

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

December 18, 2008

- I. **CALL TO ORDER** – The meeting was called to order at 1:34 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Patrick Brewer; Marie Copeland; Mike Cravens; Mike Owens; Frank Penn; Carolyn Richardson; Lynn Roche-Phillips; and Randall Vaughn, Chair. (Absent were Neill Day, Ed Holmes, and Joan Whitman.)

Planning staff members present: Chris King, Director; Bill Sallee; Barbara Rackers; Jimmy Emmons; Traci Wade; Tom Martin; and Stephanie Cunningham. Other staff members present were Rochelle Boland, Department of Law; Captain Charles Bowen and Allen Case, Division of Fire and Emergency Services; Bob Carpenter, Division of Building Inspection; and Tim Queary, Urban Forester.

- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Penn, seconded by Ms. Richardson, and carried 8-0 (Day, Holmes, and Whitman absent) to approve the minutes of the November 20, 2008, Planning Commission meeting.

III. **POSTPONEMENTS AND WITHDRAWALS**

1. **TRUSTEES OF THE FIRST UNITED METHODIST CHURCH OF LEXINGTON, KENTUCKY, ZONING MAP AMENDMENT & FIRST UNITED METHODIST CHURCH ZONING DEVELOPMENT PLAN**

- a. MAR 2008-31: TRUSTEES OF THE FIRST UNITED METHODIST CHURCH OF LEXINGTON, KENTUCKY (2/12/09)* - petition for a zone map amendment from a Two-Family Residential (R-2) zone to a Downtown Center Business (B-2B) zone, for 0.4789 net (0.5859 gross) acre; and from a High Density Apartment (R-4) zone to a Downtown Center Business (B-2B) zone, for 0.9066 net (0.9846 gross) acre, for property located at 200 West High Street (a portion of); 318 South Mill Street; and 323 & 327 South Upper Street.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends Downtown Master Plan future land use for the subject property. The petitioner proposes expanding the existing historic church on West High Street and maintaining the other structures on the property, including the accessory office building on South Mill Street, and the two residences on South Upper Street.

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

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

1. A restricted Downtown Center Business (B-2B) zone is appropriate and the existing Two Family Residential (R-2) zone and High Density Apartment (R-4) zone are inappropriate, for the following reasons:
 - a. The proposed B-2B zone will allow the church to bring their entire property into one zoning category, which is reasonable, and will simplify their planning and building processes. This will eliminate the need for the church to seek approval of a conditional use permit from the Board of Adjustment in the future.
 - b. If restricted via conditional zoning, the proposed B-2B zone will be no more intensive a land use than the existing zoning would allow, as recommended by the *Downtown Lexington Masterplan* and 2007 Comprehensive Plan.
 - c. A restricted B-2B zone allows the church property to provide for a compatible step-down of land uses between the Historic South Hill Neighborhood and the downtown business core, and less uncertainty regarding future allowable uses than if the property remained in three zoning categories.
 - d. Macks Alley as a physical boundary, and Rokeby Hall as a land use transition, bolstered by conditional zoning restrictions, create an appropriate land use between the existing historic neighborhood and the higher intensity church facilities and uses.
2. This recommendation is made subject to approval and certification of ZDP 2008-147: First United Methodist Church, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under Article 6-7 of the Zoning Ordinance, the following uses are to be prohibited on the subject property via conditional zoning:
 - a. Cocktail lounges and nightclubs.
 - b. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks and boats.
 - c. Indoor or outdoor amusement enterprises, such as circuses, carnivals, horse racing or automobile racing, motion picture theatres, billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
 - d. Major or minor automobile or truck repair.
 - e. Drug stores.
 - f. Automobile service stations and gasoline pumps of any kind.
 - g. Mining of non-metallic materials.
 - h. All buildings shall be limited to a maximum height of 40 feet.

* - Denotes date by which Commission must either approve or disapprove request.

- i. The historic Rokeby Hall, located at 318 South Mill Street, shall be further limited to church offices, professional offices or residential use.

These restrictions are appropriate and necessary to ensure that uses on the subject property create a compatible transition from the Historic South Hill Neighborhood to the southwest of this location and to the downtown business core.

- b. ZDP 2008-147: FIRST UNITED METHODIST CHURCH (2/12/09)* - located at 200 West High Street.
(Foster - Roland)

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Provided the Urban County Council rezones the property B-2B; 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. Building Inspection's approval of landscape buffer.
5. Urban Forester's approval of tree inventory map.
6. Denote existing zoning on plan face, including the addition of H-1 Overlay zone to site statistics.
7. Denote parking areas.
8. Clarify zone-to-zone screening note.
9. Addition of adjacent property information (to the southwest of this site).
10. Resolve the minimum open space requirements for residential uses.

Petitioner Representation: Foster Ockerman, Jr., attorney, was present representing the petitioner, and requested a one-month postponement of this item. There were no objections from the audience.

Action: A motion was made by Mr. Cravens, seconded by Ms. Roche-Phillips, and carried 8-0 (Day, Holmes, and Whitman absent) to postpone MAR 2008-31 and ZDP 2008-147 to the January 29, 2009, Planning Commission meeting.

2. RML CONSTRUCTION, RLLP, ZONING MAP AMENDMENT & ADAMS PROPERTY (AMD.) ZONING DEVELOPMENT PLAN

- a. MAR 2008-32: RML CONSTRUCTION, RLLP (2/12/09)* - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.08 net (0.09 gross) acre; and from a Planned Neighborhood Residential (R-3) zone with conditional zoning restrictions to a Planned Neighborhood Residential (R-3) zone with modified conditional zoning restrictions, for 0.35 net (0.40 gross) acre, for property located at 852 Campbell Lane.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 9) recommends Medium Density Residential future land use for the subject property. The petitioner proposes R-3 zoning and removal of a conditional zoning restriction, applied to a portion of the subject property in 2005, in order to construct a 24-unit multi-family residential building, which would result in the expansion of the adjacent multi-family residential development at 3050 Helmsdale Place.

