



Planning and Public Works Committee
 April 16th, 2013
 Summary and Motions

Chair Bill Farmer Jr. called the meeting to order 1:00pm. Committee members Jennifer Mossotti, VM Linda Gorton, Charles Ellinger, Steve Kay, Chris Ford, Diane Lawless, Julian Beard, Harry Clarke and Peggy Henson were in attendance. Kevin Stinnett attended as a non-voting member.

1. Approval of Summary

Motion by Lawless to approve the summary. Seconded by Ellinger. Motion passed without dissent.

2. Right of Entry

Chris King came to the podium to present on Right of Entry. King said that he referenced similar LFUCG legislation and the best example he found is from the Code of Ordinances 16-112(b) which establishes right-of-entry for sewer inspections. King said that he took that language and used it for 5-1(a). The new language reads as follows:

5-1(a) RIGHT OF ENTRY – The Director or his authorized agent is authorized to enter upon property, land, structures or buildings, at reasonable times for the purpose of inspecting, ascertaining and causing to be corrected any violation of this Zoning Ordinance. The Director is hereby empowered to prescribe, adopt, promulgate, and enforce reasonable rules, regulations, and/or guidelines pertaining to administrative inspections of properties for zoning violations which are not otherwise inconsistent with the Zoning Ordinance and constitutional restrictions of unreasonable searches and seizures. Whenever the Director or his authorized agent is denied entrance to any property, land, structure or building he may apply to the district court for a warrant allowing entrance and inspection. This authority shall apply to the interior of occupied, private dwellings only when the inspecting agent has reason to believe that a zoning violation exists in the dwelling.

Henson asked King what the time frame is for a search warrant. King said they can be granted quickly but the courts would require them to produce a burden of proof. King said they have never had to do it. King said that in any given year they have less than six property owners that will not cooperate with an inspection.

Motion by Gorton to approve to send to the full Council the modified draft of 5-1(a) Right of Entry. Seconded by Clarke.

Lawless asked King if this legislation would only apply to zoning. King said that it could also apply to building inspection. Lawless said that she would like it to apply to building inspection violations as well. She asked if King could amend it. King said that he thinks this section would apply to either one. King said that he will look into it.

David Barberie said that as the language is drafted, it would only apply to zoning violations. He said the language already exists to handle sanitary sewer issues.

Clarke asked King asked about the use of the word “this” zoning ordinance. King said that the language includes the zoning ordinance in its entirety.

Gorton’s motion passed without dissent.

3. Downtown Lexington Traffic Movement and Revitalization Study (2-Way Streets) Project Update

King began his presentation by introducing Tom Creasey from Stantec, Stan Harvey from Urban Collage, and Scott Shapiro, all of whom have been working on the study.

King said that the whole idea of converting the one-way streets pairs to two-way streets began around 2006. The two-way streets concept was supported in the Downtown Master Planning process, that concept also was supported in the 2007 update of the Comprehensive Plan. However, the Downtown Development Authority (DDA) said that the issue required more study. In 2009, the Council passed a specific resolution directing the government to proceed with the investigation of a possible conversion. In 2011, the LFUCG was awarded a grant to do a more detailed traffic movement study. That project has been going on, and Creasey will be giving that update. They are doing analysis and have developed a model.

Creasey was the project manager for the DDA study. Entran has since been acquired by Stantec. The originally study did not provide a recommendation for a conversion to two-way streets. He went on to say, however, that the current study is more detailed and is looking at numerous options for conversion.

Creasey said that the purpose of the study is to determine if two-way conversion can reduce driver confusion, increase accessibility to downtown businesses, and moderate vehicle speeds for improved safety. The study will also determine negative impacts and propose practical solutions, if possible; develop preliminary design and cost information for the two-way conversions; and engage public participation in the study.

Creasey said that Stantec is using various evaluation tools for the study including traffic simulation models, traffic forecasting models, “urban street” evaluation, eclipsing analysis, and surveys.

Creasey said that they broke Lexington’s downtown area into three sections: the North Area, the Core Area, and the South Area.

