

1. **PLN-ZOTA-23-00002: AMENDMENT TO ARTICLE 17 FOR ADDITIONAL ELECTRONIC MESSAGE DISPLAY SIGNAGE INCLUDING VIDEO IN THE LEXINGTON CENTER BUSINESS (B-2B) ZONE** - a petition for a Zoning Ordinance text amendment to allow additional electronic message display signage including video displays (dynamic content) in association with a civic center in the Lexington Center Business (B-2B) zone.

REQUESTED BY: LEXINGTON CENTER CORPORATION
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval of the Staff alternative text.**

The Staff Recommends: **Approval of the Staff Alternative,** for the following reasons.

1. The proposed text amendment allows for the expansion of the use of electronic message display systems within the Lexington Center Business (B-2B) zone in a manner not currently allowed in the Urban County. Such signage will support the tourism industry, will not be unduly distracting, will not distract from the overall community aesthetics, and will support the legitimate needs of the civic center which has changing events and activities on a daily basis.
2. The use of dynamic content on an electronic message display center should only be permitted by a conditional use permit in the B-2B zone. The Board of Adjustment, in conduct of their normal duties, will be able to determine through a public hearing if a dynamic content electronic message display center sign will not have an adverse influence or negatively impact the overall health, safety, and welfare of the Lexington community and visitors to the Urban County.

Staff Text Amendment Presentation – Ms. Traci Wade presented and summarized the staff report and recommendations for this text amendment. Ms. Wade stated this text amendment is to update sign regulations in the B-2B zone to allow for a larger sign at the new Central Bank Center and Convention Center. Ms. Wade stated that the applicant would like to have greater digital signage that can display dynamic content and full video to showcase upcoming events and other content.

Ms. Wade went over the current regulations, stating that it currently allows an electronic message display system with LED's or LCD's that is controlled by means of a central computer system with no audible sound. Currently they are allowable in the B-3, B-2, B-2A, and B-2B zones. In the B-2B zone, a civic center is allowed 500 square feet of electronic signage. Ms. Wade showcased photographs of the current electronic signage associated with the convention center that have been used for a number of years. Additionally, Ms. Wade noted the changes in the past year for marquee signs using electronic message display systems, including that the sign must be static, for at least eight (8) seconds.

Ms. Wade indicated that staff believes that the downtown business zones, specifically the Lexington Center Business (B-2B) zone, is particularly situated to allow for unique or special signage in relation to the renovated civic center. The civic center is a specific land use within the downtown core that attracts tourists, visitors, and the community to ever-changing events and activities on a daily basis. This type of land use warrants electronic message display system signage that can change its images and messages to serve the community's needs frequently.

The staff recognizes that pedestrian activity is higher and average traffic speeds are lower within a downtown district or zone. This circumstance tends to limit the negative impact on public safety. In essence, the slower vehicle speeds of about 15 miles per hour allow for longer glances at electronic message display systems without negatively impacting other people within the public right-of-way or creating an undue distraction.

Ms. Wade stated that after reviewing various sign regulations in different cities, Staff found that any use of video was recommended within downtown commercial zones and only with a special use permit. After conducting additional research, the staff concluded that incorporating these new sign types for a civic center within the downtown has merit, but greater scrutiny is required. Due to Staff's research, Ms. Wade indicated that dynamic content and video board use could be appropriate in this zone if the Staff alternative language is implemented. Ms. Wade explained that the new electronic message display system sign could be no bigger than 800 square feet, use of dynamic content would have to be approved by the Board of Adjustment, and full video for a special event must be permitted by the Mayor's Office. Ms. Wade stated that this change allows for the Board of Adjustment and the Mayor's Office to determine what would be appropriate for the screens. Additionally, Ms. Wade indicated that the sign would have to be turned off at 11:00 PM (or the end of an event) every night to ensure there was no light pollution or nuisance.

Ms. Wade continued giving the proposed new definitions of "dynamic content", "luminance", "nit", and "video display method" stating that Staff thought it was important to create these definitions to be make the Ordinance

more modern and to clarify the regulations. Ms. Wade shared exhibits from the applicant depicted the proposed signage.

Ms. Wade concluded her presentation by stating that Staff is recommending approval of the staff alternative text, and could answer any questions from the Planning Commission.

Commission Questions – Mr. Pohl asked if the architect was involved on the placement and size of the screen in the photographs that Ms. Wade presented. Ms. Wade stated that would be a question better suited for the applicant.

Mr. Owens asked if this application was something that was continued from before he started back on the Planning Commission, and Ms. Wade indicated that the Zoning Committee had been hearing about this for a few months, but there has not been a full presentation until now.

Ms. Worth asked if the screen would include sound for video, and Ms. Wade stated that would be up to the Mayor's Office to determine if sound could be played for special events.

Applicant Presentation – Evan Buckley, attorney for the applicant, stated that Staff and the applicant had been working diligently on this application and are in full agreement with the Staff's recommendations. Mr. Buckley gave a brief overview of the Lexington Center Corporation stating that it is a non-profit comprised of a board of community leaders and noted the recently completed renovation to the Lexington Center. Mr. Buckley indicated that this text amendment would allow for the screens that would make the Lexington Center a truly modern development.

Mr. Buckley answered Ms. Worth's question about sound and indicated that the video board would not have sound at all. Additionally, Mr. Buckley answered Mr. Pohl's question about the design and indicated that the frame was built to maintain and hold the screen.

Mr. Buckley concluded and stated he could answer any questions from the Planning Commission.

Public Comment – Amy Clark, 626 Kastle Road, stated that there has not been enough time to review the Staff alternative and urged the Planning Commission continue this item to take a better look at the language and more citizen participation.

Commission Comment – Mr. Owens wanted to clarify his earlier question, and stated that his confusion was about an earlier text amendment from last year.

Mr. Pohl stated he thought the large sign could have a better design and its position in the center is unfortunate.

Ms. Worth asked if Mr. Pohl was going to ask for a postponement to have the architect review the design more, and Mr. Pohl indicated that he did not think it was worth it at this time, unless another commissioner felt as strongly as he did.

Mr. Davis asked if the design was going to be finalized, or if that would be down the line. Ms. Wade indicated that would be finalized at the Board of Adjustment, and today the Planning Commission is just voting on the text amendment.

Action – A motion was made by Mr. Nicol, seconded by Mr. Owens and carried 8-0 (Forester and Wilson absent) to approve the Staff alternative text for PLN-ZOTA-23-00002: AMENDMENT TO ARTICLE 17 FOR ADDITIONAL ELECTRONIC MESSAGE DISPLAY SIGNAGE INCLUDING VIDEO IN THE LEXINGTON CENTER BUSINESS (B-2B) ZONE for the reasons provided by Staff.