

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

June 25, 2015

- I. **CALL TO ORDER** – The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Will Berkley; Patrick Brewer; Mike Cravens; David Drake; Karen Mundy; Mike Owens, Chair; Frank Penn; Carolyn Plumlee; Carolyn Richardson; Joe Smith; and William Wilson.

Planning staff members present: Chris King, Director; Bill Sallee; Barbara Rackers; Traci Wade; Tom Martin; and Stephanie Cunningham. Other staff members present were: Tracy Jones and Andrea Brown, Department of Law; Casey Kaucher, Division of Traffic Engineering; Thomas Clements, Engineering; Beth Overman, PDR; and Greg Lengal and Joshua Thiel, Division of Fire and Emergency Services.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Mundy, seconded by Mr. Cravens, and carried 11-0 to approve the minutes of the May 28, 2015, meeting.

- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

1. **DR. MICHAEL GENTRY ZONING MAP AMENDMENT & CADENTOWN SUBDIVISION ZONING DEVELOPMENT PLAN**

- a. MARV 2015-8: DR. MICHAEL GENTRY (8/2/15)* – petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Wholesale & Warehouse Business (B-4) zone, for 4.17 net (4.54 gross) acres, for property located at 2833 Liberty Road. A dimensional variance is also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that 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.

The petitioner proposes to construct a veterinary clinic and an animal kennel. The proposed facility will be mostly enclosed (± 20,000 square feet of space), with a small outdoor play area planned, and associated off-street parking.

The Zoning Committee Recommended: **Approval**.

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

1. The requested rezoning to a Wholesale and Warehouse Business (B-4) zone is not in agreement with the 2013 Comprehensive Plan. The Goals and Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. A neighborhood node already exists a short distance away at Man o' War Boulevard and Liberty Road in this immediate vicinity. The Comprehensive Plan also encourages the placement of residential land and development nearest to our parks and greenways to ensure that they are utilized to the highest extent possible.
2. Re-zoning at this location may significantly impact the nearby neighborhoods within the area, especially Campbell Lane and the established Cadentown Historic District. The Comprehensive Plan does not state that job creation should be accomplished to the detriment of the community or nearby neighborhood(s).
3. Although the subject property is situated along a recently improved roadway, it is a considerable distance from the already established neighborhood node at Man o' War Boulevard and Liberty Road. No justification exists for leapfrogging business zoning along Liberty Road to the subject property. The existing residential zone remains appropriate for the site and is compatible with adjoining properties.
4. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would support B-4 zoning for the subject property.

- b. **REQUESTED VARIANCE**

Decrease the minimum distance required for a kennel or animal clinic from a residential zone from 100 feet to 50 feet along the northwest property line.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

- a. Granting the requested variance to 50 feet will not adversely affect the public health, safety or welfare. It will not negatively impact the essential character of the general vicinity because this modern kennel/animal clinic is primarily designed to keep the pets indoors; and in this case, the outdoor play area for pets will be more than 60 feet from a residential zone. Additionally, the property to the northwest is currently vacant and is buffered by a heavy line of vegetation that is proposed to remain.
- b. There is a special circumstance regarding this property (an 11-sided lot) that makes standard development more difficult. It applies to this property but does not generally apply to most commercial properties, which are generally much more rectangular in shape. Additionally, the proposed variance along the northwestern property line was chosen because the adjoining property is vacant, whereas there are occupied residential properties to the southeast on Campbell Lane.
- c. Although a facility could be constructed on this site without a variance, it would not likely result in a better design or outcome. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship for the applicant, because the design of the facility would need to be less efficient and could impact the operational needs of the proposed kennel/animal clinic.
- d. The requested variance is not an unreasonable circumvention of the Zoning Ordinance, because the setback requirements for this use are to buffer nearby residential uses from the potential nuisances of this use. This facility, like most modern kennels, will be built in such a way that the majority of the animal keeping is indoors with outdoor play areas located more than 60 feet from any residential zone, and more than 100 feet from any existing dwellings.
- e. The circumstances surrounding the requested variance are a result of the odd shape, and other special considerations and are not the result of prior actions taken by this applicant, as no construction has yet occurred on the subject site.

This recommendation of approval is made subject to the following conditions:

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, as amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the variances that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).
4. The tree line along the northwestern property line shall be retained.

Alternative Recommendation

Should the Planning Commission recommend Disapproval of the requested B-4 zone change the Staff Recommends: Disapproval, for the following reasons:

- a. Under Article 6-4(c) of the Zoning Ordinance, the Planning Commission may only hear conditional uses and variances when filed with an associated zone change. Therefore, unlike the associated zoning development plan, the Commission may only consider this matter within 90 days of its filing.
 - b. Disapproval of the conditional use does not prohibit the applicant from filing a dimensional variance application with the Board of Adjustment, should the Urban County Council approve the requested B-4 zoning of the subject property in the future.
- c. ZDP 2015-49: CADENTOWN SUBDIVISION – ANIMAL HOSPITAL/KENNEL (8/2/15)*- located at 2833 Liberty Road.
(Vision Engineering)

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the access to the proposed trail system and outdoor pet areas to be used.

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

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Denote access drive dimensions.
7. Denote sidewalk dimensions.
8. Denote canopy height.
9. Clarify outdoor kennel space.
10. Provided the Planning Commission grants the requested variance to the setback.
11. Clarify proposed building entrance.
12. Remove parking space conflict from required landscape buffer.
13. Denote access locations across Liberty Road on plan.

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14. Denote proposed stormwater detention area.
15. Discuss excess parking.
16. Discuss access to Campbell Lane.
17. Discuss open space area at the rear of the property.
18. Discuss access to proposed trail along the northern property boundary.

Petitioner Representation: Richard Murphy, attorney, was present representing the petitioner. He stated that, at the Zoning Committee three weeks ago, there was some discussion about the petitioner's desire to purchase the adjoining property. The petitioner is now in the process of purchasing that property, and would like request a one-month postponement in order to pursue those discussions.

Citizen Comment: There were not citizens present in opposition to this request.

Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 11-0 to postpone MARV 2015-8 to the July 23, 2015 Planning Commission meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, June 4, 2015, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Joe Smith, and Frank Penn. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Galt, Kelly Hunter, Denice Bullock and Dave Jarman, as well as Lieutenant Joshua Thiel, Division of Fire and Emergency Services; C.D. Schnelle, Division of Police; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, June 4, 2015, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Mike Cravens, David Drake, Carolyn Richardson, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

Note: This item was continued from the Planning Commission's May 28, 2015, meeting.

1. **ZOTA 2014-4: RECREATION AND TOURISM LAND USES** – petition for a Zoning Ordinance text amendment to address recreation and tourism land uses in all zones, in order to implement the recommendations of the Recreation ZOTA Work Group.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *(Available upon request, and for viewing at:
<http://www.lexingtonky.gov/Modules/ShowDocument.aspx?documentid=28457>)*

The Zoning Committee made no recommendation on this request.

The Staff Recommends: Approval, for the following reasons:

1. The 2013 Comprehensive Plan recommends "strengthening regulations and policies that propel the agricultural economy; including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World" (Theme C, Goal #1, Obj. B); "encouraging the development of appropriate attractions and supporting uses that promote and enhance tourism" (Theme C, Goal #1, Obj. E); and "providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington" (Theme C, Goal #2, Obj. D). The proposed text amendment improves the opportunities for recreation and tourism-related land uses throughout Fayette County, to the benefit of all residents.
2. The *Rural Land Management Plan* (1999) acknowledged that "the best preservation tools for the rural service area are those that keep the agricultural economy viable and strong" (page I-4), and called for greenways, staging areas and trails, as well as public access to the community's unique resources. This all suggests some level of access for recreational enjoyment and possibly tourism.
3. The proposed changes and additions to the definitions in Article 1 of the Zoning Ordinance will provide guidance and clarification to the Board of Adjustment and the Planning Commission in reviewing development applications. This text amendment adds or modifies 38 definitions related to recreation and tourism-related uses.

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4. The proposed changes and additions to land use regulations in Articles 8, 11, and 23 will implement the recommendations of the 2013 Comprehensive Plan related to tourism and improving the community's overall quality of life.

Commission Comment: Mr. Penn stated that he believes that the most recent modifications to the proposed text would serve to change the intent of the A-N zone. He said that, for that reason, he would make a motion to continue consideration of this item.

Motion: A motion was made by Mr. Penn and seconded by Ms. Plumlee to continue ZOTA 2014-4 to the September 24, 2015, Planning Commission meeting.

Discussion of Motion: Ms. Richardson stated that the Commission had spent at least six hours discussing the A-N zone; they spent the most recent work session, which lasted over three hours, coming to a compromise. She said that she did not believe that there was anything left to discuss, since each Commission member had come to their own conclusions about which uses were appropriate for that zone. It seemed that everyone left the work session last week believing that a compromise had been reached and the Commission would take action on this request today. Ms. Richardson stated that she would not vote in favor of Mr. Penn's motion to continue this item to the September meeting.

Mr. Berkley echoed Ms. Richardson's comments, noting that the Commission had met 16 times on this ZOTA in 2014, and five times in 2015. He said that he realized that there were differing opinions about principal and conditional uses in the A-N zone, but he believes that the Commission should vote on this ZOTA at this time.

Ms. Plumlee opined that the equine and agricultural industries in Lexington-Fayette County had survived floods, droughts, insect infestations, recessions, and casinos, but it would not survive "irresponsible zoning." She said that she does not believe that the current text lives up to the Planning Commission's responsibility; she believes that the Commission needs to take a step back and review the text further, rather than "burning the factory floor."

Mr. Brewer stated that, at the end of the recent work session, it appeared that the Commission was ready to move this text amendment forward. He said that discussion, however, left him with a great deal of disappointment in this process. After considering the text amendment for a week and discussing it with others, he opined that this text amendment is "broken," and the Commission needs to continue it in order to allow time for further discussion. Mr. Brewer opined that, after spending two years working on it, another two months should not make a difference, particularly if it results in a better text amendment being forwarded to the Urban County Council. He added that he also believes that the recent changes to the text have changed the intent of the A-N zone.

Mr. Cravens stated that this item had been continued many times, and several Commission members had suggested changes, but the proposed text had not changed a great deal. He said that he believed that this item should be heard today.

Mr. Penn stated that the one consistent theme through the three years of consideration of this text amendment has been maintaining the intent of the zones. He said that, after the last work session, he reviewed the proposed text again; and he now feels that it would change the intent of the A-N zone. Mr. Penn said that, if the Commission wants to change the intent of the zones, they should do so purposefully, rather than by selectively allowing principal uses.

Mr. Owens concurred with Mr. Brewer, opining that, throughout the last work session, he offered suggestions on how best to move the proposed text amendment forward. At the end of that meeting, he believed that the Commission had reached a general consensus to continue this item until the September hearing.

Mr. Owens said that he took exception to Mr. Cravens' assertion that the proposed text has not changed much. He said that the text had changed abruptly in March, based on Mr. Cravens' motion to add several principal uses to the A-N zone. Prior to the most recent work session, the staff was asked to survey the Commission members to determine their level of support for those proposed principal uses; the tally changed since last March, indicating that several members had reversed their opinions. Mr. Owens stated that he believed that the Commission should take a break from their consideration of the proposed text, then reconsider it in September.

Action: Mr. Penn's motion failed, 5-6 (Berkley, Cravens, Drake, Mundy, Richardson, and Smith opposed.)

Commission Discussion: Mr. Wilson asked, with regard to Mr. Penn's motion to continue this request, if additional information had been brought forward that had not already been discussed, which could have helped the Commission in their deliberation. Mr. Penn answered that, during the three-year process for this text amendment, the Commission held firm to their decision not to change the intent of any of the agricultural zones. He said that the Commission never discussed whether the most recent set of proposed changes would change the intent of the A-N zone, and he believed that the members should have that discussion in a work session.

Staff Comments: Ms. Wade stated that the staff had prepared a draft of the text resulting from the motion that Mr. Cravens made in March, as well as a draft of the A-N zone provisions discussed at the Commission's work session a week ago. She distributed those items to the Commission members.

