MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING

September 28, 2023

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: Zach Davis, Ivy Barksdale, Robin Michler, Graham Pohl, Mike Owens Janice Meyer, Judy Worth, and Bruce Nicol. Absent: Larry Forester and William Wilson.

Planning staff members present: Jim Duncan, Traci Wade, Chris Taylor, Autumn Goderwis, Tom Martin, Daniel Crum, Rachael Lay, S.B Stroh and Bill Sheehy. Other staff members present were: David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; Tracy Jones and Brittany Smith, Department of Law.

II. APPROVAL OF MINUTES – There were no new minutes to approve.

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

1. PLN-MAR-23-00009: 214 WALLER AVENUE, LLC – a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone, for 0.1138 net (0.1868 gross) acres for property located at 416 & 418 W. Maxwell Street.

Applicant Comment **–** Fred Eastridge, engineer for the applicant, asked for a postponement to the October 12th Planning Commission meeting, but Ms. Wade indicated that date was not the regularly scheduled meeting for zoning items, and the next available date would be the October 26th meeting. Mr. Eastridge then asked for a postponement to the October 26th meeting.

Action **–** A motion was made by Ms. Meyer, seconded by Mr. Owens and carried 8-0 (Forester and Wilson absent) to postpone PLN-MAR-23-00009: 214 WALLER AVENUE, LLC until October 26, 2023.

a. PLN-MAR-23-00012: 509 E MAIN, LLC – a petition for a zone map amendment from Neighborhood Business (B-1) zone with conditional zoning restrictions to Neighborhood Business (B-1) zone with no conditional zoning restrictions, for 0.485 net (0.666 gross) acres, for property located at 509 E. Main Street.

Applicant Comment **–** Nick Nicholson, attorney for the applicant, stated his desire to postpone this application until the October 12th meeting, but counsel for the opposition, Ms. Jessica Winters, had a conflict with that date and would like to postpone until the November 16th meeting. Mr. Nicholson stated that he will not be available that day, but stated that they are working in good faith with the opposition to find a solution.

Opposition Comment **–** Jessica Winters, attorney for the opposition, stated that she wished for a postponement to the regularly scheduled zoning public hearing since she was going to be out of town on the October 12th date so she asked for a postponement to either the October 26th or November 16th meeting.

Applicant Comment **–** Mr. Nicholson stated that since this request is to modify a conditional zoning restriction, the Council is required to have a public hearing on this matter.

Commission Questions – Mr. Pohl asked if the first date that both applicant and opposition could be at would be the November 16th meeting. Mr. Nicholson stated that date was beyond the 90 day deadline and that puts the application in front of Council in January.

Opposition Comment **–** Ms. Winters stated that there was no communication between the applicant and the neighborhood until mid-September and there was a significant revision to the proposal after that meeting. Ms. Winters stated that the October 12th meeting would not allow sufficient time to discuss the revision, the November 16th meeting would.

Commission Questions – Mr. Davis asked Ms. Tracy Jones her thoughts on this conflict. Ms. Jones stated the 90 deadline would expire at the November 16th meeting, unless Staff thinks they have added something that would move the needle on the 90 day deadline.

Mr. Michler stated that the October 26th meeting is inside the 90 days, and since they are not ready to proceed today, he suggested a postponement to the October 26th meeting, and they can postpone to the 16th if they wish later.

Mr. Owens asked if Mr. Nicholson would be willing to postpone to the October 26th meeting, and Mr. Nicholson stated that he would be in a New York hospital on that day so that he would not.

Ms. Barksdale asked if the Mr. Nicholson could send a substitute or another alternative and Mr. Nicholson indicated he was not sure what the alternative would be in that situation.

Mr. Pohl asked if it was Ms. Winters' position that the October 12th date would not allow enough time for the neighborhood to reach a consensus, and Ms. Winters indicated that was the case and they needed more time to read the revisions.

Mr. Davis asked if Mr. Nicholson would like to respond, and Mr. Nicholson indicated that the entire revision was based on the neighborhood's requests and desires. Mr. Nicholson reiterated his willingness to meet with the neighborhood again.

Action **–** A motion was made by Mr. Michler, seconded by Mr. Pohl, which failed 4-4 (Nicol, Barksdale, Davis, and Owens voted nay) (Forester and Wilson absent), to postpone PLN-MAR-23-00012: 509 E MAIN, LLC until October 26, 2023.

Action – A motion was made by Mr. Nicol, seconded by Mr. Owens and carried 8-0 (Forester and Wilson absent) to postpone PLN-MAR-23-00012: 509 E MAIN, LLC until October 12, 2023.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, September 7, 2023 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Judy Worth, Headley Bell, and Mike Owens. Other Committee members present were Vaughan Adkins, Division of Engineering; and David Filiatreau, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Cheryl Gallt, Autumn Goderwis, Paula Schumacher, Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones and Brittany Smith, Department of Law. The Committee made recommendations on plans as noted.

