

GENERAL INFORMATION - Zoning Ordinance Text Amendment Application

1. APPLICANT INFORMATION:

Name: **Baptist Hospitals Inc.**
Address: **4007 Kresge Way**
City, State, Zip Code: **Louisville, KY 40207-4604**
Phone Number: **502-897-8089**

2. ATTORNEY (Or Other Representative) INFORMATION:

Name: **Nick Nicholson, Stoll Keenon Ogden PLLC**
Address: **300 W. Vine St., Ste. 2100**
City, State, Zip Code: **Lexington, KY 40507**
Phone Number: **859-231-3000**

3. DESCRIBE YOUR REQUESTED TEXT CHANGE:

Date of Pre-Application Conference: 10/2/15

Zoning Ordinance Article #17-7. Specific text change proposed:
(See attached)

4. DESCRIBE THE JUSTIFICATION FOR MAKING THIS CHANGE: (Use attachment if necessary.)

(See attached letter)

5. SIGN THIS APPLICATION:

I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate.

APPLICANT: _____

ATTORNEY (or other representative): _____

*Attorney For
Baptist Health*

LFUCG EMPLOYEE/OFFICER, if applicable: _____

NOTE: Attorneys may submit a formal letter instead of this form; otherwise, fill in all box information requested above.

17-7(e) PROFESSIONAL OFFICE ZONE (P-1) AND MIXED USE 1: NEIGHBORHOOD NODE ZONE (MU-1) - Permitted

signs may be either free standing or wall mounted, as specifically noted; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless otherwise specified. No free-standing sign shall exceed ten (10) feet in height.

- (1) One free-standing identification or business sign per building; not to exceed forty (40) square feet in area, with a minimum setback of ten (10) feet.
- (2) One wall-mounted identification or business sign for buildings with one street frontage, not to exceed five percent (5%) of the wall area to which it is attached. When a free-standing sign is not utilized on a lot with only one street frontage, a second wall-mounted sign on a different building face shall be permitted as regulated above in place of the permitted free-standing sign.
- (3) Two wall-mounted identification or business signs for buildings with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached.
- (4) Three wall-mounted identification or business signs for buildings three (3) stories or taller with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached. Signs not located on a street frontage shall not be placed on a building face directly adjacent to any residential zone.
- (5) One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated only.
- (6) Informational signs, not exceeding twenty (20) square feet. Such signs shall be included in the computation for maximum square footage specified under 17-7(e)(1) above, and shall be free standing only when included as a part of a permitted freestanding identification sign.
- (7) Directional signs not exceeding three (3) feet in height if free standing; not to exceed two (2) signs per entrance.
- (8) One attraction board, wall mounted or attached to the permitted free-standing identification sign, the area of the attraction board to be included in the maximum permitted sign area.
- (9) Canopy or awning signs, limited to fifteen percent (15%) of the area of the surface to which they are attached. Such signs shall be included in the computation of the maximum permitted sign area specified under 17-7(e)(1) above.
- (10) In addition, and within a designated Professional Office Project only:
 - (a) One project identification sign, free standing or wall mounted; not exceeding one hundred (100) square feet in area.
 - (b) One identification sign, wall mounted; not exceeding fifteen (15) square feet in area for a restaurant, cocktail lounge or night club.
 - (c) Project entrance identification signs of permanent construction, free standing or wall mounted; not

exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height; and no more than two per entrance. Such signs may be located in the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance identification sign located in the right-of-way.

- (d) A third wall-mounted identification or business sign shall be allowed for buildings with two street frontages. Such sign shall be located on a separate wall face of the building not already displaying a wall-mounted sign, not to exceed five percent (5%) of the wall area to which it is attached.
- (11) In addition, and within a hospital campus or Regional Medical Campus, (as generally defined in 23A-10(b)(9)), only:
 - (a) One project identification sign per entrance, free standing or wall mounted; not exceeding one hundred and fifty (150) square feet in area and twenty (20) feet in height.
 - (b) Project entrance identification signs of permanent construction, free standing or wall mounted; not exceeding 150 (150) square feet in area; not exceeding ten (10) feet in height; and no more than two per entrance. Such signs may be located in the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance identification sign located in the right-of-way.
 - (c) A third wall-mounted identification or business sign shall be allowed for buildings with two street frontages. Such sign shall be located on a separate wall face of the building not already displaying a wall-mounted sign, not to exceed five percent (5%) of the wall area to which it is attached.

17-7(n) OFFICE, INDUSTRY AND RESEARCH PARK ZONE

(P-2) - Signs within the P-2 zone shall be permitted and regulated as for P-1 [Section 17-7(e)], except as follows:

- (1) Wall-mounted identification signs shall be limited to one per wall, with a maximum of four (4); wall-mounted signs not to exceed five percent (5%) of the wall area to which it is attached.
- (2) Signs within the designated retail area shall be permitted and regulated as in the B-6P [Section 177(k)] zone.
- (3) Project entrance identification signs shall be permitted and regulated under Section 17-7(e)(~~610~~)(c) above.

17-7(q) EXPANSION AREA ZONES

(1) CONSERVATION DISTRICT (CD), EXPANSION AREA RESIDENTIAL (EAR-1, EAR-2 and EAR-3) and COMMUNITY CENTER (CC) ZONES - Signage shall be permitted and restricted under Article 17-7(m), as for a PUD zone.

(2) ECONOMIC DEVELOPMENT (ED) ZONE - Signage shall be permitted and restricted as in the P1 zone, except as follows:

- (a) Project entrance identification signs shall be as for Professional Office ~~Parks~~Projects, as specifically regulated under Section 17-7(e)(~~610~~). All free-standing identification or business signs shall be monument type.
- (b) Signage for extended-stay hotels may be directly, indirectly or internally illuminated. There shall be no more than one (1) wall-mounted business sign per each extended-stay hotel, not to exceed thirty-two (32) square feet in area; and no more than one (1) free-standing monument type business sign, eight (8) feet in height, with a maximum size of thirty-two (32) square feet.



