

ORDINANCE NO. 1 - 2020

AN ORDINANCE AMENDING ARTICLES 1 AND 6-8(k) OF THE LAND SUBDIVISION REGULATIONS REGARDING THE DEFINITION OF A "STUB STREET SIGN" AND THE LOCATION OF AND RESPONSIBILITY FOR SUCH SIGNS. (PLANNING COMMISSION).

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has initiated a text amendment to Articles 1 and 6-8(k) of the Land Subdivision Regulations regarding the definition of a "stub street sign" and the location of and responsibility for such signs; and

WHEREAS, the Planning Commission has considered a text amendment to Articles 1 and 6-8(k) of the Land Subdivision Regulations regarding the definition of a "stub street sign" and the location of and responsibility for such signs. The Planning Commission did recommend APPROVAL of the alternative text by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 1 of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government is hereby amended to add a definition for "stub street sign" as follows:

**STUB STREET SIGN** – a sign at the terminus of each street, which shall identify the street as a planned future connection. The size and format for the sign shall be as specified by the Division of Traffic Engineering.

Section 2 – That Article 6-8(k) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government is hereby amended as follows:

**6-8(k) STREET NAME/STUB STREET SIGNAGE** – Street name signs, stub street signs, and all other required traffic control signage shall be provided, installed and maintained by the developer as required by the division of Traffic Engineering prior to plat recordings. Signage shall be in compliance with all requirements of the Manual On Uniform Traffic Control Devices (MUTCD) and LFUCG Traffic Engineering guidelines. All signage shall be maintained in a proper fashion by the developer until the final asphalt surface has been applied and written notification of pavement installation is given to the Urban County Traffic Engineer.


Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: January 23, 2020



MAYOR

ATTEST:



Clerk of Urban County Council

Published: January 30, 2020 -1t

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Recd by \_\_\_\_\_

Date: \_\_\_\_\_

**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE: SRA 2019-2: AMENDMENT TO ARTICLES 1 & 6: STUB STREETS** – to update Article 1 and Article 6 of the LFUCG Land Subdivision Regulations regarding the definition of a “stub street sign” and the location and responsibility for such signs.

Having considered the above matter on **November 14, 2019**, at a Public Hearing and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL OF THE ALTERNATIVE TEXT** of the text amendment for this matter for the following reasons:

1. The proposed amendment to Article 1 of the Land Subdivision Regulations will provide a specific definition of a stub street sign.
2. The proposed amendment to Article 6 will clearly define the requirements for signage design and installation, and specify the timing for the transfer of maintenance responsibility from the developer to the Urban County Government.
3. The proposed text amendment will work to maximize the efficiency of the street network by ensuring proper access for services (Theme A, Design Policy #2) and by supporting planned street connections (Theme A, Design Policy #13). These goals and policies can be shared with the general public by the placement of appropriate signage within the community.

**ATTEST:** This 31st day of December, 2019.

  
\_\_\_\_\_  
Secretary, Jim Duncan

**MIKE OWENS**  
**CHAIR**

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Stuart Kearns, Senior Planner, Division of Planning, Transportation Section.**

OBJECTIONS

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- None

OBJECTORS

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- None

**VOTES WERE AS FOLLOWS:**

AYES: (9) Brewer, de Movellan, Forester, Mundy, Nicol, Penn, Plumlee, Wilson and Owens

NAYS: (0)

ABSENT: (2) Bell and Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval of the alternative text** of **SRA 2019-2** carried.

Enclosures: Minutes for the initiation of this text amendment.  
Staff Report, with Recommended Text attached  
Applicable excerpts of minutes of above meeting  
Recommended language

OBJECTIONS

- None

OBJECTORS

- None

**VOTES WERE AS FOLLOWS:**

AYES: (9) Brewer, de Movellan, Forester, Mundy, Nicol, Penn, Plumlee, Wilson and Owens

NAYS: (0)

ABSENT: (2) Bell and Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval of the alternative text** of **SRA 2019-2** carried.

Enclosures: Minutes for the initiation of this text amendment.  
Staff Report, with Recommended Text attached  
Applicable excerpts of minutes of above meeting  
Recommended language

Applicant Presentation – Mr. Brandon Gross, attorney representing the petitioner, said that the property that is proposed for rezoning will not have any physical changes made to it. He said that the hotel to the north of the subject property has already been constructed and the one located to the east should be completed within a few months and the retail space is already in place. He said that he is available for any questions.

Zoning Action – A motion was made by Mr. Nicol, seconded by Mr. Forester, and carried 11-0 to approve PLN-MAR-18-00015: JUSTICE PLAZA, LLC (AMD), for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 11-0 to approve PLN-MJDP-18-00060: MAN O' WAR DEVELOPMENT, UNIT 2A, LOT 10 (AMD), as presented by the staff.

II. COMMISSION ITEMS - The Chair will announce that any item a Commission member would like to present will be heard at this time.

A. INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE ARTICLE 6-4 THROUGH 6-6 – ZONE CHANGE PROCESS – The Urban County Council requests that the Planning Commission initiate an amendment to Article 6 of the Zoning Ordinance to allow an alternative zone change process. If initiated, the requisite public hearing would be held after mailed notices are sent.

Staff Zoning Presentation – Ms. Wade said that the staff is asking the Planning Commission to initiate a text amendment to update Articles 6-4 through 6-6 of the Zoning Ordinance. She said that the proposed text had been distributed to the Planning Commission. She said that this is an item that the Planning and Public Safety Committee has discussed numerous times. It is also an implementation of a portion of KRS 100.2111 to allow for an alternative zone change process. She said that currently after the Planning Commission's public hearing, every map amendment is forwarded to the Council for action. This change will allow for only those items requested in writing for the Council to take action, be forwarded to them and all the others will be determined to be final within 21 days. She said that this eliminates some of the items that the Council is doing first and second readings on a regular basis. She said that the Council would not have to hold a public hearing even it was requested.

Ms. Wade said that the Council referred this to the Planning Commission for initiation for it go through the text amendment process.

Commission Question – Mr. Berkley asked who would make the requests for the Council hearing. Ms. Wade said that the state law says "any aggrieved person" could make that request. She said that since KRS doesn't define what an aggrieved person is staff believes it could be anyone who came forward, after the Planning Commission acts. It must be in writing to the Planning Commission; however, the staff will accept these requests.

Ms. Amy Clark, 628 Kastle Road, said that this has received a lot of debate on Council and on their Planning and Public Safety Committee. She displayed the minutes from the last Council Planning and Public Safety Committee, in June 2018 when this was discussed. She said a few of the Council members had concerns regarding this Zoning Ordinance Text Amendment. She said that there is no request here by the Council stating that the Planning Commission initiate this text amendment. She believes that since this involves the Council, it should remain in their Committee where there is a public process and citizens can take part in the discussion. She added that the Council took no action to request an initiation of this text amendment.

