

Motion – A motion was made by Ms. Meyer, seconded by Mr. Pohl, and carried 9-0 (Bell and de Movellan absent) to approve PLN-ZOTA-22-00004: AMENDMENT TO PROFESSIONAL OFFICE (P-1) ZONE TO MODIFY RESTRICTIONS ON BEAUTY SHOPS AND BARBER SHOPS for the reason provided by the staff.

3. **PLN-ZOTA-22-00005: AMENDMENT TO LIGHT INDUSTRIAL (I-1) ZONE TO ALLOW CRAFT DISTILLERIES** – petition for a Zoning Ordinance text amendment to add Craft Distilleries as a principal permitted use in the Light Industrial (I-1) zone (Article 8-22). Craft Distilleries are further regulated by the Commonwealth of Kentucky as Class B Distilleries in KRS 243.

INITIATED BY: Turner Property 4, LLC

PROPOSED TEXT: Copies are available from the staff.

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

The Staff Recommends: **Approval of the staff alternative**, for the following reason:

1. Providing for craft distilleries in the I-1 zone, and by reference the I-2 zones, will permit additional opportunities to utilize land for production in support of the local economy.
2. The proposed text amendment will allow for stepdown from the most intense distillation of alcohol, and is consistent with other similar uses currently allowed in the Light Industrial (I-1) zone.
3. The inclusion of the craft distillery use in the Zoning Ordinance is in agreement with the 2018 Comprehensive Plan for the following reasons:
  - a. Craft distilleries are a growing industry that will support and showcase local assets to further the creation of jobs (Theme C, Goal #1)
  - b. The establishment of craft distilleries can attract the world's finest jobs, encourage an entrepreneurial spirit and enhance our ability to recruit & retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community (Theme C, Goal #2).

Staff Text Amendment Presentation – Mr. Hal Baillie presented and summarized the staff report and recommendations for this text amendment. Mr. Baillie discussed a similar text amendment passed in 1996 regarding microbreweries, mentioning how that has progressed over the past 20 years. Mr. Baillie went on to describe the differences between a distillery and a craft distillery, stating that it comes down to the amount distilled spirits produced. For a Class A, or a distillery, they can produce more than 50,000 gallons of distillate and a Class B, or craft distillery, can produce up to 50,000 gallons of distillate. There is a base level of 600 gallons required to recoup tax costs.

Mr. Baillie stated that the applicant's original proposal was too wordy, but ended his presentation saying that staff has recommended approval of the staff alternative.

Commission Question – Mr. Penn asked if the applicant was ok with the staff's alternative and Mr. Zach Cato, representative of the applicant, stated he was.

Citizen Comment – None.

Motion – A motion was made by Mr. Penn, seconded by Ms. Worth and carried 9-0 (Bell and de Movellan absent) to approve the staff alternative text of PLN-ZOTA-22-00005: AMENDMENT TO LIGHT INDUSTRIAL (I-1) ZONE TO ALLOW CRAFT DISTILLERIES, for the reasons provided by the staff.

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

INITIATED BY: Big Picture Ventures, LLC

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Postponement**.

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

2. The proposed staff alternative text amendment allows for the expansion of the use of electronic message display systems within the Lexington Center Business (B-2B) zone to allow an increase in signage opportunity, while also complementing the surrounding land use and can help promote the surrounding attractions.

3. The proposed staff alternative text amendment provides greater limitations that prevent the creation of influences adverse or would negatively impact the overall health, safety, and welfare of the Lexington community and visitors to the Urban County.

Staff Text Amendment Presentation – Mr. Hal Baillie presented and summarized the staff report and recommendations for this text amendment. Mr. Baillie stated that staff has recommended significant changes, keeping some of what the applicant has requested, while providing more context and connection with the current Ordinance. Mr. Baillie stated that staff's recommendation is consistent with the current sign regulations, adds new language that would allow for the use of new technologies, and protects of the safety and welfare of the community.

Mr. Baillie went on to discuss the definition of a marquee sign and where one is allowed, showing the Commission examples of different types of marquees. From there, Mr. Baillie gave a list of the current regulations of Electronic Message Display Systems, as well as mentioning that our Zoning Ordinance is a living document. Mr. Baillie continued by showing where Electronic Message Display Systems can currently be utilized and in what specific zones they can appear. Additionally, Mr. Baillie gave examples of digital signs currently in Lexington that are not under LFUCG jurisdiction, including the marquee at the Opera House, or the large sign on the corner of South Limestone and Avenue of Champions operated by the University of Kentucky. These signs are exempt from the Zoning Ordinance because of their connection to a government related agency/activity.

Mr. Baillie went on to discuss some of staff's concerns regarding the duration that the images could stay on the sign, recommending a duration of 45 seconds between images. This time span is intended to lower the amount of distractions that drivers will see as they are driving downtown. Mr. Baillie stated that during staff's research they found that the amount of changeover in the images should be related to the speed at which cars are traveling. Mr. Baillie continued the staff presentation discussing size of marquees, luminance, and presenting justification for the 45 seconds between images, and a condition on what times of the day the images can be displayed.

Mr. Baillie ended by stating that the staff is recommending approval of the Staff alternative language.

