

FINDINGS FOR PETITION FOR WAIVER OF LAND SUBDIVISION REGULATIONS

PLN-MJSUB-22-00013: WARRENTON WOODS UNIT 1-A (AMD)
PLN-MJSUB-22-00015: WARRENTON WOODS UNIT 1-B (AMD)
PLN-MJSUB-22-00017: WARRENTON WOODS UNIT 1-C (AMD)
PLN-MJSUB-22-00018: WARRENTON WOODS UNIT 1-D (AMD)

Request: See letter dated July 1, 2022 (attached)

Articles: 6-8(a) & Exhibit 6-1 & 6-3 (attached)

Location: Warrenton Circle, Warrenton Wynd, Meganwood Circle, Hobcaw Lane, Honeyhill Lane

Article 1-5 of the Subdivision Regulations describes the allowable waivers from the Planning Commission – “The Commission also may reduce or otherwise vary the requirements of these regulations whenever it encounters the situations described below. In granting such variances, the Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of the varied regulations. Such variances may be granted only without detriment to the public good, without impairing the purposes, basic objectives, and intent of these regulations, and without impairing the desirable general development of the neighborhood and the community as proposed by the Comprehensive Plan. Any variances granted by the Commission shall be noted in its official minutes along with the reasons that justified the granting of the variance.

1-5 (a) EXCEPTIONAL HARDSHIP - Where the Commission finds that strict compliance with these regulations would create an undue hardship because of exceptional unique topographic or other natural or man-made physical conditions encountered on the particular land; the Commission may modify these regulations to the extent necessary to relieve the undue hardship.

1-5(b) DESIGN INNOVATION AND LARGE SCALE DEVELOPMENT - These regulations may be modified by the Commission in the case of plans for complete neighborhoods or other design innovations which, in the Commission's opinion, still achieve the basic objectives of these regulations.

1-5(c) INFILL & REDEVELOPMENT FACILITATION – Because of the inherent area limitations that many infill or redevelopment projects have to work in; and because of the added coordination that most infill or redevelopment projects entail, and because sometimes it is desirable to match or mimic older infrastructure designs; the Commission may modify these regulations to the extent necessary to facilitate infill or redevelopment projects, so long as the basic objectives of these regulations are still being achieved.

1-5(d) ALTERNATE DESIGNS FOR ENVIRONMENTAL WATER QUALITY CONSIDERATIONS - The Commission may approve alternative development designs and/or development infrastructure and low impact development techniques where such designs are consistent with the basic intent of these Regulations. For any such approval request, the applicant shall provide a written report to the Commission outlining the environmental benefits to be obtained through the alternate design being proposed and the consistency of the alternate designs with low impact development guidance endorsed by the United States Environmental Protection Agency, including an analysis and justification of the merits of the proposal. The report shall be prepared by an engineer licensed to practice in the Commonwealth of Kentucky. For any such request, the Planning Commission shall seek input from the Department of Environmental Quality in its review of the proposal prior to taking action.”

Staff Review:

The applicant is requesting a waiver to the Land Subdivision Regulations, specifically Article 6-8(a) and Exhibits 6-1 and 6-3, pertaining to the required street geometrics. The waiver is for several existing streets in the Warrenton Woods Subdivision in the vicinity of the Chinoe Road and Pepperhill Road intersection. The applicant is requesting the waiver under Articles 1-5(a) Exceptional Hardship under the Land Subdivision Regulations.

The waiver request is related to the amended final record plats that have been filed for Planning Commission review and action as part of the CAO Policy that governs the acceptance of private streets as public right-of-way. The Warrenton Woods Owner Association originally went through the process in 2004 and the Urban County Council accepted the streets subject to specific physical improvements. Those improvements were not completed in the specified one year time limit for acceptance so the streets remained private. The property was rezoned from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1B) zone in early 1977 and the property was

developed quickly. The plats for the subject property were recorded in September of 1977. The minutes of the zone change state the developer's intent that these streets reflect a rural character, similar to upscale developments common at the time. To accomplish this the street design did not meet the Land Subdivision Regulations in effect at that time. Interestingly those standards are virtually identical to our current standards.

