

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

June 23, 2022

- 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.

ATTENDANCE – Members present were: Chair Frank Penn, Zach Davis, Judy Worth, Robin Michler, Bruce Nicol, Graham Pohl, Headley Bell, Ivy Barksdale and Anthony de Movellan (Larry Forrester and Jan Meyer absent). Planning staff members present were: Jim Duncan, Traci Wade, Tom Martin, Hal Baillie, Stephanie Cunningham, Daniel Crum, and Bill Sheehy. Other staff members present were: Vaughn Adkins, Division of Engineering; Stephen Parker, Division of Traffic Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Worth, seconded by Ms. Barksdale for the approval of the minutes of the April 14, 2022, May 12, 2022, and May 26, 2022 public hearings, and carried 9-0 (Forrester and Meyer absent).

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

1. **PLN-MAR-22-00007: HOUSING PARTNERSHIP, INC.** – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 9.37 net (9.67 gross) acres, for property at 1240 Armstrong Mill Road.

PLN-MJDP-22-00029: MELODY VILLAGE & RIVER PARK (ISLAMIC CENTER OF LEXINGTON)

Applicant Representation – Dick Murphy, representing the petitioner, said that he was requesting to withdraw the application. Mr. Murphy stated that he had sent a letter a number of weeks ago, but that the Planning Commission's bylaws indicated that he had to withdraw in person, and is doing so at this time.

Action – A motion was made by Mr. de Movellan, seconded by Ms. Barksdale and carried 9-0 (Forrester and Meyer absent) to withdraw **PLN-MAR-22-00007: HOUSING PARTNERSHIP, INC** and **PLN-MJDP-22-00029: MELODY VILLAGE & RIVER PARK (ISLAMIC CENTER OF LEXINGTON)**.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, June 2, 2022, at 8:30 a.m. The meeting was attended by Commission members Headley Bell, Janice Meyer, Frank Penn, and Judy Worth. Committee members in attendance were: Vaughn Adkins, Division of Engineering; and Stephen Parker, Division of Traffic Engineering. Staff members in attendance were: Tom Martin, Hal Baillie, Paula Schumacher and Cheryl Gallt; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

- A. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria: (1) the Subdivision Committee recommendation is for approval, as listed on this agenda, and
(2) the Petitioner agrees with the Subdivision Committee recommendation and conditions listed on the agenda, and
(3) no discussion of the item is desired by the Commission, and
(4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

- B. **DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements

- (a) petitioner's comments (5 minute maximum)
- (b) citizen objectors (5 minute maximum)
- (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

V. **ZONING ITEMS** - The Zoning Committee met on Thursday, June 2, 2022, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Zach Davis, Larry Forrester, Graham Pohl, and Bruce Nicol. Staff members in attendance were: Hal Baillie, Tom Martin, Daniel Crum, and Keith Horn, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

1. **DF LEXINGTON PROPERTIES II, LLC ZONING MAP AMENDMENT & COLLINS & ORRELL PROPERTY (DF LEXINGTON) ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00008: DF LEXINGTON PROPERTIES II, LLC** – a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 1.90 net (2.78 gross) acres, for property at 3440, 3450 and 3454 Richmond Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The petitioner proposes the rezoning of the subject properties to the Highway Service (B-3) zone to allow the redevelopment of the properties for the expansion of the Don Franklin Auto center and to construct a new vehicle showroom, sales offices and auto maintenance facility.

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

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

1. The zone change application should describe in greater detail how they meet the Goals, Objectives and Policies, specifically those regarding the environmental sustainability of the site and the proposed improvements to multi-modal connectivity.
2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Corridor Place-Type, and the Medium Density Non-Residential / Mixed-Use Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - b. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
 - c. C-PS10-3 Over-parking of new developments should be avoided. (B-SU5)
 - d. D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
 - e. B-PR7-2: Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
 - f. B-PR7-3 Developments should improve the tree canopy.
 - g. B-RE1-1 Developments should incorporate street trees to create a walkable streetscape
- b. **PLN-MJDP-22-00028: COLLINS & ORRELL PROPERTY (DF LEXINGTON) (07/31/22)*** - located at 3440, 3450, AND 3454 RICHMOND ROAD, LEXINGTON, KY.
Council District 7
Project Contact: EA Partners, PLC

Note: The purpose of this plan is to depict redevelopment of the subject property with a 35,000 square foot automobile sales dealership and display lot, in support of the requested zone change from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone.

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

1. Provided the Urban County Council rezones the property B-3; 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.

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

5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Revise 4-foot proposed sidewalk to 6-foot in width.
11. Resolve access to property at the rear of the subject property.
12. Resolve ability to meet tree canopy requirements.
13. Resolve display area.
14. Resolve ability to meet Richmond Road Landscape Ordinance adjacent to right-of-way.
15. Resolve potential impact of State Highway Improvement Project.
16. Discuss Placebuilder criteria.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and of the general area. He stated that the applicant was seeking a zone map amendment from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 1.90 net (2.78 gross) acres, in order to expand the Don Franklin Auto Sales and associated facilities.