The Zoning Committee Recommended: Referral to the full Commission.

The Staff Recommended: Disapproval for modification of conditional zoning restrictions in the existing R-3 zone, for the following reason:

1. The applicant has not provided an appropriate finding of fact by a clear preponderance of the evidence that meets the established requirements of Article 6-7(c)(1) of the Zoning Ordinance. This states that a request to modify, remove or amend a conditional zoning restriction may be granted only if it is found that there has been a major change of an economic, physical or social nature on the subject property or within the area in which the subject property is located, which was not anticipated at the time the binding restriction or condition was imposed, and which has substantially altered the basic character of such area making the restriction or condition inappropriate or improper. There is no evidence that the basic character of the area has changed due to unanticipated events since this restriction was imposed three years ago.

The Staff Recommended: Approval for the proposed change from an R-1D zone to an R-3 zone, for the following reason:

1. A restricted Planned Neighborhood Residential (R-3) zoning is in agreement with the 2007 Comprehensive Plan, for the following reasons:
 - a. The Comprehensive Plan recommends Medium Density Residential future land use for the subject property, defined as 5-10 dwelling units per net acre.
 - b. Based upon this recommendation, 3 or 4 residential dwelling units would be appropriate on the overall subject property (0.43 net acre). A restricted R-3 zone would accommodate such redevelopment and would be considered in agreement with the Comprehensive Plan, as well as consistent with the Urban County Council's decision to rezone the property in 2005.
2. This recommendation is made subject to approval and certification of ZDP 2008-148: Adams Property (Amd.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

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3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning for the subject property:
 - a. This property shall be limited to single-family detached residential uses or any accessory use allowed by the Planned Neighborhood Residential (R-3) zone.
 - b. Any lighting installed on the subject property shall be directed downward and shall be directed away from any single-family residential zone.

These restrictions are appropriate in order to protect the adjacent residential properties to the north and west of the subject property from the possible intensification of this location.

- b. ZDP 2008-148: ADAMS PROPERTY (AMD.) (2/12/09)* - located at 852 Campbell Lane.

(EA Partners)

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Provided the Urban County Council rezones the property R-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. Building Inspection's approval of landscape buffer.
5. Urban Forester's approval of tree inventory map.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
8. Addition of required 25' floodplain setback information.
9. Correct note #5.
10. Denote adjacent property zoning information.
11. Correct building numbers to match E-911 information.
12. Denote final disposition of wetland area.
13. Denote required zone-to-zone screening.

Petitioner Representation: Rena Wiseman, attorney, was present representing the petitioner, and requested a one-month postponement of this item. There were no objections from the audience.

Action: A motion was made by Mr. Owens, seconded by Mr. Penn, and carried 8-0 (Day, Holmes, and Whitman absent) to postpone MAR 2008-32 and ZDP 2008-148 to the January 29, 2009, Planning Commission meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, December 4, 2008, at 8:30 a.m. The meeting was attended by Commission members: Marie Copeland, Mike Cravens, Mike Owens and Carolyn Richardson. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Denise Bullock, Chris Taylor, Cheryl Gallt, Tom Martin, Traci Wade, Jimmy Emmons and Rob Johnson, as well as Rochelle Boland, Department of Law; Captains Charles Bowen and Allen Case, Division of Fire & Emergency Services; and Bob Carpenter, Division of Building Inspection. The Committee made recommendations on plans as noted.

General Notes

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

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

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, December 4, 2008, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Patrick Brewer, Ed Holmes, Randall Vaughn, and Joan Whitman. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS

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

* - Denotes date by which Commission must either approve or disapprove request.

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS – 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.

C. PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENT REQUEST

1. **ZOTA 2008-8: AMEND ARTICLE 28 TO ALLOW ADDITIONAL SIGNAGE IN THE MIXED-USE COMMUNITY (MU-3) ZONE** (4/10/09)* – petition for a Zoning Ordinance text amendment to Article 28-5 to allow additional signage in the Mixed-Use Community (MU-3) zone.

REQUESTED BY: Buckingham Companies

PROPOSED TEXT: (Note: Text underlined indicates an addition; text ~~dashed through~~ indicates a deletion to the current Zoning Ordinance.)

ARTICLE 28: MIXED USE ZONING CATEGORIES

28-5 MIXED-USE 3: "MIXED-USE COMMUNITY ZONE" (MU-3) - Is hereby created and regulated as follows:

28-5(h) Special Provisions - shall be as follows:

- (5) Signage shall be permitted and restricted as under Article 28-4(h) for an MU-2 zone, and under Article 17, except as more specifically regulated, as follows:
- (a) ~~Banner, signs, pennants and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which it is attached, with all other restrictions from the MU-2 zone.~~
Wall-mounted banner signs, pennants streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which they are attached.
 - (b) Pole-mounted banner signs shall be permitted subject to the following:
 - 1. Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - 2. Banner signs may not advertise a specific business or brand.
 - 3. Pole-mounted banners shall be permitted on light fixtures in parking lots and other locations outside the public right-of-way. Pole-mounted signs within the public right-of-way shall be permitted only with encroachment agreements from the Department of Public Works and the utility company.
 - 4. Banner poles shall be spaced to be no closer than fifty (50) feet from each other.
 - 5. Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted subject to the same restrictions and requirements applicable to the pole banner signs for the MU-3 project.
 - 6. The total number of pole banner signs shall be limited to fifteen percent (15%) of the total signage permitted for the MU-3 project.
 - (c) ~~(b)~~ A-frame or sandwich board type shall be permitted as follows:
 - 1. Maximum size of eight (8) square feet per panel, maximum height 48", maximum width 24";
 - 2. One sign per street frontage, maximum two signs;
 - 3. Placement of sign shall allow for four (4) clear feet of sidewalk width;
 - 4. Sign shall be in place only when business is open;
 - 5. Placement of sign not to restrict egress from parked cars and not over curb line;
 - 6. Shall be maintained in good condition;
 - 7. Shall not be attached to any public utility pole, street light standard or tree;
 - 8. Shall be non-illuminated; and
 - 9. There shall be an annual renewal permit fee, as established under the Code of Ordinances.