The primary difference in what was constructed and what was required is the width of the right-of-way, the gutter design and the lack of sidewalks. The Warrenton Wood streets were constructed with a 50' right-of-way, lip/HDR curbs, large 13.5' utility strips, pavement widths that vary from 18'-22' feet, and no sidewalks on either side of the private streets. The standards then and now remain substantially the same for these local streets - 52' right-of-way, 27' of pavement, 7' utility strip and a 5' sidewalk on both sides of the street. The only difference is that sidewalks are now required to be 5' wide, rather than 4' wide.

As stated above this review by the Planning Commission is one step in adopted the CAO Policy. Other steps include review by various departments of the government including the Division of Traffic Engineering and the Division of Engineering. These divisions evaluate the streets and make recommendations to the Commissioner of Public Works for recommended improvements prior to acceptance of the streets. This includes a cost estimate by the Division of Engineering for the improvements. This evaluation is done independently of this review by the Planning Commission. The review in 2004 recommended that the Owners Association be responsible for resurfacing the roads, bear the cost of replacing or repairing the concrete apron entrance to the private streets, responsibility for non-street common areas such as the medians/islands, bear the cost of new street signage and bear responsibility for any future stormwater drainage remediation costs and curb repair. It was determined that no street lights or sidewalks were necessary at that time.

The current review has resulted in similar concerns/recommendations. The width of the pavement and the right-of-way is sufficient. No street lights are considered necessary. There is a concern that there could be stormwater management issues, but the cost of future improvements can be the responsibility of the owners per the 2004 recommendation. (It is important to note that our streets are defined in the LSR not only as a means of addressing transportation but also as part of our stormwater management system.) Non-public common areas (the traffic medians/islands) will remain the homeowners association's responsibility. One current issue is the lack of sidewalks. Interestingly staff research discovered a 2002 Division of Engineering memorandum that recommended sidewalks be installed. That recommendation did not make it into the 2004 requirements, ostensibly due to the neighborhood's statement that they did not want sidewalks.

It is important to stress that public sidewalks are inherent and necessary in the design of our public streets to ensure that pedestrian safety is addressed and our public right-of-way accommodates all users. To this end, staff recommends that a sidewalk be installed on one side of all the streets prior to acceptance as public. Staff recognizes that there may be conflicts with existing features on the lots. To minimize these conflicts it is possible to install the sidewalk in an easement where necessary. Such easements can be noted on the final record plat.

Another requirement of the Land Subdivision Regulations not addressed in the waiver request or the CAO policy recommendations from 2004 is street trees. The neighborhood is heavily treed and has good canopy coverage. This property characteristic was cited in the 1977 zone change as one reason for the private street design.

In summary, staff believes that the pavement widths, curbs and right-of-way are adequate to address public health and safety and that it would be a hardship to completely rebuild what has been a functioning road system for 45 years. However, the staff does recommend that a sidewalk be constructed along one side of all streets to address pedestrian safety. Non-public common areas (i.e. the traffic islands) shall be maintained by the Owners Association and any future stormwater improvements costs be the responsibility of the Owners Association as well.

The Staff Recommends: Approval of the requested waiver to Article 6-8(a) in part, for the following reasons:

1. Granting the requested waiver to the street geometric standards, specifically the pavement and right-of-way width, and curbs, will not adversely affect public health, welfare and safety in compliance with the intent of the Land Subdivision Regulations. The streets have sufficiently functioned for 45 years in the existing configuration.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship due to site constraints and the long term demonstrated functionality of the street system.
3. Sidewalks along one side of the street will allow for pedestrian safety, but minimize costs associated with upgrades to the right-of-way.

This recommendation is made subject to the following requirements:

- a. Sidewalks be constructed along one side of the street system prior to acceptance as public right-of-way.
- b. Denote on the plats that the existing traffic islands shall be maintained by the Owner's Association in perpetuity.
- c. Denote on the plats that the cost of any required future stormwater management features shall be the responsibility of the Warrenton Woods Owner Association.

