning Commission.

Mr. Woodall suggested that the proposed ZOTA recognize the continued operation, modernization, and reasonably phased expansion of the pre-existing data center that his client wants to acquire on previously owned Lexmark property. He offered to answer any questions from the Planning Commission.

Commission Comment – Mr. J. Davis thanked Mr. Woodall. He acknowledged his lack of experience in data center technology but indicated that he was aware of more cost-effective cooling measures than water-based options. He asked if DartPoints had researched alternative cooling methods.

Mr. Woodall stated that DartPoints' water loop cooling system was state of the art.

Citizen Comment – Francine Gordon, 40517, stated that the country is still operating with great uncertainty regarding data centers, noting that square footage is not a good indicator of potential power consumption, especially as systems become more advanced.

John Marshall, 3387 Winthrop Drive, stated that he understood the positive and negative effects of data centers. He asked for a required decommissioning bond on all data center developments.

Nathaniel Hintz, 75030, called for greater restrictions on light and sound production from data centers.

Maria E, 4708 Boca Lane, expressed embarrassment about how the community treated DartPoints, stating that Lexington should treat the company better. She explained DartPoints intend to occupy a pre-existing data center and make minimal changes to its design and systems.

JP Alwais, 40523, shared concern regarding the environmental impacts of data centers, and feared in impact on land once companies leave the area.

Letonia Jones, 151 Burnett Avenue, stated her disapproval of communities and resources in Fayette County being exploited.

Steven Harris, 533 Lin Wal Road, stated that data center and industrial developments often impact the most susceptible communities and land. He expressed discontent for experimental developments for Fayette County and Kentucky at-large.

Regina Harris, 533 Lin Wal Road, questioned how government officials could co-sign a development that could harm future generations.

Patrick Mason, Environmental Commission, indicated that the primary position of the Environmental Commission was that stand-alone, commercial data centers are ill-suited for Fayette County. He added that if Council is going to approve data centers of any size, the text amendment should be built on measurable, and strictly enforceable performance standards.

Pete Lynch, Professor of Politics at the University of Kentucky, supported a national moratorium on all data center development.

Don Ament, 1719 Courtney Avenue, questioned if 1000 feet was a large enough buffer zone between data centers and residential areas.

Erin Petrey, 40502, stated that expediency should not be prioritized over adequacy. She suggested the Planning Commission take time to more broadly review information available about data centers. Ms. Petrey also expressed concern with using size as a measurement for data centers, instead of energy consumption.

Sarah Katzenmaier, 445 W Sixth Street, stated that Northside Neighborhood Association opposes data centers within the boundaries of their neighborhood community.

Patty Draus, 608 Allen Court, indicated that the Joyland Neighborhood Association believes that data centers should be limited to one within a three-mile radius.

Suzanne McIntosh, 722 Bishop Drive, indicated that she lives near the proposed Lexmark data center property, and opposes it due to noise levels, resulting pollution, and danger to children.

Jay Bowman, 40542, suggested 100% of data center power be though solar energy, and emphasized that square footage is an inaccurate representation of data center impact.

Cathy Turk, 40505, stated that she appreciated the moratorium on data centers, and expressed concerns about health and safety regarding data centers.

Brittany Roethmeier, Fayette Alliance, commended all the community speakers, and the Planning Commission. She emphasized the need to protect irreplaceable resources in Fayette County.

Katie Mullen, 40503, questioned what the proposed data centers were being used for. She shared concern about the impact of A.I. on the future.

Zina Merkin, 120 Victory Lane, stated that data centers do not bring jobs to communities, and take away valuable, irreplaceable resources.

Note: Chair Davis called for a recess at 3:49 p.m.

Note: The public hearing resumed at 4:00 p.m.

Robin Atwell, 276 Lincoln Avenue, shared fears about the global impacts of A.I. and data centers. She suggested that the Planning Commission think globally and act locally.

Warren Byrom, 40508, acknowledged the difficulty for the Commission to make a decision in such a short amount of time. He stated the A.I. can have catastrophic impacts on the environment and communities, He encouraged more restrictions to be in place to limit the strain placed on Fayette County by data centers.

Andrew Russell English, 1107 N Limestone Street, emphasized that as, farmer, and a partner of the land and landscape, the last thing Fayette County needs is a data center.

Rena Robertson, stated that subsidized housing is not comparable to data centers, noting no one has had their life saved by a data center.

Alisha Kattara, 40504, expressed the importance of making the right decision now to set a standard for the future regarding data centers.

Herbert Lynn, 40509, expressed concerns about the financial implications of data centers, noting the recycling of money between investors, and large A.I. corporations.

Tyler Pyles, 40505, shared concerns about the precedent set for allowing data centers in industrial zones, especially those near A-R zones, and the impact they could have on the environment and Kentucky's resources.