Discussion (cont.): Mr. Brewer asked if the staff believed that the proposed changes would alter the intent of the A-N zone. Mr. King responded that the staff has been clear in their belief that all of the new uses discussed for the A-N zone should be conditional, and they have expressed that belief to the Commission members many times. He added that the staff also believes that there should be additional, limited conditional uses available in the A-R zone, which they have also made part of the record. Mr. King noted that, regardless of the Commission's vote at this hearing, that will continue to be the staff's position going forward.

Ms. Wade stated that the staff also had the minutes of the October 23, 2014, and March 26, 2015, public hearings on this text amendment, in case the Commission needed them for reference.

Mr. King placed the A-N zone text on the overhead for the Commission members, explaining that they would each have to determine how they felt based on one key sentence from the text: "Because these lands are environmentally sensitive, special care is needed to ensure that the uses that are permitted are compatible with the goal of conservation and preservation of these lands."

Mr. Brewer stated that he had recently reviewed the proposed text for the A-N zone, and he could not justify the new principal uses as being consistent with the intent of the zone. He opined that he could not, in good conscience, vote to move this text amendment forward at this point, since he believes that it would do harm to the intent of the A-N zone and create an injustice to the process.

Mr. Owens agreed with Mr. Brewer's comments, noting that, in his opinion, commercial hiking and biking trails; equine trails; tree canopy tours; canoeing; kayaking; and nature preserves are commercial uses, and they should not be located in environmentally sensitive areas. He said that those uses could be conditional in the A-N zone, which might provide an additional level of protection for sensitive areas.

Mr. Cravens stated that one single family residence has always been a principal use in the A-N zone. He said that residential construction in environmentally sensitive areas is regulated and vetted by the Engineering Manuals, permit requirements, and review by an environmental planner. That same level of review could apply to the uses proposed for the A-N zone. Mr. Cravens stated that the necessary zone changes to A-N, along with conditional zoning, would be sufficient to provide the necessary protection for the area.

Mr. Penn stated that there was a difference between allowing a residence, and bringing commercial uses to the A-N zone without the requirements of a conditional use permit. He said that any property in the A-R zone could apply for a zone change to A-N, and have the same "right of use," if the proposed uses are made principal.

Ms. Plumlee opined that there was no reason to add principal uses to the A-N zone, when they could be destructive and would require more oversight, not less. She said that she believes that the language as proposed "messes with the intent" of the zone, and goes against the staff's recommendations.

Mr. Owens said that the Planning Commission's charge was to consider recreational activities in the agricultural zones, not change the intent of any of those zones. He asked Ms. Jones if the proposed text had been changed to the degree that another public hearing would be necessary. Ms. Jones answered that she did not believe that another public hearing would be necessary, for two reasons: the Commission had already had one hearing, and only one is required; and, Mr. Cravens' motion to add principal uses to the A-N zone was also in an open public meeting. In addition, the Urban County Council will make the final determination on this text amendment, and the public could have an opportunity to request a public hearing before that body. Mr. Owens stated that he needed clarification, because the public comment portion of the hearing had been closed prior to Mr. Cravens' motion in March. Ms. Jones responded that the Commission could reopen the hearing, but she reiterated that, since the motion was made at a continuation of the public hearing, she did not believe that it was necessary. She added that the Commission frequently closes hearings for public comment, but then comments amongst themselves prior to voting on a matter.

Ms. Richardson stated, with regard to Ms. Wade's handouts listing possible alternatives to the proposed text, that #2 was the option she believed the Commission had decided upon at their work session one week ago. She agreed with Mr. Brewer that some of the items in alternative #1, which reflects Mr. Cravens' motion in March, should not be included in the A-N zone. Ms. Richardson said that she had read the intent of the A-N zone, and she agreed that that area needs special consideration. She said that she believes that the six uses proposed in alternative #2 would be developed in such a fashion that the profit for the businesses would be dependent upon the proper care provided for the land. If a business is based on characteristics of the land, and that land is destroyed, then the business cannot be successful. Ms. Richardson opined that it would be impossible to plan for every possible use that could be proposed in the A-N area.

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Ms. Richardson stated that the A-N zone is provided for a wonderful area, and she believes that there are many uses that could locate there--properly and safely, with attention to the environment. She noted that she does not advocate the destruction of beautiful property, but she would like for people to be able to use, enjoy, and learn from it. Ms. Richardson did not believe that the proposed text is contrary to the intent of the A-N zone.

Mr. Brewer reiterated that he believes that the proposed language violates the intent of the A-N zone, and that the staff's actions indicate that they feel that the Commission is making a mistake. He asked what is to be gained by making so many uses principal, rather than conditional. Mr. Brewer believed that commercial entities have profit motives, and that allowing those uses by-right in the A-N zone would change its intent forever.

Mr. Cravens asked why the staff would recommend making the uses conditional, if they could be harmful to the A-N zone, rather than prohibiting all uses except single-family residences. Mr. Brewer responded that he did not believe the uses should be prohibited, but the Planning Commission or the Board of Adjustment would have additional oversight if they were conditional uses. Mr. Cravens stated that uses either meet the intent of the zone, or they do not.

Mr. Penn stated that he believes that it is the intensity of use and volume of customers that make the difference. He said that harm could come to environmentally sensitive areas not through use, but through over-use. Making uses principal, rather than conditional, would allow them to locate in the A-N zone by right once the property is zoned, and will remove the ability for oversight. Mr. Penn said that, throughout the ZOTA process, the staff proposed many different types of uses; however, the work group never allowed consideration of any use that would change the intent of the zone.

Mr. Owens said that the intent of residential zones is primarily for residences, but there are several conditional uses that are allowed in those zones as well. He opined that he is in favor of some of the activities proposed, but he believes there needs to be an opportunity to vet those proposals and place conditions on them.

Mr. Owens stated that, after Mr. Cravens' motion in March, he asked the staff to survey the Commission members with regard to their opinions about the proposed uses. The staff prepared a tally sheet that indicated that most of the Commission members would prefer that a large number of the uses remain conditional, with the exception of educational classes and commercial hiking and biking trails.

