

**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