

AN ORDINANCE CREATING A NEIGHBORHOOD DESIGN CHARACTER OVERLAY (ND-1) ZONE FOR 113.87± NET (150.90± GROSS) ACRES, TO PRESERVE EXISTING NEIGHBORHOOD CHARACTER FOR PROPERTIES LOCATED AT 200-368 BOILING SPRINGS DRIVE; 207-291 BURKE ROAD; 1443-1602 NORTH FORBES ROAD; 216-352 GLENDALE AVENUE; 212-353, 357 & 361 HILLSBORO AVENUE; 212-329 LARCH LANE; 1519-1649 OLD LEESTOWN ROAD (ODD ADDRESSES ONLY); 310-331 LEONA DRIVE; 1456-1650 MEADOWTHORPE AVENUE; 1541 & 1545 PENROD DRIVE; 215-267 PEPPER DRIVE; 209-340 TAYLOR DRIVE; AND 1442-1509 TOWNLEY DRIVE (URBAN COUNTY PLANNING COMMISSION).

WHEREAS, at a Public Hearing held on February 23, 2012, a petition for a zoning ordinance map amendment to add a Neighborhood Design Character Overlay (ND-1) zone for 113.87± net (150.90± gross) acres for properties located at 200-368 Boiling Springs Drive; 207-291 Burke Road; 1443-1602 North Forbes Road; 216-352 Glendale Avenue; 212-353, 357 & 361 Hillsboro Avenue; 212-329 Larch Lane; 1519-1649 Old Leestown Road (odd addresses only); 310-331 Leona Drive; 1456-1650 Meadowthorpe Avenue; 1541 & 1545 Penrod Drive; 215-267 Pepper Drive; 209-340 Taylor Drive; and 1442-1509 Townley Drive was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change; 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 herein by reference.

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

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone, to add a Neighborhood Design Character Overlay (ND-1) zone for 113.87± net (150.90± gross) acres for properties located at 200-368 Boiling Springs Drive; 207-291 Burke Road; 1443-1602 North Forbes Road; 216-352 Glendale Avenue; 212-353, 357 & 361 Hillsboro Avenue; 212-329 Larch Lane; 1519-1649 Old Leestown Road (odd addresses only); 310-331 Leona Drive; 1456-1650 Meadowthorpe Avenue; 1541 & 1545 Penrod Drive; 215-267 Pepper Drive; 209-

340 Taylor Drive; and 1442-1509 Townley Drive; being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

Design Standards

1. Exterior Building Materials (applicable to single-family detached, duplexes and multi-family)
 - a. Exterior wall coverings of the primary structure, including attached garages and chimneys, but with the exception of dormers and porch coverings, are to consist of laid brick or laid natural stone. Brick is defined as brick made of kiln-dried clay or ground shale, and recognized by the Brick Industry Association as such. Exterior wall coverings of additions to the primary structure, other than those behind the rear wall plane of the existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind the rear wall plane of the existing structure, may be of any material approved by local building codes.
2. Floor Area Ratio (applicable to single-family detached and duplexes)
 - a. The floor area ratio, excluding basements, shall not exceed 0.25.
3. Building Heights (applicable to single-family detached and duplexes)
 - a. Maximum of 30 feet to highest ridge.
4. Rear Yard Setbacks (applicable to single-family detached and duplexes)
 - a. Setback shall be measured 60 feet from the front building plane (excluding porches) or 10 feet from the rear property line, whichever is greater.
5. Accessory Structures (applicable to single-family detached, duplexes and multi-family)
 - a. Maximum footprint of 800 square feet for all accessory structures per lot for single-family detached and duplexes. Maximum of 250 square feet per unit for multi-family. Maximum 22-foot height to roof ridge, but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure; maximum 12-foot height to eave (aka gutter line). Maximum 12-foot height

for accessory structures with flat or shed roofs. Dormers shall be prohibited on accessory structures.

6. Minimum Wall Openings (applicable to single-family detached, duplexes and multi-family)

- a. Minimum of 10 percent (10%) of the wall plane (surface) on each elevation (front, side and rear) of new construction to have windows, doors, and/or vented openings, unless such openings violate Building Code for fire protection. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers).

7. Parking

Parking for Multi-Family Dwellings: No parking areas between the street and the front building plane of the principal structure on the lot. All parking areas are to be located to the rear and/or side of the principal structure on the lot.

Parking for Single-Family Detached and Duplexes: No driveways or parking areas directly between the front façade of the primary structure and the street unless it is a driveway directly in front of an attached garage. Loop or circular driveways shall also be prohibited.

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character by the Meadowthorpe Neighborhood Association, and are necessary to maintain that existing character in the future.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of passage.

PASSED URBAN COUNTY COUNCIL: April 26, 2012

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: May 3, 2012 - 1T

LEGAL DESCRIPTION

MEADOWTHORPE NEIGHBORHOOD NEIGHBORHOOD DESIGN CHARACTER (ND-1) OVERLAY ZONE

200-368 Boiling Springs Drive; 207-291 Burke Road; 1443-1602 N. Forbes Road; 216-352 Glendale Avenue; 212-353, 357 & 361 Hillsboro Avenue; 212-329 Larch Lane; 1519-1649 Old Leestown Road (odd addresses only); 310-331 Leona Drive; 1456-1650 Meadowthorpe Avenue; 1541 & 1545 Penrod Drive; 215-267 Pepper Drive; 209-340 Taylor Drive; and 1442-1509 Townley Drive.