LFUCG Land Subdivision Regulations – Article 6: Design and Improvement Standards for Major Subdivisions

6-8 STREET STANDARDS - All streets (which are classified herein as either expressways, arterials, collectors/connectors or locals) shall conform to the Division of Engineering Roadway Manual, the Standard Drawings and following standards:

6-8(a) STREET GEOMETRICS - All streets shall conform to the applicable geometric, cross-section and sight triangle standards of Exhibits 6-1 through 6-7.

6-8(b) STREET CONTINUITY - Streets shall be related to topography and shall generally provide for the continuation of existing or dedicated streets in adjoining or nearby tracts, and provide for connection to adjoining unsubdivided tracts, especially those which would otherwise be land-locked. Freeways and arterials shall not penetrate or bisect existing or proposed neighborhoods, but rather shall be located as appropriate boundaries for such. Collectors/Connectors shall carry traffic from arterials into neighborhoods. Locals shall carry traffic from collectors into the neighborhood for the primary purpose of access to individual properties.

6-8(c) STREET NAMES - Streets that are obviously in alignment with existing streets shall bear the name of the existing street. Street names, including cul-de-sacs, shall not duplicate or closely approximate the names of other streets in Lexington-Fayette County; and all street names, subdivision names, property and building numbers, etc., shall be as determined by the Planning Commission.

6-8(d) PLANNING FOR CONFLICTING TRAFFIC OR LAND USE - Whenever the proposed subdivision contains, or is adjacent to, a railroad right-of-way; arterial or expressway right-of-way; or conflicting changes in land uses, the Planning Commission shall require service roads; reverse frontage lots; lots with rear service alleys; lots with additional depth; or other such treatment as the Commission finds necessary for protection of abutting properties and to afford separation of conflicting types of traffic or land use.

6-8(e) HALF STREETS AND RESERVE STRIPS - New half or partial streets shall not be permitted. Existing half streets generally shall be completed to full right-of-way requirements. All streets to extend into an adjoining property shall have full right-of-way dedicated and street improvements constructed. When streets are constructed adjacent and parallel to an adjoining property, the right-of-way shall be established at the common property line. Reserve strips shall be prohibited.

6-8(f) CUL-DE-SACS - Cul-de-sacs shall not generally be longer than one thousand (1,000) feet, including the turnaround, which shall be provided at the

closed end with a right-of-way radius of fifty (50) feet; curb radius of forty (40) feet; and a transition curve radius of seventy-five (75) feet. Alternate turnaround designs depicted in these regulations (See Exhibit 6-7) shall also be permitted. Longer cul-de-sacs may be permitted because of unusual topographic or other conditions; and, in such cases, the Planning Commission may require additional paving width if necessary to prevent overloading of street capacity. Temporary turnarounds may be required at the end of stub streets as long as they are retained within the street right-of-way.

6-8(g) RURAL ROADS - Where right-of-way has not been previously dedicated or otherwise acquired along a rural road, the owner shall be requested to dedicate right-of-way from the centerline of the road to meet the rural local right-of-way standard. In all cases, the plan shall show the right-of-way which at least meets the statutory right-of-way minimum. The Planning Commission may require the construction of additional pavement, such as turn lanes when necessary, to provide as safe a situation as possible under the circumstances.

6-8(h) MEDIANS - Medians may be permitted in street cross-sections when approved by the Commission. Medians shall only be allowed when the street cross-section is designed to provide for all necessary traffic movements inherent in the standard cross-sections contained in Exhibits 6-1 and 6-3. Provision for the maintenance of any median areas and associated plantings shall be noted on the final subdivision plat of the property. Plantings shall be of a nature that will not conflict with sight distance or other traffic-related requirements. Location and design of medians and the installation of obstructions in the median shall be subject to the approval of the Planning Commission.