Mr. Duncan said that he has been part of those discussions with the Council regarding this issue. He said that the staff believes that this is the best way to get information back to the Council. He said that the Planning Commission will not have the final authority on text amendments and it doesn't matter who initiates them. He said that this information has been presented to the Planning Commission once before and the Council has discussed it on numerous occasions. He said that the staff believes that the best option is for the Planning Commission to consider this text amendment at a public hearing and advance their recommendations to the Council, at which time, the Urban County Council can accept them or reject them.

Ms. Wade clarified that the Council's concerns were mostly about how the cases would be documented at the end of the process. The Council Clerk currently has an Ordinance and they are the holder of the final record, after the Council takes action. She said that Council member Lamb was concerned about the continuation of documentation in the Council Clerk records. She said that the staff has met with the Council Clerk office since the June meeting, to discuss the appropriate manor for them to continue receiving the final documents for their records.

Ms. Clark said that Ms. Wade was correct with Council member Lamb's concerns. She also said that Vice Mayor Kay had concerns regarding the length of time available within 21 days for people to be able to review a zone change and the kind of record that could come to the Council because typically it takes that long for that record to get to Council.

Commission Comments – Mr. Penn said that if the Planning Commission initiates a text amendment, if it is approved, it will also go through the Council for approval. Ms. Wade said that it will follow the normal text amendment process, which includes sending notice to all of the registered homeowner's and neighborhood associations, it will be presented to the Planning Commission and if approved, will be sent to the Council for their approval.

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Brewer, and carried 11-0 for the INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE ARTICLE 6-4 THROUGH 6-6 – ZONE CHANGE PROCESS.

VIII. **STAFF ITEMS** – Mr. Duncan reminded the Planning Commission of the Sub-Committee meetings next Thursday, March 7<sup>th</sup>, in the Phoenix Building on the 7<sup>th</sup> Floor,

IX. **AUDIENCE ITEMS** – No such items were presented.

X. **MEETING DATES FOR MARCH 2019**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March	7, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	March	7, 2019
<b>Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers.....</b>	<b>March</b>	<b>14, 2019</b>
Work Session, Thursday, 1:30 p.m., 3 <sup>rd</sup> Floor Phoenix Building.....	March	21, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March	27, 2019
<b>Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....</b>	<b>March</b>	<b>28, 2019</b>

XI. **ADJOURNMENT** - There being no further business, Chairman Wilson declared the meeting adjourned at 3:53 p.m.

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William Wilson, Chair

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Carolyn Plumlee, Secretary

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Archived videos and minutes can be viewed at <https://www.lexingtonky.gov/public-meetings-videos>

TLW/TM/HB/dw

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

**STAFF REPORT ON PETITION FOR SUBDIVISION REGULATION AMENDMENT**

**SRA 2019-2: AMENDMENT TO ARTICLES 1 and 6: STUB STREETS**

INITIATED BY: Urban County Planning Commission with Adoption of the 2018 Comprehensive Plan

PROPOSED TEXT: See attached. Amendments to Articles 1 and 6 are shown in red with additions underlined and deletions ~~stricken through~~.

**STAFF REVIEW:**

With the adoption of the 2018 Comprehensive Plan, the LFUCG Planning Commission initiated an amendment to Articles 1 and 6 of the Land Subdivision Regulations regarding the definition of a "stub street sign" and the location and responsibility for such signs. Subsequently, the Division of Traffic Engineering requested a revision to the same subsection of Article 6 proposed for amendment by the Planning Commission regarding stub street signage. The modification requested by the Division of Traffic Engineering is focused on the installation and maintenance of street name and traffic control signage.

The intent of the Planning Commission's revision is to inform the general public that stub streets are not considered to be dead-end streets and are planned for future extension or connections. The proposed amendment to Article 1 adds a specific definition for a stub street sign. Under the proposed amendment to Article 6, when a proposed development includes stub streets, it would be the responsibility of the developer to install the approved signage. This amendment to the Land Subdivision Regulations is in agreement with the 2018 Comprehensive Plan. Specifically, this amendment is supported by two design policies in Theme A "Building Successful Neighborhoods": Theme A, Design Policy #2: Ensure proper road connections are in place to enhance service times and access to fire and police services for all residents, as well as Theme A, Design Policy #13: Development should connect to adjacent stub streets & maximize the street network.

The intent of Traffic Engineering's proposed revision to Article 6 is meant to clearly define the requirements for sign design, and to better specify the responsibility for maintaining street name signs, stub street signs and all other required traffic control signage, installed by the developer. The amendment also clarifies the timing when roads would be transferred from the developer to the Urban County Government. This is necessary as there has been confusion regarding the timing and responsibility of street signs during the development process. This amendment is also supported by Theme A, Design Policy #2: Ensure proper road connections are in place to enhance service times and access to fire and police services for all residents, as it will ensure that all final street signs are properly installed and meet adopted national standards and local guidelines prior to the government accepting responsibility for such signs.

**The Staff Recommends: Approval of the Staff Alternative Text,** for the following reasons:

1. The proposed amendment to Article 1 of the Land Subdivision Regulations will provide a specific definition of a stub street sign.
2. The proposed amendment to Article 6 will clearly define the requirements for signage design and installation, and specify the timing for the transfer of maintenance responsibility from the developer to the Urban County Government.
3. The proposed text amendment will work to maximize the efficiency of the street network by ensuring proper access for services (Theme A, Design Policy #2) and by supporting planned street connections (Theme A, Design Policy #13). These goals and policies can be shared with the general public by the placement of appropriate signage within the community.

SK/HB/TLW  
11/04/2019

Planning Services\Staff Reports\Subdivision Regulation Amendments\_SRA\2019\SRA 2019-2 Article 6



areas where it is difficult to provide a through street.

CUL-DE-SAC STREETS - Are local streets having only one open end providing access to another street; the closed end provides a turnaround circle for vehicles, no other street generally intersects between the two ends, and property fronts on both sides of the street.

DEAD-END STREETS - Dead-end streets are similar to cul-de-sacs, except that they provide no turnaround circle at their closed end, and are not permitted as streets in any proposed subdivision. Stub streets, planned for future continuation, are not considered to be dead-end streets.

ALLEYS - Alleys generally have two open ends, each end connects with different streets, and property generally backs onto both sides of the alley. Alleys may only be used in conjunction with a neo-traditional design using the neo-traditional design standards or when special permission from the Commission has been granted.

RURAL ROADS - Rural roads are local streets providing access to properties in the Rural Service Area, as well as providing for movement between certain points in the community. A rural roadway includes a right-of-way, the street pavement, and may include paved shoulders and drainage ditches.

STREET APPROVED - An approved street is any vehicular way approved by the Planning Commission as providing access to a lot. Included in this definition are:

PUBLIC STREETS - Public streets are streets that are dedicated to the public use and that are maintained by a public governmental body.

PRIVATE STREETS - Private streets are streets that are constructed, used and maintained under the provisions of Section 6-8(l) of these Subdivision Regulations.

ACCESS EASEMENTS - Access easements, when permitted by the Commission as the sole means of vehicular access to a lot, are a type of restricted street which may be used by the public, or privately, as designated by the Commission, and subject to the provisions of

Section 6-8(l) of these Land Subdivision Regulations.