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- (d) One (1) free-standing business or identification sign per street frontage shall be permitted.
- (e) One (1) project identification sign per building per street frontage shall be permitted, not to exceed fifteen percent (15%) of the wall frontage. Said sign must be mounted to the face of the building. For buildings of at least four (4) stories, such signs are permitted, provided that the parapet does not exceed twelve (12) feet above the roof.
- (f) In addition to other permitted signs, each business may have both a wall-mounted sign and a projecting sign, not to exceed a total size of twelve (12) square feet in area, eight (8) feet in clearance, or projecting more than four (4) feet, per separate and direct street entrance.

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

The Staff Recommended: **Postponement**, for the following reason:

1. As a whole, the staff is concerned with the applicant's proposal to significantly relax the current signage restrictions in the MU-3 zone, especially considering the MU-3 signage restrictions are already some of the most generous in the Zoning Ordinance. However, the applicant has indicated a willingness to address the concerns of the staff; the staff, in turn, would like to provide the applicant the opportunity to respond to these stated concerns, before the required public hearing before the Planning Commission.

Staff Presentation: Ms. Wade presented the staff report, explaining that the petitioner has requested this amendment to Article 28 of the Zoning Ordinance in order to allow additional signage in the Mixed-Use 3 (MU-3) zone. She noted that copies of a revised staff report had been distributed to the Commission members. The revised staff report outlines the types of signs that are currently allowed in the MU-2 and MU-3 zones. Those signs in the Mixed-Use zones have been permitted since 2006, when Article 28 was amended to allow freestanding business and identification signs; wall-mounted business and identification signs; window signs; projecting, canopy, and awning signs; directional signs to aid in wayfinding; banner signs for building walls; A-frames or sandwich board signs for walkways; and several other incidental types of signs. Ms. Wade stated that the petitioner has met with the staff numerous times to discuss this proposed text amendment, and has narrowed their list of requested changes to the following four sign types: pole-mounted banners; freestanding business or identification signs; wall-mounted identification signs; and projecting signs. Ms. Wade displayed several photographs of examples of each of these types of signs using the overhead projector.

With regard to pole-mounted banners, Ms. Wade stated that the petitioner has proposed that each light pole be permitted to install two banners each, two feet by four feet in size. The petitioner also proposed allowing pole-mounted banners in the right-of-way; spacing of the poles at 50 feet apart; allowing pole-mounted banner signs in parking lots that are located in a different zone; and allowing the total number of banners to be determined as a percentage of the total amount of signage allowed on the property. The staff has concerns about this portion of the proposal, for a number of reasons. Ms. Wade said that the staff would not recommend allowing private banner signs to be located in the right-of-way at all. The staff would recommend, rather, that pole-mounted banners be allowed on light fixtures in parking lots or in pedestrian plazas located outside of the public right-of-way, so that the signs will not conflict with the movement of traffic on public streets. The staff does agree that the proposed 50-foot distance between poles is appropriate. The staff would recommend, however, that the pole-mounted banners not be permitted to advertise particular services or goods for sale on the property. With regard to how to determine the number of pole-mounted banners permitted in a given area, the staff believes that it would be appropriate to allow one pole banner per 3,000 square feet of parking area, rather than trying to calculate the number of signs based on the overall MU-3 signage allowed. The staff also proposes to add a restriction that the pole-mounted signs must provide at least eight feet of clearance, to allow pedestrians to walk beneath them. With regard to the petitioner's proposal to allow pole-mounted banner signs in parking areas off-site, the staff believes that it would be an unwise policy to regulate signage in a different zone through an adjacent MU-3 zone. It would be more appropriate for the petitioner to either rezone the property on which the parking area is located, or file a request to amend the sign regulations for that zone as well.

Ms. Wade stated that the petitioner also proposes to allow freestanding business and identification signs in the MU-3 zone, with one such sign permitted per street frontage. The staff would recommend that a maximum two freestanding signs be allowed at 75 square feet in size, with the remainder of the allowable freestanding signs on each frontage not to exceed forty square feet.

With regard to wall-mounted identification signs, Ms. Wade said that the petitioner proposes to add an MU-3 project identification sign to the top of the building, with a size not to exceed 15% of the wall size, mounted to the building above the roofline. The staff was concerned about how large that sign could possibly be, and the possible location of that sign on a parapet. The petitioner's proposal would allow buildings of at least four stories to have a sign extend up to 12 feet above the roofline on a parapet. Ms. Wade stated that the staff was not comfortable with the possibility of a 12-foot projection above the roofline; partially for safety reasons, and because they believe that it would be unwise to allow an architectural structure to be added to a building only as a means to hold a large wall sign. The staff was more comfortable, however, with allowing both a wall-mounted sign and a projecting project identification sign at five percent of the total wall area. The projecting sign would be required to be at least eight feet above the ground, and no more than four feet from the building.

Ms. Wade said that the MU-2 zone currently allows projecting signs, but a developer must choose either all projecting signs, or all wall signs, as a combination of the two is not permitted. The petitioner indicated to the staff that they would like to have more flexibility with regard to signage, and would like to install a wall sign at one entrance and a projecting sign at another entrance, to

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enhance the character of the development. The staff was agreeable to changing these regulations for the MU-2 and MU-3 zones. Under the proposed change, projecting signs would be allowed in addition to wall signs, and could be up to 12 square feet in size.

Ms. Wade said that, in reviewing the petitioner's proposed text changes, the staff determined that some additional modifications may be appropriate. The staff would recommend striking the petitioner's proposed language with regard to the computation of a maximum permitted sign area for canopy signs, as that language is not applicable. The staff would also recommend clarifying that the banners referenced in Article 28-4(h)(i) are wall-mounted banners, rather than pole-mounted banners. Ms. Wade noted that the petitioner had removed the phrase "with all other restrictions from the MU-2 zone" from their proposed text, and the staff would like to ensure that that language remains in place with regard to wall-mounted banners.