Mr. Baillie indicated that the applicant is seeking the Corridor Place-Type and a medium density non-residential/mixed-use Development Type. Planning Staff agreed that the proposed Place Type, and Development Type could be appropriate for this application. Additionally, the applicant is not choosing a recommended zone within the Place-Type and Development Type, Mr. Baillie stated that in cases where the applicant chooses a zone that is not recommended it is incumbent on the applicant to provide greater justification as to why this would be the most appropriate zone. After providing more justification, Staff was in agreement that the zoning could be appropriate.

Mr. Baillie continued orienting the Planning Commission to the location, as well as displaying photographs to show the Planning Commission how the property has been developed over time. Mr. Baillie briefly reviewed the agreement of the proposed zone change with the Comprehensive Plan's Goals, Objectives, and Policies. Additionally, Mr. Baillie listed the recommended conditional zoning restrictions for the property, along with the justification for their inclusion.

Mr. Baillie concluded that Planning Staff was recommending Approval.

Staff Development Plan Presentation – Mr. Martin presented the staff report and recommendations for the associated Development Plan. Mr. Martin presented a colored rendering of the subject property and reviewed the current development. Mr. Martin noted the parking spaces on the plan as display spaces for the vehicles, as well as electric car charging stations. Additionally, Mr. Martin mentioned that this specific application is required to meet with the Richmond Road Landscape and Access Ordinance requirements, which they will address at the time of the final development plan.

Mr. Martin highlighted an access point to the parking lot in the rear of the property and stated that at the time of the final development plan, the applicant will be prepared to bring in an overall final development plan for the entire Don Franklin Development for the consideration of the Planning Commission.

Mr. Martin finished by telling the Commission that staff was recommending approval and that they could delete condition #12, which pertained to the Placebuilder criteria, since it has been addressed by Mr. Baillie's presentation.

Commission Questions – Mr. Michler asked about the vegetation at the back of the property and its proximity to the reservoir, as well as if this greenspace would be maintained at the final development plan. Mr. Martin indicated that is a question Staff and the Planning Commission can ask the applicant to clarify and expand upon at the time of the final development plan.

Applicant Presentation – Brandon Gross, attorney representing the applicant, stated that his client has no objection to the conditions proposed by staff. Mr. Gross answered Mr. Michler's question, saying this is the first stage to reorganize the dealership and that due to the reservoir, their plan is to increase the stormwater management in that area.

Zoning Action – A motion was made by Mr. Bell, seconded by Mr. de Movellan, and carried 9-0 (Forrester and Meyer absent) to approve **PLN-MAR-22-00008: DF LEXINGTON PROPERTIES II, LLC** for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Bell, seconded by Mr. de Movellan, and carried 9-0 (Barksdale and Worth absent) to approve **PLN-MJDP-22-00028: Collins & Orrell Property (DF Lexington)** for the reasons provided by the staff.

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)

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

- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **PLN-ZOTA-22-00001: AMENDMENT TO ARTICLE 17: SIGNAGE REGULATIONS TO ALLOW A DIGITAL MARQUEE (ELECTRONIC MESSAGE DISPLAY)** – petition for a Zoning Ordinance text amendment to Article 17: Signage Regulations to allow digital (electronic message display) marquee signs in the Lexington Center Business (B-2B) Zone.

INITIATED BY: Big Picture Ventures, LLC

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Approval of the staff alternative text, for the following reasons:

1. The proposed staff alternative text amendment allows for the expansion of the use of electronic message display systems within the Lexington Center Business (B-2B) zone to allow an increase in signage opportunity, while also complementing the surrounding land use and can help promote the surrounding attractions.
2. The proposed staff alternative text amendment provides greater limitations that prevent the creation of influences adverse or would negatively impact the overall health, safety, and welfare of the Lexington community and visitors to the Urban County.

This is a continuation of a public hearing from the Planning Commission meeting held on April 28, 2022.

Staff Text Amendment Presentation – Mr. Hal Baillie updated the commission information that has changed since the April 28, 2022 meeting. Mr. Baillie gave a brief overview of the previous suggested text presented by the applicant in April, as well as the staff alternative at that time. He highlighted three previous concerns from the April meeting including the size of the sign, the oversight of the sign, and the duration of the message presented on the sign.

Mr. Baillie presented the updated Staff recommended text that sought to address those concerns from the last meeting. First, staff shifted the per-theater sign from the previous 24 square feet to 30 square feet. This allows the applicant to reach the maximum size requirement with 10 theaters. Additionally, staff changed the language having to do with the oversight of the signage to match the state statute associated with digital signage.