Mr. Brewer asked the staff to explain the difference between conditional and principal uses, and how the rules vary. Mr. King answered that conditional uses are a class of permitted uses; however, there may be special circumstances about the nature of the land or a particular location that would warrant a review as to whether that use is appropriate, or whether it could be made appropriate with special conditions that are not inherent in the zone. The conditional use process also requires notice to surrounding property owners, which allows others to weigh in on any given proposal.

Mr. Brewer reiterated that he thought the Commission would risk a great deal, but gain nothing, by making the list of uses principal, rather than conditional.

Mr. Berkley stated that the Commission had discussed the issue at length in work sessions. He opined that these concerns could be handled through the zoning process, rather than by making the uses conditional. Mr. Berkley said his objection to making uses conditional is that the only means of appeal is through the court system, rather than through a local government body. All of the Commission's other rulings have an appeals process through the local government.

Ms. Plumlee asked Mr. Berkley why he feared the conditional use process. He responded that there are no properties currently zoned A-N; any proposed A-N property would require a zone change. He said that he believes that the zone change will require a more intensive review process than would a conditional use. Mr. Penn stated that that level of review is lost after a property is rezoned to A-N. Mr. Berkley answered that the Commission could disapprove the rezoning request, or place limits on uses via conditional zoning restrictions.

Mr. Owens asked if it was possible to make conditional zoning restrictions too restrictive. Mr. King answered that he could not respond directly. He noted, however, that the zone change process requires a determination as to whether the proposed zone is appropriate for the land. If it is determined to be appropriate, it must be based on one of three reasons: 1) it is in agreement with the Comprehensive Plan; 2) there has been a change, unanticipated by the Plan, that makes it appropriate; 3) the existing zoning is inappropriate, and the proposed zoning is appropriate. Mr. King said that the second question, when faced with a zone change, is whether the Commission should use their conditional zoning power to restrict any of the uses that are allowed. Conditional zoning is described by KRS 100 as intended to be used sparingly, and in special circumstances, and it does not allow for the regulation of very specific operational details that often go along with conditional uses. Some concerns could be addressed on a required development plan, but that governs the physical arrangement of a property rather than specific operational details.

Mr. Cravens asked if a property owner proposed a zone change to A-N for a youth camp, which some Commission members believe should be a conditional use, could that request be filed along with the zone change. Mr. King answered that, in that scenario, the property owner arguably would not have to detail intended uses for the property, but rather note the physical arrangement of buildings and parking on a development plan. The assumption would be that any of the uses permitted in the

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zone would be allowed to occupy those facilities, unless the Planning Commission restricted those uses via conditional zoning. Mr. Cravens asked if a conditional use could be requested along with a zone change. Mr. King responded that the Planning Commission is allowed by local law to take on the role of the Board of Adjustment on a zone change application rather than requiring the filing of a separate application to the BOA.

Mr. Owens suggested that the Commission review each possible use individually as principal or conditional. The staff displayed the most recent "tally sheet," indicating the number of Commissioners in favor of each type of use.

Mr. Drake stated that he did not view the tally sheet as a list of principal or conditional uses, but rather tried to convey that he believed several of the uses could be examples of the types of uses that would be appropriate in the A-N zone.

Motion: A motion was made by Mr. Cravens and seconded by Mr. Berkley to amend the motion Mr. Cravens made on March 26, 2015, to use the example prepared by the staff, removing most of the uses enumerated at that time from principal and making them conditional.

Discussion of Motion: Mr. Penn asked if the motion would amend Mr. Cravens' earlier motion to reduce the list of principal uses to those six agreed upon at the last work session. Mr. King explained that the motion would amend the package of text amendments to make this specific change, prior to taking a final vote on the entire package.

Ms. Plumlee asked how this motion would affect the work done by the ad hoc environmental bond committee. Mr. Owens answered that the work of that committee would follow as a separate text amendment; it was never intended to be part of this text amendment.

Action: Mr. Cravens' motion carried, 8-3 (Brewer, Owens, and Wilson opposed).

Mr. Owens asked if the Commission would still need to take action on the amended draft text. Mr. King answered that the Commission would need to make a recommendation on the entire text amendment package.

Motion: A motion was made by Mr. Cravens and seconded by Ms. Mundy to approve ZOTA 2014-4, as amended in the previous motion.

Discussion of Motion: Mr. Penn stated that he was very concerned about moving forward with this text amendment as proposed, because he believed that it changes the intent of the A-N zone and adds commercial uses to it. He said that the unintended consequences of this text amendment would prevent him from voting to approve it, despite the three years he had spent working on it. Mr. Penn said that he believed that this text amendment would change the A-N and A-R zones, and he urged the Commission members not to recommend approval.

Ms. Plumlee echoed Mr. Penn's comments, and asked the other Commission members to heed his advice.

Mr. Drake asked if there would be a "spillover effect" between the uses in the A-N and A-R zones. Mr. Penn stated that, since the Comprehensive Plan no longer includes a land use map, the A-N zone would be applicable anywhere in Lexington-Fayette County in order to operate one of the uses allowable in that zone. He said that he was concerned about by-right use in the A-N zone, which was never intended to be part of this text amendment. Mr. King stated that the staff believes that the Rural Land Management Plan (RLMP) land use maps would still be applicable in evaluating rural zone changes, and the staff would still consider them as part of their review of any application. He added that the RLMP should be reviewed, but he could not speak to the outcome of that process. Mr. Penn added that the RLMP does need to be reviewed, but he opined that it would not be changed to allow recreational uses by-right in the agricultural zones. He reiterated his opinion that this text amendment is "bad legislation," and the Commission should not send it forward to the Council with the expectation that they would fix it.

Mr. Brewer stated that he did not see the urgency of moving this text amendment forward today; he suggested that the Commission continue this item, and use the time to consider it thoughtfully.

Mr. Owens stated that he agreed with Mr. Penn. He said that, after three years of work, he wanted a recommendation to go forward, but he could not support this text amendment as proposed.

