

STAFF REPORT ON PETITION FOR LAND SUBDIVISION REGULATIONS TEXT AMENDMENT

SRA 2017-1: AMENDMENT TO ARTICLE 6-8(I): PRIVATE STREETS

REQUESTED BY: Lexington-Fayette Urban County Council

PROPOSED TEXT: (Note: Text underlined indicates an addition to the Land Subdivision Regulations.)

6-8(I) PRIVATE STREETS

(5) DEMARCATION OF END OF PUBLIC RIGHT-OF-WAY – The developer shall be required to install a permanent sign denoting End of Public Maintenance at each location where a private street intersects or otherwise abuts a public street. Such sign shall conform to design and material standards prescribed by the Division of Traffic Engineering.

STAFF REVIEW:

On February 15, 2017 the Lexington-Fayette Urban County Council passed a resolution to initiate an addition to the LFUCG Land Subdivision Regulations. The change would see the creation of a new item 5 under Article 6-8(I), which outline all of the standards for “Private Streets” in Lexington-Fayette County.

When the Planning Commission reviews subdivision and development plans for the creation of private streets, a common “discussion item” during that review involves the demarcation of the end of a public street, and the beginning of a private street. More recently in commercial developments, a band of concrete has been required to mark these locations. At a street intersection, this is not as critical, as often, something as routine as a pedestrian crosswalk can achieve that purpose. However, on local streets or even collector streets (such as are in the Ellerslie development on the former Denton Farm off of Delong Road), the point where the public maintenance of a street is less clear, on the ground.

This physical delineation has an important purpose. The public, through the local government, is required to provide snow removal, pre-winter weather salting, sealing asphalt cracking, pothole repairs and repaving on the public street system. The government does not have this responsibility on private streets. Instead, a Homeowners’ Association or other similar entity is charged with collecting and pooling monies from individual property owners, and performing those functions. There may be other financial assessments included in that function for other private infrastructure, or for long-term maintenance of the particular development’s private infrastructure and improvements (such as storm water basins, access gates or guardhouses, swimming pools or clubhouse facilities).

This amendment will not have a negative impact on the public. It will provide important information to the general public, and to government service employees in differentiating exactly where private streets begin and public streets end. Government services will be improved by precisely delineating exactly where the government’s maintenance responsibility ends, and where a Homeowner’s Association is required to begin – benefitting all parties.

The Staff Recommended: **Approval**, for the following reasons:

1. The proposed text addition to Article 6-8(I) requires developers to clarify where public streets and their private streets terminate; thus allowing the public to make informed decisions in contacting the correct parties about maintaining those streets.
2. The proposed addition will maintain public health and safety, and promote improvements in the maintenance of our public streets, which furthers the overall intent of the Land Subdivision Regulations.