General Notes

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

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

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.

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

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 September 7, 2023, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Larry Forester, Robin Michler, William Wilson, Graham Pohl, and Bruce Nicol. Staff members present were; Traci Wade, Autumn Goderwis, Tom Martin, Bill Sheehy; as well as Brittany Smith and Tracy Jones, Department of Law.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS
The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

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

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

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS - Following abbreviated hearings, the remaining petitions will be considered.
The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
  (a) Proponents (10 minute maximum OR 3 minutes each)
  (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
  (a) Petitioner's comments (5 minute maximum)
  (b) Citizen objectors (5 minute maximum)
  (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

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

1. LIBERTY PARK DEVELOPMENT, LLC ZONING MAP AMENDMENT AND ROSE H. BRIGDEN & MARK MCCLURE PROPERTY TRACT A DEVELOPMENT PLAN

a. PLN-MAR-23-00013: LIBERTY PARK DEVELOPMENT, LLC – a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Planned Neighborhood Residential (R-3) zone, for 2.668 net (3.103 gross) acres for property located at 2833 & 2853 Liberty 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.

This petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to construct an attached single family residential development. As proposed, the development consists of 56 units, for a total density of 15.41 units per acre. The units will be three stories, ranging from 2,079-2,772 square feet, with primarily rear attached garages. The development will include two direct connections to the Brighton Trail, as well as a sidewalk connection to the adjoining multi-family residential development to the east.

The Zoning Committee Recommended**: Approval**.

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

1. A rezoning to the Planned Neighborhood Residential (R-3) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:

   a. The request supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2), and will be assisting in redeveloping an underutilized corridor (Theme E, Objective #1.d) by activating a vacant and underutilized portion of land along a minor arterial corridor to provide additional housing.
   b. The proposed project will expand housing choices by supplementing the existing detached single-family residential and multi-family residential housing in this area with attached single-family residential units (Theme A, Goal #1).
   c. The proposed development will provide for well-designed neighborhoods and encourage safe social interactions by providing safe pedestrian connectivity to Liberty Road, Liberty Park, Brighton Trail, and the adjoining multi-family residential development (Theme A, Objective #1.b; Them A, Objective #3.e; Theme A, Objective #4.a).
   d. By providing significant connections to multi-modal paths and trails, the proposal reduces dependence on single-user vehicles (Theme B, Goal #2.d).
   e. The proposed attached townhomes will act as a context sensitive transition between the single- family detached homes in Cadentown, and the adjoining multi-family residential development (Theme A, Design Policy #4).
   f. By orienting the structures to Liberty Road and the Brighton Trail, the request creates pedestrian friendly street patterns, and a walkable development. (Theme A, Design Policy #5).
   g. By providing a housing type oriented towards workforce housing, the request is helping to meet demand for housing across income levels (Theme A, Equity Policy #1).

2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.

   a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as it intensifies an underutilized property, provides a context-sensitive transition in housing types, reinforces the streetscape along Liberty Road, locates parking internally, and helps further activate the Brighton Trail.
   b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity through providing safe and effective connections to the Brighton Trail, as well as the existing pedestrian network along Liberty Road.
   c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposal works with the existing landscape and has no impact on environmentally sensitive areas

3. This recommendation is made subject to approval and certification of <u>PLN-MJDP-23-00046: Rose H. Brigden & Mark McClure Property Tract A & Cadentown Subdivision (Gentry Family)</u> prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval

b. <u>PLN-MJDP-23-00046: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A & CADENTOWN SUBDIVISION (GENTRY FAMILY) (AMD)</u> (11/5/2023)* - located at 2819, 2833, & 2853 LIBERTY ROAD, LEXINGTON, KY

Council District: 6
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict a townhouse residential development in support of the requested zone change from a Wholesale and Warehouse Business (B-4) zone to a Planned Neighborhood Residential (R-3) zone.

Note: The applicant submitted a revised plan on September 6, 2023. Based on that submittal, staff can offer the following revised conditions.

The Staff Recommends: **Approval.** There are questions regarding the tree protection map per Article 26 of the Zoning Ordinance.

The Staff Recommends: **Approval**, subject to the following conditions:

1. Provided the Urban County Council approves the zone change to R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Division.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Provided the Planning Commission grants the requested waiver.
9. Provided the Planning Commission makes a finding for the proposed access easements
10. Discuss orientation of Lots 31 & 32.
11. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Planned Neighborhood Residential (R-3) zone, for 2.668 net (3.103 gross) acres for property located at 2833 & 2853 Liberty Road. Mr. Crum indicated that the applicant is seeking to develop a 56-unit single-family attached townhome development at this location. Additionally, Mr. Crum stated that the applicant was choosing the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type and that those selections were appropriate.