6-8(i) BICYCLE ROUTE STANDARDS - Where indicated in the Comprehensive Plan, the Planning Commission shall require the construction of the appropriate bicycle facility in the vehicular right-of-way as determined by the design matrix outlined in the Lexington Are MPO Bicycle and Pedestrian Master Plan in accordance with the Roadway Manual.

6-8(j) STREET AND SIDEWALK LIGHTING AND EASEMENTS - All streets, sidewalks, and walkways shall be properly lighted as required by the Commission. Such lighting shall be installed at the direction and expense of the Urban County Government. Easements necessary for provision of such lighting shall be provided and shall be labeled as "street light easement." Release or modifications of street light easements shall require the expressed approval of the Urban County Council. Encroachments and provision of street light facilities shall be at the approval of the Commissioner of Public Works or the Commissioner's authorized agent.

LFUCG Land Subdivision Regulations – Article 6: Design and Improvement Standards for Major Subdivisions

EXHIBIT 6-1: STREET GEOMETRICS

	COLLECTOR/ CONNECTOR STREETS		LOCAL STREETS				
	RESIDENTIAL	NON-RESIDENTIAL	CONTINUING	CONTINUING OR CUL-DE-SAC	COMMERCIAL SERVICE ROAD	NON-RESIDENTIAL	RURAL LOCAL
STREET DIMENSIONS							
Right-of-Way Width	60'	70'	50'	50' (*3)	40' – 50'	60'	60'
Roadway Width (face to face)	36' - 40' (*5)	40' - 50'	30'	27' – 30' (*3)	30'	40'	20'
Curbs and Gutters	Yes	Yes	Yes	Yes	Yes	Yes	No
Sidewalk (width and sides)	4' (both)	4' (both)	4' (both)	4' (both)	4' (*1)	4' (both)	No
Driveway Access	(*1) Yes	(*1) Yes	Yes	Yes	Yes	Yes	Yes
Double-Frontage Lots	(*1) No	(*1) No	No	No	No	No	No
Street Grade (Maximum)	8%	8%	10%	10%	10%	6%	8% (*4)
Street Grade (Minimum)	0.8%	0.8%	0.8%	0.8%	0.8%	0.8%	0.8%
Pavement Cross Slope	¼" / ft.	¼" / ft.	¼" / ft.	¼" / ft.	¼" / ft.	¼" / ft.	¼" / ft.
Cut Slopes (Minimum)	2:1	2:1	2:1	2:1	2:1	2:1	2:1
Fill Slopes (Minimum)	2:1	2:1	2:1	2:1	2:1	2:1	2:1
STREET ALIGNMENT							
Horizontal Curve Radius	500'	500'	250'	100'	150'	300'	250'
Stopping Sight Distance	250'	250'	200'	200'	200'	200'	250'
Crest Vertical Curve Formula	(*6)	(*6)	(*6)	(*6)	(*6)	(*6)	(*6)
Crest Vertical Curve (Minimum)	100'	100'	100'	100'	100'	100'	100'
Sag Vertical Curve Formula	(*7)	(*7)	(*7)	(*7)	(*7)	(*7)	(*7)
Sag Vertical Curve (Minimum)	100'	100'	100'	100'	100'	100'	100'
STREET INTERSECTION							
Maximum Street Legs	4	4	4	4	4	4	4
Intersection Angle (Preferred and Minimum)	90° - 80°	90° - 80°	90° - 80°	90° - 80°	90° - 80°	90° - 80°	90° - 80°
Intersection Spacing	(*2)	(*2)	(*2)	(*2)	(*2)	(*2)	(*2)
Curb Radius Along Street	(*1)	(*1)	20'	20'	20'	20' – 40'	N/A
Max. Grade within 50' of Intersecting Gutter	3%	3%	3%	3%	3%	3%	N/A
Max. Tangent Offset within 100' of Intersecting Gutter	8.3'	8.3'	11.3'	11.3'	11.3'	11.3'	N/A

(*1) As approved by the Planning Commission.

(*2) Intersection spacing shall apply as described in Section 6-8(q).

(*3) The 27' cross-section shall restrict on-street parking to one side of the roadway.