STUB STREETS - Stub streets are local or collector, closed-end streets that are only acceptable as a temporary street condition. Stubs are similar to cul-de-sacs except that they provide no turnaround circle at their closed end. Stub streets shall only be used when a future continuation is planned.

STUB STREET SIGN - a sign at the terminus of each stub street, which shall identify the street as a planned future connection. The size and format for the sign shall be as specified by the Division of Traffic Engineering.

SUBDIVISION - A subdivision is the division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development; or if a new street is involved, any division of a parcel of land, providing that a division of land for agricultural purposes into lots or parcels of 5 acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivide.

SUBSTANTIAL COMPLETION - Substantial completion means the work on the public improvements has progressed to the point where the public improvements can be utilized for the purpose for which they were intended, although individual components may be provided for through a surety, provided they do not materially affect the performance of the system. Substantial completion can be further defined as follows:

Roads: The curb, gutter and the granular base, tack coat of asphalt and all bituminous pavement, except the final one inch of surface course have been installed; or for concrete streets, that all pavement is in place.

Sanitary Sewers: All pipes and manholes are installed and have passed all tests required by the Sanitary Sewer and Pumping Station Technical Manual and by the Construction Inspection Technical Manual. Where pumping stations are included in the development, all required pumping equipment is installed as required by the Sanitary Sewer and Pumping Station Technical Manual and by the Construction Inspection Technical Manual, and the facility

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 a bicycle lane on the vehicular roadway 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.

**6-8(k) STREET NAME SIGNS STREET NAME / STUB STREET SIGNAGE** - ~~Temporary street~~ Street name signs, stub street signs, and all other required traffic control signage shall be provided, installed and maintained by the developer at all intersections, as required by the Department of Public Safety Division of Traffic Engineering prior to plat recordings. Permanent signs shall be installed by the Urban County Government, as determined by Signage shall be in compliance with all requirements of the Manual On Uniform Traffic Control Devices (MUTCD) and LFUCG Traffic Engineering guidelines. All signage shall be maintained in a proper fashion by the developer until the final asphalt surface has been applied and written notification of pavement

installation is given to the Urban County Traffic Engineer.

6-8(l) PRIVATE STREETS - Private streets may be permitted by the Planning Commission. Subdivision plans containing private streets shall conform to the same design standards as subdivision plans utilizing public streets and shall conform to all other subdivision regulations, unless different requirements are listed in the following:

(1) NO DISRUPTION TO THROUGH MOVEMENT

- Private streets may be permitted only if they meet the definition of "local" streets; if they provide absolutely no present or future impediment to necessary through traffic movement in the general area; and if adjoining properties in the general area already have, or are capable of providing, a proper, efficient and safe street system that will in no way depend upon the private streets.

(2) RIGHT-OF-WAY AND SETBACK

- Private street rights-of-way and building setback lines shall be shown on the plat and shall meet at least the minimum requirements of these Subdivision Regulations and the Zoning Ordinance as required for public streets to assure conformance if such streets are ever accepted for public dedication at a later date.

(3) STREET IMPROVEMENT STANDARDS

- Any permitted private street also shall conform to the design and improvement standards for public streets. All private street improvements (excepting only the final course of asphalt, as noted below) shall be constructed in compliance with the approved improvement plan before the final subdivision plan is recorded. For the final course of asphalt only, the developer shall be permitted to post a surety in favor of the final maintenance association responsible for the private street, as provided in Article 4 of these Subdivision Regulations, and shall note such requirement on the final plat of the property. The developer shall be required to submit an affidavit to the Division of Planning, attesting that the surety for the private street has been properly posted prior to recording the final record plan.

(4) MAINTENANCE RESPONSIBILITY

- A homeowners' association or other mechanism which provides for equitable common responsibility for private street maintenance and repair shall be required to be established by the developer. The developer's responsibility to create such a mechanism shall be noted on the final plat of the subdivision. A requirement that each property owner be individually responsible for maintenance and repair of the portion of the street abutting the lot shall not be considered as

acceptable for fulfilling the requirements of this section.

6-8(m) ACCESS EASEMENT STANDARDS

- Access easements (as opposed to public or private streets) shall be permitted to provide sole access to a lot only in rare and extreme circumstances where the Commission finds that the application of the requirements and standards for public or private streets would clearly be excessive or impossible due to existing development or other just cause. Prior to permitting an access easement as sole access to a lot, the Commission shall first thoroughly examine the possibility of utilizing a public or private street as access, and shall give specific reasons for permitting the access easement in its action on the proposed subdivision. The Commission shall have the right to fully regulate such access easements as to width, construction standards, use and any other relevant factor. Nothing within this section shall be construed so as to abrogate the power of the Planning Commission to deny that the easement will not be adequate to satisfy the traffic needs of the proposed subdivision. Access easements which are not for the sole purpose of access to property and are primarily provided for convenience and/or improved flow of traffic between adjoining properties may also be fully regulated by the Commission; however, no special findings shall be required in these cases.

6-8(n) SIDEWALK AND SHARED-USE PATH STANDARDS

- All sidewalks and shared-use paths primarily provided for convenience and/or improved flow shall conform to the following standards and shall be designed in accordance with the Division of Engineering Roadway Manual, the Division of Engineering Standard Drawings, and in conformance with the Americans with Disabilities Act (ADA).

6-8(n)(1) SIDEWALK STANDARDS

- Conventional pedestrian sidewalks shall be required on both sides of all roads unless the street is specifically exempted by these Subdivision Regulations, or a specific waiver is granted by the Planning Commission. A meandering sidewalk alignment may be approved by the Planning Commission to save trees or other major plantings, avoid rock outcroppings, or to avoid other physical conditions. Sidewalks shall be constructed of concrete and shall be four and one-half (4½) inches in thickness and a minimum width of four (4) feet. Sidewalks shall be placed adjacent to the street right-of-way line, except as noted in Exhibit 6-7 for cul-de-sacs. Slope toward curb shall be one-quarter (¼) of an inch to the foot. Sidewalks shall include a curb ramp wherever an accessible route crosses a curb. Where sidewalks are required on bridges, they shall have a minimum, barrier-free, width of six (6) feet. The

meets all FCC requirements. The failure to meet the FCC requirements will result in the revocation of their license, which AT&T purchased for billions of dollars.

Ms. Mundy said that her family has a cellular tower on their West Virginia property. She explained that they get a monthly payment, but their lease is for 99 years, which has never been renegotiated, but the monthly payment has increased over time. She asked who will maintain the road to the proposed cellular tower. Mr. Pike replied that the applicant was obligated to maintain the road. Ms. Mundy confirmed that the applicants would maintain the road. Mr. Pike replied affirmatively. Ms. Mundy commented that her family has not been so lucky. Mr. Pike said that the lease agreements have changed over the years.

Mr. Wilson asked how many cellular towers are within the Urban Service Area boundary. Mr. Martin indicated that the staff does not have an exact number.

