



## Planning and Public Safety Committee Meeting

September 21, 2021

Summary and Motions

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Chair J. Brown called the meeting to order at 1:02 p.m. Ellinger, McCurn, Kloiber, Baxter, Bledsoe, and Reynolds were in attendance. Committee Members Lamb, Plomin and Worley were absent. VM Kay and Council Member F. Brown were present as non-voting members.

### I. Approval of August 10, 2021 Committee Summary

Motion by Bledsoe to approve the August 10, 2021 Committee Summary. Seconded by Ellinger. Motion passed without dissent.

### II. Home-Based Business: Inclusion of Hairdressing

Autumn Goderwis, Planner Senior in the Division of Planning, reviewed the Zoning Ordinance Text Amendment that will allow haircutting as a home-based business. She began with an overview of how homebased work is regulated in the Zoning Ordinance which currently lists 3 levels of home-based work, based on the level of intensity of the business occurring inside the home. The first category is the *home office* which is an office for record keeping and administration of work; *home occupation* is home-based processing which could be baking, decorating cookies, or making soaps for online sales. The most intense level is the *home-based business* which involves customers/clients coming to the residence for such things as fitness class, music instruction, or counseling. She said currently home office and home occupation are regulated as accessory uses which means they are allowable by right when accessory to the residential use because they do not typically cause a nuisance to neighbors. Home-based businesses are regulated as a conditional use which is approved by the Board of Adjustment (BOA) and requires notification to neighbors as well as a public hearing because they could create a nuisance or impact traffic. She said current regulations state that a home-based business shall not include barber shops or beauty parlors and these uses have been prohibited since the late 1950s. If there is a consensus to change the Zoning Ordinance to allow for these services, she said, the changes to the Zoning Ordinance text would be minor and would only eliminate the prohibition on “barber shops and beauty parlors” in Article 1.

Bledsoe asked if other groups are seeking this kind of allowance or if it is just the hair cutting businesses. Goderwis said the Comprehensive Plan called for a review of all home-based businesses and they anticipate that a similar change would benefit other groups. Bledsoe and Goderwis discussed that changes are made on a case-by-case basis as they are ready to move forward.

J. Brown asked if there are other recommendations regarding issues that have occurred as a result of home based businesses such as traffic and parking. Goderwis said they are not aware of these issues where home-based businesses exist and she added that the conditions put in place by the BOA could alleviate a lot of those concerns. Discussing next steps, Goderwis said they are seeking the committee to move this on to the full Council for initiation of a Zoning Ordinance Text Amendment that would go to the Planning Commission and be heard by the first of next year. J. Brown asked if the text amendment language has been developed and Goderwis referenced an earlier slide that highlighted the changes being recommended which is a simple strike-through of “barber shops and beauty parlors”.

Motion by Bledsoe to move forward to the full council the initiation of a Zoning Ordinance Text Amendment regarding home-based businesses [which will remove the prohibition on barber shops and beauty parlors]. Seconded by Reynolds. Motion passed without dissent.

### **III. Sustainable Growth Study Update**

Craig Bencz, Administrative Officer Senior with the Mayor's office, began by speaking about the Urban Service Boundary (USB), established in 1958, and the last expansion was 25 years ago which resulted in the Expansion Area Master Plan. He explained that the *Sustainable Growth Study* is focused on Goals 3 and 4 of Theme E in the Comprehensive Plan and he emphasized that the study does not identify specific areas for future expansion and it will not make assumptions regarding future alignment of the boundary, but it will provide a framework. Bencz highlighted the *Mayor's Sustainable Growth Task Force* which is made up of 13 task force members and 6 advisory committee members, formed to help Lexington make decisions regarding growth and all but one of their assigned tasks have been completed. The study pulled data from over 20 years, including information such as population and demographics, which will be updated annually and serve as a community resource. Bencz displayed a map of Lexington to illustrate land development status. He explained that there are five steps in the evaluation process and he provided examples of how the evaluation process could be applied. The *Mayor's Sustainable Growth Task Force* has recommended the study/framework to the Planning Commission to be reviewed on Oct. 28th. Their recommendation would then get forwarded to the Council for consideration/approval in November.