Ms. Wade repeated that the staff was concerned about the possibility of allowing signs to be attached to a 12-foot parapet. The staff understands that there have been Board of Adjustment variance cases that have allowed signs to be attached to parapets above the current three-foot limit. The staff of the Division of Building Inspection was amenable to a change from the existing three-foot limit to a six-foot limit, with which the staff agreed. Ms. Wade displayed several photographs of existing parapet signs in the Lexington area in order to demonstrate for the Commission what impact a three-foot increase in parapet height could have on the appearance of a building. She noted that allowing this proposed change to Article 17 would allow signage in all zones to be increased in height by an additional three feet on a parapet. The limitation on the height of parapet signs was originally put in place to prohibit roof signs that could extend far above the roofline, as are often seen in places such as New York City.

Ms. Wade stated that the staff is recommending approval of the following staff alternative language for this text amendment:

ARTICLE 28: MIXED USE ZONING CATEGORIES

28-1 INTENT - The intent of this Article is to permit the development of zoning categories that promote the proper locations and regulation of development, which inherently permits the mixing of residential and non-residential uses. Such mixing of uses in appropriate locations and subject to appropriate restrictions can create a combination of functions compatible with abutting residential neighborhoods. This Article is intended to provide neighborhood-based employment opportunities; provide support services that enhance livability of neighborhoods; enhance the use of public transit and alternative modes of transportation; revitalize established neighborhood commercial centers; and promote quality infill and redevelopment potential in accordance with the adopted Comprehensive Plan.

28-4 MIXED-USE 2: "NEIGHBORHOOD CORRIDOR ZONE" (MU-2) - Is hereby created and regulated as follows:

28-4(h) Special Provisions - shall be as follows:

- (5) Signage shall be as permitted and restricted as follows:
 - (a) Signs shall be non-illuminated, indirectly illuminated or internally illuminated, unless otherwise specified.
 - (b) No free standing sign shall exceed ten (10) feet in height.
 - (c) Identification or business signs shall be permitted as follows:
 - 1. One free standing identification sign shall be permitted per street frontage, per development, with a maximum of two (2) free standing signs; not exceeding seventy-five (75) square feet per sign.
 - 2. The surface area of wall mounted business signs shall not exceed fifteen percent (15%) of the wall area to which it is attached, or thirty-two (32) square feet, whichever is greater; each wall to be considered separately. Only one business sign shall be permitted per wall. In the case of a building containing two or more separate business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual business tenant.
 - 3. Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area; and direct illumination shall be permitted.
 - 4. Canopy or awning signs shall be permitted and ~~included in the computation of the maximum permitted sign area and~~ limited to the percentage allowable for wall signs. Under canopy or under awning signs shall be permitted and limited to identification signs.
 - (d) Projecting business signs shall be permitted in addition to wall mounted business signs where the purpose of such projecting signs is to create a unified and distinct mixed use area and where such signs will be utilized in place of wall signs. No more than one (1) sign for each establishment within the building, having a separate and direct entrance to the outside, per street building face. Such sign shall extend no lower than eight (8) feet over the public right-of-way and must be mounted on the building where the establishment is located. Such sign shall have a maximum area of twelve (12) square feet, with a maximum projection from the wall of the building of no more than four (4) feet.
 - (e) An attraction board may be attached to a free standing sign, provided it does not exceed the area of the identification sign and provided that no permanent copy identifying any specific business or product sold within the center is included on the attraction board. The area of the attraction board shall be included in the computation of the area of the free standing sign. The copy on such an attraction board shall be limited to sales or other events on the premises and civic meetings, rallies or other non-commercial events on or off the premises.

- (f) Directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free standing, not to exceed two (2) signs per entrance.
- (g) One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.
- (h) One menu board per restaurant use. All copy (including any logos, restaurant name, etc.) shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding thirty (30) square feet in area; maximum height of eight (8) feet if free standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.
- (i) Wall mounted banner signs, pennants and streamers shall be permitted, with no general product advertising or list of specific goods or services; limited to one (1) such banner, pennant or streamer per ten (10) feet of linear frontage; a total maximum area of ten percent (10%) of the wall area to which it is attached; a minimum of eight (8) feet of vertical clearance; and a maximum projection into the right-of-way of three (3) feet.

28-5 MIXED-USE 3: "MIXED-USE COMMUNITY ZONE" (MU-3) - Is hereby created and regulated as follows:

28-5(h) Special Provisions - shall be as follows:

- (5) Signage shall be permitted and restricted as under Article 28-4(h) for an MU-2 zone, and under Article 17, except as more specifically regulated, as follows:
 - (a) ~~Banner signs, pennants and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which it is attached, with all other restrictions from the MU-2 zone.~~
Wall mounted banner signs, pennants, and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which they are attached, with all other restrictions from the MU-2 zone.
 - (b) Pole-mounted banner signs shall be permitted subject to the following:
 - 1. Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - 2. Banner signs may not advertise specific businesses, or products, goods, or services.
 - 3. Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside of the public right-of-way.
 - 4. Banner poles shall be spaced to be no closer than fifty (50) feet from each other.
 - 5. The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking lot or pedestrian plaza.
 - 6. All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance.
 - (c) ~~(b)~~ A-frame or sandwich board type shall be permitted as follows:
 - 1. Maximum size of eight (8) square feet per panel, maximum height 48", maximum width 24";
 - 2. One sign per street frontage, maximum two signs;
 - 3. Placement of sign shall allow for four (4) clear feet of sidewalk width;
 - 4. Sign shall be in place only when business is open;
 - 5. Placement of sign not to restrict egress from parked cars and not over curb line;
 - 6. Shall be maintained in good condition;
 - 7. Shall not be attached to any public utility pole, street light standard or tree;
 - 8. Shall be non-illuminated; and
 - 9. There shall be an annual renewal permit fee, as established under the Code of Ordinances.
 - (d) One (1) free-standing business or identification sign per street frontage, per development shall be permitted. A maximum of two (2) free-standing signs shall be deemed as primary, not exceeding seventy-five (75) square feet per sign. All other free-standing signs shall be considered secondary, and shall not exceed forty (40) square feet per sign.
 - (e) One (1) wall-mounted and one (1) projecting project identification sign per building, per street frontage shall be permitted, combined total not to exceed five percent (5%) of the wall area to which it is attached. Such projecting sign shall extend no lower than eight (8) feet, with a maximum projection from the wall of the building of no more than four (4) feet.