Mr. Wilson said that it was indicated that the Planning Commission cannot say anything about the design of the cellular tower, but there are stealth towers in the community. Mr. Martin replied that there are stealth towers, as well as antennas on top of existing structures and buildings. Mr. Wilson asked if the existing stealth towers were done by the applicant's choice, not at the request of the Planning Commission. Mr. Pike responded that the difficulty with stealth towers, is that the tower has to be short enough to be viable.

Mr. Wilson indicated that some of the designs, such as pineapple trees with nothing on it does not make sense, whereas the bell tower at the church on Tates Creek Road makes perfect sense.

Mr. de Movellan asked if the proposed cellular tower is shorter than a normal cellular tower and what is the minimum height for a tower. Mr. Pike said that their proposed cellular tower is as short as they can go to meet the coverage requirement. Mr. de Movellan asked how far from the ground can the cellular antenna be. Mr. Lewis, applicant's engineer, gave a briefly explanation. Mr. de Movellan asked if there were any restrictions as to how low the antenna can be placed above the ground. Mr. Pike said that there are no limitations, but the closer the antenna are to the ground, the less power that they are allowed to generate.

Mr. Owens asked if the Law Department was in agreement with Mr. Pike's testimony as to what the Planning Commission can or cannot do. Ms. Jones replied affirmatively.

Mr. Wilson indicated that the general public does not understand the Planning Commission's role when it comes to a cellular tower. He asked if there was a way to inform the people who are submitting their opposition that cellular tower applications are ministerial. Ms. Jones replied that cellular towers are similar to a Public Facilities Review, and the Planning Commission is charged with reviewing the application to ensure the application complies with the Comprehensive Plan. However, the Planning Commission does not have any say so on the final decision because cellular towers are controlled by the Federal Communication Commission (FCC). She explained that it would be difficult to explain to the public, but the easiest way to explain cellular towers is that towers are not strictly governed by Kentucky Revised Statutes (KRS) like the other zoning decisions, cellular towers also have to meet the aspect of the Federal Communications Act, which trumps everything.

Mr. Wilson said that the Planning Commission is in the business of public relations, and when a cellular tower application is approved, the people look at the Commission as if they have done something wrong. He asked if some type of response can be given to the people or schools who send letters to the Commission. Mr. Duncan replied that this is only cellular tower application this year, but every month there are zone change request submitted. The public has a hard time understanding the process and there is an ongoing challenge to make sure the process that the Planning Commission is overseeing are communicated to the public. The staff will continue to look for ways to inform the public so there is an understanding.

Mr. Penn said that the Planning Commission was the conduit for the public to know about these types of applications and the hearings give them the opportunity to come down to speak about their concerns.

Mr. Owens said that he will not say these type of applications are ministerial, and the Planning Commission does have the authority to decline an application. However, should the Commission choose to decline an application they must have very good reasons in doing so.

Action - A motion was made by Mr. Wilson, seconded by Mr. de Movellan, carried 9-0 (Bell and Pohl absent) to approve **PLN-CELL-19-00001: AT&T JACOBSON PARK (WIRELESS COMMUNICATIONS FACILITY)**, as recommended by the staff.

**VI. STAFF ITEMS** – The Chair will announce that any item a Staff member would like to present would be heard at this time.

- a. **ARTICLE 4-5(B) IMPROVEMENT PLAN PROGRESS REPORT** - There were none.
- b. **SRA 2019-2: AMENDMENT TO ARTICLES 1 & 6: STUB STREETS** – to update Article 1 and Article 6 of the LFUCG Subdivision Regulations regarding the definition of a "stub street sign" and the location and responsibility for such signs.

The Subdivision Committee recommended approval.

The Staff Recommends: **Approval of the Staff Alternative Text**, for the following reasons:

1. The proposed amendment to Article 1 of the Land Subdivision Regulations will provide a specific definition of a stub street sign.
2. The proposed amendment to Article 6 will clearly define the requirements for signage design and installation, and specify the timing for the transfer of maintenance responsibility from the developer to the Urban County Government.
3. The proposed text amendment will work to maximize the efficiency of the street network by ensuring proper access for services (Theme A, Design Policy #2) and by supporting planned street connections (Theme A, Design Policy #13). These goals and policies can be shared with the general public by the placement of appropriate signage within the community.

Staff Presentation - Mr. Stuart Keams directed the Commission's attention to a PowerPoint presentation and briefly explained the proposed text amendment to Articles 1 and 6 of the Land Subdivision Regulations. (A copy of the staff report is attached as an appendix to these minutes).

Mr. Keams indicated that with the adoption of the 2018 Comprehensive Plan, the LFUCG Planning Commission initiated an amendment to Articles 1 and 6 of the Land Subdivision Regulations regarding the definition of a "stub street sign" and the location and responsibility for such signs. The intent of the text amendment was to inform the general public that stub streets are planned for future connections. This would be communicated through a sign that the developer would be required to install at the end of each stub street and should the general public have any questions, they would be able to contact LexCall 311 to get in touch with the planning staff.

Mr. Keams said that the staff was then contacted by the Division of Traffic Engineering requesting a revision to the same text in Article 6. He then said that Traffic Engineering requested the developer be responsible for the installation and maintenance of street name, traffic control signage and all of the other signs that would be needed for that development.

Mr. Keams explained that the text amendment would include the following new definition in Article 1:

1-14 DEFINITION OF WORDS

STUB STREET SIGN - a sign at the terminus of each stub street, which shall identify the street as a planned future connection. The size and format for the sign shall be as specified by the Division of Traffic Engineering

Mr. Keams then explained that the text amendment would update the current text for street name signs and revised it to the following:

STREET NAME /STUB STREET SIGNAGE - Street name signs, stub street signs, and all other required traffic control signage shall be provided, installed and maintained by the developer as required the Division of Traffic Engineering prior to plat recordings. Signage shall be in compliance with all requirements of the Manual On Uniform Traffic Control Devices (MUTCD) and LFUCG Traffic Engineering guidelines. All signage shall be maintained in a proper fashion by the developer until the final asphalt surface has been applied and written notification of pavement installation is given to the Urban County Traffic Engineer.

Mr. Keams said that the staff was recommending **Approval of the Staff Alternative Text**, for the following reasons:

1. The proposed amendment to Article 1 of the Land Subdivision Regulations will provide a specific definition of a stub street sign.
2. The proposed amendment to Article 6 will clearly define the requirements for signage design and installation, and specify the timing for the transfer of maintenance responsibility from the developer to the Urban County Government.
3. The proposed text amendment will work to maximize the efficiency of the street network by ensuring proper access for services (Theme A, Design Policy #2) and by supporting planned street connections (Theme A, Design Policy #13). These goals and policies can be shared with the general public by the placement of appropriate signage within the community.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Forester, carried 9-0 (Bell and Pohl absent) to approve **SRA 2019-2: AMENDMENT TO ARTICLES 1 & 6: STUB STREETS**, as recommended by the staff.

- c. **THANKSGIVING HOLIDAY** – Mr. Duncan reminded the Commission members that due to the Thanksgiving Holiday the next scheduled meeting would be for the Planning Commission's Zoning Items and it would be held in the Council Chambers.