Collin Harris, 40511, supported the moratorium placed on data center developments and suggested heavier restrictions on future projects. He noted that data centers do not create jobs for communities.

Deborah Winslow, 815 E Main Street, urged a complete ban on all future data center developments.

Dean Pulsifer, 2129 Carolina Lane, explained that businesses has been using data centers since the 1950s. He stated that the plan isn't to ban data centers, but to restrict them and limit their impacts. He supported limits on water and power usage but stated that saying no to data centers is saying no to business. He urged the commission not to conflate A.I. to data centers.

Rachel Schade, 40517, acknowledged that the currentt draft of staff's language prohibits large scale data centers, but allows them to the detriment of historic black and African American neighborhoods. She expressed concerns regarding air and noise pollution.

Elysian Fields, 40508, stated that the proposed data center would be a hinderance to Lexington's natural resources. She noted that rich farmland and clean water are put directly in harms way.

Mary Hodgins, 40503, returned to Lexington after years of living out of the county. She is concerned about how data centerers will affect the resources and communities that made her want to return.

Leah Dick suggested a strict requirement of 30 decibels for future data center developments, along with a cap of 50 megawatts.

Tractor Starrett opposes any new data center construction and supports stronger restrictions on water usage.

Claude Kelly, No A.I. KY, shared that A.I. harms vital resources in communities where data centers are present. She noted that data centers bring nothing beneficial to a community – only temporary jobs and a strain on water and electricity.

Emma Curtis, 4th District Councilmember, thanked the planning staff for providing a workable framework on such short notice. She stated that the Planning Commission and the Urban County Council served the public, not corporations. Ms. Curtis indicated that she does not think the current ZOTA is strict enough to preserve Lexington's resources. She noted that she will work within Council to create more stringent regulations.

Natalie Warren, No A.I. KY, emphasized the previous speakers' comments regarding the impact of data centers on the community and environment.

Lauren Watson noted that the community is aware of the rise of data centers in other counties and does not feel confident that the Planning Commission will do what is best.

Saikeerthi Naidu, 40513, opposed new data center construction noting environmental impacts. She urged the Planning Commission to listen to the community.

Shari L. Mullen, 3169 Chatham Drive, suggested language to make sure companies absorb the cost and requirements of data center development, not surrounding communities.

Robin Kunkel supports the technical comment submitted by No A.I. KY, and supports the strongest restrictions possible on data center development.

Sean Howard, 40509, believes the moratorium should be extended to allow officials more time to make an educated decision regarding data center regulations.

Reba Russell English, 1107 N Limestone Street, thanked the Planning Commission and staff for their service to Lexington. She noted the need for affordable housing and safer streets, stating data centers would not help Lexington.

Commission Comment – Mr. Penn noted he was refreshed to see so many younger community members voicing their opinions in a public hearing. He encouraged the public to attend the Urban County Council meeting with the same energy shown today.

Ms. M. Davis acknowledged Councilmember Morton's attendance at the meeting.

Mr. Owens echoed Mr. Penn's remarks, and thanked Councilmember Curtis for speaking publicly.

Ms. Worth explained that data centers already exist in Lexington and are engrained into modern society. She expressed the importance of limiting the hazardous environmental and land use impacts of data centers while still allowing for banks, hospitals, and community services to thrive.

Mr. Owens asked staff to elaborate on the P-2 zone.

Mr. Crum clarified that staff does not recommend small or medium scale data centers in the P-2 zone. He added that the intent of P-2 is to support job producing office and research campuses.

Chair Davis gauged interest in his previous suggestion to change instances of "residential zone" to "residential use" in staff's proposed text.

Mr. Nicol expressed appreciation for all of the information shared with the Planning Commission. He stated that 60 days was not enough time for an appropriate recommendation to be found. He shared that he believes there are many problems with staff's proposed text that could create unintended consequences.

Mr. J. Davis thanked the public for voicing their thoughts on what is best for the community. He stated that he supports restricting data centers on their power usage instead of just their square footage.

Mr. Wilson thanked the public for their remarks, and congratulated staff on their ability to work quickly to provide a thoughtful framework regarding data center regulations. He expressed the importance of giving the Urban County Council a recommendation from the Planning Commission.

Mr. Forester placed an emphasis on the importance of incorporating the Kentucky Banker's Association's remarks into the future motion. He also thanked staff for their quick work in generating an initiation text.

Ms. M. Davis suggested considering a mandate for a closed loop water cooling system. She also suggested expanding the list of sensitive areas which would require a buffer to include daycare centers, nursing homes, schools, hospitals, rehab centers, parks, natural areas, racetracks, and historically black communities. She also suggested a harsher punishment than a fine for not adhering to the list of restrictions.

Chair Davis asked Ms. Tracy Jones, Department of Law, if taking a recess to write out a motion would be the most effective way to proceed.

Ms. Jones suggested finding a point of agreement between Commission members before drafting amendments and making a motion.