Mr. Crum presented a slight adjustment to the proposed findings for the zone change, which were displayed on the overhead screen. The revised findings are as follows:

1. A rezoning to the Planned Neighborhood Residential (R-3) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
   a. The request supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2), and will be assisting in redeveloping an underutilized corridor (Theme E, Objective #1.d) by activating a vacant and underutilized portion of land along a minor arterial corridor to provide additional housing.
   b. The proposed project will expand housing choices by supplementing the existing detached single- family residential and multi-family residential housing in this area with attached single-family residential units (Theme A, Goal #1).
   c. The proposed development will provide for well-designed neighborhoods and encourage safe social interactions by providing safe pedestrian connectivity to Liberty Road, Liberty Park, Brighton Trail, and the adjoining multi-family residential development (Theme A, Objective #1.b; Them A, Objective #3.e; Theme A, Objective #4.a).
   d. By providing significant connections to multi-modal paths and trails, the proposal reduces dependence on single-user vehicles (Theme B, Goal #2.d)

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

2. A rezoning to the Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
   a. The proposed attached townhomes will act as a context sensitive transition between the single- family detached homes in Cadentown, and the adjoining multi-family residential development (Theme A, Design Policy #4).
   b. By orienting the structures to Liberty Road and the Brighton Trail, the request creates pedestrian friendly street patterns, and a walkable development. (Theme A, Design Policy #5).
   c. By providing a housing type oriented towards workforce housing, the request is helping to meet demand for housing across income levels (Theme A, Equity Policy #1).

3. The justification and corollary development plan are in agreement with Development Criteria of the 2018 Comprehensive Plan.
   a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as it intensifies an underutilized property, provides a context-sensitive transition in housing types, reinforces the streetscape along Liberty Road, locates parking internally, and helps further activate the Brighton Trail.
   b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity through providing safe and effective connections to the Brighton Trail, as well as the existing pedestrian network along Liberty Road.
   c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposal works with the existing landscape and has no impact on environmentally sensitive areas

4. This recommendation is made subject to approval and certification of <u>PLN-MJDP-23-00046 Rose H. Brigden & Mark McClure Property Tract A & Cadentown Subdivision (Gentry Family)</u> prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Mr. Crum highlighted the adjoining multi-family and single family developments, as well as the H-1 overlay zoned properties associated with Cadentown directly across from the property, and the connections to the Liberty Trail. Mr. Crum displayed the development plan and noted that one parcel on the plan was rezoned about a year ago, but with the addition of the two parcels to be rezoned, the applicant has added more townhomes to the site. Mr. Crum stated that the site would be providing low density residential and would be adding additional housing and utilizing this site for additional housing.

Mr. Crum concluded his presentation stating that Staff is recommending Approval of this application, and could answer any questions from the Planning Commission.

<u>Development Plan Presentation</u> **–** Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin reiterated that this site has 56 townhouses with a connected access easement system from the previous zone change on this property. Additionally, Mr. Martin stated that the new development would extend the frontage from the previous development on the Brighton Trail and had the same orientation as the development the Planning Commission previously approved. Mr. Martin also noted an emergency connection on the east side of the property that was required.

Mr. Martin indicated that there was an associated waiver and access easement request, but Mr. Martin noted that the waiver was identical to one on the previously approved plan for frontage on the Brighton Trail. The Staff recommends approval of the waiver and finding.

Mr. Martin noted the conditions, including condition #10 and indicated that Staff had spoken at length during the Subdivision Committee meeting about the orientation of lots 31 & 32.

Mr. Martin concluded that Staff was recommending Approval of the development plan and could answer any questions from the Planning Commission.

<u>Commission Questions</u> **–** Mr. Nicol asked if condition #10 could be struck out, and Mr. Martin indicated that it could.

Applicant Presentation – Dick Murphy, attorney for the applicant, stated that they agree with Staff's recommendations on both the zone change and the development plan. Mr. Murphy stated that this will provide townhomes for working class families. Additionally, Mr. Murphy stated that originally they had requested a waiver to build a private pump station, but thanks to the applicant buying the land associated with the zone change, the private pump station, that was no longer necessary.

Mr. Murphy concluded by reaffirming his support for the Staff's recommendations and stating he could answer any questions from the Planning Commission.

Action – A motion was made by Mr. Nicol, seconded by Ms. Meyer, and carried 8-0 (Forester and Wilson absent) to Approve PLN-MAR-23-00013: LIBERTY PARK DEVELOPMENT, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Nicol, seconded by Ms. Worth, and carried 8-0 (Forester and Wilson absent) to Approve PLN-MJDP-23-00046: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A & CADENTOWN SUBDIVISION (GENTRY FAMILY) (AMD) for reasons provided by Staff and removing condition #10.

Action – A motion was made by Mr. Nicol, seconded by Ms. Barksdale and carried 8-0 (Forester and Wilson absent) to Approve the waiver and finding request for reasons provided by Staff.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS

1. **PLN-ZOTA-23-00002: AMENDMENT TO ARTICLE 17 FOR ADDITIONAL ELECTRONIC MESSAGE DISPLAY SIGNAGE INCLUDING VIDEO IN THE LEXINGTON CENTER BUSINESS (B-2B) ZONE** - a petition for a Zoning Ordinance text amendment to allow additional electronic message display signage including video displays (dynamic content) in association with a civic center in the Lexington Center Business (B-2B) zone.