**VII. AUDIENCE ITEMS** – There was none.

**VIII. NEXT MEETING DATES**

Zoning Items Public Hearing, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>November 21, 2019</b>
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building).....	November 27, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building).....	December 5, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) .....	December 5, 2019
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>December 12, 2019</b>

\* - Denotes date by which Commission must either approve or disapprove request.

## **SRA 2019-2: Proposed Language**

### **Article 1**

STUB STREET SIGN - a sign at the terminus of each stub street, which shall identify the street as a planned future connection. The size and format for the sign shall be as specified by the Division of Traffic Engineering.

### **Article 6-8(k)**

6-8(k) STREET NAME / STUB STREET SIGNAGE - Street name signs, stub street signs, and all other required traffic control signage shall be provided, installed and maintained by the developer, as required by the Division of Traffic Engineering prior to plat recordings. Signage shall be in compliance with all requirements of the Manual On Uniform Traffic Control Devices (MUTCD) and LFUCG Traffic Engineering guidelines. All signage shall be maintained in a proper fashion by the developer until the final asphalt surface has been applied and written notification of pavement installation is given to the Urban County Traffic Engineer.

Recd by \_\_\_\_\_

Date: \_\_\_\_\_

**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE: SRA 2019-2: AMENDMENT TO ARTICLES 1 & 6: STUB STREETS** – to update Article 1 and Article 6 of the LFUCG Land Subdivision Regulations regarding the definition of a “stub street sign” and the location and responsibility for such signs.

Having considered the above matter on **November 14, 2019**, at a Public Hearing and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL OF THE ALTERNATIVE TEXT** of the text amendment for this matter for the following reasons:

1. The proposed amendment to Article 1 of the Land Subdivision Regulations will provide a specific definition of a stub street sign.
2. The proposed amendment to Article 6 will clearly define the requirements for signage design and installation, and specify the timing for the transfer of maintenance responsibility from the developer to the Urban County Government.
3. The proposed text amendment will work to maximize the efficiency of the street network by ensuring proper access for services (Theme A, Design Policy #2) and by supporting planned street connections (Theme A, Design Policy #13). These goals and policies can be shared with the general public by the placement of appropriate signage within the community.

**ATTEST:** This 31st day of December, 2019.

  
\_\_\_\_\_  
Secretary, Jim Duncan

**MIKE OWENS**  
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Stuart Kearns, Senior Planner, Division of Planning, Transportation Section.**

OBJECTIONS

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- None

OBJECTORS

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- None

**VOTES WERE AS FOLLOWS:**

AYES: (9) Brewer, de Movellan, Forester, Mundy, Nicol, Penn, Plumlee, Wilson and Owens

NAYS: (0)

ABSENT: (2) Bell and Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval of the alternative text** of **SRA 2019-2** carried.

Enclosures: Minutes for the initiation of this text amendment.  
Staff Report, with Recommended Text attached  
Applicable excerpts of minutes of above meeting  
Recommended language



Applicant Presentation – Mr. Brandon Gross, attorney representing the petitioner, said that the property that is proposed for rezoning will not have any physical changes made to it. He said that the hotel to the north of the subject property has already been constructed and the one located to the east should be completed within a few months and the retail space is already in place. He said that he is available for any questions.

Zoning Action – A motion was made by Mr. Nicol, seconded by Mr. Forester, and carried 11-0 to approve PLN-MAR-18-00015: JUSTICE PLAZA, LLC (AMD), for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 11-0 to approve PLN-MJDP-18-00060: MAN O' WAR DEVELOPMENT, UNIT 2A, LOT 10 (AMD), as presented by the staff.

II. COMMISSION ITEMS - The Chair will announce that any item a Commission member would like to present will be heard at this time.

A. INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE ARTICLE 6-4 THROUGH 6-6 – ZONE CHANGE PROCESS – The Urban County Council requests that the Planning Commission initiate an amendment to Article 6 of the Zoning Ordinance to allow an alternative zone change process. If initiated, the requisite public hearing would be held after mailed notices are sent.

Staff Zoning Presentation – Ms. Wade said that the staff is asking the Planning Commission to initiate a text amendment to update Articles 6-4 through 6-6 of the Zoning Ordinance. She said that the proposed text had been distributed to the Planning Commission. She said that this is an item that the Planning and Public Safety Committee has discussed numerous times. It is also an implementation of a portion of KRS 100.2111 to allow for an alternative zone change process. She said that currently after the Planning Commission's public hearing, every map amendment is forwarded to the Council for action. This change will allow for only those items requested in writing for the Council to take action, be forwarded to them and all the others will be determined to be final within 21 days. She said that this eliminates some of the items that the Council is doing first and second readings on a regular basis. She said that the Council would not have to hold a public hearing even it was requested.

Ms. Wade said that the Council referred this to the Planning Commission for initiation for it go through the text amendment process.

Commission Question – Mr. Berkley asked who would make the requests for the Council hearing. Ms. Wade said that the state law says "any aggrieved person" could make that request. She said that since KRS doesn't define what an aggrieved person is staff believes it could be anyone who came forward, after the Planning Commission acts. It must be in writing to the Planning Commission; however, the staff will accept these requests.

Ms. Amy Clark, 628 Kastle Road, said that this has received a lot of debate on Council and on their Planning and Public Safety Committee. She displayed the minutes from the last Council Planning and Public Safety Committee, in June 2018 when this was discussed. She said a few of the Council members had concerns regarding this Zoning Ordinance Text Amendment. She said that there is no request here by the Council stating that the Planning Commission initiate this text amendment. She believes that since this involves the Council, it should remain in their Committee where there is a public process and citizens can take part in the discussion. She added that the Council took no action to request an initiation of this text amendment.

Mr. Duncan said that he has been part of those discussions with the Council regarding this issue. He said that the staff believes that this is the best way to get information back to the Council. He said that the Planning Commission will not have the final authority on text amendments and it doesn't matter who initiates them. He said that this information has been presented to the Planning Commission once before and the Council has discussed it on numerous occasions. He said that the staff believes that the best option is for the Planning Commission to consider this text amendment at a public hearing and advance their recommendations to the Council, at which time, the Urban County Council can accept them or reject them.

Ms. Wade clarified that the Council's concerns were mostly about how the cases would be documented at the end of the process. The Council Clerk currently has an Ordinance and they are the holder of the final record, after the Council takes action. She said that Council member Lamb was concerned about the continuation of documentation in the Council Clerk records. She said that the staff has met with the Council Clerk office since the June meeting, to discuss the appropriate manor for them to continue receiving the final documents for their records.

Ms. Clark said that Ms. Wade was correct with Council member Lamb's concerns. She also said that Vice Mayor Kay had concerns regarding the length of time available within 21 days for people to be able to review a zone change and the kind of record that could come to the Council because typically it takes that long for that record to get to Council.

Commission Comments – Mr. Penn said that if the Planning Commission initiates a text amendment, if it is approved, it will also go through the Council for approval. Ms. Wade said that it will follow the normal text amendment process, which includes sending notice to all of the registered homeowner's and neighborhood associations, it will be presented to the Planning Commission and if approved, will be sent to the Council for their approval.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Brewer, and carried 11-0 for the INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE ARTICLE 6-4 THROUGH 6-6 – ZONE CHANGE PROCESS.