Beginning at a point in the centerline of Leestown Road and the extension of 209 Taylor Drive (Lot 1, Block A of Section 1 of the Meadowthorpe Subd.), BEING THE POINT OF BEGINNING;

Thence N 23° 20' E for a distance of 1,250 feet, more or less, along the rear property lines of Lots 1-17, Block A of Section 1 of the Meadowthorpe Subd.;

Thence N 23° 36' E for a distance of 430 feet, more or less, along the rear property lines of Lots 18-23, Block A of Section 2, Unit A of the Meadowthorpe Subd., and continuing in the same direction crossing the right-of-way of North Forbes Road for a distance of 60 feet;

Thence N 23° 36' E for a distance of 330 feet, more or less, along the rear property lines of Lots 1-25, Block H of Section 2, Unit B of the Meadowthorpe Subd.;

Thence N 23° 41' E for a distance of 7 feet, more or less, along the rear property line of Lot 6, Block H of Section 4, Unit 2 (333 Taylor Drive) of the Meadowthorpe Subd.;

Thence N 66° 17' E along a curve with a length of 220 feet, more or less, along the northernmost side property line of Lot 6, Block H of Section 4, Unit 2 (333 Taylor Drive) of the Meadowthorpe Subd., then extended another 45 feet, more or less, to a point being the intersection of the centerlines of Penrod Drive and Taylor Drive;

Thence in a northeasterly direction along the curve and centerline of Penrod Drive for a distance of 820 feet, more or less, to the centerline of Hillsboro Avenue extended;

Thence S 23° 20' W for a distance of 220 feet, more or less, following the centerline of Hillsboro Avenue;

Thence S 66° 40' E for a distance of 180 feet, more or less, along the southern property line of 356 Hillsboro Avenue (a consolidated parcel of Lots 25, 26 & 52 of Section 4, Unit 2, Block K and Lots 27 & 53 of Section 4, Unit 2, Block K of the Meadowthorpe Subd.);

Thence S 23° 20' W for a distance of 10 feet, more or less, along the southern property line of 356 Hillsboro Avenue;

Thence S 66° 40' E for a distance of 180 feet, more or less, along the southern property line of 356 Hillsboro Avenue to a point in the centerline of Boiling Springs Drive;

Thence N 23° 20' E for a distance of 325 feet, more or less, following the centerline of Boiling Springs Drive to a point being the intersection of the centerline of Boiling Springs Drive with the northernmost property line of 368 Boling Springs Drive extended (Lot 1, Block Z, of Section 4, Unit 2 of the Meadowthorpe Subd.);

Thence N 83° 04' E for a distance of 300 feet, more or less, along the northernmost property lines of Lots 1, 3 & 4, Block Z of Section 4, Unit 2 of the Meadowthorpe Subd. to a steel post marking the northeastern corner of Lot 4;

Thence S 6° 16' E for a distance of 76 feet, more or less, along the easternmost, side property line of Lot 4, Block Z of Section 4, Unit 2 of the Meadowthorpe Subd.;

Thence S 6° 21' E for a distance of 159 feet, more or less, continuing along the easternmost, side property line of Lot 4, Block Z of Section 4, Unit 2 of the Meadowthorpe Subd.;

Thence in a southeasterly direction for a distance of 28 feet, more or less, to the centerline of Penrod Drive;

Thence N 66° 54' W for a distance of 235 feet, more or less, following the centerline of Penrod Drive to a point being the intersection of the centerline of Penrod Drive with the easternmost property line of 360 Boling Springs Drive extended (Lot 15, Block L, of Section 4, Unit 1 of the Meadowthorpe Subd.);

Thence S 23° 20' W for a distance of 300 feet, more or less, along the rear property lines of Lots 12-15, Block L of Section 4, Unit 1 of the Meadowthorpe Subd., and continuing for a distance of 360 feet, more or less, along the rear property lines of Lots 6-11, Block L of Section 2, Unit B of the Meadowthorpe Subd. for a total of 660 feet, more or less;

Thence in a southeasterly direction for a distance of 210 feet, more or less, along the northernmost, side property line of Lot 35, Block L of Unit 3 and continuing

across the Larch Lane right-of-way to the northeasternmost point of the Larch Lane right-of-way;

Thence S 23° 20' W for a distance of 35 feet, more or less, along the front property line of 330 Larch Lane;

Thence N 62° 05' E for a distance of 33 feet, more or less, along the northwesternmost, side property line of Lot 1 of Unit 5 of the Meadowthorpe Subd.;

Thence S 50° 31' E for a distance of 86 feet, more or less, continuing along the northernmost, side property line of Lot 1 of Unit 5 of the Meadowthorpe Subd.;

Thence S 46° 51' E for a distance of 18 feet, more or less continuing along the northernmost, side property line of Lot 1 of Unit 5 of the Meadowthorpe Subd.;

Thence along the rear property lines of Lots 1-5, Block R of Unit 5 of the Meadowthorpe Subd. for the following bearings and distances: S 23° 20' W for a distance of 88 feet, more or less; S 02° 47' E for a distance of 85 feet, more or less; S 23° 20' W for a distance of 198 feet, more or less;

Thence S 47° 40' E for a distance of 108 feet, more or less, along the northernmost rear property line of Lots 7 & 8 of Unit 5 of the Meadowthorpe Subd.;

Thence S 28° 18' W for a distance of 155 feet, more or less, along the easternmost side property line of Lot 8 of Unit 5 of the Meadowthorpe Subd. (1507 North Forbes Road);

Thence S 47° 40' E for a distance of 79 feet, more or less, along the northernmost edge of the North Forbes Road right-of-way;

Thence N 35° 10' E for a distance of 22 feet, more or less, along the westernmost side property line of Lot 50, Block R of Unit 3 of the Meadowthorpe Subd. (1501 North Forbes Road);