(*4) The Planning Commission may grant a variance in conformance with Section 1-5 to permit grades of up to 12% in the Rural Service Area and greater than 12% in areas near the Kentucky River.

(*5) The 36' cross-section shall be used for transition to older sections of collector/connector streets. See Exhibit 6-3: Typical Cross-Sections for further information.

(*6) Refer to the Division of Engineering Roadway Manual for design controls for crest vertical curves.

(*7) Refer to the Division of Engineering Roadway Manual for design controls for sag vertical curves.

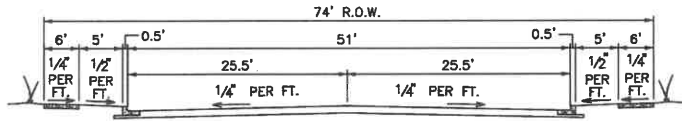
Note: Typical cross-section applications are described in Exhibit 6-3.

LFUCG Land Subdivision Regulations – Article 6: Design and Improvement Standards for Major Subdivisions

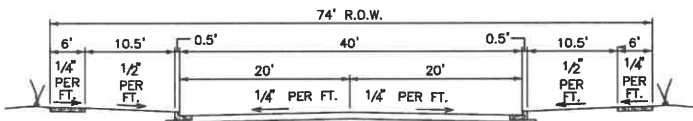
EXHIBIT 6-3: TYPICAL STREET CROSS-SECTIONS

Note: The following cross-sections shall be considered typical for the situations listed. Other cross-sections may be required by the Planning Commission upon advice from the Division of Traffic Engineering and the Division of Planning, based upon the design of the actual situation encountered. Some existing stub streets were constructed using cross-sections that are now obsolete. These streets should be completed using the obsolete cross-section to an appropriate stopping point, which is customarily the next street intersection. Cross-sections for arterial streets or other roadways, larger than those shown in this exhibit, shall be designed by the LFUCG or the Kentucky Department of Transportation, as appropriate.

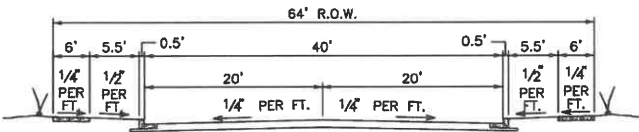
CROSS-SECTION



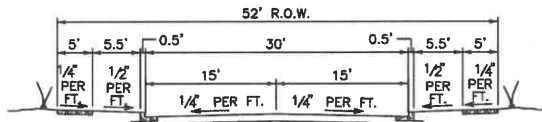
NON-RESIDENTIAL COLLECTOR



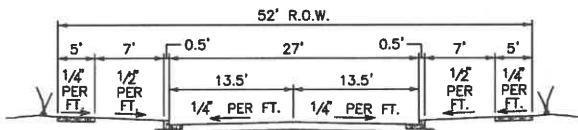
NON-RESIDENTIAL OR INDUSTRIAL COLLECTOR



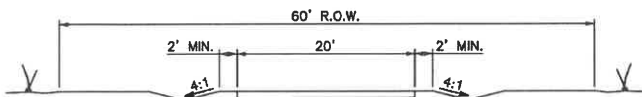
RESIDENTIAL COLLECTOR AND INDUSTRIAL LOCAL



RESIDENTIAL CONTINUING LOCAL
OR COMMERCIAL SERVICE



RESIDENTIAL CUL-DE-SAC
AND CONTINUING LOCAL



RURAL LOCAL

APPLICATION

Collector/Connector street in non-residential areas; intersection with an arterial street for at least 250'. A transition section is required to the normal collector/connector street cross-section.

Collector/connector street in non-residential areas; industrial area collectors/ connectors and locals. (Note: Sidewalk may be eliminated on one side when street is completely contained within an industrial area)

Residential collector/connector street depicted in the Comprehensive Plan; industrial area locals and cul-de-sacs. (Note: Sidewalk may be eliminated on one side when street is completely contained within an industrial area).

Residential local street or commercial service roads.