VIII. **STAFF ITEMS** – Mr. Duncan reminded the Planning Commission of the Sub-Committee meetings next Thursday, March 7<sup>th</sup>, in the Phoenix Building on the 7<sup>th</sup> Floor,

IX. **AUDIENCE ITEMS** – No such items were presented.

X. **MEETING DATES FOR MARCH 2019**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March	7, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	March	7, 2019
<b>Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers.....</b>	<b>March</b>	<b>14, 2019</b>
Work Session, Thursday, 1:30 p.m., 3 <sup>rd</sup> Floor Phoenix Building.....	March	21, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March	27, 2019
<b>Zoning Items Public Hearing, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers.....</b>	<b>March</b>	<b>28, 2019</b>

XI. **ADJOURNMENT** - There being no further business, Chairman Wilson declared the meeting adjourned at 3:53 p.m.

\_\_\_\_\_  
William Wilson, Chair

\_\_\_\_\_  
Carolyn Plumlee, Secretary

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Archived videos and minutes can be viewed at <https://www.lexingtonky.gov/public-meetings-videos>

TLW/TM/HB/dw

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

**STAFF REPORT ON PETITION FOR SUBDIVISION REGULATION AMENDMENT**

**SRA 2019-2: AMENDMENT TO ARTICLES 1 and 6: STUB STREETS**

INITIATED BY: Urban County Planning Commission with Adoption of the 2018 Comprehensive Plan.

PROPOSED TEXT: See attached. Amendments to Articles 1 and 6 are shown in red with additions underlined and deletions ~~strikethrough~~.

**STAFF REVIEW:**

With the adoption of the 2018 Comprehensive Plan, the LFUCG Planning Commission initiated an amendment to Articles 1 and 6 of the Land Subdivision Regulations regarding the definition of a "stub street sign" and the location and responsibility for such signs. Subsequently, the Division of Traffic Engineering requested a revision to the same subsection of Article 6 proposed for amendment by the Planning Commission regarding stub street signage. The modification requested by the Division of Traffic Engineering is focused on the installation and maintenance of street name and traffic control signage.

The intent of the Planning Commission's revision is to inform the general public that stub streets are not considered to be dead-end streets and are planned for future extension or connections. The proposed amendment to Article 1 adds a specific definition for a stub street sign. Under the proposed amendment to Article 6, when a proposed development includes stub streets, it would be the responsibility of the developer to install the approved signage. This amendment to the Land Subdivision Regulations is in agreement with the 2018 Comprehensive Plan. Specifically, this amendment is supported by two design policies in Theme A "Building Successful Neighborhoods": Theme A, Design Policy #2: Ensure proper road connections are in place to enhance service times and access to fire and police services for all residents, as well as Theme A, Design Policy #13: Development should connect to adjacent stub streets & maximize the street network.

The intent of Traffic Engineering's proposed revision to Article 6 is meant to clearly define the requirements for sign design, and to better specify the responsibility for maintaining street name signs, stub street signs and all other required traffic control signage, installed by the developer. The amendment also clarifies the timing when roads would be transferred from the developer to the Urban County Government. This is necessary as there has been confusion regarding the timing and responsibility of street signs during the development process. This amendment is also supported by Theme A, Design Policy #2: Ensure proper road connections are in place to enhance service times and access to fire and police services for all residents, as it will ensure that all final street signs are properly installed and meet adopted national standards and local guidelines prior to the government accepting responsibility for such signs.

**The Staff Recommends: Approval of the Staff Alternative Text** for the following reasons:

1. The proposed amendment to Article 1 of the Land Subdivision Regulations will provide a specific definition of a stub street sign.
2. The proposed amendment to Article 6 will clearly define the requirements for signage design and installation, and specify the timing for the transfer of maintenance responsibility from the developer to the Urban County Government.
3. The proposed text amendment will work to maximize the efficiency of the street network by ensuring proper access for services (Theme A, Design Policy #2) and by supporting planned street connections (Theme A, Design Policy #13). These goals and policies can be shared with the general public by the placement of appropriate signage within the community.

SK/HB/TLW  
11/04/2019

Planning Services\Staff Reports\Subdivision Regulation Amendments\_SRA2019\SRA 2019-2 Article 6

areas where it is difficult to provide a through street.

CUL-DE-SAC STREETS - Are local streets having only one open end providing access to another street; the closed end provides a turnaround circle for vehicles, no other street generally intersects between the two ends, and property fronts on both sides of the street.

DEAD-END STREETS - Dead-end streets are similar to cul-de-sacs, except that they provide no turnaround circle at their closed end, and are not permitted as streets in any proposed subdivision. Stub streets, planned for future continuation, are not considered to be dead-end streets.

ALLEYS - Alleys generally have two open ends, each end connects with different streets, and property generally backs onto both sides of the alley. Alleys may only be used in conjunction with a neo-traditional design using the neo-traditional design standards or when special permission from the Commission has been granted.

RURAL ROADS - Rural roads are local streets providing access to properties in the Rural Service Area, as well as providing for movement between certain points in the community. A rural roadway includes a right-of-way, the street pavement, and may include paved shoulders and drainage ditches.

STREET, APPROVED - An approved street is any vehicular way approved by the Planning Commission as providing access to a lot. Included in this definition are:

PUBLIC STREETS - Public streets are streets that are dedicated to the public use and that are maintained by a public governmental body.

PRIVATE STREETS - Private streets are streets that are constructed, used and maintained under the provisions of Section 6-8(l) of these Subdivision Regulations.

ACCESS EASEMENTS - Access easements, when permitted by the Commission as the sole means of vehicular access to a lot, are a type of restricted street which may be used by the public, or privately, as designated by the Commission, and subject to the provisions of

Section 6-8(l) of these Land Subdivision Regulations.

STUB STREETS - Stub streets are local or collector, closed-end streets that are only acceptable as a temporary street condition. Stubs are similar to cul-de-sacs except that they provide no turnaround circle at their closed end. Stub streets shall only be used when a future continuation is planned.

STUB STREET SIGN - a sign at the terminus of each stub street, which shall identify the street as a planned future connection. The size and format for the sign shall be as specified by the Division of Traffic Engineering.

SUBDIVISION - A subdivision is the division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development; or if a new street is involved, any division of a parcel of land, providing that a division of land for agricultural purposes into lots or parcels of .5 acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivide.

SUBSTANTIAL COMPLETION - Substantial completion means the work on the public improvements has progressed to the point where the public improvements can be utilized for the purpose for which they were intended, although individual components may be provided for through a surety, provided they do not materially affect the performance of the system. Substantial completion can be further defined as follows:

Roads: The curb, gutter and the granular base, tack coat of asphalt and all bituminous pavement, except the final one inch of surface course have been installed; or for concrete streets, that all pavement is in place.