Thence N 83° 47' E for a distance of 526 feet, more or less, along the northernmost, rear property lines of Lots 47-50, Block R of Unit 3 of the Meadowthorpe Subd., continuing across the right-of-way of Townley Drive and the side property line of Lot 46 of the same subdivision;

Thence S 6° 10' E for a distance of 1,510 feet, more or less, along the rear property lines of Lots 29-46, Block R of Unit 3 of the Meadowthorpe Subd.;

Thence S 83° 50' W for a distance of 470 feet, more or less, along the southernmost side property lines of Lots 29, 28 and 1, Block R of Unit 3 of the

Meadowthorpe Subd., including crossing the Townley Drive right-of-way and the North Forbes Road right-of-way;

Thence S 83° 49' 02" W for a distance of 386 feet, more or less, along the rear property lines of Lot 1A -7, Block Q of Unit 3 of the Meadowthorpe Subd.;

Thence N 48° 12' 01" W for a distance of 290 feet, more or less, along the side property lines of Lot 1A , Block Q of Unit 3 of the Meadowthorpe Subd. and continuing to a point being the intersection of the centerlines of Burke Road and Meadowthorpe Avenue;

Thence in a southwesterly direction for a distance of 380 feet, more or less, along the centerline of Burke Road to it's intersection with the centerline of Leestown Road;

Thence in a northwesterly direction for a distance of 1,950 feet, more or less, along the centerline of Leestown Road, to THE POINT OF BEGINNING, containing a gross area of 150.90 acres, more or less, and a net area of 113.87 acres, more or less.

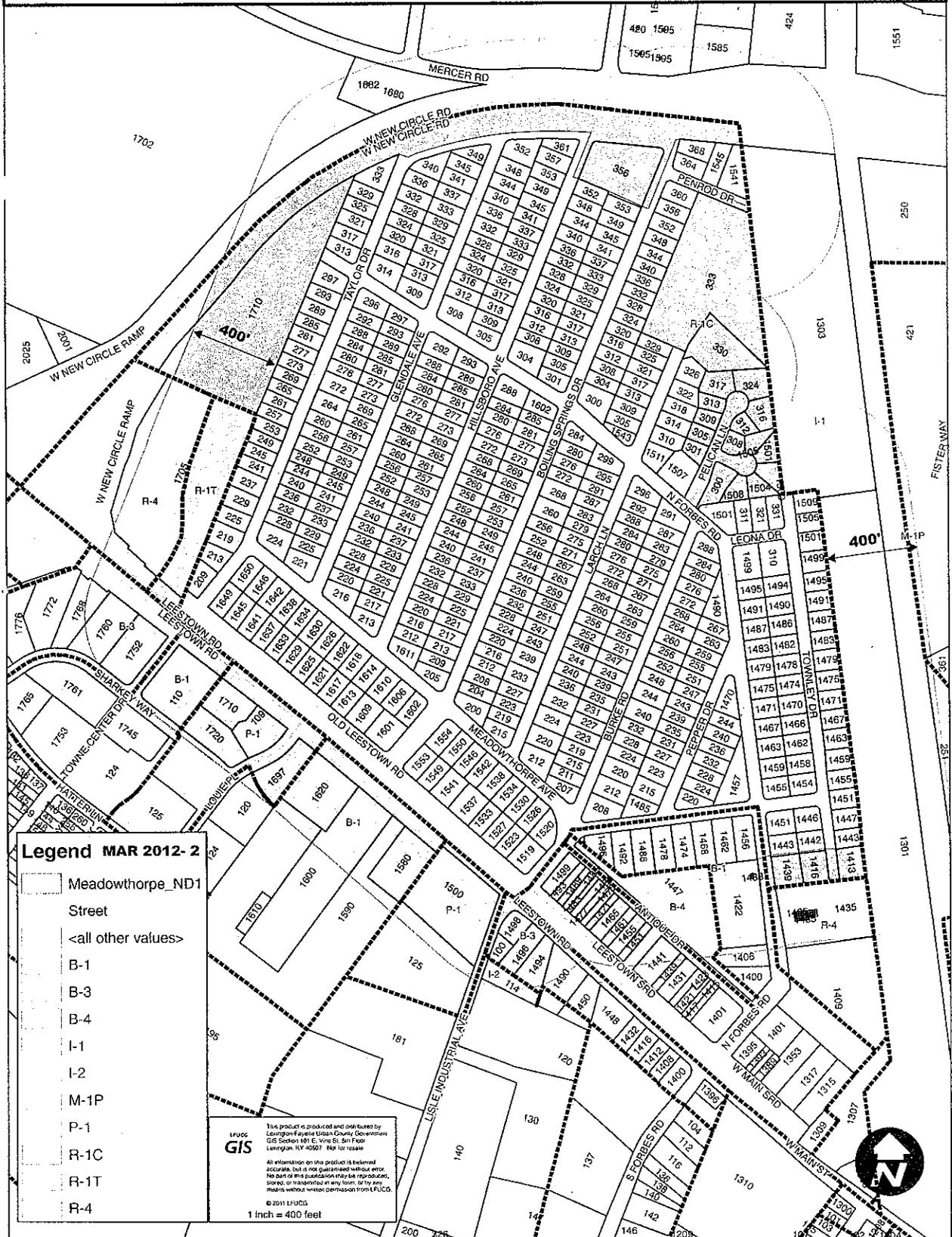
Note: This legal description was prepared based upon final record plats for the Meadowthorpe Subdivision, including Section 1; Section 2, Units A, B, and C; Section (Unit) 3; Section 4, Units 1 and 2; and Section (Unit) 5.