The final element that Mr. Baillie highlighted was the duration of the images. Initially, the staff alternative language said that the duration could not go less than 45 seconds. The revised staff alternative reduces that time to 20 seconds. Mr. Baillie displayed reasons why the Staff thought that the applicant's proposal of 8 seconds was inappropriate, including that the suggestions from the applicant for 8 seconds was using regulations designed for vehicles that are going faster and little pedestrian activity that could potentially be distracting to drivers. These regulations are much better suited for highways and interstates, but not downtown areas.

Mr. Baillie continued giving Staff's justification for a 20 second duration, stating that this is much more in line with the current Zoning Ordinance, it is in keeping with best practices on complex downtown streets, and it allows for signs to be absorbed while staying focused on the roadway. Additionally, Mr. Baillie displayed a mathematic equation that Staff also used as justification for the 20 seconds they recommended.

Mr. Baillie ended his presentation by saying that Staff is recommending the amended staff alternative that he presented today.

Commission Questions – Bruce Nicol asked for clarification on the size issue and if the applicant was happy with that change. Mr. Murphy indicated from the audience that he was and Mr. Baillie stated that that was his understanding as well. Mr. Nicol joked that he tried to do the math on the equation that Mr. Baillie presented and got 6 seconds, which Mr. Baillie indicated was incorrect.

Mr. Michler asked about what time the signs would stop displaying and more specifically if it was the business's decision when to stop displaying the messages. Mr. Baillie indicated that Staff did not put a restriction of time of operation in their recommendation because it is associated with the business operation rather than sign usage. Any type of cap on a specific time would get into conditional zoning restrictions, rather than Zoning Ordinance text

Mr. Pohl asked if there was a limitation on how high the sign can be mounted. Mr. Baillie stated that there were limitations that included the sign has to project out from the building and the sign cannot be above the building itself.

Applicant Presentation – Dick Murphy, attorney for the applicant, starting his presentation by giving some background on Mr. Krikorian and his business ventures that lead him to develop Lex Live.

Mr. Murphy said that since the last meeting approximately six weeks ago, Staff and he have had productive discussions and agree on everything except one issue, the duration of messages. Mr. Murphy asked the Planning Commission for 8 seconds because it is the industry standard norm for digital signage. Additionally, Mr. Murphy confirmed that this text amendment only relates to on premise signs, not off-premises signs.

Mr. Murphy indicated that their intention with this text amendment is to display still images, not videos or any type of moving images.

Mr. Murphy said that he appreciated the Staff's research on this, but cited a number of private and government agencies that use the 8 second interval that the applicant is requesting. Mr. Murphy also cited data that there was no correlation between electronic signage and distracted driving. Mr. Murphy stated that they wanted signage that was effective and safe.

Mr. Murphy presented to the Planning Commission a video he took of the Lexington Opera House digital marquee and recorded how many advertisements that were shown in 45 seconds. He stated that it was a significant amount of ads in a short amount of time, and reiterated that he wanted to show the Commission that two and half blocks away from their location, a digital marquee with even more advertisements is operating in Lexington. He also presented a video of the digital sign directly across the street at the Hyatt outside of Rupp Arena.

Mr. Murphy listed a number of cities including Charlotte, Fort Worth, and Atlanta and gave what their duration for digital signage was, and while there was variation, he indicated that the average was about 8 seconds, and is what the applicant was requesting.

Mr. Murphy ended his presentation saying that the applicant agreed with the Staff's revised language, with the exception of the interval, asking to change the interval from 20 seconds to 8 seconds.

Commission Questions – Mr. Nicol pointed out that Mr. Murphy was citing data that was meant for highways, not busy downtown streets. Mr. Nicol also pointed out that in our own Ordinance for signs, it says 15 seconds is appropriate, and asked if those 12 seconds are really worth the trouble here. Mr. Murphy responded citing data from the International Sign Association that found an example of the 15 second duration at Wildhealth Ballpark. Mr. Murphy continued, pointing out the intervals at the Opera House and at Rupp Arena.

Mr. Nicol responded asking why he keeps bringing up, the Opera House and Rupp Arena, as they are not regulated under this Ordinance and asked if bringing them up is about fairness or anything else. Mr. Murphy said that it had to do with that to some extent, but their main point is that these type of signs are already here and are safe and work well.

Mr. Michler said he appreciated a lot of the issues being settled before the meeting, but asked how many important messages advertised does the applicant think he has to show in a minute. Mr. Murphy said that because they have 10 theaters and a variety of other events going on, such as e-sports, they need as many possible messages out as they can.

Mr. de Movellan asked if Mr. Murphy had a sample of what they would like to display. Mr. Murphy indicated that he did not at this time.

Mr. de Movellan also asked a question about the sign at closed hours, because there are multiple businesses in Lex Live including a theater and bowling alley, would the sign be turned off when the theater is closed or will it be closed when the other business are closed. Mr. Murphy consulted Mr. Krikorian and stated that all the businesses close at the same time.