Sanitary Sewers: All pipes and manholes are installed and have passed all tests required by the Sanitary Sewer and Pumping Station Technical Manual and by the Construction Inspection Technical Manual. Where pumping stations are included in the development, all required pumping equipment is installed as required by the Sanitary Sewer and Pumping Station Technical Manual and by the Construction Inspection Technical Manual, and the facility

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 a bicycle lane on the vehicular roadway 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.

6-8(k) STREET NAME SIGNS STREET NAME / STUB STREET SIGNAGE - ~~Temporary street~~ Street name signs, stub street signs, and all other required traffic control signage shall be provided, installed and maintained by the developer at all intersections, as required by the ~~Department of Public Safety Division of Traffic Engineering prior to plat recordings.~~ Permanent signs shall be installed by the Urban County Government, as determined by Signage shall be in compliance with all requirements of the Manual On Uniform Traffic Control Devices (MUTCD) and LFUCG Traffic Engineering guidelines. All signage shall be maintained in a proper fashion by the developer until the final asphalt surface has been applied and written notification of pavement



installation is given to the Urban County Traffic Engineer.

6-8(l) PRIVATE STREETS - Private streets may be permitted by the Planning Commission. Subdivision plans containing private streets shall conform to the same design standards as subdivision plans utilizing public streets and shall conform to all other subdivision regulations, unless different requirements are listed in the following:

(1) NO DISRUPTION TO THROUGH MOVEMENT - Private streets may be permitted only if they meet the definition of "local" streets; if they provide absolutely no present or future impediment to necessary through traffic movement in the general area; and if adjoining properties in the general area already have, or are capable of providing, a proper, efficient and safe street system that will in no way depend upon the private streets.

(2) RIGHT-OF-WAY AND SETBACK - Private street rights-of-way and building setback lines shall be shown on the plat and shall meet at least the minimum requirements of these Subdivision Regulations and the Zoning Ordinance as required for public streets to assure conformance if such streets are ever accepted for public dedication at a later date.

(3) STREET IMPROVEMENT STANDARDS - Any permitted private street also shall conform to the design and improvement standards for public streets. All private street improvements (excepting only the final course of asphalt, as noted below) shall be constructed in compliance with the approved improvement plan before the final subdivision plan is recorded. For the final course of asphalt only, the developer shall be permitted to post a surety in favor of the final maintenance association responsible for the private street, as provided in Article 4 of these Subdivision Regulations, and shall note such requirement on the final plat of the property. The developer shall be required to submit an affidavit to the Division of Planning, attesting that the surety for the private street has been properly posted prior to recording the final record plan.

(4) MAINTENANCE RESPONSIBILITY - A homeowners' association or other mechanism which provides for equitable common responsibility for private street maintenance and repair shall be required to be established by the developer. The developer's responsibility to create such a mechanism shall be noted on the final plat of the subdivision. A requirement that each property owner be individually responsible for maintenance and repair of the portion of the street abutting the lot shall not be considered as

acceptable for fulfilling the requirements of this section.

6-8(m) ACCESS EASEMENT STANDARDS - Access easements (as opposed to public or private streets) shall be permitted to provide sole access to a lot only in rare and extreme circumstances where the Commission finds that the application of the requirements and standards for public or private streets would clearly be excessive or impossible due to existing development or other just cause. Prior to permitting an access easement as sole access to a lot, the Commission shall first thoroughly examine the possibility of utilizing a public or private street as access, and shall give specific reasons for permitting the access easement in its action on the proposed subdivision. The Commission shall have the right to fully regulate such access easements as to width, construction standards, use and any other relevant factor. Nothing within this section shall be construed so as to abrogate the power of the Planning Commission to deny that the easement will not be adequate to satisfy the traffic needs of the proposed subdivision. Access easements which are not for the sole purpose of access to property and are primarily provided for convenience and/or improved flow of traffic between adjoining properties may also be fully regulated by the Commission; however, no special findings shall be required in these cases.

6-8(n) SIDEWALK AND SHARED-USE PATH STANDARDS - All sidewalks and shared-use paths primarily provided for convenience and/or improved flow shall conform to the following standards and shall be designed in accordance with the Division of Engineering Roadway Manual, the Division of Engineering Standard Drawings, and in conformance with the Americans with Disabilities Act (ADA).

6-8(n)(1) SIDEWALK STANDARDS - Conventional pedestrian sidewalks shall be required on both sides of all roads unless the street is specifically exempted by these Subdivision Regulations, or a specific waiver is granted by the Planning Commission. A meandering sidewalk alignment may be approved by the Planning Commission to save trees or other major plantings, avoid rock outcroppings, or to avoid other physical conditions. Sidewalks shall be constructed of concrete and shall be four and one-half (4½) inches in thickness and a minimum width of four (4) feet. Sidewalks shall be placed adjacent to the street right-of-way line, except as noted in Exhibit 6-7 for cul-de-sacs. Slope toward curb shall be one-quarter (¼) of an inch to the foot. Sidewalks shall include a curb ramp wherever an accessible route crosses a curb. Where sidewalks are required on bridges, they shall have a minimum, barrier-free, width of six (6) feet. The

meets all FCC requirements. The failure to meet the FCC requirements will result in the revocation of their license, which AT&T purchased for billions of dollars.

Ms. Mundy said that her family has a cellular tower on their West Virginia property. She explained that they get a monthly payment, but their lease is for 99 years, which has never been renegotiated, but the monthly payment has increased over time. She asked who will maintain the road to the proposed cellular tower. Mr. Pike replied that the applicant was obligated to maintain the road. Ms. Mundy confirmed that the applicants would maintain the road. Mr. Pike replied affirmatively. Ms. Mundy commented that her family has not been so lucky. Mr. Pike said that the lease agreements have changed over the years.

Mr. Wilson asked how many cellular towers are within the Urban Service Area boundary. Mr. Martin indicated that the staff does not have an exact number.

Mr. Wilson said that it was indicted that the Planning Commission cannot say anything about the design of the cellular tower, but there are stealth towers in the community. Mr. Martin replied that there are stealth towers, as well as antennas on top of existing structures and buildings. Mr. Wilson asked if the existing stealth towers were done by the applicant's choice, not at the request of the Planning Commission. Mr. Pike responded that the difficulty with stealth towers, is that the tower has to be short enough to be viable.

Mr. Wilson indicated that some of the designs, such as pineapple trees with nothing on it does not make sense, whereas the bell tower at the church on Tates Creek Road makes perfect sense.

Mr. de Movellan asked if the proposed cellular tower is shorter than a normal cellular tower and what is the minimum height for a tower. Mr. Pike said that their proposed cellular tower is as short as they can go to meet the coverage requirement. Mr. de Movellan asked how far from the ground can the cellular antenna be. Mr. Lewis, applicant's engineer, gave a briefly explanation. Mr. de Movellan asked if there were any restrictions as to how low the antenna can be placed above the ground. Mr. Pike said that there are no limitations, but the closer the antenna are to the ground, the less power that they are allowed to generate.

Mr. Owens asked if the Law Department was in agreement with Mr. Pike's testimony as to what the Planning Commission can or cannot do. Ms. Jones replied affirmatively.