REQUESTED BY: LEXINGTON CENTER CORPORATION
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval of the Staff alternative text**.

The Staff Recommends: **Approval of the Staff Alternative,** for the following reasons**.**

1. The proposed text amendment allows for the expansion of the use of electronic message display systems within the Lexington Center Business (B-2B) zone in a manner not currently allowed in the Urban County. Such signage will support the tourism industry, will not be unduly distracting, will not distract from the overall community aesthetics, and will support the legitimate needs of the civic center which has changing events and activities on a daily basis.
2. The use of dynamic content on an electronic message display center should only be permitted by a conditional use permit in the B-2B zone. The Board of Adjustment, in conduct of their normal duties, will be able to determine through a public hearing if a dynamic content electronic message display center sign will not have an adverse influence or negatively impact the overall health, safety, and welfare of the Lexington community and visitors to the Urban County.

Staff Text Amendment Presentation – Ms. Traci Wade presented and summarized the staff report and recommendations for this text amendment. Ms. Wade stated this text amendment is to update sign regulations in the B-2B zone to allow for a larger sign at the new Central Bank Center and Convention Center. Ms. Wade stated that the applicant would like to have greater digital signage that can display dynamic content and full video to showcase upcoming events and other content.

Ms. Wade went over the current regulations, stating that it currently allows an electronic message display system with LED's or LCD's that is controlled by means of a central computer system with no audible sound. Currently they are allowable in the B-3, B-2, B-2A, and B-2B zones. In the B-2B zone, a civic center is allowed 500 square feet of electronic signage. Ms. Wade showcased photographs of the current electronic signage associated with the convention center that have been used for a number of years. Additionally, Ms. Wade noted the changes in the past year for marquee signs using electronic message display systems, including that the sign must be static, for at least eight (8) seconds.

Ms. Wade indicated that staff believes that the downtown business zones, specifically the Lexington Center Business (B-2B) zone, is particularly situated to allow for unique or special signage in relation to the renovated civic center. The civic center is a specific land use within the downtown core that attracts tourists, visitors, and the community to ever-changing events and activities on a daily basis. This type of land use warrants electronic message display system signage that can change its images and messages to serve the community's needs frequently.

The staff recognizes that pedestrian activity is higher and average traffic speeds are lower within a downtown district or zone. This circumstance tends to limit the negative impact on public safety. In essence, the slower vehicle speeds of about 15 miles per hour allow for longer glances at electronic message display systems without negatively impacting other people within the public right-of-way or creating an undue distraction.
Ms. Wade stated that after reviewing various sign regulations in different cities, Staff found that any use of video was recommended within downtown commercial zones and only with a special use permit. After conducting additional research, the staff concluded that incorporating these new sign types for a civic center within the downtown has merit, but greater scrutiny is required. Due to Staff's research, Ms. Wade indicated that dynamic content and video board use could be appropriate in this zone if the Staff alternative language is implemented. Ms. Wade explained that the new electronic message display system sign could be no bigger than 800 square feet, use of dynamic content would have to be approved by the Board of Adjustment, and full video for a special event must be permitted by the Mayor's Office. Ms. Wade stated that this change allows for the Board of Adjustment and the Mayor's Office to determine what would be appropriate for the screens. Additionally, Ms. Wade indicated that the sign would have to be turned off at 11:00 PM (or the end of an event) every night to ensure there was no light pollution or nuisance.

Ms. Wade continued giving the proposed new definitions of "dynamic content", "luminance", "nit", and "video display method" stating that Staff thought it was important to create these definitions to be make the Ordinance more modern and to clarify the regulations. Ms. Wade shared exhibits from the applicant depicted the proposed signage.

Ms. Wade concluded her presentation by stating that Staff is recommending approval of the staff alternative text, and could answer any questions from the Planning Commission.

Commission Questions **–** Mr. Pohl asked if the architect was involved on the placement and size of the screen in the photographs that Ms. Wade presented. Ms. Wade stated that would be a question better suited for the applicant.

Mr. Owens asked if this application was something that was continued from before he started back on the Planning Commission, and Ms. Wade indicated that the Zoning Committee had been hearing about this for a few months, but there has not been a full presentation until now.

Ms. Worth asked if the screen would include sound for video, and Ms. Wade stated that would be up to the Mayor's Office to determine if sound could be played for special events.

Applicant Presentation **–** Evan Buckley, attorney for the applicant, stated that Staff and the applicant had been working diligently on this application and are in full agreement with the Staff's recommendations. Mr. Buckley gave a brief overview of the Lexington Center Corporation stating that it is a non-profit comprised of a board of community leaders and noted the recently completed renovation to the Lexington Center. Mr. Buckley indicated that this text amendment would allow for the screens that would make the Lexington Center a truly modern development.