**STOLL
KEENON
OGDEN**

PLLC

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

NICK NICHOLSON
DIRECT DIAL: (859) 231-3950
DIRECT FAX: (859) 246-3649
Nick.Nicholson@skofirm.com

October 28, 2015

Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 E. Vine St., 7th Floor
Lexington, KY 40507

Re: Proposed Text Amendment to Article 17-7
(Sign Regulations in P-1 and MU-1 Zones)

Dear Members of the Planning Commission:

Our firm represents Baptist Hospitals, Inc.,f/k/a Central Baptist Hospital that owns the property located at 1628, 1740, 1802, 1820, and 2101 Nicholasville Road (the "Hospital"), which is zoned Professional Office (P-1) and has substantial frontage along Nicholasville Road. The Hospital is requesting a text amendment to Article 17-7 governing the signage for Professional Office Zone (P-1) and Mixed Use: Neighborhood Node Zone (MU-1).

As part of its on-going campus construction projects, the Hospital examined the functionality of its on-campus and street signage to ensure that its clientele were able to expeditiously and efficiently access the various parts of the Hospital's 25-acre campus. The Hospital determined that the current street signage was inadequate for routing the traveling public into the correct entrance for the specific need in an efficient manner. This signage situation can result in cars utilizing the wrong entrance, creating traffic throughout the campus, or slowing down traffic on Nicholasville while cars search for the proper entrance.

The intent of Article 17, governing signage, is to promote legitimate signage needs without unduly distracting from the overall aesthetics of the community and provides for improved public safety by minimizing the undue distraction of the motoring public. It is without question that signage for hospital entrances is one of the most important, legitimate, and necessary usage of signage. In emergency situations, there can be no time spared for searching for the proper access point or traffic created due to confused patrons of the non-emergency portion of a hospital campus. Despite this clear importance, the existing Zoning Ordinance does not provide any specific regulations geared towards hospitals. This use is lumped in with typical office buildings and other professional uses that limit signage to wall signs and one free standing sign of 40 feet and 10 feet in height per building. This problem is exacerbated by the fact that the Zoning Ordinance does not make special considerations (including increased signage height/square footage) for uses like Professional Office Projects, construction sites, movie theaters, drive-thru restaurants, indoor and outdoor stadiums, hotels/motels, and shopping centers. Simply put, it is

the Applicant's position that signage for hospitals should be regulated differently than general professional uses and the importance of visibility of hospital signage far exceeds the uses listed above.

The text amendment proposes signage regulations only applicable to Hospitals and Regionals Medical Campuses; specifically, the request provides for three types of signs:

(a) One project identification sign per entrance, free standing or wall mounted; not exceeding one hundred and fifty (150) square feet in area and twenty (20) feet in height.

(b) Project entrance identification signs of permanent construction, free standing or wall mounted; not exceeding 150 (150) square feet in area; not exceeding ten (10) feet in height; and no more than two per entrance. Such signs may be located in the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance identification sign located in the right-of-way.

(c) A third wall-mounted identification or business sign shall be allowed for buildings with two street frontages. Such sign shall be located on a separate wall face of the building not already displaying a wall-mounted sign, not to exceed five percent (5%) of the wall area to which it is attached.

The proposed text closely mirrors the existing regulations for Professional Office Projects. The main different is simply an increase in square footage and height recognizing the need to know where you are going quickly is far greater for a hospital than it is inside an office complex. The proposed 150 square feet and 20 feet height request is certainly not extraordinary as shopping centers with over 10 acres in size are allowed 150 square feet identification signs with a maximum height of 25 feet. The need for visible signage for hospitals clearly fits with the public safety focus of the intent of the Sign Ordinance more so than a regional shopping center. Further, most hospitals have existing signs in place that were installed prior to the modern Zoning Ordinance. This has resulted in an inability to fully update signage as replacement signs can result in a loss of any non-conforming sign square footage.

The text amendment is consistent with many of the goals, objectives and planning themes of the 2013 Comprehensive Plan. These goals, objectives and themes include, but are not limited to the following:

Theme C – Creating Jobs and Prosperity

Goal 1: Support and showcase local assets to further the creation of a variety of jobs.

Objectives:

- d. Foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs;

Goal 2: Attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community.

Objectives:

- a. Identify and promote sectors of the economy that will flourish in Lexington-Fayette County.
- c. Review and improve regulations and policies that attract and retain high paying jobs through close collaboration with agencies that focus on economic development.

Theme D – Improving a Desirable Community

Goal 1: Work to achieve an effective and comprehensive transportation system.

Objectives:

- c. Improve traffic operation strategies.

Goal 2: Provide for accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.

Objectives:

- a. Encourage public safety and social sustainability by supporting Secured by Design concepts and other policies and programs for the built environments of neighborhoods to help reduce opportunities for crimes.
- b. Collaborate with educational and healthcare entities to meet the needs of Lexington-Fayette County's residents and visitors.

The 2013 Comprehensive Plan emphasizes the need to regulate major employers in such a way to keep jobs and attract new users in the Economic Development area, all while ensuring that Lexington provides for the health and safety of our residents and visitors. This minor addition to the Sign Ordinance will have lasting public safety impact while having a minimal impact on existing conditions.

We look forward to presenting this text amendment to the Planning Commission for its favorable consideration during the December meeting.

October 28, 2015
October 28, 2015
Page 4

Best Regards;
Stoll Keenon Ogden PLLC



Nick Nicholson

NN:NN

001685.153159/4437222.1