ARTICLE 17: SIGN REGULATIONS

17-3 DEFINITIONS - The following definitions unique to this Article are listed below. The terms to be defined have been grouped according to the specific aspects of sign control to which they pertain in order to provide a clearer understanding of the regulations contained later in this Article.

17-3(c) SIGN TYPES BY MEANS OF MOUNTING OR ERECTING - The following categories of signs are hereby defined primarily by the means of mounting or erecting and locational placement upon a building or premises:

* - Denotes date by which Commission must either approve or disapprove request.

(9) WALL MOUNTED SIGN - A sign attached parallel to and extending not more than twenty-four (24) inches from the wall of the building; and includes painted, individual letter and cabinet signs, signs on a mansard, or on a parapet not exceeding ~~three (3)~~ six (6) feet in height and provided the parapet extends on at least three sides of a building and signs erected on or against the side of a roof but not projecting above the roof line. No copy shall be permitted to be displayed on the sides of the sign which are perpendicular to the wall face.

17-5 PROHIBITED SIGNS IN ALL ZONES - The following signs and/or sign features shall be prohibited in all zones.

- (a) Mobile Signs.
- ~~(b) Projecting Signs (except as permitted in Section 17-12 as a conditional use sign).~~
- ~~(b)~~ ~~(e)~~ Roof Signs.
- ~~(c)~~ ~~(d)~~ Flashing or Blinking Signs, except for permitted informational signs.
- ~~(d)~~ ~~(e)~~ Rotating or Moving Signs.
- ~~(e)~~ ~~(f)~~ Abandoned Signs.
- ~~(f)~~ ~~(g)~~ Streamers, pennants and tag signs or similar signs or devices made of wood, plastic, metal, or similar material, other than cloth, except when attached to a permitted temporary sign.
- ~~(g)~~ ~~(h)~~ Any sign which emits any noise, odor or visible matter for the purpose of attracting attention to the sign.
- ~~(h)~~ ~~(i)~~ Any free standing sign, any portion of which overhangs any part of a building.

Ms. Wade noted that the staff believes that their recommended alternative text will help to meet the needs of the petitioner and the community, as well as encouraging infill and redevelopment. If additional signage is allowed in the mixed-use zones, it could provide an incentive for developers to focus more on infill projects.

Commission Questions: Mr. Penn asked, with regard to pole-mounted banner signs, if those signs would be temporary or permanent, and on what timetable the signs could be rotated. Ms. Wade answered that the Division of Building Inspection staff has expressed some concern about that possibility as well. The petitioner has expressed their intention to rotate their pole-mounted signs quarterly. Should the Planning Commission choose to approve this text amendment, the Division of Building Inspection intends to request a change to the Code of Ordinances to add a section and a fee for pole banners. Anyone wishing to place a pole-mounted banner would be required to apply for that type of sign on an annual basis. The Division of Building Inspection would then approve all of the banners that would appear during that year, and payment of the fee would be required. Mr. Penn asked if the proposed pole-mounted banners could be considered as event signs. Ms. Wade answered that, should someone wish to change a pole-mounted banner to a type of sign that could be changed more frequently, they would need to obtain another sign permit. Mr. Penn asked if the approval of pole-mounted banner signs would have a correlation to the amount of commercial or residential space within a building. Ms. Wade responded that the mixed-use zones already have a minimum required mixture of 15% commercial / 85% residential use, or vice-versa.

Mr. Owens asked if projecting signs would be allowed in conjunction with wall-mounted signs in the MU-2 zone. Ms. Wade agreed that they would if the staff alternative text is approved. In the mixed-use zones, signage is considered cumulatively; the types of signage that are allowed in the MU-2 zone are automatically allowed in the MU-3 zone, in addition to other types of signage.

Ms. Copeland stated that she is concerned about the potential conflict between pole-mounted signs and the public right-of-way. She asked if any part of a pole-mounted banner would be allowed to extend past the landscape buffer zone. Ms. Wade responded that, in the staff alternative text, those signs would not be permitted in the public right-of-way. Ms. Copeland said that she is concerned that, although the pole itself may not be located in the right-of-way, the sign may extend into it. She said that it may be appropriate for the staff to add language clarifying that no part of any pole-mounted banner could extend into the required landscape buffer area.

Petitioner Presentation: Bruce Simpson, attorney, was present representing the petitioner. He stated, with regard to Ms. Copeland's concern about pole-mounted banners in the public right-of-way, that there are currently provisions in Article 17 that preclude that situation. An encroachment permit would be required if any part of a pole-mounted banner sign encroached into the right-of-way. The petitioner has no objection to clarifying that language, since they have no intent to construct poles in an area that may encroach on the right-of-way.

Mr. Simpson said that the petitioner's development is proposed to have 20 light poles, which will be constructed on the site for lighting and security purposes regardless of whether pole-mounted banners are approved by the Planning Commission. The petitioner has found, through their other similar projects, that pole-mounted banners signs can be helpful in marketing, as well as creating a sense of place for the residents of the development. They consider the placement of pole-mounted banners to be an important component of this project. The petitioner is in agreement with the staff's alternative text, with two exceptions: the petitioner would request that poles be allowed to be constructed at a distance of 45 feet from each other, rather than 50 feet, to allow for proper lighting; and the petitioner would request that they be allowed to construct 10 light poles in the rear parking area, which is currently zoned R-4 and B-4, rather than MU-3. Mr. Simpson stated that allowing pole-mounted signs, which would be changed four times a year, in that parking area would help to integrate it with the remainder of the development. Those properties could be rezoned to MU-3, which would allow the placement of pole-mounted banners, but the rezon-

ing would be costly and time-consuming, and may prevent the proposed development from going forward according to schedule. Mr. Simpson proposed that the following language be added to the staff alternative text for Article 28-5(h)(5)(b)(7):

"Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted subject to the same restrictions and requirements applicable to the pole banner signs for the MU-3 project."