Applicant: LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION

Proposed Zone: Neighborhood Design Character (ND-1) Overlay Zone

Acreage: 113.87+ Net (150.9+ Gross) Acres

Addresses of Property;
200-368 Boiling Springs Drive, 207-291 Burke Road, 1443-1602 N. Forbes Road, 216-352 Glendale Avenue,
212-353, 357 & 361 Hillsboro Avenue, 212-329 Larch Lane, 1519-1649 Old Leestown Road (Odd address only),
310-331 Leona Drive, 1456-1650 Meadowthorpe Avenue, 1541 & 1545 Penrod Drive, 215-267 Pepper Drive,
209-340 Taylor Drive and 1442-1509 Townley Drive



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

IN RE: MAR 2012-2: URBAN COUNTY PLANNING COMMISSION – petition for a zone map amendment to create a Neighborhood Design Character Overlay (ND-1) zone for 113.87± net (150.90± gross) acres, for properties located at 200-368 Boiling Springs Drive; 207-291 Burke Road; 1443-1602 N. Forbes Road; 216-352 Glendale Avenue; 212-353, 357 & 361 Hillsboro Avenue; 212-329 Larch Lane; 1519-1649 Old Leestown Road (odd addresses only); 310-331 Leona Drive; 1456-1650 Meadowthorpe Avenue; 1541 & 1545 Penrod Drive; 215-267 Pepper Drive; 209-340 Taylor Drive; and 1442-1509 Townley Drive. (Council District 2)

Having considered the above matter on **February 23, 2012**, at a Public Hearing, and having voted **6-3** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reason:

1. The requested Neighborhood Design Character (ND-1) overlay zone is in agreement with the 2007 Comprehensive Plan for the following reasons:
 - a. The Goals & Objectives of the Plan identify eight overriding themes, one of which is “preserving, protecting, and maintaining existing residential neighborhoods in a manner that ensures stability and the highest quality of life for all residents.” This will be enhanced with this zoning overlay for Meadowthorpe. Further, Goal 15, Objective I states that neighborhood protection overlay zoning provisions should be implemented for establishing stability and protection in existing and, especially, older neighborhoods.
 - b. The implementation of a Neighborhood Design Character (ND-1) overlay zone is in agreement with the Comprehensive Plan’s Goals & Objectives by providing specific standards that will maintain the existing character of the neighborhood, independent of the underlying zoning.
 - c. The Meadowthorpe neighborhood has completed a design character study, defined the existing character of the neighborhood, developed preservation goals, and proposed appropriate neighborhood design standards (in need of only slight modification), thus meeting the requirements of the ND-1 zone.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

Design Standards

1. **Exterior Building Materials (applicable to single-family detached, duplexes and multi-family)**
 - a. Exterior wall coverings of the primary structure, including attached garages and chimneys, but with the exception of dormers and porch coverings, are to consist of laid brick or laid natural stone. Brick is defined as brick made of kiln-dried clay or ground shale, and recognized by the Brick Industry Association as such. Exterior wall coverings of additions to the primary structure, other than those behind the rear wall plane of the existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind the rear wall plane of the existing structure, may be of any material approved by local building codes.
2. **Floor Area Ratio (applicable to single-family detached and duplexes)**
 - a. The floor area ratio, excluding basements, shall not exceed 0.25.
3. **Building Heights (applicable to single-family detached and duplexes)**
 - a. Maximum of 30 feet to highest ridge.

4. Rear Yard Setbacks (applicable to single-family detached and duplexes)

- a. Setback shall be measured 60 feet from the front building plane (excluding porches) or 10 feet from the rear property line, whichever is greater.

5. Accessory Structures (applicable to single-family detached, duplexes and multi-family)

- a. Maximum footprint of 800 square feet for all accessory structures per lot for single-family detached and duplexes. Maximum of 250 square feet per unit for multi-family. Maximum 22-foot height to roof ridge, but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure; maximum 12-foot height to eave (aka gutter line). Maximum 12-foot height for accessory structures with flat or shed roofs. Dormers shall be prohibited on accessory structures.

6. Minimum Wall Openings (applicable to single-family detached, duplexes and multi-family)

- a. Minimum of 10 percent (10%) of the wall plane (surface) on each elevation (front, side and rear) of new construction to have windows, doors, and/or vented openings, unless such openings violate Building Code for fire protection. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers).

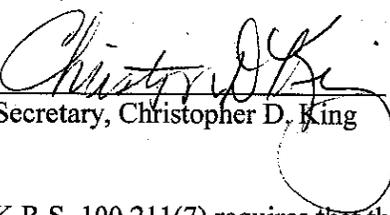
7. Parking

Parking for Multi-family Dwellings: No parking areas between the street and the front building plane of the principal structure on the lot. All parking areas are to be located to the rear and/or side of the principal structure on the lot.

Parking for Single-Family Detached and Duplexes: No driveways or parking areas directly between the front façade of the primary structure and the street unless it is a driveway directly in front of an attached garage. Loop or circular driveways shall also be prohibited.

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character by the Meadowthorpe Neighborhood Association, and are necessary to maintain that existing character in the future.

ATTEST: This 28th day of March, 2012.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by May 23, 2012.

At the Public Hearing before the Urban County Planning Commission, this petition was presented by **Traci Wade, Senior Planner**.

OBJECTORS

- Donna Blauvelt, 252 Boiling Springs Drive

OBJECTIONS

- Concerned that the ND-1 standards would not allow her to make planned modifications to her residence. Homeowners' property rights should be given priority over the neighborhood's desires.