Creasey said they are also taking into consideration traffic growth scenarios. They are looking at little or no growth, moderate growth, or high growth. Farmer asked about traffic from 21C and Creasey said that they are not predicting a large increase in traffic from 21C.

They have completed the data collection, the development of the analytical tools, the existing conditions analysis and are completing the North Area study. They will then complete the Core Area study, the South Area study and the Mobility Plan.

Creasey said that Stantec’s deliverables are as follows:

1. Safety Analysis
2. Traffic Signal System Review
3. HazMat/UST Overview
4. Multimodal Level of Service Analysis of Existing Conditions

5. Eclipsing Analysis
6. North Area Analysis Technical Memorandum (Draft)
7. Survey of Downtown Businesses Summary Report
8. Core Area Analysis Technical Memorandum
9. South Area Analysis Technical Memorandum
10. Mobility Plan

Creasey said that there is a technical Advisory Committee, a Policy Committee, stakeholder meetings and public meetings. The website for the project is www.downtownlexstudy.com.

Beard asked about parking. Creasey said they are including parking needs in their study. Creasey said one of their basic principles is that if there is on street parking, they want to keep it. Creasey said the study will not determine if there is a parking deficiency downtown.

Gorton asked who serves on the Policy Committee. Creasey said Ford, Lawless, and Kay serve on the committee, as well as staff from the Kentucky Transportation Cabinet. Gorton asked King to email her the list.

Gorton asked King about the two resolutions included in the packet and asked him if there were any other resolutions that the Council had passed. King said that when Council agreed to accept the grant money, it set this process in motion. Creasey said that by adopting the Downtown Master Plan, the concept was supported. Gorton said that the Council adopted the Downtown Master Plan in concept only. Gorton said that she does not want the public to think that this is a done deal. She referenced the Entran study that illustrated numerous problems with conversion, specifically with Main Street and Vine Street.

Gorton asked if the conversion of Short and Second streets could move forward before the rest of the streets. Creasey said that they are working on the draft document that will provide that information. Creasey said that North Limestone and North Upper may also be able to be converted. Those two streets are part of the North Area analysis.

Creasey said that the full study will be completed by mid-October 2013.

Stinnett asked about the Steering Committee. Creasey said that Shapiro, Harvey, King, representatives from the Division of Traffic Engineering, the Kentucky Department of Transportation, and the Division of Engineering serve on the Steering Committee. Stinnett said that he voted against using the grant money to study two-way streets. He went on to say that he would like to make a decision and stick to it. Stinnett asked Creasey how the current study is different from the Entran study.

Lawless expressed concern about the current rates of speed on Main and Vine Streets. She said that the landscape downtown has changed tremendously since the last study was completed.

Ford asked if they are waiting for all the recommendations to be complete before October or can decisions be made before that. Creasey said that they will make recommendations before October. He said that in the north area, there could be decisions that are made prior to October. He said they are focusing on the three areas one at a time.

Ford asked about Upper and North Limestone and not converting Short and Second. Creasey said that they looked at those pairs individually. They did the detailed traffic simulation for those pairs.

Ford said that parking is a major concern of his. Creasey said that their plan is to leave off-street parking through the conversion to two-way streets. There may be a few parking places removed to install turn lanes.

Kay asked about the work being done on Fourth Street. Creasey said that it is included in the North Area analysis. He said that Fourth Street is converted to two-way in their analysis. Third Street from Jefferson to Newtown Pike is still one-way in their analysis.

Stan Harvey said that BCTCS and the Transportation Cabinet have been working on modifications to potentially convert Fourth Street. Harvey said that the LFUCG is working with the Transportation Cabinet to determine costs to convert Fourth Street from Jefferson to Newtown Pike. Planning Commissioner Derek Paulsen is working on this. The Transportation Cabinet is making improvements to accommodate two-way streets. The intersection at Newtown and Georgetown Street is going to be modified.

Kay asked Creasey if he would bring anything forward on specific sections before October. Creasey said that the Policy Committee could decide to do that.