Commission Question – Mr. Nicol asked if he could propose adding the Mixed-Use Zones 1, 2, and 3 along with the B-3, B-2, B-2A, and B-2B zones. Mr. Baillie responded that Mr. Nicol's proposal would be an expansion of the staff review. He went on to state that if that request was something the Planning Commission wanted staff to broadly consider, they can look at a later date.

Applicant Presentation – Mr. Dick Murphy, attorney for the applicant, introduced himself, Mr. Harold Tate and Mr. George Krikorian. Mr. Murphy provided background on Mr. Krikorian and why he loves this community and how important the theater was to the community and Mr. Krikorian. He continued discussing the many amenities of the theater and the varied types of people that come to LexLive. He ended by saying they need the digital signage so that people know what's going on at LexLive.

Mr. Murphy went on to give examples of locations in Lexington that have the types of digital signs that they are looking to add to the theater, and mentioned that they do not meet the parameters that the staff is mentioning. Mr. Murphy continued to explain the differences between on-premises signs and off-premises signs, as well as a Supreme Court decision recently that is potentially relevant to this case. With the help of Mr. Tate, Mr. Murphy showed slides that would depict the proportions of a sign and how it would relate to the theater, and said he thought these proportions were in line with what should be acceptable for a digital sign. Mr. Murphy contends that sites close to LexLive, like Rupp Arena, have large signs because they need large signs, and so does the applicant's building. Mr. Murphy directed the Commission to look at the handout he brought with him and guided them through examples of digital signage throughout the state and country and how they compare to what the applicant wants to do.

Mr. Murphy ended by saying that the applicant needs this text amendment so that people know what is going on at LexLive.

Citizen Comment – Ms. Amy Clark had some questions about when a sign becomes a sign and how digital signs are different than regular signs. Ms. Clark also had some concerns that this type of signage would affect greenspaces and people's enjoyment of Lexington's wonderful outdoor amenities. Ms. Clark provided alternative language.

Applicant Comments - George Krikorian, owner of LexLive, spoke about the reasons that LexLive needs this type of signage, and how they are not asking for anything dissimilar to other places in town.

Applicant Rebuttal - Mr. Murphy returned and said they have agreed to more restrictions than other places in Lexington, and said that what they are proposing is reasonable. Mr. Murphy asserted that no data that they have seen proves that whatever time interval is more or less likely to cause an accident, and this text amendment is much needed.

Commission Questions - Mr. Nicol mentioned that proportionality is important and that the kind of examples that Mr. Murphy showed the Commission excited him and thinks it will help lead to a vibrant downtown.

Citizen Rebuttal - Ms. Amy Clark said that while it was important to have a tourist center as it relates to the convention center, it's also important that we are keeping the heart of Lexington for the people of Lexington. Ms. Clark stated that the proposed text is too much.

Staff Rebuttal - Mr. Baillie began his rebuttal discussing proportionality and the amount of messages this specific text amendment would allow their digital signage to display in a day. According to Mr. Baillie, with the staff proposed time limit of 45 seconds, LexLive would get over 1,200 messages via the sign every day. Mr. Baillie indicated that there is a fair amount of data that is really tied to downtown signage and small screens and how they can impact a driver's behavior. Mr. Baillie stated that he recognizes that the applicant wants to maximize the use of the screen and advertise at a greater rate, but the 8 seconds, as requested by the applicant is based on billboard signage in a zone where people are driving faster and are less likely to be distracted by a message moving that quickly.

Commission Questions - Mr. Penn asked Mr. Baillie if he was more concerned with the size of the sign or how often the sign changes. Mr. Baillie stated that they go in concert and there is not one the staff is more worried about than the other.

Motion – A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 9-0 (Bell and de Movellan absent) to continue discussions on PLN-ZOTA-22-00001: AMENDMENT TO ARTICLE 17: SIGNAGE REGULATIONS TO ALLOW A DIGITAL MARQUEE (ELECTRONIC MESSAGE DISPLAY), to the Planning Commission Public Hearing on May 26<sup>th</sup>.

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

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

#### **A. LONG RANGE PLANNING ACTIVITY REPORT**

##### Imagine Lexington

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

Staff continued discussion on the upcoming update to *Imagine Lexington* which will be finalized in 2023. Continued discussions focused on the public outreach efforts that will be done in support of providing input to the planning process, specifically "On the Table," which will be done in collaboration with local non-profit Civic Lex. Staff hosted several "Community Organizational Input Meetings" throughout the month of March.

In partnership with Lex TV, Staff developed a video for the public audience that explains the purpose of *Imagine Lexington* and the importance of public input during the long-range planning process. The video features interviews with a variety of community members in Lexington who provide their perspective on topics and experiences related to the five themes within *Imagine Lexington* – Neighborhoods, Environment, Jobs & Prosperity, Community, and Balance.

##### Mornings with Planning

LRP staff continued the Uncommon Commons webinar series "Mornings with Planning." March's topic was titled "Directors Roundtable" and took place on March 2, 2022. Three of the panelists for this discussion were planning experts from across the nation, with representatives from the cities of Greensboro, NC, Knoxville, TN and Louisville, KY. Planning Director Jim Duncan participated as a panelist for that discussion as well, to provide a Lexington perspective.

##### Imagine Lexington Website & Social Media

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

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