Mr. Cravens asked what would happen if the Commission did not approve the proposed text amendment. Mr. King answered that, if the Commission votes to recommend approval, this text amendment would go to the Council with their recommendation. If the motion on the floor fails, the Commission would be sending their own text amendment to the Council with a recommendation that it be disapproved. Mr. King noted that this text amendment would go to the Council either way, unless the Commission makes a motion to withdraw it.

Mr. Owens stated that this process had not been easy, and that he appreciated the Commission members and the staff for their hard work, and for sharing their concerns and viewpoints.

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Action: Mr. Cravens' motion carried, 6-5 (Brewer, Owens, Penn, Plumlee, and Wilson opposed).

Staff Comments: Mr. King stated that the corollary Subdivision Regulations amendment would need a motion as well.

Ms. Wade stated that the proposed change to the Subdivision Regulations relates to one sentence in the definition of environmentally sensitive areas, and would read as follows: "Any area which, due to its natural or physical setting, may have environmental problems, with regard to development or use." She said that language would be consistent with the RLMP.

Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 7-4 (Brewer, Owens, Penn, and Plumlee opposed) to approve the Subdivision Regulations amendment as presented by staff.

2. **ZOTA 2015-6: AMENDMENT TO ARTICLE 17: CONSTRUCTION SCREENING SIGNAGE & IDENTIFICATION SIGNS IN BUSINESS & INDUSTRIAL ZONES** - a Zoning Ordinance text amendment to permit up to four identification signs to be placed on large commercial or industrial developments, as well as to permit temporary construction fence material to contain text and pictures when utilized during construction of large commercial and industrial projects.

REQUESTED BY: MIA Brookhaven, LLC

PROPOSED TEXT: (Text underlined indicates an addition to the existing Zoning Ordinance.)

ARTICLE 17: SIGN REGULATIONS

17-7(b) BASIC SIGN TYPES BY FUNCTION

- (4) **BUSINESS SIGN** - A sign which directs attention to a business, profession, product, activity, or entertainment, sold or offered upon the premises where such sign is located, and may include information as for an identification sign.
- (5) **CONSTRUCTION SIGN** - A temporary sign identifying the project name, the architect, engineer, contractor, financing company, material supplier, or others engaged in work on the construction site on which the sign is located. Leasing information, renderings and similar copy shall also be permitted.
- (11) **IDENTIFICATION SIGN** - A sign which establishes the identity of a building or building complex by name or symbol or combines name, street address, and/or management and has no direct advertising value.

17-3(c) SIGN BY MEANS OF MOUNTING OR ERECTING

- (14) **CONSTRUCTION SCREENING SIGN** - A temporary sign of fabric or mesh material attached to fencing surrounding a construction site to serve as a windbreak or privacy screen. Such signs may incorporate the information permitted for construction signs as defined in Sec. 17-3(a)(5). Construction screening signs may also include designs, artwork, logos, pictures, words and other graphic representations that do not advertise off-premise products or services. Such signs shall be in place only during construction and shall be removed simultaneously with the construction fence.

17-7(f) NEIGHBORHOOD BUSINESS ZONE (B-1) - Permitted signs may be free standing or wall mounted, as specified; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless specified otherwise. No free-standing sign shall exceed twenty (20) feet in height.

(9) In addition to the maximum number and square footage of allowable signs on individual lots, projects governed by a unified development plan of more than 5 acres with multiple lots and structures and a cohesive identity may have a maximum of three (3) identification signs located at access points or on corners of the property subject to the development plan, with the total square footage of all signs not to exceed one-hundred and fifty (150) square feet in area, and each individual sign not to exceed seventy-five (75) square feet in area.

(10) Construction screening signs. The sign face may contain or depict information, renderings, pictures, words, and other graphic representations related to the development or project, but shall be limited to twenty percent (20%) of the total square footage of the construction screen on all street frontages.

17-7(g) HIGHWAY SERVICE BUSINESS, WAREHOUSE/WHOLESALE, AND INDUSTRIAL ZONES (B-3, B-4, I-1, I-2) - Permitted signs may be free standing or wall mounted, as specified; signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated unless specified otherwise; no free-standing business sign shall exceed twenty-five (25) feet in height; no free-standing advertising sign shall exceed forty (40) feet in height.

(9) In addition to the maximum number and square footage of allowable signs on individual lots, projects governed by a unified development plan of more than 5 acres with multiple lots and structures and a cohesive identity may have a maximum of three (3) identification signs located at access points or on corners of the property subject to the development plan, with the total square footage of all signs not to exceed one-hundred and fifty (150) square feet in area, and each individual sign not to exceed seventy-five (75) square feet in area.

(10) Construction screening signs. The sign face may contain or depict information, renderings, pictures, words, and other graphic representations related to the development or project, but shall be limited to twenty percent (20%) of the total square footage of the construction screen on all street frontages.

The Zoning Committee Recommended: **Postponement**, for the reasons provided by staff.

The Staff Recommends: **Postponement** of the text amendment related to construction screening signs, for the following reasons:

1. The petitioner's proposal to permit a new way to display construction sign information on a mesh or fabric material attached to the construction site fence has merit, although the definition and proposed size allowances need significant modification in order to be acceptable.
2. The petitioner's proposal to permit 20% of the fence to be utilized as a sign has the potential to be far greater than any other type of sign in Lexington-Fayette County, even in excess of multiple billboards (aka advertising signs).

The Staff Recommends: **Disapproval** of the text amendment related to additional identification signs, for the following reasons:

1. The proposed text amendment to permit additional identification signs above and beyond those already permitted in the B-1, B-3, B-4, I-1 and I-2 zones will not further the intent of Article 17: Sign Regulations, which aims to promote legitimate signage needs without unduly distracting from the overall aesthetics of the community, which reduces intrusions, which is not unduly distracting to the motoring public and which promotes a harmonious and pleasing community image.
2. The proposal to increase sign square footage within the most permissive zones for signage (B-1, B-2, B-4, I-1 and I-2) is not necessary, given the Board of Adjustment's ability to transfer signage from one location or from one sign to another.

Request for Postponement: Jacob Walbourn, attorney, stated that the proposed text amendment has two major parts: 1) construction screening signs; and 2) identification signs in business and industrial zones. He said that he would like to request that the Planning Commission grant a one-month postponement of the identification signs portion, in order to allow the petitioner time to continue to work with the staff on the proposed text.