The petitioner believes that the proposed adjustments to the staff alternative text are minor, and should fit well with the proposed text. Mr. Simpson said that the petitioner believes that pole-mounted banner signs are crucial to the success of the proposed development, which is a large, expensive project. He said that the petitioner agrees with the staff's recommendations, with those two exceptions, and would ask that the Commission consider those alterations to the proposed text.

Commission Questions: Ms. Roche-Phillips asked if part of the parking associated with the proposed development is located in a different zone. Mr. Simpson answered that that parking area is zoned R-4, and it was approved as a parking area by the Board of Adjustment. Ms. Roche-Phillips asked if the development plan for the property was approved by the Planning Commission, to which Mr. Simpson replied that the final development plan for the property had been approved by the Commission. Ms. Roche-Phillips asked why the other parcels have not been rezoned to MU-3. Mr. Simpson answered that the current owner purchased the property after it was rezoned to MU-3. The petitioner does not believe that it is worth the time and expense to rezone those parcels to MU-3 just to get permission for the signage they would like to use.

Ms. Copeland asked Mr. Simpson to clarify the area on the subject property which is proposed to be used for commercial space. Mr. Simpson asked Jane Hendrickson, Director of Development for the petitioner, to answer Ms. Copeland's question. Ms. Hendrickson stated that the commercial uses are proposed in Building D, and noted the location of that building on the development plan. She noted that the commercial area is proposed to be 27,000 square feet in size, and no tenants have been signed at this time. The development of the project will be split into two phases; Buildings B and D, and Parking C, are currently being constructed. The remainder of the project is proposed to begin construction in 2009. Building B is proposed to contain 266 apartment units, and is expected to be ready for occupancy in August, 2009. Ms. Hendrickson said that the additional parking areas are important to maintain the number of spaces needed for the proposed development. Ms. Copeland asked if all the commercial space is proposed to be located on one floor, to which Ms. Hendrickson replied in the affirmative.

Mr. Penn asked if the pole-mounted banners will serve as marketing for the proposed commercial area. He said that he believes that changing those banners four times a year would be excessive. Mr. Simpson answered that the pole-mounted banners are not intended as advertising for the commercial area, and referred Mr. Penn's question to Thalyer Beasley, the signage designer for the project. Ms. Beasley stated that the pole-mounted banners are intended to identify and market the project as a whole, rather than specific uses within the project.

Mr. Vaughn asked Ms. Beasley to briefly explain the content of the PowerPoint presentation booklet that had been distributed to the Commission members earlier in the hearing. Ms. Beasley displayed the PowerPoint presentation, which included several photographs of various types of signage from cities around the country, on the overhead projector. She stated that the purpose of the signage proposed for this project is to establish a strong sense of place, communicate the message, and value the streetscape. The proposed development is geared toward college students, so the signage is intended to appeal to a young, hip, urban, active population. The sign package was designed to work on three levels: first, to catch the attention of motorists; second, to appeal to motorist and pedestrian traffic; and third, to appeal on the pedestrian level. Ms. Beasley noted that the project designers used a grid system to determine the placement of the poles in the parking lot, and that banners are not proposed to be constructed on every pole.

Ms. Copeland asked if trees are proposed in the parking area. Ms. Beasley answered that she did not believe that trees in the parking area would impair the visibility of the pole-mounted banners. She said that she was not aware of the details of the landscape plan for the parking area.

Mr. Owens asked why there is a need for both projecting and wall-mounted signs. Ms. Beasley replied that it is easier for drivers to see wall-mounted signs, while projecting signs are geared more toward pedestrians. Mr. Owens asked if the projecting and wall-mounted signs would be of equal size. Ms. Beasley responded that the projecting signs would have a maximum size of 12 square feet, while the wall-mounted sign could be larger.

Mr. Vaughn asked the staff to address Mr. Simpson's two proposed changes to the staff alternative text. Ms. Wade stated that the staff alternative text would require a distance of 50 feet between light poles, whereas the petitioner's proposal would allow those poles to be spaced 45 feet apart. She said that the petitioner had originally requested the 50-foot spacing, so the staff's recommendation was based on that number. The staff would not be opposed to allowing those poles to be spaced 45 feet apart.

Mr. Penn asked if the petitioner's request to allow the poles to be spaced 45 feet apart is based on the need for more light, or the desire for more pole-mounted banners. Ms. Hendrickson answered that the petitioner's lighting consultants researched the

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property and determined that that amount of light is needed on the property. She noted that the 45-foot spacing is based on the size of five parking spaces, which are proposed to be nine feet wide.

Mr. Penn asked if any trees are proposed in the parking areas, other than on the perimeter. Ms. Hendrickson responded that, at this time, no trees are proposed in the interior of the parking areas. The current landscape plan was approved with the final development plan in December of 2007. The petitioner intends to file an amended landscape plan, which will include more intense landscaping, now that the buildings have been placed on the site. Mr. Penn asked if that amended landscape plan will include more trees, to which Ms. Hendrickson replied in the affirmative.

Mr. Cravens stated that he would support the petitioner's proposed text changes, including allowing pole-mounted banners on the R-4 and B-4 zoned properties, since those parking areas are to the side of the subject property. He said that it may be difficult to tell, without some type of signage, that that parking area is intended to serve the proposed development.