VOTES WERE AS FOLLOWS:

AYES: (6) Beatty, Brewer, Copeland, Owens, Roche-Phillips, Wilson
NAYS: (3) Berkley, Blanton, Cravens
ABSENT: (1) Penn
ABSTAINED: (0)
DISQUALIFIED: (0)

Motion for APPROVAL of MAR 2012-2 carried.

Enclosures: Application
Minutes of PC meeting initiating this request
Plat
Staff Report
Applicable excerpts of minutes of above meeting

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

APPLICANT:	Lexington-Fayette Urban County Planning Commission 200 East Main Street, Lexington, Kentucky 40507
PROPERTY OWNERS:	See Attachment
ATTORNEY:	LFUCG Department of Law 200 East Main Street, Lexington, Kentucky 40507

2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

200-368 Boiling Springs Drive; 207-291 Burke Road; 1443-1602 N. Forbes Road; 216-352 Glendale Avenue; 212-353, 357 & 361 Hillsboro Avenue; 212-329 Larch Lane; 1519-1649 Old Leestown Road (odd addresses only); 310-331 Leona Drive; 1456-1650 Meadowthorpe Avenue; 1541 & 1545 Penrod Drive; 215-267 Pepper Drive; 209-340 Taylor Drive, and 1442-1509 Townley Drive

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1C & B-1	Single Family Residential, Duplexes, & Multi-Family Residential	ND-1 Overlay	Single Family Residential, Duplexes, & Multi-Family Residential	113.87 ±	150.90 ±

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	New Circle Road Right-of-Way, Light Industrial	I-1
East	Warehouses	I-1
South	Multi-Family Residential & Commercial	R-4, P-1, B-1 & B-3
West	Elementary School, Multi-Family Residential & Townley Park	R-1C, R-1T, R-4, P-1, B-1 & B-3

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO _____ Units

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided.)

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other - Not existing and not planned
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other - Individual Septic Systems
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other - Not existing and not planned
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is in... in agreement with the Comp. Plan more appropriate than the existing zoning due to unanticipated changes.

8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate.

PLANNING COMMISSION SECRETARY *Christina D. King* DATE 12/16/2011

- surrounding residential neighbors. The proposed reuse of this site, in its current configuration, will not create a necessity for additional screening and landscaping.
- b. Approval of the landscape variances will not result in an unreasonable circumvention of the Zoning Ordinance.
 - c. The special circumstance that applies to the subject properties that serves to justify the variances is the proposed reuse of the existing development. In order to provide the required landscaping, existing pavement will need to be removed, thus reconfiguring the parking lot to accommodate both the parking and the landscape buffers.
 - d. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship to the applicant, and would likely lead to an inferior buffer since new vegetation would supplant mature screening material.
 - e. The circumstances surrounding this request are not the result of actions taken by the applicant since the adoption of the Zoning Ordinance.

The approval is made subject to the following conditions:

1. Provided the Urban County Council rezones the property to P-1; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, unless amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the variances that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).
4. Prior to any construction or erection of signs, the applicant shall obtain the necessary permits.
5. The landscape variances are subject to the adaptive reuse of the existing parking lot. If the open space areas (playgrounds) are to be paved for parking, then the standard landscaping and screening required by the Zoning Ordinance shall apply.

Development Plan Action: A motion was made by Mr. Owens, seconded by Mr. Penn, and carried 7-0 (Beatty, Brewer, Paulsen, and Roche-Phillips absent) to approve ZDP 2011-69, subject to the 13 conditions as listed on the agenda.

Commission Comment: Mr. Owens stated that he appreciated the residents' concerns about the rezoning. He said that he had come to this hearing with one opinion about this request; but, after hearing about the petitioner's efforts to maintain the subject properties and protect the character of the neighborhood, he had changed his mind.

VI. COMMISSION ITEMS

- A. MEADOWTHORPE NEIGHBORHOOD ZONE CHANGE INITIATION REQUEST** – petition request received from residents of the Meadowthorpe neighborhood for Planning Commission initiation of an ND-1 overlay zone.

The Zoning Committee made no recommendation on this request.

Ms. Wade briefly oriented the Commission to the location of the Meadowthorpe neighborhood, noting that it is to the north of Leestown Road, inside New Circle Road; to the northwest of Price Road and the Lexington Cemetery; and across from the Townley Park shopping and residential area. She said that the Meadowthorpe Neighborhood Association had been going through the initial phases of the ND-1 process for some time, and they have now requested Planning Commission initiation of an ND-1 overlay zone. The neighborhood association has completed the required petition and design study, copies of which were distributed to the Commission members.

Ms. Wade stated that one of the requirements of the ND-1 application process is a postcard mailing to each of the properties within the area proposed for the overlay zone. The Planning staff mailed notice letters and postcards to all of the just over 480 properties in the neighborhood earlier this month, and they received 239 postcards back, or just less than half. Of the 239 postcards returned, 198 of them, or 82.8% were in favor of the proposed ND-1 zoning; 37 responses, or 15.5%, were opposed; and four respondents expressed no opinion. Ms. Wade noted that the Commission had received copies of the seven proposed design guidelines, which were also sent to the property owners along with the notice letter and postcard mailing. She added that the staff had received one letter in opposition to the initiation, which was circulated to the Commission members for their review.

Commission Questions: Mr. Owens asked how many mailed postcards had been returned. Ms. Wade answered that the staff received 239 postcards. Mr. Owens asked how many had been mailed out, to which Ms. Wade replied that 484 postcards had been sent.