Finally Mr. de Movellan asked staff what businesses qualify as a theater. Mr. Baillie responded stating that theaters are not specifically defined in the Zoning Ordinance, but usually defined as a stage with a projected screen in which there are stadium seating.

Ms. Worth pointed out that the studies Mr. Murphy highlighted were from 2012 and 2014 and asked if there had been any more recent studies. Mr. Murphy indicated that there was not from what he had seen.

Staff Rebuttal – Mr. Baillie started the rebuttal by the thanking the applicant for working with staff for making it a collaborative process. Mr. Baillie reiterated the staff position with the location being downtown, with pedestrians, various turn signals, lights, and signs, Staff is looking to implement a "best practices" policy and be as safe as possible. Mr. Baillie highlighted a number of court cases where judges have indicated that these signs can create inattentiveness and some distraction. Staff wants to make sure that this is the safest ordinance possible and allows for the incorporation of these new technologies effectively.

Mr. Baillie elaborated on the different elements of signage including speed, interval, complexity and size as well as reiterating staff's point that the regulations Mr. Murphy is highlighting are meant for highways or interstates. Mr. Baillie mentioned the

Opera House's frequency of ads was not effective because you are getting so many ads in a short amount of time that the driver cannot fully comprehend what they are seeing in such a short amount of time.

Mr. Baillie briefly mentioned the justification for the decrease from 45 seconds to 20 second intervals because there was more scientific research, although he did mention that the 45 seconds was a good transition point. The 20-second duration would allow the applicant more opportunities to advertise what is going on at the facility.

Mr. Baillie ended his rebuttal saying that the Zoning Ordinance right now is regulated at 15 seconds for the B-3 zone and that a 20 second duration is backed up by research and deals with Lexington's current context in the best way.

Applicant Rebuttal – Mr. Murphy stated that they have about 10 movies a week that can change weekly and they have to get that information out there. Mr. Murphy reiterated his assertion that there is no statistical data that suggests that there is a correlation between digital signage and an increased risk of accidents.

Mr. Murphy ended saying that the 8 second interval was safe, works and complies with all governmental and private sign agencies.

Commission Questions – Mr. Bell asked the applicant if signage is changing and in what ways that is happening and if what is happening in Lexington is different from anywhere elsewhere the applicant has a theater. Mr. Krikorian responded that in his theaters, all the digital signage was approved over the last ten years. Mr. Krikorian said that there are a number of different movies playing currently, some that will be coming soon, as well as other events that you might not be aware of. He stated that these signs are important to show people what is going on.

Mr. Bell also asked if this project was unique, and Mr. Krikorian said that it was. He stated that the theater being downtown is unique, as well as Lexington in general being unique.

Ms. Barksdale stated that her biggest concern with the longer intervals, would they try to put more advertisements on the screen, and asked the applicant if there are limitations on what can be on the screen.

Mr. Baillie answered the question saying that the city staff could not limit the content because that goes into free speech. Mr. Baillie gave more information on the research that staff did on how long it takes to see and comprehend a sign or advertisement at around 5 seconds when you first see the message and start to absorb it.

Mr. Nicol asked staff if there was a reason why they did not recommend 15 seconds, which is in the current Ordinance and instead recommended the 20 seconds in the staff alternative. Mr. Baillie answered that while staff did look to see if they could find justification for the 15 seconds which was based on older studies. The 20 seconds had much better backing and research. The calculation at 20 seconds has surer footing than the 15 seconds.

Ms. Wade gave more support to Mr. Baillie stating that the 15 second interval was put in place 20 years ago and that the 20 seconds is a more precise measurement than the 15 seconds. Ms. Wade also noted that there is more research now than there was then.

Mr. Pohl referred to Mr. Murphy's presentation where he said there was no link between signage duration and accidents, on the other hand staff is stating 20 seconds is necessary to diminish accidents. Mr. Pohl asked how the Planning Commission can balance those two lines of thinking. Mr. Baillie responded saying that Mr. Murphy said that there was no statistical change, not that there was no evidence. Mr. Baillie continued saying that there were many studies that show digital signage increased inattention and that inattention leads to an increased chance of accidents. Mr. Baillie indicated that through staff's research, 20 seconds was appropriate for drivers to take in their environment, see the signs and do so in the safest possible way.

Applicant Rebuttal – Mr. Murphy briefly stated that in their discussions with Ruggles Signs, they indicated based on their experience, the longer the interval, the longer people sit and look, the longer cars stop and wait for the next slide. He also indicated that the formula that staff presented does not lead to effective signage.

Motion – A motion was made by Mr. Nicol, seconded by Ms. Worth, and failed 4-5 (de Movellan, Bell, Pohl, Davis, and Barksdale opposed) (Forester and Meyer absent) to approve the Staff alternative for **PLN-ZOTA-22-00001: AMENDMENT TO ARTICLE 17: SIGNAGE REGULATIONS TO ALLOW A DIGITAL MARQUEE (ELECTRONIC MESSAGE DISPLAY)**.

