



## Planning and Public Safety Committee Meeting

June 12, 2018

### Summary and Motions

---

CM Mossotti called the meeting to order at 1:01 p.m. Committee Members Kay, J. Brown, Smith, Gibbs, Lamb, Worley, and Plomin were present. Council Members Stinnett and F. Brown were also present as non-voting members. Council Members Bledsoe and Henson were absent.

#### I. Approval of April 17, 2018 Committee Summary

A motion was made by CM Plomin to approve the April 17, 2018 Planning and Public Safety Committee Summary, seconded by CM Lamb, the motion passed without dissent.

#### II. Regional Land Use Planning

CM Plomin gave a brief background on the item and explained how it came to committee. She introduced Rob Rumpke, President and CEO of Bluegrass Tomorrow, who presented the item. He reviewed the history of the program and he said Bluegrass Tomorrow limits sprawl and preserves agricultural land. He spoke about the 92,732 acres of thoroughbred farmland in the region. He said we have a \$2 billion dollar agritourism industry here. He talked about the urban growth study which creates a long-range plan for preservation and development. He mentioned that Kentucky has lost 499,000 acres of farmland in the last decade to low density housing rural development.

CM Plomin made a motion to provide more time, seconded by CM Lamb, there was no objection to the motion.

He said we want to expand the partnership. He reviewed the Regional Land Use Planning Principles and said we need better communication between cities and counties. He discussed the need for a collaborative approach for rural and urban land.

CM Lamb asked who sits at this table from Lexington. Rumpke said Jim Duncan as well as others with Planning; CM Plomin and VM Kay. He said these people will continue to be included but he encourages government to make these decisions. He said we need to get the right people in that room.

No further comment or action was taken on this item.

#### III. Zoning MAP Amendment Process Change: KRS 100.2111

Jim Duncan, Director of Planning, presented the item. This is a change to article 6 of zoning ordinance that would change the way Council reviews zone changes. He reviewed the current process and timeline and said statute provides an alternative for this process. He reviewed the benefits of this alternative, saying this accelerates the approval process of uncontested zone changes and most are not contested. He said this allows the staff to focus on the zone changes that are likely to be contested. He provided the next steps and explained what the process would be if this were to be adopted.

CM Gibbs commented on the minimum time of four months for the current process asked what the timeframe would be if we make this change. Duncan said it could save anywhere from 1 to 3 weeks up to 6 weeks depending on when it falls.

CM Lamb expressed concern about the new process possibly not having a permanent record. She said currently the zone changes that are approved in the form of an ordinance become permanent record which can be reviewed. She said she cannot support this without knowing where these permanent records will be housed. Duncan said the Planning Commission will continue to prepare a final report which will be forwarded to Council for

review and it will be incorporated into the Clerk's permanent record. CM Lamb asked if the records of the Planning Commission were permanent records and how the Clerk will be able to incorporate this type of record within the ordinances and resolutions. Duncan said yes, the records are scanned and retained. He said they keep 10-15 years in the office and the rest are archived. CM Lamb asked if these records are searchable in Accela. Duncan said the records from the time Accela was implemented would be searchable, but the other cases are scanned in a different database, but they are accessible. CM Lamb asked if the scanned documents were available to search by the public. Duncan said not right now, but in the future that is a possibility.

CM Plomin asked what it will look like having education for citizens to ensure they are aware of the approval process. He said we would want to rework the current letter to notify the public of the change in process explaining that once Planning Commission takes action, these are the steps that must be followed to have further consideration of Council and that would be part of every zone change letter moving forward. He said we would make these announcements and put them on the agendas at the Planning Commission hearings and there are other ways to make the information available which includes communication with neighborhood associations, communication on the web site, and public service announcement which would be ongoing over time.

CM Worley asked how we would define an aggrieved person. Duncan said statute uses the term "aggrieved" and we duplicated that language. He said we would take the broad view of that so if a citizen wanted further action, they could make that request. Worley asked if they looked at things pre-council activity that could make the process more efficient as well. Duncan said the timeline is as compressed as it can be and statute does give Planning Commission and Council 90 days each to do their part of the zone change process. He said in order to give proper notification, they need the extra time to be built in and that will also allow staff to review the application and prepare a staff report for the Planning Commission. He said this is where the pre-application process can help identify pitfalls and remind applicants where resources are if they need them.