Mr. Cravens said that, if 198 postcards in favor of ND-1 zoning were received, that represents less than half of the total number of residences. Ms. Wade replied that the Planning Commission only needs to consider the number of postcards that were returned. The staff informs the neighborhood association at the outset that the count provided to the Planning Commission will only take into consideration the postcards that are returned. Ms. Wade noted that the neighborhood association had to make several rounds of resident contacts in order to notify homeowners and distribute the petition, so there might be some apathy with the initial postcard mailing.

Neighborhood Presentation: Coleman Bush, 324 Pelican Lane, thanked the staff and the Planning Commission for their assistance during the three-year process that brought the Meadowthorpe Neighborhood Association to this point. He said that, during the hearing for the previous zone change, Ms. Wade had referred to the Goals of the Comprehensive Plan, some of which include preserving and protecting older neighborhoods. The Planning Commission has demonstrated their support for preserving older neighborhoods by approving ND-1 overlay zoning for the Chevy Chase and Montclair neighborhoods.

Mr. Bush stated that the residents of the Meadowthorpe neighborhood believe that it is unquestionably worth preserving. The neighborhood was established in 1949, and has not undergone many of the unfavorable changes that were experienced by the Chevy Chase and Montclair neighborhoods. Meadowthorpe is characterized by medium-sized brick or stone houses, with little siding; consistent setbacks; and an appealing appearance. Mr. Bush said that Meadowthorpe was first occupied by the "greatest generation," and serves as an example of the beliefs and ideals of that period in the country's history; and, as such, is worthy of preserving.

With regard to the postcard mailing, Mr. Bush stated that the staff is not required to send follow-up postcards; but the neighborhood association had followed up on that mailing several times, with both resident and non-resident property owners. There was a 77.3% response rate for the petition, which was just a bit higher than the response to the Chevy Chase ND-1 petition. The neighborhood association is proposing seven standards, and they gave each property owner the opportunity to offer their opinion separately on each standard.

Mr. Bush said, in conclusion, that he believes that Meadowthorpe is at the perfect point in its life cycle to apply ND-1 zoning, unlike Montclair, where unfavorable changes had already occurred. He said that the neighborhood association had drafted the following goals for the ND-1 process:

- "To protect against the degradation of Meadowthorpe, a special place of aesthetic and cultural significance in Lexington;
- To encourage the preservation of Meadowthorpe's original structures through adaptive rehabilitation when necessary;
- When adaptive rehabilitation is necessary or desirable, to encourage construction that will lead to continuation, conservation, and improvement in a manner appropriate to the scale and physical character of the original buildings;
- To foster civic pride in Meadowthorpe as a community and as an exemplary subdivision of the post-World War II era."

Commission Questions: Mr. Penn stated that he hopes that the Meadowthorpe Neighborhood Association intends to continue the work that they have done up to this point, since initiation is just the first step in the rezoning process. He said that several of the Planning Commission members had been through the ND-1 process before, and had found that the property owners who did not respond to the postcard mailing might have questions about the effect of the rezoning on their property rights. Mr. Penn encouraged the neighborhood association to continue their discussions with property owners, so that everyone will be aware of the intent of the process. He added that there had been questions about the validity of some ND-1 petitions; and the neighborhood association must make a commitment to the process, since initiation of ND-1 zoning is no guarantee that the rezoning will actually occur. Mr. Bush stated that the neighborhood association would make that commitment.

Action: A motion was made by Mr. Penn, seconded by Mr. Wilson, and carried 5-2 (Blanton and Cravens opposed; Beatty, Brewer, Paulsen, and Roche-Phillips absent) to initiate the Meadowthorpe neighborhood ND-1 overlay zoning as requested by the Meadowthorpe Neighborhood Association.

B. ADOPTION OF THE OFFICIAL MEETING & FILING SCHEDULE FOR 2012 – Mr. Sallee presented the recommended Official Meeting and Filing Schedule for 2012, and requested that the Commission consider its adoption.

Action: A motion was made by Ms. Blanton, seconded by Mr. Wilson, and carried 7-0 (Beatty, Brewer, Paulsen, and Roche-Phillips absent) to adopt the Official Meeting and Filing Schedule for 2012, as presented by the staff.

- VII. STAFF ITEMS** – No such items were presented.
- VIII. AUDIENCE ITEMS** – No such items were presented.
- IX. MEETING DATES FOR NOVEMBER, 2011**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 3, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	November 3, 2011
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 10, 2011
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Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 23, 2011

ADJOURNMENT

Revised 11/28/11 wls
To be considered by PC on 12/8/11
TLW/TM/BJR/BS/src

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

surrounding residential neighbors. The proposed reuse of this site, in its current configuration, will not create a necessity for additional screening and landscaping.

- b. Approval of the landscape variances will not result in an unreasonable circumvention of the Zoning Ordinance.
- c. The special circumstance that applies to the subject properties that serves to justify the variances is the proposed reuse of the existing development. In order to provide the required landscaping, existing pavement will need to be removed, thus reconfiguring the parking lot to accommodate both the parking and the landscape buffers.
- d. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship to the applicant, and would likely lead to an inferior buffer since new vegetation would supplant mature screening material.
- e. The circumstances surrounding this request are not the result of actions taken by the applicant since the adoption of the Zoning Ordinance.

The approval is made subject to the following conditions:

1. Provided the Urban County Council rezones the property to P-1; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, unless amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the variances that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).
4. Prior to any construction or erection of signs, the applicant shall obtain the necessary permits.
5. The landscape variances are subject to the adaptive reuse of the existing parking lot. If the open space areas (playgrounds) are to be paved for parking, then the standard landscaping and screening required by the Zoning Ordinance shall apply.