Motion – A motion was made by Mr. Pohl, seconded by Mr. Bell, and approved 6-3 (Michler, Penn, Worth opposed) (Forester and Meyer absent) to approve the Staff alternative, but changing the duration from 20 seconds to 8 seconds for **PLN-ZOTA-22-00001: AMENDMENT TO ARTICLE 17: SIGNAGE REGULATIONS TO ALLOW A DIGITAL MARQUEE (ELECTRONIC MESSAGE DISPLAY)**.

2. **PLN-ZOTA-22-00009: AMENDMENT TO ARTICLE 8-20 TO PERMIT BANQUET FACILITIES IN THE HIGHWAY SERVICE BUSINESS (B-3) ZONE** – a petition for a Zoning Ordinance text amendment to allow banquet facilities as a principal permitted use in the Highway Service Business (B-3) zone.

INITIATED BY: Cervantes and Associates, LLC

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval**.

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

1. The proposed text amendment to allow Banquet Facilities within the Highway Services Business (B-3) zone meets the 2018 Comprehensive Plan objective of providing entertainment and other quality of life opportunities to attract young and culturally diverse professionals and a work force of all ages and talents to Lexington.
2. The proposed use is already permitted to operate as an accessory use to numerous principally permitted Highway Services Business (B-3) uses.
3. At a larger scale, Banquet Facility are in line with the character of the Highway Services Business zone and are of a similar intensity of use.

Staff Text Amendment Presentation – Mr. Daniel Crum presented and summarized the staff report and recommendations for this text amendment. Mr. Crum stated that this text amendment is to allow banquet facilities in the B-3 zone and gave a brief description on how banquet facilities are currently defined, as well as where banquet facilities are currently permitted. Mr. Crum indicated that the larger banquet facilities can be appropriate in the B-3 zone.

Mr. Crum concluded the presentation stating that staff is recommending approval for this text amendment for the reasons provided in the staff Report.

Public Comment – Mark McCain of Vision Engineering said that they were for the text amendment and would appreciate the Planning Commission's consideration.

Motion – A motion was made by Mr. Pohl, seconded by Ms. Worth, and approved 9-0 (Forrester and de Meyer absent) to approve **PLN-ZOTAZ-22-00009: AMENDMENT TO ARTICLE 8-20 TO PERMIT BANQUET FACILITIES IN THE HIGHWAY SERVICE BUSINESS (B-3) ZONE** for reasons provided by Staff.

VI. COMMISSION ITEMS - The Chair will announce that any item a Commission member would like to present will be heard at this time.

- a. **PFR 2022-5: FAYETTE COUNTY PUBLIC SCHOOLS, LAFAYETTE HIGH SCHOOL SOFTBALL FIELD HOUSE & DUGOUTS**
– a Public Facility Review to construct a new field house and dugouts; and to expand a parking area.

Staff Presentation – Ms. Wade presented the PFR to the Planning Commission, noting the location and the exact proposal. This proposal is for Lafayette High School and they are building a softball fieldhouse, dugout and a small parking lot associated with the structure. Ms. Wade highlighted that today is the 50th anniversary of Title IX, which guaranteed equal opportunity between men and woman in education, and inclusion sports. For a long time the baseball team has had a fieldhouse, and now the softball team will as well.

Ms. Wade oriented the Commission to the location and presented the proposed plan. Ms. Wade noted that this plan will give the high school 12 additional park spaces in addition to the fieldhouse and dugout.

Staff evaluated the proposal and found the plan is in compliance with the Comprehensive Plan.

Commission Questions – Mr. Bell asked if it was Fayette County Schools that would pay for this facility and Ms. Wade indicated that it was. Additionally, Mr. Bell inquired whether or not Staff takes into consideration different types of impervious parking. Ms. Wade answered that she thought some of our partners that do PFR's do contemplate that, but she was not sure to what extent Fayette County Schools had done that with this proposal.

Ms. Worth asked if the school has talked to the neighborhood about this project, and Ms. Wade was unsure about that. Based on Ms. Wade's experience they do not usually do that, but they might have.

PFR Action – A motion was made by Ms. Worth seconded by Ms. Barksdale, and carried 9-0 (Forrester and Meyer absent) to find **PFR 2022-4: Bluegrass Community and Technical College North Campus Expansion** in compliance with the Comprehensive Plan.

VII. STAFF ITEMS – The staff will report at the meeting.

LONG RANGE PLANNING ACTIVITY REPORT

Imagine Lexington

During the month of May, Long-Range Planning staff continued to move forward with a number of implementation items related to the 2018 Comprehensive Plan.

