

Planning and Public Works Committee
September 18th, 2012
Summary and Motions

CM Bill Farmer chaired the meeting and called it to order at 1:00pm. CM Lawless and CM Martin were absent. CM Stinnett attended the meeting as a non-voting member.

1. Approval of August 14th, 2012 Summary

Farmer noted that the summary had already been approved by the full council at the previous Work Session.

2. Exploring the Use of Alternative Fuel Resources

Chris King from the Division of Planning was called to the podium to speak on the CNG fueling stations. He presented two options:

- CNG and LNG facilities are considered no differently than traditional automobile service stations from a zoning standpoint. CNG and LNG facilities being principal permitted uses in the B-1, B-2, B-2A, B-3, B-4, B-5P, B-6P, P-2, I-1, and I-2 zoning categories.
- CNG and LNG facilities would receive a separate definition and would be regulated by zone differently than traditional “automobile service stations.” Such facilities would be ‘conditional use’ subject to BOA review and approval in the B-1, B-2, B-2A, B-3, B-4, B-5P, B-6P, P-2, I-1, and I-2 zoning categories.

King said that they are less dangerous than a traditional service station.

King said that they could also blend the two options and build a hybrid. Gorton mentioned the size of the types of vehicles that would be using CNG and suggested that a hybrid approach might be best. She said that she wants to move something forward to the full Council.

King said that if you look at zones such as B-3, B-4, I-1, I-2, and B5-P, the fueling stations could be principal permitted uses in those zones.

Beard asked about safety and King said that there are standards and the State Fire Marshall signs off on the fueling stations. He went on to say that the Council could make the language more restrictive if that is their prerogative.

Blues asked Farmer for the context of the demand. Farmer said that there is a large quantity of natural gas in Kentucky and Lexington's location, between two major interstates, would allow for several fleets to use the fueling station.

Stinnett said that he wants to look at vehicle dealers to gauge interest in the private sector. He also suggested working with LexTran.

Gorton made a motion to initiate a text amendment that would use a hybrid option so the Council could move it to the Planning Commission for review and then back to the Council. Seconded by Beard. Motion passed without dissent.

3. Repaving

Stinnett talked about options available to provide funding for paving. He asked Commissioner Jane Driskell if they could use MAP money for debt service payments. She said that it is permissible as long as the proceeds from the bond are used in the same way. She said that they need to look at appropriations because some of the money is used for operating, as those costs inflate naturally. She suggested a split between on going maintenance and the initial investment. It would be a general obligation debt.

Kevin Wente said that they could use seven million dollars a year.

Driskell said that a short term note has one percent interest. Stinnett said that they must remember that they would be obligating future MAP money and this will impact future Councils. Stinnett suggested considering a cap on the use of MAP money.

Kay asked Driskell about the terms of the loan. Kay also asked Wente about the conditions of the roads. Wente said the biggest need is for roads rated between 55 and 65. We could reduce the percentage of roads and continue to keep them out of that category by allocating this amount of money.

Ryan Barrow told CMs that there are direct personnel allocations that are paid out of the MAP proceeds. Barrow said that if the work is done internally the costs go up, but if they contract the work, the cost would not go up. It is correlative to the amount individual people work, not the amount of money received.

Henson asked Wente if we are catching up with resurfacing in Fayette County. Wente said that last year they did do some catching up due to the mild winter. Wente said that there was \$800,000 available in the MAP funds last year.

Stinnett mentioned that they also used MAP money for matching funds for other projects. Stinnett said that the Council does not always need to use MAP money to pay debt obligations to balance the budget. They could choose to use other sources.

Kay asked for MAP fund allocations. Ryan said that the MAP fund allocation varies. \$5M a year used for capital construction and personnel for dedicated projects.

Wente said that when they resurface, they look to have the roads last at least 12-15 years.

Barrow said that in addition of the MAP money that went to resurfacing, there was \$1.5M that went to other capital infrastructure projects in FY13.

Stinnett asked for estimated revenue for FY13 MAP. Barrow said he would get that number for Stinnett.

Farmer said that it is going to be the Administration's prerogative to put \$3M a year into resurfacing. We will be looking to bond \$4M three times or \$12M one time.