Mr. Buckley answered Ms. Worth's question about sound and indicated that the video board would not have sound at all. Additionally, Mr. Buckley answered Mr. Pohl's question about the design and indicated that the frame was built to maintain and hold the screen.

Mr. Buckley concluded and stated he could answer any questions from the Planning Commission.

Public Comment **–** Amy Clark, 626 Kastle Road, stated that there has not been enough time to review the Staff alternative and urged the Planning Commission continue this item to take a better look at the language and more citizen participation.

Commission Comment – Mr. Owens wanted to clarify his earlier question, and stated that his confusion was about an earlier text amendment from last year.

Mr. Pohl stated he thought the large sign could have a better design and its position in the center is unfortunate.

Ms. Worth asked if Mr. Pohl was going to ask for a postponement to have the architect review the design more, and Mr. Pohl indicated that he did not think it was worth it at this time, unless another commissioner felt as strongly as he did.

Mr. Davis asked if the design was going to be finalized, or if that would be down the line. Ms. Wade indicated that would be finalized at the Board of Adjustment, and today the Planning Commission is just voting on the text amendment.

Action – A motion was made by Mr. Nicol, seconded by Mr. Owens and carried 8-0 (Forester and Wilson absent) to approve the Staff alternative text for PLN-ZOTA-23-00002: AMENDMENT TO ARTICLE 17 FOR ADDITIONAL ELECTRONIC MESSAGE DISPLAY SIGNAGE INCLUDING VIDEO IN THE LEXINGTON CENTER BUSINESS (B-2B) ZONE for the 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. Urban Growth Management Advisory Committee Recommendation – Acceptance of the Urban Growth Management Advisory Committee recommendation for land for the Urban Service Area for the purpose of guiding the development of a master plan, as directed by Theme E, Goal 3 of the 2023 Comprehensive Plan.

Public Comment – Knox Pfister, Brookfield Farm, 2370 North Cleveland Road, stated that the prime soil of the farm is the foundation of its success. She further mentioned that their farm donated 950 acres of their farmland under the conservation easement with the Bluegrass Land Conservancy and the Purchase of Development Rights (PDR) program. She further mentioned that Brookfield is under imminent threat with the potential expansion of the Urban Service Area. Ms. Pfister then spoke about a neighboring farm, Dell Ridge Farm, and stated that it should not be considered for Lexington's growth boundary as it is a large thoroughbred operation that will be jeopardized with expansion.

Headley Bell, 1310 Richmond Road, stated that his family owns Mill Ridge Farm which is approximately 750 acres. Mr. Bell mentioned that the portion of his farm that is labeled as "A2" was scored second best for the draft maps regarding Urban Expansion, even though it has great soil and has raised great horses, it currently is limited because of the runoff from Beaumont and floodplain issues. Mr. Bell mentioned that when the vote for his property was discussed by the Urban Growth Management Advisory Committee it was a 7 – 7 tie. Mr. Bell asked the Planning Commission to reconsider Area A2 to be master planned by the consultants.

Alice Little, 232 S. Hanover Avenue, presented images on the projection screen to orient the commission to Mill Ridge Farm. Ms. Little stated that they currently farm less than half of Area A2, their farm is larger than it is portrayed in Area 2 on the draft maps. Ms. Little showed the Planning Commission that the Bowman Mill Historic Area would still remain protected, if their farm was included with in the expansion area considered.

Price Bell, 211 Chenault Road, stated that he hoped the Planning Commission would consider including Area A2 in the scope of work for the consultants. Mr. Bell stated that he had a neighborhood meeting with the concerned neighbors to talk about the potential expansion. He stated that his family owns 95% of Area 2 and they are enthusiastic about working with the Planning Commission, the consultant, and the neighbors to make the area valued by the community.

Gina Greathouse, 541 W. Short, the Executive Vice President for Commerce Lexington's economic development team. Ms. Greathouse stated that the Urban Growth Management Advisory Committee has done great work and took careful consideration throughout their work. She then stated that Commerce Lexington applauds the work of the Urban Growth Management Advisory Committee, and urges the Planning Commission to approve the Urban Growth Management Advisory Committee's recommendation to add the 2,801 acres to the Urban Service Area.

Paul Natof, 1600 Tropicana Drive, stated that he urges the Planning Commission to consider removing Area 1 from the draft maps. Mr. Natof stated that Area 1 does not meet the Goals and Objectives of the Comprehensive Plan. He stated that Goal 3 directs the Planning Commission to ensure that Lexington remains the Horse Capital of the World. Mr. Natof stated that Area 1 includes 350 acres of active horse farms. Mr. Natof further stated that due to the lands proximity to the airport and because of the associated noise pollution, that no state or federal funds would be available for affordable housing. Mr. Natof further proclaimed that the roads could not handle increased traffic associated with development of Area 1. Mr. Natof suggested looking at parcels of land that are contiguous to Area 2 through Area 6 on the proposed map. Lastly, Mr. Natof suggested the Planning Commission to use Net Acres opposed to Gross Acres when calculating the minimum acreage.