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

Staff continued discussion on the upcoming update to *Imagine Lexington* which will be finalized in 2023. Public outreach officially concluded with the release of a draft Public Input Report presented to the Planning Commission on May 19th. This report included information from the On the Table initiative, the Organizational Input meetings with civic groups, and a summary of discussions at the Commerce Lexington roundtable events. The Planning Commission will use this Report as a basis for future decisions on the Comprehensive Plan.

Imagine Lexington Website & Social Media

Staff continued with maintenance and updates to imaginelexington.com.

Staff has continued to expand the site's project pages that feature information related to the various Zoning Ordinance Text Amendments and Subdivision Regulation Amendments, which have been set in motion by the recommendations within *Imagine Lexington*.

Staff also continues to maintain the Imagine Lexington Facebook, Twitter, and Instagram social media accounts. In addition, staff has been keeping in touch with our public audience through the use of Mail Chimp, a tool allowing for the creation and distribution of email campaigns to an audience of subscribers.

Zoning Ordinance Text Amendments (ZOTAs) and Subdivision Regulation Amendments (SRAs)

As part of the implementation of the 2018 Comprehensive Plan, the Planning staff has undertaken a division-wide effort to draft and initiate a series of text amendments.

Text amendments that are currently in various stages of the process include: Two-Family Residential (R-2); open space (Article 20); Multi-Family Design Standards (multiple locations); parking (Article 16 and other locations); complete streets (multiple locations); agritourism (multiple locations); home occupations; curbside management; traffic impact study; floodplain; and intent statement revisions for multiple articles.

Accessory Dwelling Units

Since the ordinance was passed in late October, Staff has met with about 13 applicants for the required pre-application and feasibility meetings for planned Accessory Dwelling Units.

Imagine New Circle Road

This corridor study will be the second to emerge from *Imagine Lexington*, with the first being the *Imagine Nicholasville Road* corridor study finalized in 2021. This study will focus on the signalized portion of New Circle road that spans from Richmond Road to Winchester Road. Challenges along this corridor include: lack of safety, heavy congestion, and disconnected land uses. In May, planning staff worked with the consultants on public engagement of neighborhoods and local businesses through social media, in-person meetings, and online survey.

Planning Commission Work Session

May Planning Commission work session took place on May 19, 2022 where long-range planning staff presented a draft Public Input Report to the Commission in preparation for future conversations on recommended Goals & Objectives.

Coordination with Other Agencies

In May, long-range planning staff continued to coordinate with other agencies both inside and outside of LFUCG.

General Work Activities

Using GIS and census data, staff created maps and data sets for the Urban County Council, other LFUCG departments, and agencies and officials outside the government.

Staff also continued participation in review of zoning applications and development plans.

ZONING COMPLIANCE PLANNING ACTIVITY REPORT

Zoning Enforcement/Compliance

In May, 2022, thirty (30) new cases were initiated, with the majority, fifty-seven percent (57%), of those being reports of businesses operating in residential areas. Complaints of residents having more yard sales than allowed by the Zoning Ordinance were also plentiful in May; at thirteen percent (13%). This is the case most years during the spring and summer months. Forty (40) complaints were resolved in May, meaning that necessary actions were taken by the property owner or occupant to correct a zoning compliance problem.

Annual inspections were completed on twenty-one (21) properties with conditional uses during May. All were determined to be either under construction, in substantial compliance with conditions imposed by the Board of Adjustment, or conditions have been permanently satisfied, requiring no further inspections.

Board of Adjustment

Eight (8) applications were considered by the Board of Adjustment in May of 2022. Four (4) of the applications were requests for variances, and four (4) were applications for conditional use permits. The Board voted to approve all four (4) variance requests based on staff's recommendation. Approval was granted for three (3) of the applications for conditional uses, and to continue the fourth application to the June meeting of the Board of Adjustment.

TRANSPORTATION PLANNING / MPO ACTIVITY REPORT

The MPO outlines an annual scope of work for transportation planning activities in the [Unified Planning Work Program](#) which contains the follow six work elements. Progress over the last month is reported by work element.

Transportation System Data & Monitoring

- Worked with Populus and Remix, a third party data-management company platform, to process and evaluate multiple shared mobility companies' data.
- Logged data for various bike counters on local trails.
- Continued to review and collect relevant regional freight study data, such as Total Estimated Daily Freight Tonnage by Truck, Total Estimated Daily Value of Truck Freight, Forecast Increase in Daily Freight Tonnage, and Forecast Percent Change in Daily Freight Tonnage.
- Met with the Director of Development & Facilities of Blue Grass Airport in regard to Airport Master Plan and Air Freight Logistics.
- Worked on a bike/pedestrian data collection and evaluation plan.
- Continued update of GIS layers for traffic counts, truck volumes, bridge condition, traffic crashes and severity.
- Continued update of Title VI, Environmental Justice and Limited English Proficiency maps based on 2020 Census data.
- Translated Title VI Complaint Form and Notice of Protections against Discrimination from English to Chinese and Spanish.
- Verified road classes on one new street with GIS section

2.0 Identify & Prioritize Projects

- Launched the project website and public survey for the East Lexington Trail Connectivity and Traffic Safety Study.
- Coordinated with the LFUCG administration regarding a future strategic infrastructure plan. Attended KYTC's steering committee meeting for the Statewide Interstates and Parkway Plan
- Met with KYTC's Highway Safety Improvement Program staff to discuss an expanded scope of work for the Lexington Local Road Safety Plan to meet the requirements for a Safety Action Plan (SAP). SAPs are required to be in place for local entities to be eligible for federal Safe Streets and Roads for All program funds.