Kloiber and Bencz discussed how the decision was made for the study to not look for areas appropriate for future expansion when it has been the primary instruction for the task force. Bencz explained that the directive for the Task Force and this study was to put together the objective framework with the understanding that next steps would always be looking outside the boundary to identify areas appropriate for future expansion which will be handled by the Planning Commission moving forward. Kloiber asked if it was initially the purpose of the task force to fulfil this objective, but then they decided it was not their objective to which Bencz explained the specific task was for them to put together the evaluation framework presented today. Kloiber asked where the evaluation framework which references "having enough land" as a metric came from because this does not appear to be a standard in the objectives when looking for potential and specific triggers and thresholds when identifying these lands. Bencz explained that the Task Force and the consultant felt the priority was to first look at existing land inside the USB and determine the timeline for use of that land. Kloiber said it appears that there was an assumption made about a "trigger or specific condition" which was just internalized and it was later decided that the amount of land we had was the condition and not something like gentrification or affordability of houses or other forces that effect our residents. Bencz explained that this is best practice nationwide and the first step is to do a land inventory to determine what is available and how long it will last, then determine a methodology to get that answer. Some communities have a future land use map and quick calculations will show how it builds out according to that map, but our plan was to develop the scenarios which essentially developed our own land use map. Kloiber spoke about the scenarios which indicate we have made one assumption that the only thing that matters is the land we have and the only thing we have stated is that we could put higher density on land to support an increased population. Bencz said that is intended to be one of the options. We are bringing it forward as one of the scenarios, but the scenarios are only intended to inform decisions and not make decisions. Kloiber concluded that this study shows if we want to have more density, we could and he does not find that useful for decision making or a good framework to have moving forward.

Ellinger asked what the next step would be if the Council approves this in November. Bencz said the framework is repeatable which will allow the data and the report card to be updated annually to see how we are doing and this will allow for changes of policy goals. He added that this will take a fresh look at land use in the future as it changes. Ellinger asked if this will be updated by the staff and brought to Planning Commission and then Council. Bencz said it would follow the typical process with staff updating the data and bringing it to the Planning Commission for discussion. Jim Duncan, Director of Planning, confirmed that an update could happen annually.

McCurn asked how Public Safety was involved in the process and Bencz explained that Public Safety was engaged in one of the stakeholder groups internal to LFUCG. McCurn asked if there was input from neighborhood associations that may have recently gone through a zone change. Bencz said for the stakeholder meetings, the task force along with staff, put together a list of community organizations that we knew we wanted input from and the community meeting in July was advertised. McCurn spoke about areas that have recently gone through a zone change because there have been conflicting zone changes and when we talk about wanting more density, this is not what those neighbors are saying during those discussions. Bencz said that is one of the drivers for wanting to keep this updated annually. He said it will be important to take into account any zone changes or other changes in the land use of the city as we move forward.

J. Brown spoke about conversations in the last Comprehensive Plan about a new process and what it could mean to the conversation of the Comprehensive Plan development and he asked Duncan if he feels all the promises were met and that we now have a process to address a lot of issues we were confronted with in regard to growth. Duncan explained that this was a "herculean" task and it has been a significant issue for as long as we have had an Urban Service Boundary. There is always the question of what happens to the boundary when we think it is time to grow or when property owners outside the USB want to develop their land. He said we had to create a policy to respond to Council in that goal and objective to address future growth which would provide guidance on when we need to look at the USB. J. Brown spoke about applications for land development that is outside the USB and what we would look at to see if it was something we would consider as opposed to denying it just because of the location. He asked council members who served on the task force to speak about the next steps and what some of the challenges are with having this conversation.

Kay said there is no question that this was a heavy lift and it took a lot of work to get the report to the stage where it is. He pointed out Goal 4 and its objectives and said it is clear that identifying land for future development is part of that goal. He added that it is clear that ensuring the study designates rural land for long-term preservation and identifies land for future development was part of that goal. Part D from that goal says implement the process, superseding Goal 3 and Goal 3 is maintaining the current boundary. He urged people to understand the consultant's report being sent to Planning Commission does not satisfy the terms of Goal 4 and does not supersede Goal 3. If the Planning Commission approves the report and it gets forwarded to Council, he wants to be clear that what we are approving is the results the consultant brought forward and what we are not doing is claiming that we have a new process in place that will help us understand better how to evaluate whether to expand or not and it is not a tool yet that will allow us to avoid the contentious conversations we typically have when the question of expansion arises. Bledsoe agreed with the challenges and said the task force has spent a lot of time trying to do this. She said the Task Force looked for a holistic approach, but this was a lot harder than anyone expected it to be. If you look at the evaluation process and the scenarios brought forward, you can see trying to evaluate them as projects come in and what that looks like. If decisions are made where there is higher density, then it

reduces the impact and the growth or the need to continue the conversation on whether or not to expand is the thought process behind this. She said the challenge with this is that she feels the rate should be more forward-moving. Bencz explained that the number the consultants brought forward was 70 percent for the pass/fail line and over time and through discussions with the Task Force, it was evaluated at 70 and 60 and eventually settled at 50 percent which is where scenario 2 works. At 60 or 70 percent, all but scenario 3 were failing which would put the Planning Commission and Council in a difficult spot. He said it was a matter of building flexibility into the process and it is important to understand that the framework is static, but there are opportunities to make changes and it is all meant to be evaluated on an annual basis. Bledsoe concluded that this is a conversation we need to be thinking about because if you look at previous years to see that we only approved low density on those items because what we want in theory and what we pass may be different.