Mr. Wilson indicated that the general public does not understand the Planning Commission's role when it comes to a cellular tower. He asked if there was a way to inform the people who are submitting their opposition that cellular tower applications are ministerial. Ms. Jones replied that cellular towers are similar to a Public Facilities Review, and the Planning Commission is charged with reviewing the application to ensure the application complies with the Comprehensive Plan. However, the Planning Commission does not have any say so on the final decision because cellular towers are controlled by the Federal Communication Commission (FCC). She explained that it would be difficult to explain to the public, but the easiest way to explain cellular towers is that towers are not strictly governed by Kentucky Revised Statutes (KRS) like the other zoning decisions, cellular towers also have to meet the aspect of the Federal Communications Act, which trumps everything.

Mr. Wilson said that the Planning Commission is in the business of public relations, and when a cellular tower application is approved, the people look at the Commission as if they have done something wrong. He asked if some type of response can be given to the people or schools who send letters to the Commission. Mr. Duncan replied that this is only cellular tower application this year, but every month there are zone change request submitted. The public has a hard time understanding the process and there is an ongoing challenge to make sure the process that the Planning Commission is overseeing are communicated to the public. The staff will continue to look for ways to inform the public so there is an understanding.

Mr. Penn said that the Planning Commission was the conduit for the public to know about these types of applications and the hearings give them the opportunity to come down to speak about their concerns.

Mr. Owens said that he will not say these type of applications are ministerial, and the Planning Commission does have the authority to decline an application. However, should the Commission choose to decline an application they must have very good reasons in doing so.

Action - A motion was made by Mr. Wilson, seconded by Mr. de Movellan, carried 9-0 (Bell and Pohl absent) to approve **PLN-CELL-19-00001: AT&T JACOBSON PARK (WIRELESS COMMUNICATIONS FACILITY)**, as recommended by the staff.

**VI. STAFF ITEMS** – The Chair will announce that any item a Staff member would like to present would be heard at this time.

- a. **ARTICLE 4-5(B) IMPROVEMENT PLAN PROGRESS REPORT** - There were none.
- b. **SRA 2019-2: AMENDMENT TO ARTICLES 1 & 6: STUB STREETS** – to update Article 1 and Article 6 of the LFUCG Subdivision Regulations regarding the definition of a "stub street sign" and the location and responsibility for such signs.

The Subdivision Committee recommended approval.

The Staff Recommends: Approval of the Staff Alternative Text, for the following reasons:

1. The proposed amendment to Article 1 of the Land Subdivision Regulations will provide a specific definition of a stub street sign.
2. The proposed amendment to Article 6 will clearly define the requirements for signage design and installation, and specify the timing for the transfer of maintenance responsibility from the developer to the Urban County Government.
3. The proposed text amendment will work to maximize the efficiency of the street network by ensuring proper access for services (Theme A, Design Policy #2) and by supporting planned street connections (Theme A, Design Policy #13). These goals and policies can be shared with the general public by the placement of appropriate signage within the community.

Staff Presentation - Mr. Stuart Kearns directed the Commission's attention to a PowerPoint presentation and briefly explained the proposed text amendment to Articles 1 and 6 of the Land Subdivision Regulations. (A copy of the staff report is attached as an appendix to these minutes).

Mr. Kearns indicated that with the adoption of the 2018 Comprehensive Plan, the LFUCG Planning Commission initiated an amendment to Articles 1 and 6 of the Land Subdivision Regulations regarding the definition of a "stub street sign" and the location and responsibility for such signs. The intent of the text amendment was to inform the general public that stub streets are planned for future connections. This would be communicated through a sign that the developer would be required to install at the end of each stub street and should the general public have any questions, they would be able to contact LexCall 311 to get in touch with the planning staff.

Mr. Kems said that the staff was then contacted by the Division of Traffic Engineering requesting a revision to the same text in Article 6. He then said that Traffic Engineering requested the developer be responsible for the installation and maintenance of street name, traffic control signage and all of the other signs that would be needed for that development.

Mr. Kearns explained that the text amendment would include the following new definition in Article 1:

1-14 DEFINITION OF WORDS

STUB STREET SIGN - a sign at the terminus of each stub street, which shall identify the street as a planned future connection. The size and format for the sign shall be as specified by the Division of Traffic Engineering

Mr. Kearns then explained that the text amendment would update the current text for street name signs and revised it to the following:

STREET NAME /STUB STREET SIGNAGE - Street name signs, stub street signs, and all other required traffic control signage shall be provided, installed and maintained by the developer as required the Division of Traffic Engineering prior to plat recordings. Signage shall be in compliance with all requirements of the Manual On Uniform Traffic Control Devices (MUTCD) and LFUCG Traffic Engineering guidelines. All signage shall be maintained in a proper fashion by the developer until the final asphalt surface has been applied and written notification of pavement installation is given to the Urban County Traffic Engineer.

Mr. Kearns said that the staff was recommending Approval of the Staff Alternative Text, for the following reasons:

1. The proposed amendment to Article 1 of the Land Subdivision Regulations will provide a specific definition of a stub street sign.
2. The proposed amendment to Article 6 will clearly define the requirements for signage design and installation, and specify the timing for the transfer of maintenance responsibility from the developer to the Urban County Government.
3. The proposed text amendment will work to maximize the efficiency of the street network by ensuring proper access for services (Theme A, Design Policy #2) and by supporting planned street connections (Theme A, Design Policy #13). These goals and policies can be shared with the general public by the placement of appropriate signage within the community.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Forester, carried 9-0 (Bell and Pohl absent) to approve SRA 2019-2: AMENDMENT TO ARTICLES 1 & 6: STUB STREETS, as recommended by the staff.

- c. THANKSGIVING HOLIDAY – Mr. Duncan reminded the Commission members that due to the Thanksgiving Holiday the next scheduled meeting would be for the Planning Commission's Zoning Items and it would be held in the Council Chambers.

**VII. AUDIENCE ITEMS** – There was none.

**VIII. NEXT MEETING DATES**

Zoning Items Public Hearing, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>November 21, 2019</b>
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building).....	November 27, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building).....	December 5, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	December 5, 2019
<b>Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers .....</b>	<b>December 12, 2019</b>

\* - Denotes date by which Commission must either approve or disapprove request.



## **SRA 2019-2: Proposed Language**

### **Article 1**

STUB STREET SIGN - a sign at the terminus of each stub street, which shall identify the street as a planned future connection. The size and format for the sign shall be as specified by the Division of Traffic Engineering.

### **Article 6-8(k)**

6-8(k) STREET NAME / STUB STREET SIGNAGE - Street name signs, stub street signs, and all other required traffic control signage shall be provided, installed and maintained by the developer, as required by the Division of Traffic Engineering prior to plat recordings. Signage shall be in compliance with all requirements of the Manual On Uniform Traffic Control Devices (MUTCD) and LFUCG Traffic Engineering guidelines. All signage shall be maintained in a proper fashion by the developer until the final asphalt surface has been applied and written notification of pavement installation is given to the Urban County Traffic Engineer.