(parking allowed on both sides of the roadway)

Residential cul-de-sacs and continuing residential local streets.

(parking restricted to one side of roadway)
(Note: 4-foot dimension is sidewalk)

Rural Local Streets are intended to carry a low volume of traffic.

Mr Tom Martin, Senior Planner
LFUCG Division of Planning
101 East Vine Street, 7th Floor
Lexington, KY 40507



RE: Warrenton Woods, Unit 1-A (PLN-FRP-20-13)
Warrenton Woods, Unit 1-B (PLN-FRP-20-15)
Warrenton Woods, Unit 1-C (PLN-FRP-20-17)
Warrenton Woods, Unit 1-D (PLN-FRP-20-18)

Mr. Martin,

On behalf of the Warrenton Woods Owner's Association, I am requesting a Waiver of the Regulation contained in Article 6-8 of the Land Subdivision Regulations as required by Article 1-5 of the Land Subdivision Regulations. We are currently requesting to dedicate various streets as depicted on the above referenced plats.

A strict application of the Land Subdivision Regulation would cause an Exceptional Hardship. Although the streets were well constructed, they would not meet current design standards regarding street width and possibly other design standards. Requiring the widening of the streets would require the disruption of current storm water runoff, uproot established vegetation, and create a major disturbance to the existing ground. The streets have been used by the public for decades without problems. In addition, strict adherence to the Land Subdivision Regulations would cause a huge financial burden to the Warrenton Woods Association.

Feel free to contact me with any questions or concerns that you might have.

Sincerely,

A handwritten signature in black ink, appearing to read "Trudy Tibbs".

Trudy Tibbs, President

Warrenton Woods Owner's Association

Chief Administrative Office POLICY MEMORANDUM	Date of Issue July 10, 2000	Expiration Date N//A	No. 32
TO: ALL Divisions and Departments		Subject: PROCEDURE FOR ACCEPTING PRIVATE STREETS INTO PUBLIC RIGHT-OF-WAY	
COMMENTS:			

PURPOSE AND APPLICABILITY

The following procedure will be utilized for accepting privately owned streets into the public street system, and is intended to provide a more flexible range of alternatives than currently exists for private street owners. This procedure will outline the responsibilities of the actual private street owners, the LFUCG, and the sequence of events which must be undertaken in order for private street owners to submit an official request to the LFUCG, review of the request, recommendation to the Planning Commission by the Chief Administrative Officer concerning requests received, Planning Commission approval / denial of the request, and Urban County Council approval / denial of the request. All such requests will be subject to the provisions contained in the Land Subdivision Regulations of the LFUCG Division of Planning unless provided for otherwise under this policy, and to the final determination of the Planning Commission / Urban County Council.

PROCEDURES

Section 1: Initiating A Request

Any request to consider LFUCG acceptance of a privately owned street into the public right-of-way shall be made to the Chief Administrative Officer or the Mayor's designee (Mayor's designee incorporated herein by further reference to the Chief Administrative Officer). Each such request shall be submitted in the form of a written request, and shall set forth the reasons for the request. If ownership of a private street is vested with each individual property owner fronting the street, a petition must accompany the request and shall include the original signatures and addresses of 65% of the private owners of each and every street submitted for consideration. Alternatively, if ownership of a private street is vested in a homeowner's association or similar entity, which has authority to convey title of the private street to LFUCG based upon a vote of the membership, that entity may initiate a request accompanied by official documentation of the required vote of the membership, and the 65% petition requirement is waived. The Chief Administrative Officer may require additional information if he deems it appropriate. The written request shall also designate the primary contact person representing the private street owners in order to facilitate communications with the LFUCG. The Chief Administrative Officer will forward a copy of any such request received to the Councilmember in whose district the private street in question is located. Once all pertinent information is received, the CAO will consider the request and forward a recommendation to the Planning Commission within 60 days.