Mr. Owens asked if the staff was agreeable to the petitioner's request. Ms. Wade answered that the staff was in agreement, noting that the petitioner would like to move forward with the construction screening portion of this ZOTA because it relates to an in-progress project.

Mr. Owens asked if it was procedurally possible to postpone a portion of a text amendment. Ms. Wade responded that it had been done before. She explained that the Commission would need to make a motion to postpone the portion of the request dealing with identification signs. Mr. Sallee added that, in cases such as this, the staff sends two final reports to the Urban County Council.

Motion: A motion was made by Ms. Mundy, seconded by Ms. Richardson, and carried 11-0 to postpone the portion of ZOTA 2015-6 dealing with identification signs in business and industrial zones.

Staff Presentation: Ms. Wade stated that, since the Zoning Committee meeting three weeks ago, the petitioner submitted revised language for the proposed text amendment. The staff provided a supplemental report and staff alternative text to the Commission members prior to the start of the hearing.

Ms. Wade said that the proposed text amendment would create a definition for "construction screening sign," and would permit that new type of sign in several of the commercial zones. The petitioner is proposing this text amendment in order to utilize construction screening signs on their site, where construction is just beginning. Ms. Wade explained that the current sign regulations permit construction signs of up to 64 square feet in size. Those signs are typically installed on a piece of plywood, and are allowed in the office, business, and industrial zones. In addition to construction signs, real estate signs are also permitted, to advertise property for sale or lease. Construction signs can include the project name; contact information of the professionals or business involved in the work on the site; and a graphic depiction or rendering of the building being constructed. Both types of signs are considered temporary, and are permitted through the Division of Building Inspection.

Ms. Wade stated that the petitioner's proposal is to be allowed to provide signage on their property via construction screening signs, which is a new type of sign. Construction sites commonly include fencing around the entire site, in order to provide security and a windbreak; screening signs could be installed on that fencing. Construction fencing that does not contain text or graphics is not prohibited by the Zoning Ordinance. The issue at hand is not the installation of a fence, or

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about the blank screening. Instead, the applicant desires to use the face of the mesh screening to advertise information about the proposed development.

Ms. Wade said that, since the Zoning Committee meeting three weeks earlier, the petitioner has amended their proposed text for Article 17 in an attempt to address the staff's concerns. That amendment did alleviate some concerns, but a few issues remain, which was the basis for the staff alternative text. Ms. Wade displayed several photographs of different types of construction screening signs, some of which contained only a logo and name; while others feature text, photographs, and information about the project. The petitioner is requesting that this type of sign be allowed in addition to a typical construction sign. It would permit mesh or fabric material attached to a construction fence, to utilize up to 20% of a face of a fence along all street frontages, to provide information beyond that typically included on a construction sign. Ms. Wade noted that the proposed construction screening sign definition would include, in addition to construction information: artwork; logos, photos; words; and other graphics related to the project under construction.

Ms. Wade said that the proposed definition would also require that the sign be removed when the construction fence is removed from the site, or when a fence permit is issued, whichever occurs first. While the staff understands the desire for additional flexibility in displaying construction information on a site, they do have several concerns with the text as proposed. Ms. Wade explained that the staff was originally concerned with the timing of the temporary sign, as well as the proposed size. The staff believes that the timing of the removal of a sign is more appropriate at the issuance of a permanent sign permit, rather than the removal of the fence. The staff believes that it is possible that an applicant might need to maintain a construction fence for some period of time, while still applying for a permit for a permanent sign. The staff alternative text recommends that the language referring to the removal of construction signs simultaneously with the construction fence be deleted; and that the removal of a construction sign be tied to the issuance of a permit for permanent signage.

Ms. Wade stated that the staff was also concerned about the zones in which the petitioner originally proposed that these constructions signs should be permitted, which included the B-1, B-3, B-4, I-1, and I-2 zones. The staff felt that limiting this type of signage to those zones would eliminate a large portion of the community, including the Expansion Area. The staff suggested additional zones; the petitioner's revised text now proposes allowing construction screening signs in the R-5 and P-1 zones; all Mixed-Use and business zones, and the industrial zones. The staff still believes that these signs should be allowed in the CC and ED zones, since they are similar to other business zones; so the Staff Alternative Text proposes allowing construction signs in those two zones as well.

Ms. Wade stated that the staff is agreeable to the petitioner's proposal to allow construction screening signage on 20% of a street frontage, but they are concerned about the large amount of signage that could result. The staff recognizes that this type of sign is temporary; however, construction sites can be active for many years. In addition, the amount of signage proposed, for a large site with multiple street frontages, could result in signage the size of several billboards, which was also of concern to the staff. The staff is agreeable to the 20% allowance, only if the signage is calculated by street frontage, rather than total fence area, which would include fencing facing adjoining property. Ms. Wade noted that the staff cited the Mapleleaf Drive and the Tattersalls development areas as examples of situations where permitting signage in the manner suggested by the petitioner could result in signage directed toward adjoining business or residential uses, rather than public streets. She explained that the staff alternative text also would not provide for the combining of street frontage amounts in order to obtain a greater amount of signage.

Ms. Wade stated that the staff is recommending approval of the Staff Alternative Text, for the following reasons:

1. The petitioner's proposal to permit a new way to display construction sign information on a mesh or fabric material attached to the construction site fence will enhance the overall appearance of active construction sites while permitting announcements about future development.
2. The staff alternative text will eliminate duplication in Article 17, will be more consistent with Article 17 formatting, and also will allow this type of signage in the CC and ED zones in the Expansion Area.

Commission Questions: Mr. Penn asked if there were any provisions in the proposed text to control whether or not the signage could be used as advertising. Ms. Wade answered that, under this draft, only information related to the construction of the site or the project under construction could be included on the screening signage. The signs could also contain photographs. Mr. Penn asked if a property owner would be allowed to rent space on such a sign to another entity, so that it would become an income stream. Ms. Wade answered that she did not see an opportunity for a new income stream, since it should be only information related to a business that would be on the site or the businesses currently constructing the site.