CM J Brown expressed concern about the requirement to have the applicant meet with neighborhoods as he thinks it could have an adverse effect and make citizens even more against the zone change. He said he does not want to give the impression that we are exchanging convenience for transparency. He asked how zone changes look in *Building Eye* software and if citizens could look at zone change applications to see where they are in the process. Duncan said *Building Eye* provides a portal to what is submitted through Accela. He said whatever is submitted in the Accela process will be viewable in *Building Eye* and is easier to view for the casual user. CM J. Brown asked if it would provide details about the zone change as well as the timeline and Duncan said yes. CM J Brown said that would add a level of transparency to the process, but he does not support making this change.

CM Lamb said she has worked with a neighborhood and petitioner to meet and discuss issues, but they had conflicting stories about what happened and she can't see how these meetings will be effective. She commented about section 6-4(f) that talks about an aggrieved person and asked if the written request they would submit would be an e-mail or if it is only handwritten. Duncan said the language was taken directly from statute which was written in 1988 when e-mail had barely begun. He said as long as Council agrees, they would accept an e-mailed request which needs to make its way to the Planning staff. CM Lamb commented on section 6-4(f)(b) regarding the notice Council will file with the Planning Commission and asked if that would be an official document, e-mail, or letter. Duncan said that language could be refined based on the interpretation of Council and we want to make it as liberal as possible. CM Lamb said there are still a few things we need to have a better understanding on before we can move forward.

VM Kay said it is his understanding that any individual needs to notify Planning Commission they would like a hearing. And if so, it triggers the normal process which is that it is placed on the docket and we move to either have or not have a hearing. Duncan said he does not believe this would require action by the Council that the Council wants to hear this. He said he believes an individual council member on behalf of constituents could ask to have the Council make the decision. VM Kay asked if this language would be in a draft of the zoning text amendment. Duncan said if it was ambiguous, they could. VM Kay said it ambiguous and if it is drafted in a way that reflects our interest in having any individual or individual council member simply make a request, he supports

the change as this would get the majority of zone change requests off the docket, but also easily allows for anyone to request that it be put back on.

CM Stinnett asked if the approval of these zone changes can be part of information-only on our docket as we do with the Mayor's report. Duncan said that information can be provided, but the applicant still has to certify the development within two weeks and we would not be able to send anything until that step is complete. CM Stinnett asked if we could have a complete list of the zone changes including the both the ones we choose to see as well as those we do not see. Duncan said yes that can be done. CM Stinnett reiterated that anyone can request a hearing. He expressed concern with putting the onus on citizens to find out what is going on in the city saying we will have the same issues regardless of how many notices are sent. He said there has to be some responsibility for the individuals. He said this is one of those times we can make it easier to do infill and redevelopment because of the time it takes to get plans approved and we should be doing anything we can to make infill and redevelopment easier. He said this does not change anything on a Planning Commission level and the majority of the 15% we have hearings on will have neighborhood meetings prior to the hearing because they are the tough ones. He said we should do anything we can do to clarify this process and bring it back to committee.

VM Kay asked for clarification on the process when the Planning Commission takes approval action and he asked if the developer waits 2 weeks. Duncan said they don't have to wait two weeks, but they have no more than two weeks to certify the development plan. VM Kay asked if the zone change information would be forwarded to Council when the plan has been certified and if that is when the 21 day trigger would apply. Duncan said the 14 days would run concurrently with the 21 days. VM Kay said this complicates things because a developer can wait to 2 weeks to certify the plan and then there are 7 days left. Duncan said as we are put on notice that someone wants Council to make a decision even if it is the same day as the Planning Commission hearing, the information would be forwarded to Council. VM Kay asked how we would know when a zone change has been approved. Duncan said we turn around very quickly and write up a summary of what the Planning Commission did. VM Kay said he would be interested in Council knowing as soon as there is action taken on a zone change so if someone had a concern about it they could then make a request.

