

ZOTA 2015- 6

Date Received: 5/4/15

Filing Fee: \$ 450⁰⁰

GENERAL INFORMATION - Zoning Ordinance Text Amendment Application

1. APPLICANT INFORMATION:
Name: MIA Brookhaven, LLC
Address: 56 Avenue of Champions
City, State, Zip Code: Nicholasville, Kentucky 40356
Phone Number: (859) 983-3734

2. ATTORNEY (Or Other Representative) INFORMATION:
Name: Christine N. Westover and Jacob Walbourn
Address: McBrayer, McGinnis, Leslie & Kirkland, PLLC - 201 E. Main Street, Suite 900
City, State, Zip Code: Lexington, Kentucky 40507
Phone Number: (859) 231-8780

3. DESCRIBE YOUR REQUESTED TEXT CHANGE: Date of Pre-application Conference: 4/16/15
Zoning Ordinance Article # 17-3, 17-7 Specific text change proposed:
See attached letter

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): *Christine N. Westover attorney for applicant*
LFUCG EMPLOYEE/OFFICER, if applicable: _____

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

(MCBRAYER)

ATTORNEYS AT LAW

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May 4, 2015

Mr. Mike Owns, Chairman
Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

RE: Zoning Ordinance Text Amendment, Article 17

Dear Chairman Owens:

I represent MIA Brookhaven, LLC, which is presently developing property located at 2434 and 2450 Nicholasville Road. We propose amending Article 17 of the Zoning Ordinance to add the following new provisions to the Sign Regulations:

Amend Sec. 17-7(f) and (g) to add:

(9) In addition to the maximum number and square footage of allowable signs on individual lots, projects governed by a unified development plan of more than 5 acres with multiple lots and structures and a cohesive identity may have a maximum of four (4) identification signs located on the perimeter or corners of the property subject to the development plan, with each sign not to exceed sixty (60) square feet in area.

Amend Sec. 17-3(c) to add:

(14) Construction screening sign – a temporary sign of fabric or mesh material attached to fencing surrounding a construction site to serve as a wind break or privacy screen. Such signs may incorporate the information permitted for construction signs as defined in Sec. 17-3(a)(5). Construction screening signs may also include designs, artwork, logos, pictures, words and other graphic representations with no direct advertising value. Such signs shall be in place only during construction and shall be removed simultaneously with the construction fence.

Amend Sec. 17-7(f) and 17-7(g) to add:

(10) Construction screening signs for projects with more than 1500 feet of combined street frontage. Up to twenty-five percent (25%) of the sign, based on total street frontage, with the ability to combine sign content on one or more street frontage, may incorporate the information permitted for construction signs as defined in Sec. 17-

3(a)(5). The remainder of the sign may incorporate designs or other graphic representations with no direct advertising value.

These proposed amendments can be broken down in to two distinct requests. The first is to permit construction screening signage in addition to or in lieu of a construction sign at worksites. The second request is to permit identification signs in business and industrial zones.

Construction sites frequently require fencing in order to protect the public from construction hazards, as well as to safeguard equipment and tools stored at the site. These fences, usually chain-link, can be unattractive. Likewise, sites under construction can be an eyesore during the constructions phases of both large and small development projects. As a result, developers have begun affixing materials to the construction fence to serve as both wind and privacy screening.

The Zoning Ordinance already contemplates that developers and builders may wish to display certain information regarding their developments on a "construction sign." This same information, however, may also be printed on the wind and privacy screens affixed to construction fences. By permitting messages to be contained on these screens, this construction screening material can become multi-functional, screening the construction site and providing relevant information to passersby. Such signage is necessarily temporary, and is only as large as the construction fence surrounding the property. However, in crafting this proposal to amend the Zoning Ordinance, effort was also made to limit such signage to non-residential and non-agricultural areas and to permit this signage only on substantial projects. These functional screens can be both aesthetically pleasing and practical, and replace potentially more cumbersome or less effective traditional signage at the election of a developer. Traditional construction signage is often less effective when dealing with large commercial projects because construction signs are very limited in size.

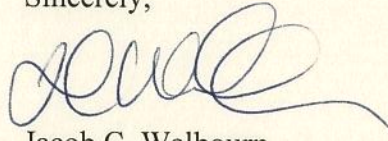
With respect to the identification signs, it is our position that permitting such signs will provide cohesiveness and an identity to otherwise large developments. First, it bears noting that similar signage is already contemplated and permissible in both the B-6P and P-1 zones. In fact, the proposed change was specifically modeled after the Professional Office Project signage regulation. Second, these signs have no direct advertising value, as they merely provide an overall name and identity to the development. This amendment seeks to address the need of large developments to define themselves and create a cohesive identity, and permits them to do so by utilizing smaller but attractive signage. It also provides consumers and members of the public with a convenient means to identify certain developments around town, and because the signs are limited in size, and limited to large developments, should not contribute to significant over-signage around Lexington.

We look forward to our continued discussions with staff, and hope that this proposal may be brought to the Planning Commission with a recommendation of approval.

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Thank you for the opportunity to be heard on this matter.

Sincerely,



Jacob C. Walbourn

JCW:dlf