

Planning and Public Works Committee Meeting
July 1, 2014
Summary and Motions

Chair Bill Farmer Jr. called the meeting to order 1:02pm. All committee members except Mossotti were in attendance.

1. May 6, 2014 Committee Summary

Motion by Clarke, second Kay to approve the May 6, 2014 Committee summary. Motion passed unanimously.

Farmer stated that Akers has requested that the “Mobile Food Vendor Text Amendment in the P-1 Zone” item be postponed.

2. Land Disturbance Fees

Derek Paulsen discussed the land disturbance fees. He stated that information was provided at the March Committee meeting at which time the Committee asked staff to update the fee structure.

Paulsen stated that the land disturbance fee is required for clearing, grading, excavating and filling activities that result in the disturbance of existing land. The current fee is \$ 25 regardless of size of area over 5,000 square feet. He provided data on the number of fees in 2013 by type (residential lot, residential subdivision, commercial or demolition).

Paulsen stated that based on conversations with LFUCG Division of Engineering the size and type of the disturbance determines how complex the review is. Paulsen provided a possible new fee structure although he stated that he was not recommending any changes to the current fees. He stated that the disturbance fee is just one fee that is charged to the development community.

Gorton asked how the new fee structure was determined. In response Paulsen stated that it was the result a review of the time given to each type of land disturbance application. He noted that they were not recommending a change in the fee structure.

Kay stated that it appeared that LFUCG was subsidizing developer fee costs. In response Paulsen stated that if fees were to pay the entire cost for review, monitor and compliance all of the fees would be much higher than they are at present.

Kay suggested that staff review the fee structures and determine the cost for LFUCG review, monitor and enforcement to develop a new set of fee structures that would more closely make the effort revenue neutral.

Clarke asked how the new fee structure was determined. In response Paulsen stated that the Council requested that staff investigate the present land disturbance fees. He noted that they were not recommending a change in the fee structure.

Farmer stated that as the Council has reviewed numerous budget proposals they requested that the Administration examine new sources of revenue including the development fees.

Gorton agreed with Kay that the full cost of the current fee structure should be examined to reflect some portion of LFUCG resources to review, monitor and enforce development regulations. Gorton requested that the development community be part of the discussions.

In response Paulsen stated that as part of the earlier presentation fees associated with a typical development was examined.

Farmer stated that based on comments from Clarke, Kay and Gorton the issue has broadened to include all development related fees.

Paulsen stated that staff can examine the parameters of the cost of services analysis and how they relate to fees and report back to the Committee.

3. Residential Parking Permit District procedures

Farmer stated that he referred the issue to Committee but however Clarke had done much of the work. Clarke distributed a handout that was not in the packet. He discussed background of the RPPD procedures going back to 1990. He stated that after 1993 Council routinely waived the meeting notices as being ineffective, unnecessary, time consuming and expensive. Clarke stated that while Gary Means supports the changes as proposed, the Parking Authority will need to offer their opinion.

Clarke stated that during the course of establishing the RPPD for Stratford Drive the lack of input from those affected was evident.

Gorton asked Clarke to clarify the LPA role in identifying and notifying the traffic generator. In response Clarke stated that the LPA did not want to be responsible for identifying the generator but was fine with notifying them once they were identified by the petitioner.

Ellinger commented on the notification procedures.

Ford commented on the legislative intent of the process and the lack of Administration involvement in the process. He noted that the Administration has never recommended the establishment of a RPPD.

Mike Sanner commented on the establishment procedures.

Henson commented on traffic studies being conducted while school is not in session.

Lawless discussed her concerns about the notification process for the traffic generators.

Beard discussed the RPPD procedures. In response Clarke stated that the concerns expressed by Beard were part of the rationale for the proposed amendments to the procedures.

In response to a question from Ford, Means discussed the process used by the LPA in conducting the required traffic analysis.

On a motion by Clarke, second Gorton the proposed resolution amending the RPPD procedures was recommended for approval. Motion passed unanimously.

4. Off Premise Signage

Farmer stated that Lawless referred this item to Committee. Jonathan Hollinger presented information on this issue. He stated that Article 17 of the Zoning Ordinance regulates signage. The Division of Building Inspection is the permitting agency for signage while the Division of Planning enforces most aspects of the ordinance. He stated that Code Enforcement enforces regulations related to signs in the right of way.

Hollinger stated that Lawless was primarily concerned with the temporary real estate signs. He stated that a real estate sign was to be removed within 10 days after completion of a sales, rental or lease and they must pertain to property at that location. Hollinger stated that real estate signs are limited to one sign per street frontage. He also stated that there is currently no regulation regarding how far in advance of real estate activity a sign can be put up.

Hollinger discussed some challenges with compliance and enforcement. He stated that it is difficult to determine if a vacancy exists, when a vacancy occurred, and when the sign was placed on the property as real estate signs are exempt from the permitting regulations. Finally he stated that there are more than 56,000 rental units and over 4,000 property transfers annually in Lexington.

Hollinger identified a few possible solutions. He suggested that staff could meet with landlord and real estate associations to inform them of the ordinance restrictions. In addition staff could explore alternative enforcement options for properties with more than 1 sign per street frontage.

Lawless stated that the real estate signs are a problem in the University area. She stated that they devalue property values and reduce sustainability of the neighborhoods. She stated that meetings with landlords have occurred numerous times over the past few years.

In response to a question from Lawless, Chris King stated that no one has ever been cited for illegal real estate signage. He stated that the fine was \$ 75.

Lawless suggested that staff examine moving enforcement back to Code Enforcement and increasing the fines for such offenses.

Farmer noted that staff offered to explore alternative enforcement options for properties with more than 1 sign per street frontage.

5. Items Referred

Farmer reviewed the items referred to Committee

On a motion by Ellinger, second Clarke “Maintenance of Major Roadways” was removed from the referral list. Motion passed unamouisly.

On a motion by Gorton, second Kay “Fees to Offset Historic Preservation Services” was removed from the referral list. Motion passed unamouisly.

On a motion by Gorton, second Kay “Examine Fee Structure for Planning, Preservation & Development Services” was removed from the referral list. Motion passed unamouisly.

On a motion by Gorton, second Kay “Leaf Collection Review” was removed from the referral list. Motion passed unamouisly.

Meeting adjourned at 2:15 PM.