Ms. Copeland asked if the staff would offer an opinion on allowing pole-mounted banners on R-4 and B-4 zoned properties. Ms. Wade answered that the staff does not believe that it is an advisable regulatory approach to provide for signage in one zone that would actually allow for signage in another zone. It would be more appropriate and straightforward to rezone those properties. If the petitioner intends to use that property as part of the subject development, the staff believes that it would make more sense to have all the properties zoned MU-3. Another option would be for the petitioner to file a text amendment to change the allowable signage for the B-4 zone, but the staff may have some concerns about the possibility of allowing banner signs without restriction in that zone.

Mr. Brewer stated that he has seen examples where banner signs in parking areas across a street can tie the parking lot to another development. He said that he believes that the petitioner's proposed changes to the text would provide a good compromise, and he would support those changes. Mr. Brewer noted that he does not believe that the petitioner should have to seek a zone change in order to allow for pole-mounted banner signs in their parking area.

Ms. Wade said that the staff's understanding is that the petitioner intends at some point to use their parking area for a mixed-use development. The former owner presented a long-term plan to the staff that indicated that they intended to construct additional mixed-use buildings on those properties that are currently zoned B-4 and R-4.

Ms. Wade stated, with regard to Ms. Copeland's concerns about the banner signs projecting into the right-of-way, that language could be added to Article 28-5(h)(b)(6) to read: "All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not project into a right-of-way."

Ms. Wade said that Mr. Sallee had prepared a sketch during the hearing, which she displayed on the overhead projector, to help explain for the Commission the question of the spacing of light poles in the parking area. She said that, as the text is currently drafted, the petitioner would have the option of choosing to have one sign every 3,000 square feet (approximately one for every 10 parking spaces). The petitioner could choose to have one banner sign per pole, and one pole for every landscape island; or have two banners per pole on every other landscape island in the illustrated example. Ms. Wade said that, if the Planning Commission would like to allow the petitioner to have two banners per pole, every 45 feet apart, the language should be changed to read: "The total number of poles shall be limited to one for every 3,000 square feet of parking pedestrian area."

Ms. Wade noted that landscape islands in parking lots are typically required to have trees per the Landscape Ordinance, but the petitioner has been granted some landscape variances. Therefore, the landscape islands in the proposed development may not contain trees as typically seen in most parking lots.

Mr. Owens asked, with regard to the possibility of sign encroachment into the right-of-way, if a landscape buffer is part of the right-of-way. Ms. Wade answered that a landscape buffer is not usually part of the right-of-way, but it can be in some situations. In this case, the staff does not believe that to be the case. A small landscaping area is proposed between the right-of-way and the parking lot, and the staff would not want the poles to be placed directly adjacent to the right-of-way.

Mr. Penn asked if the parking area is proposed directly adjacent to the Newtown Pike extension right-of-way. He said that he is concerned about having a parking area, with banner signs and little landscaping, located so near what will become a major gateway to downtown Lexington. Mr. Penn believes that it is critical to make sure this property is developed and landscaped properly, in order to make the proper impression at that major intersection.

Mr. Sallee stated that he would like to clarify that, under the staff alternative text, one pole would be allowed per every 10 parking spaces. If the staff draft remains the same, the petitioner could either have one banner per pole for every 10 spaces, or two banners per pole for every 20 spaces.

Mr. Vaughn said that he is concerned about the issue raised by the staff of regulating signage in a different zone.

Ms. Roche-Phillips stated that she agreed with the staff's recommendation to not allow regulation of parking in a different zone. She said that it may be applicable in this situation, but it could have farther-reaching consequences. Ms. Roche-Phillips be-

believes that the R-4 and B-4 parking areas should be rezoned to MU-3, and included as part of the development plan for the property.

Petitioner Rebuttal: Mr. Simpson stated that he believed there may be some confusion about the proposed text Article 28-5(h), as it relates to the number of pole-mounted banners allowed in a particular area. He asked the staff to explain their exhibit.

Ms. Wade stated that, if the Planning Commission chooses to allow a pole with two banners every 3,000 square feet, the text would need to be changed to read: "The total number of poles shall be limited to one per every 3,000 square feet of parking lot or pedestrian plaza." That would allow a pole with two signs every 3,000 square feet, or approximately 10 parking spaces. As the text is written currently, the petitioner would only be allowed one banner on that pole, not two banners.

Mr. Simpson stated that the petitioner is in agreement with the current version of that portion of the staff alternative text; the only change that they would request is to allow banner signs in the R-4 and B-4 zoned parking areas. He noted that the petitioner has no intention of developing the parking area, so there is no real need to rezone it to MU-3.

Commission Questions: Ms. Richardson asked the staff to provide an example of what the staff finds objectionable about allowing pole-mounted banner signs in the B-4 and R-4 zones. Ms. Wade answered that the staff does not object to the petitioner having banner signs in their parking lot. The petitioner's proposal, however, would regulate signage for the MU-3 zone, as well as the B-4 and R-4 zoned properties that are also part of their development. The petitioner has attempted to "get around" changing the other parts of the Zoning Ordinance by proposing to regulate that signage through the MU-3 zone. The proposed text change is very specific to this development; there are only two MU-3 zoned projects currently approved in Fayette County, and it is unusual for the Board of Adjustment to approve parking in a different zone for a development. Ms. Wade stated that it creates problems when text amendments are too specific to one property, since the Ordinance is supposed to be written and applied equally to every property in the County. Such changes can create problems for the Division of Building Inspection, as well as making the Zoning Ordinance confusing.

Ms. Roche-Phillips asked if it would be possible, should the Planning Commission approve the petitioner's proposal to regulate the R-4 and B-4 signage through this text amendment, to have signage for that development on another R-4 property in town. Ms. Wade answered that that could be possible if the petitioner amended their development plan to include that signage. Ms. Roche-Phillips stated that she would also be concerned that owners of properties zoned MU-2 would then seek off-site signage as well.