Development Plan Action: A motion was made by Mr. Owens, seconded by Mr. Penn, and carried 7-0 (Beatty, Brewer, Paulsen, and Roche-Phillips absent) to approve ZDP 2011-69, subject to the 13 conditions as listed on the agenda.

Commission Comment: Mr. Owens stated that he appreciated the residents' concerns about the rezoning. He said that he had come to this hearing with one opinion about this request; but, after hearing about the petitioner's efforts to maintain the subject properties and protect the character of the neighborhood, he had changed his mind.

VI. COMMISSION ITEMS

- A. MEADOWTHORPE NEIGHBORHOOD ZONE CHANGE INITIATION REQUEST** – petition request received from residents of the Meadowthorpe neighborhood for Planning Commission initiation of an ND-1 overlay zone.

The Zoning Committee made no recommendation on this request.

Ms. Wade briefly oriented the Commission to the location of the Meadowthorpe neighborhood, noting that it is to the north of Leestown Road, inside New Circle Road; to the northwest of Price Road and the Lexington Cemetery; and across from the Townley Park shopping and residential area. She said that the Meadowthorpe Neighborhood Association had been going through the initial phases of the ND-1 process for some time, and they have now requested Planning Commission initiation of an ND-1 overlay zone. The neighborhood association has completed the required petition and design study, copies of which were distributed to the Commission members.

Ms. Wade stated that one of the requirements of the ND-1 application process is a postcard mailing to each of the properties within the area proposed for the overlay zone. The Planning staff mailed notice letters and postcards to all of the just over 480 properties in the neighborhood earlier this month, and they received 239 postcards back, or just less than half. Of the 239 postcards returned, 198 of them, or 82.8% were in favor of the proposed ND-1 zoning; 37 responses, or 15.5%, were opposed; and four respondents expressed no opinion. Ms. Wade noted that the Commission had received copies of the seven proposed design guidelines, which were also sent to the property owners along with the notice letter and postcard mailing. She added that the staff had received one letter in opposition to the initiation, which was circulated to the Commission members for their review.

Commission Questions: Mr. Owens asked how many mailed postcards had been returned. Ms. Wade answered that the staff received 239 postcards. Mr. Owens asked how many had been mailed out, to which Ms. Wade replied that 484 postcards had been sent.

Mr. Cravens said that, if 198 postcards in favor of ND-1 zoning were received, that represents less than half of the total number of residences. Ms. Wade replied that the Planning Commission only needs to consider the number of postcards that were returned. The staff informs the neighborhood association at the outset that the count provided to the Planning Commission will only take into consideration the postcards that are returned. Ms. Wade noted that the neighborhood association had to make several rounds of resident contacts in order to notify homeowners and distribute the petition, so there might be some apathy with the initial postcard mailing.

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Neighborhood Presentation: Coleman Bush, 324 Pelican Lane, thanked the staff and the Planning Commission for their assistance during the three-year process that brought the Meadowthorpe Neighborhood Association to this point. He said that, during the hearing for the previous zone change, Ms. Wade had referred to the Goals of the Comprehensive Plan, some of which include preserving and protecting older neighborhoods. The Planning Commission has demonstrated their support for preserving older neighborhoods by approving ND-1 overlay zoning for the Chevy Chase and Montclair neighborhoods.

Mr. Bush stated that the residents of the Meadowthorpe neighborhood believe that it is unquestionably worth preserving. The neighborhood was established in 1949, and has not undergone many of the unfavorable changes that were experienced by the Chevy Chase and Montclair neighborhoods. Meadowthorpe is characterized by medium-sized brick or stone houses, with little siding; consistent setbacks; and an appealing appearance. Mr. Bush said that Meadowthorpe was first occupied by the "greatest generation," and serves as an example of the beliefs and ideals of that period in the country's history; and, as such, is worthy of preserving.

With regard to the postcard mailing, Mr. Bush stated that the staff is not required to send follow-up postcards; but the neighborhood association had followed up on that mailing several times, with both resident and non-resident property owners. There was a 77.3% response rate for the petition, which was just a bit higher than the response to the Chevy Chase ND-1 petition. The neighborhood association is proposing seven standards, and they gave each property owner the opportunity to offer their opinion separately on each standard.

Mr. Bush said, in conclusion, that he believes that Meadowthorpe is at the perfect point in its life cycle to apply ND-1 zoning, unlike Montclair, where unfavorable changes had already occurred. He said that the neighborhood association had drafted the following goals for the ND-1 process:

- "To protect against the degradation of Meadowthorpe, a special place of aesthetic and cultural significance in Lexington;
- To encourage the preservation of Meadowthorpe's original structures through adaptive rehabilitation when necessary;
- When adaptive rehabilitation is necessary or desirable, to encourage construction that will lead to continuation, conservation, and improvement in a manner appropriate to the scale and physical character of the original buildings;
- To foster civic pride in Meadowthorpe as a community and as an exemplary subdivision of the post-World War II era."

Commission Questions: Mr. Penn stated that he hopes that the Meadowthorpe Neighborhood Association intends to continue the work that they have done up to this point, since initiation is just the first step in the rezoning process. He said that several of the Planning Commission members had been through the ND-1 process before, and had found that the property owners who did not respond to the postcard mailing might have questions about the effect of the rezoning on their property rights. Mr. Penn encouraged the neighborhood association to continue their discussions with property owners, so that everyone will be aware of the intent of the process. He added that there had been questions about the validity of some ND-1 petitions; and the neighborhood association must make a commitment to the process, since initiation of ND-1 zoning is no guarantee that the rezoning will actually occur. Mr. Bush stated that the neighborhood association would make that commitment.