Carla Blanton, 428 Ridgeway Road, stated that the expansion work group has responsibly and thoughtfully recommended land to be included in the Urban Service Area that will not negatively impact horse farms, is convenient to major infrastructure, and capable of being sewered. Ms. Blanton urged the Planning Commission to act now to support housing for all incomes, stages of life, new jobs, and job expansion.

Richard Murphy, an attorney representing three separate property owners, stated that all of the property owners that he is representing are ready and willing to develop their property. The first property Mr. Murphy identified 5085 Athens Boonesboro Road, which is in Area 4 of the draft map, is owned by Encore Partners, and it is 232 acres. Mr. Murphy further identified that there is sanitary sewer on the property. Mr. Murphy mentioned that there is currently a large roadway system, the farm is not adjacent to any PDR farms, and they do not have prime soil. Mr. Murphy discussed the other two areas that he was representing, which constitute all of Area 5 on the draft map. He stated that the land at 4200 Todds Road is owned by the Germond Family which is 125 acres, and the property next to them is owned by Marian Clark and it is located at 4582 Todd's road and it is 219 acres. Mr. Murphy stated that the owners of these properties agreed to pay for a new pump station, and it would not cost the City any money.

Bub Crutcher, 284 Blue Sky Parkway, expressed his gratitude of Area 6 being included on the draft map. Mr. Crutcher mentioned that he worked on the property for 25 years and it is bounded to the west by the Interstate. He mentioned that it currently has a sanitary sewer that has a pump station that assists six businesses. Mr. Crutcher mentioned that he checks on the pump station daily to ensure that it is working properly.
Todd Johnson, 3146 Custer Drive, the Vice President of the Building Industry Association, stated that he and the Building Industry Association encourage the adoption of the recommendations from the Urban Growth Management Advisory Committee. Mr. Johnson reminded the Planning Commission that there is a housing crisis in the community and then stated that land is the number one inhibitor to produce more housing. Mr. Johnson referred to a study that was done in 2016 that included the Building Industry Association, Lexington's Division of Planning, Fayette County Property Valuation Administrator, Downtown Lexington Development Authority, the Bluegrass Association of Realtors, and the Fayette Alliance, which stated that 16,000 single family and detached single family housing units to keep up with the community demands for the next 10 years, he declared that since that study less than half of the 16,000 single family houses have been built.

Hallie Hardy, 508 E Main Street, Executive Director of Horse Country Headquarters. Ms. Hardy stated that Horse Country's mission is to connect guests to the horse, land and people of Kentucky's equine industry. Ms. Hardy stated that without the land, Lexington loses its ability to breed and raise the best horses, she emphasized that once the land is gone that it cannot be replaced.

Gloria Martin, McCalls Mill Road, Chair of the Rural Land Management Board, asked the Planning Commission to review the Rural Land Management Plan. Ms. Martin further mentioned that there are 500 parcels in the rural settlements and that half of those are already located within a Single Family Residential zone, (R-1D). Ms. Martin requested for the Planning Commission to be careful to not destroy the prime soils.

Nathan Billings, with Billings Law Firm, representing Dell Ridge Farms on 4092 and 4200 Winchester Road. Mr. Billings mentioned that the farms that he is representing comprise around 400 acres, which is shown as Area 3, formally Area 3Cb on the draft maps. Mr. Billings stated that the owners of Dell Ridge farm want to be included in the Urban Service Area.
Margaret Graves, 2497 Liberty Road, stated that she is an advocate for farmland conservation, and she currently serves on the Rural Land Management Board and chairs the Bluegrass Conservancy. Ms. Graves urged the Planning Commission to minimize the expansion to no more than 2,700 acres. Ms. Graves mentioned that her concern was Area 3 and its impact on North Cleveland Road. Ms. Graves then urged Mr. Headley Bell to put the rest of Mill Ridge Farm under a conservation easement.

Brittany Roethemeier, 169 North Limestone, Executive Director of Fayette Alliance, stated that 65% of people at the last public input opportunity spoke for no more than the minimum acreage for expansion. Ms. Roethemeier then identified that according to the 2021 Sustainable Growth Study, Lexington has just over 6,000 acres of vacant land existing in the Urban Service Boundary.