Ms. Mundy asked how the 20% limitation was determined. Ms. Wade responded that that number was proposed by the petitioner.

Mr. Owens asked if the staff was concerned that construction screening signage would be removed prior to the completion of construction, since it would be required to be removed upon the issuance of a permit for a permanent sign. Ms. Wade answered that the staff assumed that the mesh screening could be removed, while the fence remained in place to provide security for the site, if necessary. She added that this type of signage is not being proposed in lieu of a typical construction sign, but in addition to it. The 64 square-foot construction sign could still be in place with information about the developer and contractors.

Ms. Mundy opined that she would rather see mesh signs around a construction site than the site itself, until such time as fencing would typically be removed. Ms. Wade said that the staff's assumption was that the time of application for a permanent sign would be fairly close to the completion of the project. She explained that the staff's reason for that recommendation was their preference for a clear "trigger" that is controlled by LFUCG, rather than allowing screening signage to remain until a developer chooses to remove it. Ms. Mundy expressed some concern that, once a sign permit is issued for a site (and construction screening signage is removed), it could be some time before a permanent sign is ordered and installed. Ms. Wade responded that, once a sign permit is issued, installation of a new sign is usually imminent.

Petitioner Representation: Jacob Walbourn, attorney, was present representing the petitioner. He stated that the petitioner is in agreement with most of the staff's recommendations. He thanked the staff for their willingness to work with the petitioner on their draft text, noting that the petitioner now has only two small disagreements with the staff's recommendation.

Mr. Walbourn stated that the petitioner's property was recently rezoned. The site is located along Nicholasville Road, which is a very busy corridor, with many areas of development and redevelopment. In researching ways to create excitement and generate interest in their project, the petitioner learned about construction screening signage. The petitioner contends that this type of signage is a "fun and effective" way to get information to the public, while providing site screening and security. The signage would be installed on chain link fence sections, which are moveable to allow access to the site for construction equipment. Mr. Walbourn displayed several photographs as examples of the type of signage proposed, which is a mesh fabric material that affixes to the chain link fencing. The mesh fabric would include logos, photographs, and text.

Mr. Walbourn said that there is a desire for construction screening signage, since there are existing safety and security concerns. If construction materials are easily visible, sites can fall victim to metal and copper thieves. In addition, the petitioner believes that the proposed screening signs could be used to prevent debris from exiting the site onto Nicholasville Road. Screening signage can also provide a windbreak for gusts going through the construction site.

Mr. Walbourn stated that the petitioner is in agreement with the staff's recommended definition for construction screening signage. The petitioner had originally proposed language regarding how to calculate the type of signage that would be permitted on a site; the staff provided an alternative to that language. The petitioner now contends that there are flaws in both of those definitions. He requested that the Planning Commission consider language that would allow signage to occupy 20% of the face of the construction screen.

Mr. Walbourn said that the petitioner originally considered the proposed text amendment with regard to their site, which is zoned B-1/B-3; the lots under construction are zoned B-3. The petitioner originally considered proposing construction screening signs in these business zones, which would, based on how Article 17 is worded, also permit them in industrial zones. The staff suggested that construction screening signs might be appropriate in some other areas as well, so the petitioner added several zones to their proposed text. The petitioner agrees that the signs should be made of fabric or mesh, and that the content should consist of text, design, art, photos, and logos. Content with commercial value will be limited to 20% of the signage. Mr. Walbourn noted that the petitioner is in agreement with the staff's recommendation to require removal of screening signage at the time of issuance of a permanent sign permit, although their original proposal was different. The petitioner is also in agreement with the staff's proposal for coverage of screening signs, which is in line with what the Zoning Ordinance allows for permanent signage.

Referring to an aerial photograph of the petitioner's site, Mr. Walbourn noted the areas where construction fencing is proposed. For permanent signage, the Zoning Ordinance would allow two square feet of signage per linear foot of street frontage. The petitioner's site has approximately 1,440 linear feet of street frontage; the petitioner would therefore be allowed (subject to other limitations of the Ordinance) 2,880 gross square feet of signage. The petitioner's proposal would include approximately 1,860 linear feet of fence, at a height of six feet; the approximate total amount of fencing would be 11,160 square feet. Based on that total, approximately 2,232 square feet of construction screening signage would be allowed.

Mr. Walbourn said that the petitioner is concerned that the staff's proposed text would: 1) only allow construction screening material on street frontages; and 2) not allow transfer of signage between street frontages. Referring to an aerial photograph of the existing former Lexington Mall site (now Southland Christian Church), he explained that, under the staff's alternative, construction screening signage would be allowed only along Richmond Road and Life Lane, which runs behind the church building. The petitioner contends that, in some commercial developments, there could be situations where an internal fence is installed, or large grade changes could exist, which could further limit the amount of construction screening signage that would be permitted. Mr. Walbourn referred to the Meadowthorpe and Beaumont Centre Kroger sites as additional examples, noting that construction screening signage would not have been permitted at those locations during the construction of gas pumps, due to a lack of street frontage. He said that the petitioner contends that their proposed language is simpler, and would provide a property owner the opportunity to utilize construction screening signage where it would be most effective. The petitioner would not direct any such signage toward adjoining residential areas, since it would not be seen by as many people, and would be less effective. Mr. Walbourn asked the Planning Commission to consider approving the following language: "Construction screening signs limited to 20% of the total square footage of the face of the construction screen."

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Mr. Walbourn noted that the United States Supreme Court had recently weighed in on two cases concerning sign ordinances, consistently recognizing the interests of community aesthetics and traffic safety. He said, referring to a photograph of the University of Kentucky dormitory project, that the Commission members had likely seen the type of construction screening sign proposed at that location, or the recently constructed University of Kentucky Medical Center site. The University is exempt from local zoning regulations, and has been using this type of signage on their projects for some time, with no detrimental effect on traffic in the area. Mr. Walbourn said that the petitioner also contends that those construction screening signs did not change the community aesthetic, since they are temporary in nature. Murals and other types of public art can be much larger, so the petitioner does not believe that a smaller, temporary sign should have a negative effect on the community aesthetic.