Mr. Simpson stated that the Planning Commission would have the option not to approve any development plan that would try to "finesse" off-site parking. He said that there are very few sites in Lexington that are large enough to accommodate an MU-3 project, so the effect of the proposed text amendment should not "mushroom into something out of control." Mr. Simpson said that projects such as the petitioner's support the community's infill and redevelopment goals, and should be facilitated as much as possible. The petitioner believes that it would be unreasonable to require a zone change for their parking areas in order to construct pole-mounted banner signs.

Ms. Wade said that, in terms of regulatory approaches, the staff would be agreeable to adding the petitioner's proposed language, with the possibility of adding additional language along with the upcoming changes to Article 17. That would allow the text to be in place in the more appropriate B-4 and R-4 zones, as well as the MU-3 zone.

Director Comments: Mr. King stated that, if the Planning Commission is comfortable with allowing the banner signs in the B-4 and R-4 parking areas, the staff feels that there will be an opportunity in the very near future to address this issue more holistically. The staff has been speaking with legal counsel about adding that language to the B-4 and B-3 zones, but they are not yet comfortable with adding it at this point. However, the staff is planning to come before the Planning Commission with changes to Article 17 soon, so additional modifications could be made to the text early next year.

Discussion: Mr. Penn stated that he does not understand why, if the petitioner intends to rezone the R-4 and B-4 areas to MU-3 at some point in the future, they cannot do that now in order to allow the construction of the banner signs. He said that, since construction will be ongoing on the site for quite some time, he does not understand the petitioner's reluctance to go ahead with such a zone change, even though it will take a few months to complete. Mr. Simpson answered that the petitioner does not intend to develop that property. It is only to be used for parking, so they do not see the need to rezone it to MU-3 just to allow the banner signs there. The project is under construction, with an opening date of Fall 2009, and the time needed to file and complete a zone change for the parking area could jeopardize that opening date. Mr. Simpson said that the petitioner is in agreement with Mr. King's suggestion to include their proposed text, and then clean up the remainder of Article 17 next year.

Mr. Sallee stated that the staff has no objection to leaving the text of Article 28-5(h)(b)(5) unchanged, as Mr. Simpson suggested earlier.

Motion: A motion was made by Ms. Richardson and seconded by Mr. Cravens to approve the staff alternative text of ZOTA 2008-8, changing Article 28-5(h)(b)(4) to read: "Banner poles shall be spaced to be no closer than forty-five (45) feet from each

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other;" and changing Article 28-5(h)(b)(6) to read: "All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way; " and changing Article 28-5(h)(5)(b)(7) to read: "Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted subject to the same restrictions and requirements applicable to the pole banner signs for the MU-3 project." Ms. Richardson's motion failed, 4-4 (Richardson, Cravens, Brewer, and Vaughn in favor; Penn, Owens, Roche-Phillips and Cope-land opposed; Day, Holmes, and Whitman absent.)

Action: A motion was made by Ms. Roche-Phillips, seconded by Mr. Penn, and carried 7-1 (Richardson opposed; Day, Holmes, and Whitman absent) to approve the staff alternative text of ZOTA 2008-8, with the all of the changes outlined in Ms. Richardson's earlier motion, with the exception of the changes to Article 28-5(h)(5)(b)(7).

VI. COMMISSION ITEMS – No such items were presented.

- VII. STAFF ITEMS** – Mr. King stated that, since 2008 marks the 50th anniversary of the Urban Service Area, he and the staff felt that it was important to celebrate that milestone with the members of the Planning Commission. Mr. King had an opportunity to conduct some research on the history of the Urban Service Area, as well as its future, for a presentation he conducted at the OKI Planning Conference in September. He was amazed, as he conducted that research, at the importance of the Urban Service Area, which we may have come to take for granted. Lexington has been nationally recognized as the first community in the United States to institute an urban growth boundary and implement it fully. The history of the Urban Service Area has sometimes been turbulent, but the past 10 years have been particularly interesting, as the city's focus has turned toward both rural preservation and infill and redevelopment. Mr. King stated that the American Institute of Certified Planners has recognized the Urban Service Area as a national historic planning landmark. In recognition of its 50th anniversary, the staff would like to invite the Commission members to have cake and coffee immediately following this meeting.

Mr. King said that, in the past year, the Planning Commission adopted the Comprehensive Plan update, which set a work list for the Division of Planning. Several major initiatives were begun during 2008 that will support the Urban Service Area and the management of growth and development in Lexington; many of those will be continued, or expanded upon, in 2009. Those initiatives include: the first joint workshop between the Planning Commission and the Urban County Council in over six years; four small area plans will be considered for adoption; a multi-modal traffic and safety plan will be developed for the College Town area; two major studies—one related to non-residential infill and redevelopment, and another to consider future housing market strategies—are planned; an aggressive and holistic strategic implementation of the infill and redevelopment initiatives that were recommended by the Steering Committee; extensive regulatory changes driven by the Infill & Redevelopment regulations, implementation of the Consent Decree, and efforts to increase government efficiency; a serious decision on whether the community will move forward with form-based codes; new sign ordinances; a design and character ordinance for the areas adjoining the Newtown Pike extension; the beginning of construction of the Newtown Pike extension; the implementation of a capital improvement project for streetscapes in the downtown area; the implementation of TIF districts; enhanced protection for burial grounds; and new proposals for street cross-section and design as part of the Complete Streets initiative. Mr. King stated that the staff is excited about all these changes and new initiatives, and they hope that the Planning Commission is as well.

Chair Comments: Mr. Vaughn stated that the community of Lexington is unique in many aspects, and he is happy to be involved in the celebration of the 50th anniversary of the Urban Service Area. He wished the Planning Commission members and the staff happy holidays.

- 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 JANUARY, 2009

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	January 8, 2009
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	January 8, 2009
Subdivision Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	January 15, 2009
Work Session, Thursday, immediately following Subdivision Items meeting.....	January 22, 2009
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	January 28, 2009
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	January 29, 2009

- X. ADJOURNMENT** – There being no further business, Chairman Vaughn declared the meeting adjourned at 3:10 p.m.

TLW/TM/JWE/BJR/BS/src

Randall Vaughn, Chair

Frank Penn, Secretary