

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INITIATED BY: Cervantes and Associates, LLC

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **LONG RANGE PLANNING ACTIVITY REPORT**

#### Imagine Lexington

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