Reynolds said we have seen in zone changes where it is approved by Planning Commission, but people do not want it in their backyard. She asked how we can do better with public engagement and education to help people understand that if we are not going to expand the boundary, we have to have growth and infill. Bencz spoke about an implementation exercise which takes the Comprehensive Plan and implements it in various ways to show what the results are for the community and this may be helpful to inform some future plan updates because results can be demonstrated. He said the Comprehensive Plan update process is pretty robust in terms of community engagement and getting input. With this framework in place, there is a possibility for it to be integrated into those discussions.

Kay said ultimately what we are talking about is what we want our community to look like. Land is a finite resource and once it is developed it will not go back to farmland or become rural. He is thinking to the future when all of the developable land is gone and how much of the rural area has been preserved. If demand is the only criteria, we will use every bit of it. Demand cannot be the only factor when we think about growth and the USB. We have to think about what that rural land contributes to this community and how much of it we want to preserve. And we need to consider how much of that land could conceivably be developed without negatively impacting the farm economy and tourism economy and under what conditions do we want to consider developing land that is available.

J. Brown emphasized that this is the first step and there is still more work to do. J. Brown and Bencz discussed that the Planning Commission had a work session meeting to hear about the framework and the next step is to have a public hearing in October where they will hear public comments and further consider the framework. J. Brown said there might be some confusion with people thinking we are going to have the discussion about growth in the USB sooner than expected and that needs to be clarified because it is not the case. He said we also need to clarify that this is only part of the work that needs to be done. There are still conversations where this is only a piece of the puzzle and we have other pieces of the puzzle we still need to work on. He spoke about the pressures he sees in some of the neighborhoods where this process speaks to density and the impact this has on existing neighborhoods. We still have to figure out how density, gentrification, and displacement get referenced when we talk about density. Because if we don't have this conversation, it appears that we are pitting one area of the community against the other. He agreed that more outreach is needed and more voices need to be heard in the community. He said we aren't finished here, there are still a lot of conversations to be had.

#### **IV. Lexington Community Paramedicine**

Seth Lockard, Lexington Fire Department Captain, provided some history of the Community Paramedicine Program, which was initiated with grant funding and went live March 1, 2018. A police officer was assigned

to the team and there were coordinated efforts to build a social worker into the program in 2018. Speaking about grant funding, he said, in 2019 they received \$200,000 in grant funding from Baptist Health for backfill overtime costs which was supposed to last a year and has only recently started to run out. In 2020, they received grant funding that allowed them to hire a 2<sup>nd</sup> Social Worker for a 3 year period. He explained that referrals come from both the Police and Fire Department as well as community members. The Community Paramedicine response is a team effort with partnerships to serve a variety of client needs. He provided response data to illustrate how this program has served the community. They have received over 300 referrals from the Lexington Police Department and over 100 referrals from local hospitals to follow-up with individuals. Lockard explained how related programs in other communities are different, but LFUCG's program is designed based on the needs of the community.

Reynolds asked about the needs of the program and what it might look like if it were to grow. Jason Wells, Chief of Lexington Fire Department, said it is difficult to quantify the work of the Fire Department but the Paramedicine Program has proven to be measurable. He said the first step moving forward would be to solidify what we have and growth from that point will depend on the residents, Council, and the Administration. He said one consideration might be expanding the team and look at a 24-hour team.

Bledsoe asked if there are other things being measured for future justification of grants and our own dollars toward the program and Wells believes there is more data that has not been extracted and that includes the EMS reporting system which will show the contacts and how many people are being reached which will correlate to the run volume, treatment, and NARCAN administration.

Kay said this program is something that we should continue to provide for our community and we need to be sure that it remains funded. He understands that hospitals benefit, but don't always contribute so this might be one of the things that only government can do.

Baxter expressed concern about mental health and asked what they are doing to take care of themselves because the work gets very personal. Wells spoke about the camaraderie and trust that is built while working in the fire house which provides a safe space to decompress and talk about what has happened. Wells added that they have recently instituted a peer support team with a dedicated peer support coordinator to oversee a team of people who are available anytime as well extended mental health resources.

McCurn asked about the data from this year and where we are compared to last year and Lockard explained the difficulty with comparing last year to other years because it was an unusual year. Compared to 2019, we have increased a little this year, but it is unknown exactly how many of those calls are COVID-related.

Ellinger mentioned that there needs to be a stronger commitment to funding the program so we do not have to rely only on grant funding because this program is a great benefit to the community.

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

Motion by Baxter to adjourn at 2:52 p.m. Seconded by Reynolds. Motion passed without dissent.