Action: Mr. Nicol made a motion, seconded by Ms. M. Davis, and failed to carry 1-8 (Michler and Barksdale absent) to refer staff's proposed text to the Urban County Council with no recommendation.

Note: The Planning Commission collaborated with the Department of Law and established that the simplest way to proceed with the public hearing would be to vote on an amended version of staff's proposed text, and then subsequently vote on individual amendments that required more discussion from the Planning Commission.

Commission Comment - Mr. Owens suggested the following amendments to staff's proposed text:

1. Amend the definition of major data center to any data center development greater than 40,000 square feet, which would result in the definition of a minor data center becoming any data center development less than 40,000 square feet.
2. Add a maximum megawatt capacity of 25 megawatts.
3. Add a restriction of 30 decibels to any proposed data center development to be monitored 24 hours a day.
4. Amend any instance of residential zone in staff's proposed text to read as residential zone or use.
5. Increase the residential, agricultural, and sensitive area buffer distance from 1000 square feet to 1500 square feet.
6. Expand the list of sensitive areas to include daycare centers, nursing homes, schools, healthcare centers, hospitals, nursing homes, rehab centers, parks, natural areas, racetracks, and historically black communities.

Mr. Nicol expressed concerns with recommending language that could hinder existing businesses and create unintended consequences. He suggested eliminating server rooms from the list of proposed new definitions and from staff's proposed text, along with all proposed land use restrictions that coincide with server rooms.

Mr. Crum stated that the Planning Commission could remove server rooms from the proposed text entirely, or they could amend the portion of the proposed text that specifies the extent of the server room. He noted that staff found it useful to have a limit to capacity to dictate the size of server rooms. Mr. Crum said that staff find the server room language to be an important factor within the proposed text.

Mr. Nicol stated that his intent was to not limit or set boundaries to server rooms in any way.

Mr. Forester supported the removal of server room limitations from staff's proposed text.

Mr. Penn shared concern about a development plan not being a requirement for a new data center project. He stated that he did not believe that presenting a site plan to the BOA was reassuring enough to confirm that developers were abiding by water and sewer standards.

Ms. Wade suggested amending staff's proposed text to read:
Minor data center applications should provide the following:

1. A stormwater management plan that complies with Division of Water Quality requirements and a sewer capacity assurance permit be issued by the Division of Water Quality.

Ms. Worth suggested adding required decommissioning, energy efficiency, and water use effectiveness, and community benefit plans.

Mr. J. Davis suggested recommending a priority to projects that use renewable energy sources.

Action: Mr. Wilson made a motion, seconded by Mr. Penn, and carried 7-2 to approve staff's proposed text with amendment.

Note: Chair Davis called for a recess at 6:11 p.m.

Note: The Planning Commission returned at 6:34 p.m. Mr. Nicol and Mr. Forester left the meeting during the recess.

Action: Mr. Penn made a motion, seconded by Mr. Wilson and carried 7-0 (Nicol, Forester, Barksdale, and Michler absent) to approve an amendment to staff's proposed text that reads:
A decommissioning plan prepared by a decommissioning professional shall include the following:

a. The estimated decommissioning timeframe and cost of removal of all structures, foundations, conduit equipment and interconnection facilities and roads.
b. The salvage value of any equipment in current dollars in the calculations supporting the decommissioning estimate. The estimated salvage value of any material using current publicly available material and/or firm quotes from a decommissioning or recycling company experienced in the decommissioning of data centers shall be provided.
c. The manor in which the data center will be decommissioned, including provision and a timetable for the removal of all structures, foundations, conduit equipment, and interconnection facilities for the revegetation and restoration of the property to its original condition in preparation of the site in a condition compatible with the prior zoning of the parcel.
d. If a conditional use permit is granted the applicant shall submit a performance bond letter of credit or other financial assurance payable to LFUGC sufficient to assure that the decommissioning of the site can be achieved by a third party in the event that the applicant defaults in that obligation which financial assurance shall be provided prior to the commencement of construction.

Action: Ms. M. Davis made a motion, seconded by Mr. J. Davis, and carried 7-0 (Nicol, Forester, Barksdale, and Michler absent) to approve an amendment to staff's proposed text that reads:
All data centers should be cooled using a closed loop water system or other available cooling system excluding any that are evaporation based.

Action: Ms. M. Davis made a motion, seconded by Ms. Worth, and carried 7-0 to approve an amendment to staff's proposed language to change the definition of server room to read:

1. One or more designated areas within a principal use , except a data center, housing computer and network equipment, systems, servers, appliances, and other associated hardware components related to digital data operations for its own use.

VII. COMMISSION ITEMS

VIII. ADJOURNMENT - The meeting was adjourned at 6:48 p.m. ET (5:48 p.m. CT).

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Zach Davis, Chair

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Robin Michler, Secretary

TW/DC/DB//BW

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