Don Robinson, 4153 Military Pike, stated he was there to represent Coleman Crest Farm, Denali Stud, Equine Land Conservation Resource, Godolphin at Jonabell Farm, Goldenage Farm, Hallway Feeds, Horse Country, Justice Real Estate, Keenridge Farm, the Kentucky Thoroughbred Association, Kentucky Thoroughbred Owners and Breeders Association, Miacomet Farm, Middlebrook Farm, Mt. Brilliant Farm, Pennbrook Farm, Silvestri Real Estate, Springview Farm, Spy Coast Farm, Taylor Made Farm and Sales, Three Diamonds Farm, Winchester Farm, and his own Winter Quarter Farm. Mr. Robinson stated that from the years 2001 through 2016, Kentucky lost 265,000 acres of farmland to development. Mr. Robinson stated that the equine industry is a $3.4 billion impact on that state of Kentucky and offers 80,000 jobs. He then mentioned that 90% of the Rural Service Area is nationally recognized prime soil. Mr. Robinson asked the Planning Commission to consider excluding prime farmland and recognized scenic byways from the proposed expansion area, to minimize the negative impact on agriculture industries.

Bruce Simpson, representing two property owners, Bub Crutcher's property at 284 Blue Sky Parkway, and the property owners of 5916 Athens Boonsboro Road. Mr. Simpson mentioned that 41 acres of the property has been recommended for inclusion in the Urban Service Area. He is asking for an additional 50 acres to be added due to the land not being prime agricultural farm land, and it is unsuitable for housing as it is close to the interstate. Mr. Simpson stated that the property at 5916 Athens Boonsboro Road is best suited for light industrial type uses.

Amy Clark, 628 Kastle Road, stated that the Urban Growth Management Advisory Committee requested a report from the County's Property Valuation Administrator (PVA) David O'Neil, regarding the value of the land that is under consideration, but mentioned that the PVA remained silent. Ms. Clark asked the Planning Commission to provide the consultants with the minimum amount of acreage to study.

Lynn Roche Phillips stated the work of the Urban Growth Management Advisory Committee was not a democratic process. She additionally asked the Planning Commission to not fall for the lame excuse of affordable housing. Ms. Phillips asked the Planning Commission to listen to the people who have spoken about the value of their land. Ms. Phillips then asked why the soccer stadium and Blue Sky was not incorporated in the expansion area.
<u>Staff Comment</u> - Director Duncan informed the Planning Commission that the Division of Planning, the Division of Water Quality, and Purchase of Development Rights were prepared to address questions.
<u>Commission Comment</u> – Mr. Nicol asked Director Duncan if the document that was provided from the Urban Growth Management Advisory Committee was the draft maps. Director Duncan confirmed that the maps were the document that was presented from the Advisory Committee.

Mr. Nicol then stated that the Planning Commission is looking at 14 properties that met the overall objectives from the Council. Mr. Nicol then asked if it was true that during the process of voting for the six parcels, if the vote was nearly unanimous. Director Duncan informed the Planning Commission that yes the vote was nearly unanimous. Director Duncan then explained that the ranking process helped bring order to the vote.

Mr. Michler stated that when the process was started, there was certain criteria that was focused on such as the sewerability and the amount of PDR farms in the area. He then asked what were the reasons that other goals and objectives, such as connectivity and walkability, were not included in the criteria that the Planning Commission is reviewing. Director Duncan stated that the Committee tried very hard to not stray from the criteria that was given by the Council. Director Duncan further stated that the Council provided specific criteria about location, adjacency to the Urban Service Area, or adjacency to a common corridor. Director Duncan further mentioned that the Council stated to address issues with infrastructure, and rural land preservation. He explained that the sewerability study was the most objective way to address some of Council's criteria. Director Duncan informed the Planning Commission that other issues of connectivity will be addressed during the Master Planning process.

Mr. Michler stated that there was connectivity to the Urban Service Area with all areas except Area 6. Director Duncan informed the Planning Commission that the area does meet the Council's criteria, due to Area 6 being located on a corridor.

Mr. Pohl pointed out that the Planning Commission voted unanimously to proceed with a measured and careful analysis of all issues. Mr. Pohl stated that this is not a democratic process and that the Planning Commission is being forced into decision making by the Council. He stated that he was offended that the Council's decision was made for political reasons which forces the Planning Commission to be held responsible. Mr. Pohl stated that his concerns are that the Planning Commission is not able to think about climate science which is necessary for the cooling of the planet. Mr. Pohl then asked what the Planning Commission's options are if they do not want to comply with the Council's dictate and refuse to go along with something that they do not agree with.

Director Duncan informed the Planning Commission that once the Commission makes the decision about the land recommended by the Urban Growth Management Advisory Committee, then the Planning Commission would be in full control of the Master Plan. Director Duncan informed the Planning Commission that it his professional opinion that the Council would take over zoning and development outside of the Urban Service Area, if the Planning Commission does not follow the Council's guidelines.

Ms. Meyer stated that her concern is that the Planning Commission is given a year to come up with multiple plans and she is worried about the outcomes of the Master Plan. Director Duncan informed the Planning Commission that this is why it is crucial for the consultant to start working with the project as soon as possible.

Ms. Meyer asked Director Duncan how long it took to develop the Master Plan from the 1996 expansion. Director Duncan informed the Planning Commission that the total process took about three years.