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Section 2: CAO Consideration and Recommendation to Planning Commission

Upon receipt of any such request for consideration of LFUCG acceptance of a privately owned street into the public right-of-way, the Chief Administrative Officer will request, through the respective Commissioners, reports concerning the request from the Division of Police, Division of Fire and Emergency Services, Division of Traffic Engineering, Division of Engineering, Division of Streets and Roads, Division of Planning, Department of Law, and any other office he deems appropriate.

- Included in the report from the Division of Planning will be documentation of the street construction standards for pavement, construction, street sections / widths, curbs, gutters, and sidewalks that applied at the time the private street was constructed, if known. These standards shall be considered in contrast with current public street standards when making the final determination of any street improvements required of the private street owners prior to acceptance of the private street by the LFUCG. Additional right-of-way dedication may be required of the private street owners regardless of pre-existing standards, in order to accept the private street into the public right-or-way.
- Included in the report from the Division of Engineering will be a detailed listing of items which would bring the private street up to current public street standards, and an estimated costs of these items.

Within a reasonable time thereafter, each of the Division Directors shall make a report to their Commissioner, for the latter's review and forwarding of the recommendation to the Chief Administrative Officer. After receipt of all reports, the Chief Administrative Officer will consider the reports, prevailing private street standards at time of original street construction, cost estimates of bringing the private street up to public street standards, and public purpose validity of the request. Based on these the Chief Administrative Officer will formulate a general recommendation on a case by case basis to either accept or decline the request. This recommendation cannot include a requirement that the private street owners be responsible for street improvements beyond the street construction standards that applied at the time of original street construction, or to remedy any original street construction deficiencies. The recommendation of the Chief Administrative Officer and copies of all reports shall then be forwarded to the Planning Commission for consideration of the request. The private street owners initiating the request and the Councilmember in whose district the private street in question is located shall also be provided a copy of the recommendation of the Chief Administrative Officer and copies of all reports.

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Section 3: Planning Commission Consideration / Recommendation to Urban County Council

The Planning Commission shall schedule the request for consideration upon receipt of both 1.) the recommendation of the Chief Administrative Officer **and**, 2.) the filing of an amended plat by the private street owners initiating the request, per the requirements of the Division of Planning. The Planning Commission shall schedule the matter for hearing in accordance with all standard legal notification requirements and render a decision within 90 days of receipt of these items. Upon consideration of the request the Planning Commission shall vote to either approve or deny the request. In deliberating the request, the Planning Commission shall give substantial weight to the recommendation of the Chief Administrative Officer, and shall consider the street construction standards that applied at the time the private street was constructed, if known. In considering approval of a private street request, the Planning Commission may attach any conditions deemed appropriate, based upon staff recommendations or related to the remedy of any existing substandard conditions of the private street as compared to the current Land Subdivision Regulations public street standards. Further, the Planning Commission may grant any waivers of current public street standards deemed appropriate, with regard to the provision of curbs, gutters, sidewalks, and street section widths, but may not waive any current public street pavement construction standards. (For private streets located in the Rural Service Area, the applicable standards may include the rural road section geometric and construction standards contained in the Roadway Manual being prepared by the Division of Engineering.- *language in parentheses to be removed upon approval by the Urban County Council of the Roadway Manual.*)

Any approval vote by the Planning Commission to accept a private street into the public right-of-way shall be contingent on:

- 1.) subsequent approval by the Urban County Council;
- 2.) the meeting of any conditions imposed by the Planning Commission and/or Council, **and**;
- 3.) the amended plat being signed by 100% of the private street owners or the homeowner's association within one year of the date of final Urban County Council approval. When completed, the signed amended plat shall be submitted to the Division of Planning. If these approval contingencies remain unmet one year after the Urban County Council vote, the request shall be considered closed, unless re-approval of the Urban County Council is obtained.

Upon casting a vote to approve or deny acceptance of a private street into the public right-of-way, the Planning Commission shall forward its report, findings, and decision to the Urban County Council. These findings shall include the estimated cost, if any, to the LFUCG of any anticipated expenses associated with acceptance of the private street into the public right-of-way, in bringing the street to an acceptable public street standard.