Clarke asked if the study is looking at the impact of two-way streets on retail. Creasey said that it is not part of the study. Clarke asked if Creasey has considered changing parallel parking to oblique parking. Creasey said they have not studied it as part of the North Area. Creasey said that there is not space to do it. He said it might be an option somewhere and went on to say that they have not looked at it.

Clarke asked if they were considering the plans for the Town Branch Commons. Creasey said that they are considering it. He said the coordination is built in to what they are doing.

Mossotti asked about the impact of two-way streets on retail. Creasey said that they are not analyzing this. He mentioned Fargo North Dakota as a case study.

Shapiro said that many of the cities that have converted to two-way streets have seen an increase in retail activity. Creasey said Fargo, North Dakota did an economic analysis on two-way street conversion's impact on retail. He said it is on the website.

Gorton asked King to name those representing neighborhoods on the different committees when he emails the lists of membership to Council Members.

Gorton also asked if Fourth Street might proceed before October. Creasey said the Fourth Street plans are underway. Gorton asked if there are any other streets that may go forward before October. Creasey said he is unaware of any but the State might do something with Third Street. He said it would be in the State Highway Plan.

Ford said that it might be time to make the decision to make Fourth Street two-way. Ford said that the decision to do so would need to come from the Council. Ford mentioned that it might not be on the LFUCG's dime to convert from Jefferson to the railroad track.

Farmer said that after the April 17th, 2013 presentation, if the Council wants to act, they can.

Beard asked if there is a body of knowledge that says retail is totally elastic. Shapiro said that for the Administration, this is one of the most important parts of the study. He said they want it to be a place to drive to, not drive through. He went on to say that there is not a huge body of knowledge on this, but there is evidence that says that two-way streets help increase retail activity. Beard expressed concern that the cities that have been studied are much larger than Lexington. Shapiro said that Charleston, South Carolina has also converted their streets. Shapiro said that Rick Day lives there and was in charge of their conversion. Shapiro suggested inviting him to come to the next Traffic Revitalization Study update to the Planning and Public Works Committee.

Beard said he would like more data and some on-site visits to see how this is working in other communities.

Stinnett asked how the next day's presentation to the Policy Committee would be different than the current presentation. Creasey said that the Policy Committee would be reviewing the preliminary results from the North Area study. Stinnett asked why the Planning and Public Works Committee did not get that presentation. Creasey said that this is just the process. Farmer said that he placed the item in Committee and said that he would have assumed a process that would have been a little different than the current process. He said that he would have envisioned it being more Council centered.

Stinnett asked if this item would be heard at the next Planning and Public Works Committee meeting. Farmer said that they could take the item out of Committee, or they could have a follow-up next month.

Stinnett asked the members of the Policy Committee to keep the members of the Planning and Public Works Committee in the loop. Stinnett asked for a copy of the preliminary results of the study.

Creasey said that he will do whatever he is directed to do. Creasey said that the report is not ready. Creasey said that they are assuming that the Fourth Street connector will be done.

Lawless said that they have only had two policy meetings; the first was on short notice and the second was in August 2012. Lawless said that she does not want the Committee members to think that they have been meeting and not sharing the information. Lawless said the meeting the next day is scheduled for 1:00pm on the seventh floor of the Phoenix Building.

Kay said that he would like to err on the side of getting information out, even in draft form, instead of keeping information from people. Kay said that he is also concerned that the Council often feels that they get presentations that do not speak directly to the topic. Kay said that we need to have better coordination between the Council and the Administration.

Farmer asked about preliminary conversations with the Transportation Cabinet about the permit for a road swap agreement (Main and Vine). Creasey said that no meetings have taken place on the swap. Creasey said that parts of Main, Vine, Maxwell, High, Limestone, and Upper are part of the Federal highway system.

4. Exaction Fees

This item was delayed until the May 2013 meeting.

5. B1 ZOTA

This item was delayed until the May 2013 meeting.

6. Items in Committee

Motion by Gorton to remove Right of Entry from the items referred list. Seconded by Clarke. Motion passed without dissent.

Adult Day Cares will also be on the May 2013 agenda.

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

Submitted by Jenifer Benningfield, Council Administrative Specialist