3.0 Program & Project Implementation

- Conducted multiple meetings with Shared Mobility providers.
- Evaluated Shared Mobility Vehicle permits for compliance with the ordinance, managed current licensees and associated data, and completed daily enforcement activities regarding the rebalancing requirement.
- Reviewed paving lists for bicycle facility improvement opportunities during upcoming resurfacing projects.
- Coordinated with KYTC and LFUCG Traffic Engineering staff to obtain approval of the ITS-CMS 2023 Proposal that includes the recommended projects from July 2022 to June 2024.
- Attended 4 weekly paving coordination meetings.
- Consulted with Lextran on 2 bus stop sites for consideration of shelter installation.
- Processed TIP Modification #17: District 7 Pavement Markers, Forbes/Red Mile/Virginia Multimodal Improvements Study
- Continued work on a MPO-Level Complete Streets Policy
- Continued work on a Local (City of Lexington) Complete Streets Policy including a meeting with LFUCG Administration.
- Attended KYTC Complete Streets Design Manual steering committee meeting.
- Conducted a Project Coordination Team meeting to track the status of projects in the TIP.

4.0 Land Use & Transportation Impact

- Reviewed and submitted comments in Accela for bike/pedestrian circulation requirements associated with development plans.
- Contacted Long Range Planning (LRP) Manager to schedule a presentation for the June's Congestion Management Air Quality (CMAQ) committee meeting for an update on Imagine Lexington 2045 – Public Input Report Analysis.
- Corresponded on development plans approved by the Planning Commission for compliance with conditional signoff requirements.
- Responded to various inquiries with development groups to work through requirements for multi-modal compliance with the subdivision regulations.
- Attended four LFUCG pre-application meetings to provide transportation planning input on future land-use applications.
- Attended regular LFUCG Subdivision and Zoning Committee meetings.
- Attended LFUCG Board of Adjustment new case review meeting.
- Participated in monthly ZOTA work group meeting.
- Continued to participate in work on the Parking ZOTA, Greenspace ZOTA and Complete Streets SRA.
- Launched the project website and public survey for the Northeast New Circle Road Corridor Plan. Attended one neighborhood public meeting and a project team meeting.
- Attended a property owner meeting regarding a possible rezoning of parcels along Waller Ave in support of the Imagine Nicholasville Rd plan.

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

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5.0 Participation & Outreach

- Continued work on 2022 Bike Map for May release.
- Participated in Bike Month activities including "Streetfest" (an open streets event), Bike-to-Work week and day events, and Smart Cycling/Vehicular Cycling training.
- Began discussion regarding development of an annual state of the system report with a distribution timeline of December / January.
- Radio:
 - Alice Hilton interview on WVLK for StreetFest
 - Bike Month and StreetFest PSAs on WEKU and WUKY, weeks of 5/2 and 5/9
 - Bike Month and StreetFest ads on RadioLex and RadioVida week of 5/2; specifically, Bike Month 5/2-5/6, StreetFest 5/7-5/8
 - StreetFest Envirominute on RadioLex and Radio Vida week of 5/9
 - Bike to school/work on RadioVida & Radio Lex week of 5/23
- Print/digital ads:
 - Hamburg Journal/Ace Weekly 1/4 page Bike Month print ad
 - Lextropolis digital Bike Month ad
 - Business Lexington 1/4 page Bike to Work Week print ad
 - Southsider/Chevy Chaser 1/4 page Bike Month ad
- Earned Media | Streetfest:
 - <https://lextoday.6amcity.com/newsletters/may-9-2022-lexingtons-first-streetfest-the-new-ashland-trail/>
 - <https://www.wtvq.com/lexington-streetfest-to-celebrate-streets-as-shared-public-spaces/>
 - <https://foxlexington.com/news/local/inaugural-streetfest-coming-to-lexington>
 - <https://lextoday.6amcity.com/newsletters/may-12-2022-an-art-walk-downtown-a-new-taco-spot/>
 - <https://www.kentucky.com/entertainment/performing-arts/article261336167.html>
 - <https://foxlexington.com/news/local/lexington-streetfest-brings-in-large-crowd/>
 - <https://www.wkyt.com/video/2022/05/13/watch-oliver-lewis-way-be-closed-saturday-lexingtons-first-ever-streetfest/>
 - <https://www.youtube.com/watch?v=c5L-FsHZIbM>
- Earned media | General:
 - <https://lextoday.6amcity.com/newsletters/may-9-2022-lexingtons-first-streetfest-the-new-ashland-trail/>
 - <https://www.lex18.com/news/covering-kentucky/lexington-area-mpo-invites-community-to-help-plan-new-trail-connections>
- Social media:
 - Promoted BPAC monthly meeting
 - Promoted Lexington's Bike Month
 - Promoted inaugural Streetfest event
 - Promoted National Bike to Work Week and related events
 - Promoted public input opportunity for East Lexington Trail Study
 - Provided updates on road projects and traffic safety improvements
 - Shared data for trail usage in 2021 on the Legacy Trail
 - The MPO website had 1,175 users (86.1% new users) and 2,678 page views in May.
 - The LexAreaMPO Facebook has 3,620 followers (+17 followers); 4 posts; reached 2,956 users; and had 56 engagements in May.
 - The LexAreaMPO Twitter reached 2,362; had 6 tweets with 38 engagements; and 459 profile visits in May.
 - MPO Twitter impressions were up 127.3% and engagements were up 660%
 - Bike Month and StreetFest ads on RadioLex and RadioVida week of 5/2; specifically, Bike Month 5/2-5/6, StreetFest 5/7-5/8
 - StreetFest Envirominute on RadioLex and Radio Vida week of 5/9
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 - <https://foxlexington.com/news/local/inaugural-streetfest-coming-to-lexington>
 - <https://lextoday.6amcity.com/newsletters/may-12-2022-an-art-walk-downtown-a-new-taco-spot/>
 - <https://www.kentucky.com/entertainment/performing-arts/article261336167.html>