Displaying several photographs of the petitioner's construction site, Mr. Walbourn said that a 6' construction screen should not substantially alter the character of the area. He stated that construction screening material signage has become an international trend, displaying several photographs of such signage in other areas and noting that, in some areas, those signs help to offset the costs of construction.

Mr. Walbourn stated that the petitioner believes that construction screening is very important for the security and integrity of their project site, and would like for that signage to have utility and advertising value for the site. The petitioner is requesting that the Planning Commission consider the petitioner's proposed alternative text.

Mark Yates, Director of Development for M.I.A. Brookhaven, LLC, requested approval of the proposed text amendment.

Commission Questions: Mr. Cravens asked if removal of construction screening at the issuance of a sign permit would be problematic from a timing standpoint. Mr. Walbourn answered that he did not believe that it would be problematic, adding that he agreed with Ms. Wade's assessment that it would likely be only a matter of days and that he believed that the proposed timing is appropriate. Mr. Cravens said that he did not believe that removal of construction screening should be tied to the issuance of a building permit, since a developer could conceivably want to obtain a permanent sign permit at the start of a construction project. He added that some signs require foundation work or other construction elements. Mr. Walbourn stated that the petitioner's original proposal was to remove the construction screening at the time the fence is removed, but the staff had some concerns about the temporary sign and permanent sign being up at the same time. He noted that the petitioner would be in agreement with either option.

Staff Rebuttal: Ms. Wade stated, with regard to Mr. Cravens' comments, that construction of the foundation and pole for a sign could occur at any time; the issue for the staff is the actual installation of the permanent sign. The staff does not believe that it would be appropriate for permanent and temporary signage to be on a property at the same time. Mr. Cravens stated that foundation work cannot be completed for a sign unless a permit has been obtained. Ms. Wade reiterated that the staff is concerned about the overlap of a large amount of temporary signage with a permanent sign.

Ms. Wade said, with regard to the amount of signage requested by the petitioner, that temporary signage is typically allowed to be only 100 square feet in size. The proposed text would allow a far greater amount of temporary and construction signage than is permitted by the current regulations. If the petitioner would like to have the ability to transfer signage and average it across an entire property, the staff believes that it should be only for a smaller percentage.

Commission Discussion: Mr. Berkley stated that the petitioner gave good examples of areas where signage could be needed other than along street frontages. He asked if there was any way to amend the staff alternative text to limit the exposure of signage to residential areas. Ms. Wade answered that it would be complicated to do so, particularly since part of the petitioner's property is adjacent to a residential zone. She said that an appropriate compromise could be to reduce the percentage of signage, and allow averaging. The staff would be concerned that, without a percentage limit, a transfer of signage could result in 80% of the construction screening being used for signage along only one side. Ms. Wade stated that the staff would argue that 80% coverage of construction screening could negatively affect the aesthetics of the community, albeit temporarily.

Petitioner Rebuttal: Mr. Walbourn stated, with regard to the comments about directing signage toward residential areas, that there is no incentive for a developer to do so. He said that most sites have very obvious high-traffic areas where construction screening signage could be most beneficial. He added that the petitioner contends that the staff's proposal would not be a workable solution at many sites in Lexington-Fayette County.

Ms. Mundy stated that she did not believe that construction screening signage should be directed toward residential areas.

Ms. Richardson asked if street frontage would be required for construction screening signage, or if a construction project in the middle of a shopping center could use that type of signage as well. Ms. Wade answered that the petitioner's original proposal included text about street frontage; the staff amended that original proposal, then became concerned that moving signage from one location to another could result in 100% coverage. Mr. Walbourn opined that there are problems with both proposals. He said that the petitioner originally proposed allowing construction screening signage along street frontages because it would suit their site, but then realized that sites might exist where such signage was needed but no frontage was available. Ms. Wade added that construction fences are not always going to be located on street frontages, and the staff's

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proposed text addresses street frontage. Ms. Richardson asked what a developer's options would be to provide signage on a site with no street frontage. Ms. Wade responded that, in that case, a developer would need to rely on a typical construction sign; mesh construction screening could be used, but it would not be allowed to contain signage.

Mr. Wilson stated that the two sets of proposed text seem very close, and asked if their differences could be resolved. Mr. Walbourn answered that the staff and the petitioner had attempted to resolve those issues up until two days ago. The petitioner would like to get construction underway, and does not want to wait any longer. Mr. Walbourn thanked the staff for their input, and said that the petitioner would like to go forward at this time. Mr. Wilson stated that he did not have any concerns about the proposed text for this project, but he is concerned that other developers might abuse the signage allowance. Ms. Wade stated, in response to Mr. Wilson's question, that the staff acknowledges that street frontage could be an issue; but they are still concerned about the transfer of signage to different sides of a property, so they asked that any modification to the text include a provision that signage could not be combined.

Note: Chairman Owens declared a brief recess at 2:40 p.m. The meeting reconvened at 2:51 p.m.

Ms. Wade stated that the staff met with the petitioner during the recess, and drafted a compromise that should address some of the Commission members' concerns. The staff would recommend striking the proposed text for the R-5 zone, in limiting the direction of signage toward residential areas; and adding the following language: "Signage shall not be displayed along an agriculturally or residentially-zoned property boundary." Ms. Wade explained that, with that language, construction screening signs could still face a parking lot or right-of-way along a joint property line.

Mr. Walbourn stated that the petitioner was agreeable to that language.

Action: A motion was made by Ms. Plumlee, seconded by Mr. Wilson, and carried 11-0 to approve a portion of the Staff Alternative Text of ZOTA 2015-6, including the language as revised by Ms. Wade.

VI. **COMMISSION ITEMS** – No such items were presented.

VII. **STAFF ITEMS** – No such items were presented.

VIII. **AUDIENCE ITEMS** – No such items were presented.

IX. **MEETING DATES FOR July, 2015**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	July 2, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	July 2, 2015
Subdivision and ND-1 Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	July 9, 2015
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	July 23, 2015
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	July 29, 2015
Unofficial Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	July 30, 2015`

X. **ADJOURNMENT** – There being no further business, Chairman Owens declared the meeting adjourned at 3:57 p.m.