



## **Planning and Public Safety Committee Meeting**

June 4, 2019

### **Summary and Motions**

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Chair Mossotti called the meeting to order at 1:03 p.m. Committee Members Chuck Ellinger, James Brown, Josh McCurn, Jake Gibbs, Susan Lamb, Preston Worley, Amanda Bledsoe, and Kathy Plomin were present. Committee Member Jennifer Reynolds was absent. VM Steve Kay, CM Angela Evans, and CM Fred Brown were also present as non-voting members.

#### **I. Approval of May 7, 2019 Committee Summary**

A motion was made by CM Plomin to approve the May 7, 2019 Planning and Public Safety Committee Summary, seconded by CM Ellinger, the motion passed without dissent.

#### **II. Article 17 – Sign Ordinance Amendments Update**

James Duncan, Director of Planning, provided an update on the status of the changes to Article 17 which is the zoning ordinance pertaining to signage. He provided a brief background explaining how the item came to committee and said the issue pertains to content neutrality. While they looked at content-neutrality, he said, they also took the opportunity to make additional clean-ups to the legislation. He said a draft of this has been prepared and will be presented to the Planning Commission for a public hearing. He suggested that the committee review the documentation the Planning Commission will bring forward after the public hearing and consider moving this into law to ensure that our ordinance is in compliance with the Supreme Court ruling (*Reed v. Gilbert*).

Walt Gaffield, with Fayette County Neighborhood Association, expressed concern that citizens do not know what changes have been made in the ordinance.

CM Lamb asked if the reasoning behind not including a red-lined version in the packet was because of the comprehensive change. Duncan said they tried to create a red-lined version, but it was unreadable; however, a spreadsheet has been prepared to show the changes. Lamb asked about the amendments in the packet and Craig Bencz explained those amendments are external references throughout the zoning ordinance that refer back to Article 17 and they are essentially clean-up items throughout the ordinance to make sure those references are correct.

CM Bledsoe commented that there are no references to electronic billboards and Duncan said those were not included in these changes as it is a separate issue. She asked about the status of the e-billboards subcommittee as they will be impacting the overall sign ordinance. Plomin said they plan to meet before break with a presentation in the fall.

CM Evans said she supports Duncan's document based on issues that have been raised and said the billboards item is different than the issue with content. Evans commented on the discussion regarding "commercial speech" and asked what that response was. Duncan said the Law Department advises that we follow what is believed to be compliance with *Reed v. Gilbert* and not differentiate between commercial and noncommercial speech, but make all speech content-neutral.

CM Mossotti asked if the spreadsheet that shows the changes can be provided to the committee prior to the date of the public hearing and Duncan confirmed.

No further comment or action was taken on this item.

### **III. Article 6 – Alternative Zone Change Process (KRS100.2111)**

James Duncan, Director of Planning, provided an update on an alternative zone change process. He said state statute allows for the adoption of an alternative zone change process, but all of the current procedures with the Planning Commission will remain the same as well as other components that have been added over time. He said if this process is adopted, the Planning Commission's recommendation becomes final without Council action within 21 days unless an aggrieved person files a written request with the Planning Commission. He explained the public hearing process and the next steps in moving forward with this item.

CM Lamb asked how long it takes staff to prepare Planning Commission recommendations and Duncan said it takes a total of 3-5 weeks before it is sent to Council, partly based on the schedule of Work Session and Council meeting in the same week. Lamb said changing this process will mean some zone changes will be approved by ordinance and some will be approved by Planning Commission which creates two sets of records. She expressed concern regarding the ability to make both sets of records transparent going forward and suggested the recommendation from the Planning Commission be in its final report and made public before the 21 day period starts. She said she appreciates Place Builder allowing developers to meet with neighborhoods and she hopes that this will manage discussions and issues on the front end, but she still has strong concerns with this.

CM J. Brown said he agrees with CM Lamb's concerns and said the perception of trading convenience for transparency is not in our best interest moving forward. Duncan said this has been discussed for a while and based on guidance from the last committee discussion, it was understood that we would bring back official public comment, an official staff recommendation, and an official Planning Commission recommendation so there would be a lot more information for making a final decision to move forward with it or not. J. Brown asked if the Planning Commission would take action at the public hearing on June 27. Duncan said yes and it would be like any other ZOTA where the Planning Commission holds a public hearing and makes a recommendation to the full council. This item will go to the full council following the June 27 public hearing and it will be ready after the summer break. At that point it can be placed back in committee, placed in another committee, or have action taken on it.

CM Ellinger commented on the necessity of this change and the notification process. He asked if one councilmember can request that Council make the final decision or if the Council as a whole makes that request. Duncan said the day after the Planning Commission hearing, a brief summary will be provided to Council that shows the case and outcome of any zone changes that were considered. Ellinger commented on uncontested zone changes and asked how those are defined. Duncan said the trigger for further consideration by Council is "aggrieved party" so anyone within that 21 days can say they want Council to hear it. He said "uncontested" typically refers to routine zone changes.

No further comment or action was taken on this item.

### **IV. Special Event Permitting**

CM Plomin provided a brief background explaining how the item came to committee. Heather Lyons, Director of Arts and Cultural Affairs, provided a review of the Special Event Application process and the need for an event planning process. She explained that there was confusion and duplication of efforts amongst departments; lack of information available; lack of consistency with rules and regulations; inefficient process; and outdated guidelines. She reviewed the list of departments and divisions included in the research and gathering of information. She said the first step was to revise the Robert F.

Stephens event guidelines and the next step is to create a special events planning guide which is currently in review by LFUCG departments before adding it to the special events web site. She described the new application form that will be created for event organizers and explained the central location that will house all of the necessary documents.

CM J. Brown commented on the drop-box serving as a central location and asked who will manage that. Lyons said she will set that up, but all relevant departments will have access to be able to add and remove their own information. J. Brown asked if the city has a contract with drop-box to provide the service and Lyons said yes.

CM Lamb asked if there is a fee for using special event venues. Lyons explained that if it is a Parks and Recreation venue, there is; but if it is not a Parks and Recreation venue then there is no fee. Lamb said if we are going to have other services provided under special events we should look at ways we can profit from this.

CM Evans asked if there were ordinance or CAO policy changes needed or if these are just guidelines. Lyons said there is one that needs to be looked at which is an ordinance that states there should be no "for profit" events taking place on city property. She said there was a special events commission created, but it has not met in several years. She believes it would be appropriate to have that commission look into these issues. CM Evans said it would be helpful to have a calendar for the public to see what is going on in Lexington. Lyons said they are working on having a calendar on the special events page that would help when scheduling a date for a particular event.

CM Plomin said this will remain in committee and we will continue to work on this. Lyons said the event planning guide should be ready by the end of June and she will post it on the web site and distribute it at that time.

No further comment or action was taken on this item.

#### **V. Items Referred to Committee**

No further comment or action was taken on this item.

A motion was made by CM Plomin to adjourn, seconded by CM Ellinger, the motion passed without dissent.

The meeting was adjourned at 2:17 p.m.  
KT 6.17.2019