Stinnett said that they should not delay sending in their paving lists based on the conversation of bonding. Stinnett said that it should not take more than a week to get the numbers. He said that if the numbers are not ready by the report out, they could call a special meeting. Farmer was in agreement with this suggestion.

CAO Richard Moloney asked the CMs to turn in their lists. He said that they need to work with what they have now.

4. Adult Day Care Centers

Stinnett said that he needs clarification on the language in the ZOTA. He mentioned grandfathering and parking specifically.

Ford told the CMs that he had brought this forward last spring. The Planning Commission then held a hearing on July 12th, 2012. It was then brought back to the full Council. Ford told Farmer that the Planning staff was present to provide a background on the issue.

Bill Sallee said that the Planning Commission held a hearing and the ZOTA would create a new definition for adult day care centers. He said that the proposed text amendment would make adult day care centers a conditional use in the P-1, B-1, B-2, and P-2 zones when proposed to be closer than 500 feet to a residential zone, which will allow for notification to neighbors and a public hearing before the BOA prior to sitting an adult day care center in these locations.

Sallee said that there are two types of centers: medical need and social. Medical need centers require a permit from Frankfort, Kentucky.

Sallee said that the Planning Commission recommended the text amendment back to the Council as presented.

Sallee then discussed parking requirements. Sallee said they are similar to an assisted living facility.

Gorton asked Sallee if B2-A is mostly downtown. Sallee said it is basically from Martin Luther King to the Midland Avenue area. West from there is the B2-B zone.

Gorton asked about the non-medical facilities. She asked if there was a tie with the State for non-medical facilities. Sallee said that he didn't believe there was. Gorton went on to tell Sallee that there is a list for schools and daycare facilities through the Emergency Management team.

Kay asked if there was a timeline for approval. Sallee said no. Kay also asked Sallee about the conversation that surrounded parking requirements. Sallee said that he did not recall any substantive conversation about parking requirements.

Henson asked how they arrived at this definition and not that of a community center. Sallee mentioned other communities that they reviewed. They did not find a pure definition anywhere else in the County. The presented definition is a hybrid.

Henson said that our population is aging and we need to be friendlier towards our seniors. She also mentioned that most people who use the adult day care centers do not drive.

Stinnett asked what is allowed now. Sallee said the closest current regulation is a community center. Sallee said that what prompted this ZOTA was when an adult day care center opened in a business zone near a residential zone without notifying the neighbors.

Stinnett also mentioned parking. He said that parking should be one parking space for every 10 attendees. Assisted living allows for overnight accommodations and adult day care centers do not.

Stinnett asked about 500 foot distance from residential area. Sallee said that this language is no longer in the amendment. They would be conditional uses in all zones. This language would allow the BOA to make a decision on each case. Stinnett found this troubling.

Ford said that a shelter that accommodates underprivileged and homeless members of our society opened. It was properly zoned and is still operating. He asked if the CMs think it is important for neighbors to be engaged. He said that it is an attempt to keep neighborhoods safe and engaged and also an attempt to clean up the zoning ordinance.

Ford said that he does not think the legislation is intrusive. Ford asked Sallee about the zones that would allow adult day care centers as conditional uses. Sallee said that this use would not be permitted in any other zones other than those listed.

Kay said that he thinks the parking requirement is too restrictive. If it could be amended he would support it.

Beard asked about churches. Sallee said that churches in residential zones are conditional uses. In other zones, a church is a principle use. If the church was to conduct this type of activity, they would need to get BOA approval.

Henson said that she has a problem with the definition because it calls for the BOA to make the right decision based on the facts they are presented. She said that she understands that the adult day care should not be in residential zones, but thinks that they should be allowed in business zones.

Gorton mentioned notification of the opening of an adult day care center. She asked if notification is always needed for childcare centers. Sallee said that notification of those types of entities is not always required.

Gorton went on to say that she would be agreeable to an amendment to the parking regulation.

Blues said that he thinks there is concern that the definition includes any elderly population. He said that there may be confusion between homeless shelters and adult day care centers. Sallee said that homeless shelters have been permitted as community centers under the zoning ordinance.

Motion by Ford to forward the ZOTA with the amendment to the parking requirement (1 to 10 ratio) to the full Council. Seconded by Gorton. Motion passed 8-1 (Henson voted nay).

Motion to adjourn by Gorton. Seconded by Ford. Motion passed without dissent.