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Section 4: Urban County Council Consideration / Funding Approval

Upon receipt of the Planning Commission report and vote, the Urban County Council shall consider the request, including any funding required of the LFUCG, if any, that will be needed to bring the private street to an acceptable public street standard. The Urban County Council may, at its discretion, schedule a public meeting on the request. If a public meeting is scheduled, all standard legal notification requirements must be met, and the Council shall take final action to approve or deny the request within 60 days of the Planning Commission’s final vote, or the decision of the Planning Commission becomes final. If LFUCG funding is required, the Council’s final approval vote shall take the form of an ordinance including a budget amendment appropriating funds for the needed improvements. If LFUCG funding is not required, or funding is not available within the current fiscal year, the Council shall consider a resolution of intent to accept the private street into the public right-of-way and request any needed funding in the next budget cycle, and take a final vote to either approve or disapprove the request, subject to all outstanding contingencies being met under Section 3. The decision of the Council is final. The outcome of this consideration shall be reported back to the private street owners initiating the request. When a private street request is approved by the Urban County Council, the CAO will notify the private street owners of the approval and the date in writing, in order for the private street owners to pursue the other contingencies imposed by the Planning Commission under Section 3.

Section 5: Approved Requests

The Division of Planning will notify the Chief Administrative Officer in writing if and when all approval contingencies have been met within the required one-year time frame. Upon receipt of such notice, the Chief Administrative Officer shall take any needed actions to place the formerly private street into the public right-of-way by notifying the appropriate divisions and authorizing any required documents, or any other needed actions. The formerly private street will be placed by Urban County Council action into the same urban services tax district as the surrounding public streets (if necessary), and all appropriate urban services provided. Additionally, the Chief Administrative Officer will notify the Council member in whose district the formerly private street is located that the private street has been accepted into the public right-of-way.

ACCEPTANCE OF PRIVATE STREETS INTO PUBLIC RIGHT-OF-WAY

PROCESS STEP

ACTIONS

- | | |
|--|---|
| 1. Request Initiated to CAO by Private Street Owners | <ul style="list-style-type: none"> <i>*65% Signatures of Property Owners Required or Majority Vote of Homeowner's Assn</i> <i>*Contact Person Identified</i> <i>*Councilmember Notified</i> |
| 2. CAO Conducts Administrative Review
<i>60 Days to Review / Recommend</i> | <ul style="list-style-type: none"> <i>*Divisional Review & Reports Submitted</i> <i>*CAO Formulates Recommendation</i> |
| 3. CAO Forwards Recommendation to Planning Commission | <ul style="list-style-type: none"> <i>*Recommendation & Reports Forwarded to Commission, Requester and Councilmember</i> |
| 4. Requester Submits Unsigned Amended Plat to Planning Commission | <ul style="list-style-type: none"> <i>*Required for Hearing to be Scheduled</i> |
| 5. Planning Commission Consideration | <ul style="list-style-type: none"> <i>*Hearing Scheduled upon Receipt of CAO Recommendation and Unsigned Amended Plat from Requester</i> |
| 6. Planning Commission Decision
<i>90 Days to Render Decision</i> | <ul style="list-style-type: none"> <i>*If Approved, Requester to Meet Following Contingencies:</i> <li style="padding-left: 40px;"><i>*Subsequent Urban County Council Approval</i> <li style="padding-left: 40px;"><i>*Requester to Meet all Conditions Imposed by Planning Commission and/or Council</i> <li style="padding-left: 40px;"><i>+Amended Plat Returned to Planning Commission with 100% Signatures of Property Owners</i> |

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**OR, Deny Request*

7. Urban County Council Consideration
60 Days to Render Decision

**Funding Considerations for LFUCG*

**Approve Budget Amendment or Resolution of Intent to Accept Private Street upon Return of Amended Plat, OR;*

**Deny Request.*

8. If Request Approved and Contingencies Met, CAO Takes Appropriate Actions to Accept Private Street into Public Right-Of-Way

**Appropriate Divisions Notified*

**Necessary Documents Authorized by Mayor*

**Councilmember Notified*