Ms. Barksdale asked what happened with the individual's requests who offered their land at the public input meeting. Director Duncan informed the Planning Commission that the Urban Growth Management Advisory Committee heard these statements at their public input meeting that was held on September 12, 2023.

Mr. Owens asked for land absorption information. He then asked about the CaneBreak area and the Blue Sky Parkway Area. Director of Water Quality Charlie Martin stated that the sewerability study had the starting point of the year 2006. Director Martin stated that expansion could potentially help solve sewerability problems.

Mr. Owens asked about Area 5 and why it was not included on the draft map. Director Martin informed the Planning Commission that Area 5 was not in the original sewerability study. Director Martin additionally stated that some of Area 5 drains to Area 4; however, Area 5 had property owners that stated that they wanted to be included in the Urban Service Area.

Mr. Owens asked if Area 4 could handle potential development. Director Martin informed the Planning Commission that there is efficient capacity to complete tasks in Area 4 that would connect to the pressurized force main that pumps back into the Urban Service Area. Director Martin informed the Planning Commission that when expansion is discussed, sewerability would be more difficult the more that land is expanded, but assured the Planning Commission that it could still be done.

Ms. Worth asked Director Martin to inform the Planning Commission why CaneBreak was not included on the draft map. Director Martin informed the Planning Commission that the Division of Water Quality did not advocate for the CaneBreak area because it involved multiple small drainage areas which could proliferate the number of pumping stations.

Mr. Davis asked what the process would be like and the potential cost of sewering Area 3. Director Martin stated that sewering Area 3 would be more difficult because it would require a pump station. Director Martin stated that the Division of Water Quality would like for the sewerability of Area 3 and Greenbriar be solved in conjunction with one another. Mr. Martin stated that since the area would be more difficult it could increase the cost and expense.

Mr. Nicol asked if there is an additional need for a fourth pump station in the community. Director Martin stated that there are 4 pump stations that are listed in the Consent Decree that must be addressed. Mr. Martin stated that the pump station problems are independent from the Planning Commission's work, and the problems would need to be addressed regardless of expansion. Mr. Nicol stated that it would be important to address both problems at once.

Mr. Davis asked Director Duncan about the scoring system that was used by the Urban Growth Management Advisory Committee, he then asked about the proximity to schools, police, fire and other critical areas along with sewerability. Director Duncan informed the Planning Commission that sewerability was part of the scoring metrics. Director Duncan informed the Planning Commission where the new city facilities would be located during the Master Plan process.

Mr. Davis asked if Staff could look at the previous ten years to see how much land the community has been absorbed. Director Duncan informed the Planning Commission that this would be an important consideration. Mr. Nicol stated that the community needs a better understanding of absorption rates.

Mr. Pohl asked Director Duncan if Area 3, was considered to exclude 4200 Winchester Road so that the development would not go to the corner of Cleveland and Winchester in Area 3. Director Duncan informed the Planning Commission that it was not the intent of the Advisory Committee and assured that the area was removed because the property owner did not want to be included in the Urban Service Area.

Mr. Pohl stated that he believed it is concerning that the decisions were made out of self-interest from the Council and not the betterment of the community. Director Duncan informed the Planning Commission that the trouble of including areas that do not want to be included in the Urban Service Area is that it would still require public funding, which would be spent on a Master Plan that has no intention on being developed. Director Duncan stated that it would undermine the intent of the Urban County Council.

Mr. Pohl asked if there was consideration in including Blue Sky Activity Center. Director Duncan informed the Planning Commission that the area was looked at in earlier draft maps.

Staff Comments – Director Duncan informed the Planning Commission that Staff will continue sending public comments to the Planning Commission. Director Duncan also stated that this item is slated for the October 12th agenda for further consideration. He informed the Commission that any changes that are made to the map only permits the consultant to know where to Master Plan, it does not ultimately change the Urban Service Area. Director Duncan assured the Planning Commission that nothing changes until the Master Plan is adopted in 2024.

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

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 October 2023

Subdivision Committee, Thursday, 8:30 a.m., in 3rd Floor Conf Room, Phoenix Building .... October 5, 2023
Zoning Committee, Thursday, 1:30 p.m., in 3rd Floor Conf Room, Phoenix Building .... October 5, 2023
Subdivision Items Public Hearing, Thursday, 1:30 p.m. in Council Chambers, 2nd Floor, Gov't Center .... **October 12, 2023**
Work Session, Thursday, 1:30 p.m., in 3rd Floor Conf Room, Phoenix Building .... October 19, 2023
Technical Committee, Wednesday, 8:30 a.m., in 3rd Floor Conf Room, Phoenix Building .... October 25, 2023
Zoning Items Public Hearing, Thursday, 1:30 p.m, in Council Chambers, 2nd Floor, Gov't Center .... October 26, 2023

X. ADJOURNMENT

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Larry Forester, Chair

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Janice Meyer, Secretary

TW/DC/RS-10/11/23