CM Gibbs expressed concern on behalf of his constituents and said they are concerned about what infill might look like and he does not want to do anything to speed up the process. He said he is okay with how the process is now.

CM Mossotti asked if the developer takes 14 days to certify the plan would that leave 7 days for Council or a constituent to communicate an issue with it. Duncan said they have the full 21 days. He said the applicant is asked that any change requested by the Planning Commission be corrected within two weeks. CM Mossotti said the concern is that if it was a significant change and it is already day 14. Duncan said the public already knows that and the only change being made in the 14 days is what the Planning Commission has requested. CM Mossotti asked if his staff is comfortable with this change. Duncan said his staff will do what Council wants and he sees a benefit to this for zone changes that are not complicated or are uncontested.

CM Lamb asked what the definition of an aggrieved person would be. Duncan said the language comes from statute and it does not further define "aggrieved". He said we would take the broad view of that and any citizen who would like the Council to make the decision would be sufficient. He said the person does not have to be mad; it could be financial or technical reasons that they want Council to make the decision. CM Lamb said she cannot support this when she cannot see the complete process illustrated and she does not feel we have vetted this enough to move forward.

CM Mossotti said this looks like it needs some changes and asked if CM Stinnett would like leave it in committee. CM Stinnett said he would to have it modified and bring back a draft that incorporates VM Kay's and CM Lamb's suggestions.

VM Kay asked if what will be coming back will be a zoning text amendment. Duncan said they will incorporate recommendations and bring that back to committee.

No further comment or action was taken on this item.

#### **IV. Changes in Section 14-10 of the Code of Ordinances: Citing for Parking Violations**

CM Gibbs introduced the item and provided a brief background describing how this came to committee. He explained the goal of this is to bring enhanced enforcement to some ordinances. He said the ordinance presented today deals with the persistent problem of illegally parked cars which will be applicable throughout Fayette County. Commissioner Paulsen presented the item. He said there is a constant issue of having numerous cars parked in front of houses and when this happens, the police are called and this is not always a priority because police have a lot of other things they are doing. He said this is a proposal meant to enhance the service provided by police by allowing Code Enforcement to issue citations. He provided an overview of the changes saying that police will have primary citation authority but if Code Enforcement is out, they can issue the citations as well.

CM Plomin asked if these changes will affect all residential properties and Paulsen said that is correct.

CM Stinnett asked if the Law Department has approved the change. Paulsen said we need to figure out where all of the changes need to be made and we need to compile all of the places where we need to make changes. He said we need to make sure the police are notified of all of the citation issues and making sure we are using the same citations as police and they are organized in a way that everyone is kept in the loop. CM Stinnett said we tried to do this in 2008 and we were told that state statute gives police power that code enforcement does not have to write these citations. Paulsen said we are not taking the authority away from police; it just frees them up by allowing Code Enforcement to issue these citations. CM Stinnett asked about the cost and if new ticket books would have to be printed. Paulsen said this is something they are looking into to determine if we have enough books. He said we are trying to be more proactive and go through these streets on a more consistent basis in hopes that it will have an impact and people will realize that they will be ticketed for parking illegally.

A motion was made by CM Gibbs to approve changes in Section 14-10 of the Code of Ordinances: Citing for Parking Violations item, approving the concept and bring draft ordinances back to committee, seconded by CM Plomin

VM Kay said he supports the motion and asked if it should go before full council or come back to this committee. CM Gibbs said it should come back to committee. VM Kay asked about escalation of penalties in the Code of Ordinances for repeat violations. Paulsen said that pertains to nuisance violations and this would not be considered a nuisance violation. He said he will check with Law Department but does not think we can escalate fines for parking tickets.

A vote was taken on the above motion.

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

A motion was made by VM Kay to remove the noise ordinance from committee, seconded by CM J. Brown, the motion passed without dissent.

A motion was made by CM J. Brown to remove the One Lexington item from committee, seconded by CM Plomin, the motion passed without dissent.

A motion was made by CM Plomin to adjourn, seconded by VM Kay, the motion passed without dissent.

The meeting was adjourned at 2:20 p.m.

KT 6.13.2018