- <https://foxlexington.com/news/local/lexington-streetfest-brings-in-large-crowd/>
- <https://www.wkyt.com/video/2022/05/13/watch-oliver-lewis-way-be-closed-saturday-lexingtons-first-ever-streetfest/>
- <https://www.youtube.com/watch?v=c5L-FsHZlbM>
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 - MPO Twitter impressions were up 127.3% and engagements were up 660%
- The LexBikeWalk Facebook page had 4,587 followers (+29 followers); 12 posts; reached 13,839 users; and had 239 engagements in May.
- The LexBikeWalk Instagram page had 368 followers (+44 followers); 11 posts; reached 2,604 users; and had 237 engagements in May.
- LBW Facebook followers grew by .64% and Instagram followers grew by 13.6%
- Facebook impressions and engagements were both significantly up, 187.3% and 251.5% respectively.
 - LBW Reached 103% more Instagram accounts compared to April. IG stories reach was up 571.3%
 - Debuted first Instagram reel.

6.0 Program Administration

- Conducted regularly scheduled meetings and prepared meeting packets and minutes for the Bicycle Pedestrian Advisory Committee.
- Attended Lextran board meeting.
- Conducted weekly MPO Staff Meetings.
- Coordinated with FTSB Director to oversee financial matters.
- Continued work to prepare the annual Title VI Program Plan.
- Attended Corridors Commission meeting.
- Attended Bluegrass ADD Regional Transportation Committee meeting.
- Attended LFUCG Pedestrian Safety Team meeting
- Attended LFUCG Environmental Quality and Public Works Committee Meeting
- Attended KY Electric Vehicle Infrastructure stakeholder meeting
- Moderated Association of MPOs Webinar regarding the National Electric Vehicle Infrastructure Program
- Attended Association of MPOs Joint Policy and Technical Committee Meeting
- Attended the following Webinars / Workshops:
 - FHWA - Reconnecting Communities Pilot Program – Planning Grants and Capital Construction Grants
 - FHWA - Safe Streets and Roads for All (SS4A) Grant Program
 - FHWA - Reconnecting Communities Pilot Program – Planning Grants and Capital Construction Grants
- FHWA – Transportation Alternatives Program Guidance
- APA Webcast: Technology Tools for Sustainability
- Association of MPOs Emerging Technology Coffee Chat regarding vehicle electrification
- Caliper TransCAD Training

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. MEETING DATES FOR JULY 2022

Subdivision Committee, Thursday, 8:30 a.m., in 3rd Floor Conf Room, Phoenix Building July 7, 2022

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

Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	July 7, 2022
Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov't Center.....	July 14, 2022
Work Session, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building	July 21, 2022
Technical Committee, Wednesday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building	July 27, 2022
Zoning Items Public Hearing , Thursday, 1:30 p.m, in Council Chambers, 2 nd Floor, Gov't Center	July 28, 2022

- X. **ADJOURNMENT** – Chairman Penn adjourned the meeting at approximately 3:25 PM.

Larry Forester, Chair

Janice Meyer, Secretary

TLW/AG/DC/RS