Action: A motion was made by Mr. Penn, seconded by Mr. Wilson, and carried 5-2 (Blanton and Cravens opposed; Beatty, Brewer, Paulsen, and Roche-Phillips absent) to initiate the Meadowthorpe neighborhood ND-1 overlay zoning as requested by the Meadowthorpe Neighborhood Association.

B. ADOPTION OF THE OFFICIAL MEETING & FILING SCHEDULE FOR 2012 – Mr. Sallee presented the recommended Official Meeting and Filing Schedule for 2012, and requested that the Commission consider its adoption.

Action: A motion was made by Ms. Blanton, seconded by Mr. Wilson, and carried 7-0 (Beatty, Brewer, Paulsen, and Roche-Phillips absent) to adopt the Official Meeting and Filing Schedule for 2012, as presented by the staff.

VII. STAFF ITEMS – No such items were presented.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. MEETING DATES FOR NOVEMBER, 2011

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 3, 2011
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X. ADJOURNMENT

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STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2012-2: URBAN COUNTY PLANNING COMMISSION

DESCRIPTION

Zone Change: To a Neighborhood Character Design Overlay (ND-1) zone

Acreeage: 113.87± Net (150.90± Gross) Acres

Location:

200–368 Boiling Springs Drive	1456–1650 Meadowthorpe Avenue
207–291 Burke Road	1541 & 1545 Penrod Drive
1443–1602 N. Forbes Road	215–267 Pepper Drive
216–352 Glendale Avenue	1519–1649 Old Leestown Road (odd addresses only)
212–353, 357 & 361 Hillsboro Avenue	209–340 Taylor Drive
212–329 Larch Lane	and 1442–1509 Townley Drive
310–331 Leona Drive	

Proposed Design Standards:

1. **Exterior Building Materials** (applicable to single-family detached, duplexes and multi-family)
 - a. Exterior wall coverings of the primary structure, including attached garages and chimneys, but with the exception of dormers and porch coverings, are to consist of laid brick or laid natural stone. Brick is defined as brick made of kiln-dried clay or ground shale, and recognized by the Brick Industry Association as such. Exterior wall coverings of additions to the primary structure, other than those behind the existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind the existing structure, may be of any material approved by local building codes.
2. **Floor Area Ratio** (applicable to single-family detached and duplexes)
 - a. The floor area ratio, excluding basements, shall not exceed 0.25.
3. **Building Heights** (applicable to single-family detached and duplexes)
 - a. Maximum of 30 feet to highest ridge.
4. **Rear Yard Setbacks** (applicable to single-family detached and duplexes)
 - a. Measured 60 feet from the front building plane (excluding porches) or 10 feet from the rear property line, whichever is greater.
5. **Accessory Structures** (applicable to single-family detached, duplexes and multi-family)
 - a. Maximum footprint of 800 square feet for all accessory structures per lot for single-family detached and duplexes. Maximum of 250 square feet per unit for multi-family. Maximum 22-foot height to roof ridge, but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure; maximum 12-foot height to eave (aka gutter line). Maximum 12-foot height for accessory structures with flat or shed roofs.
6. **Minimum Wall Openings** (applicable to single-family detached, duplexes and multi-family)
 - a. Minimum of 10 percent (10%) of the wall plane (surface) on each elevation (front, side and rear) of new construction to have windows, doors, and/or vented openings, unless such openings violate Building Code for fire protection. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers).
7. **Parking**
 - a. **Parking for Multi-family Dwellings:** No parking between the street and the front building plane of the principal structure on the lot. All parking areas are to be located to the rear and/or side of the principal structure on the lot.
 - b. **Parking for Single-Family Detached and Duplexes:** No driveways or parking areas between the primary structure and the street unless it is a driveway directly in front of an attached garage.

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-1C & B-1	Single Family, Duplex & Multi-Family Residential
To North	R-1C & I-1	Park, Churches, & Light Industrial
To East	I-1	Warehousing & Light Industrial
To South	R-4, P-1 & B-1	Multi-Family Residential, Bank, Retail Businesses
To West	R-1C, R-1T, R-4 & I-1	Elementary School, Multi-Family Residential, & Industrial

URBAN SERVICES REPORT

Roads – The Meadowthorpe neighborhood is comprised of local streets, with no through streets since the area is bounded by New Circle Road (KY 4), Leestown Road (US 421) and the Norfolk-Southern Railroad.

Generally, the neighborhood streets are laid out in a grid pattern, with Taylor, Boiling Springs, Burke and N. Forbes intersecting with Leestown Road. No changes to the roadway system within the neighborhood are expected as a result of the imposition of the Neighborhood Design Character overlay zone.

Curb/Gutter/Sidewalks – The street system in this neighborhood has been laid out in a grid pattern, with curbs, gutters and sidewalks throughout the area.

Storm Sewers – The neighborhood is located within the Town Branch watershed. Storm sewers have been constructed throughout the neighborhood, and stormwater generally drains southward, toward Town Branch. No FEMA Special Flood Hazard Area exists within this specific area.

Sanitary Sewers – Sanitary sewers exist in the Meadowthorpe neighborhood area. This area is served by gravity sanitary sewer lines to the Town Branch Wastewater Treatment Facility, located to the southwest, across Leestown Road on Lisle Industrial Avenue.

Refuse – The Urban County Government serves this residential area with collection on Thursdays.

Police – The nearest police station is the West Sector Roll Call Center, located about 1 mile to the southwest of the Meadowthorpe subdivision, on Old Frankfort Pike at New Circle Road.

Fire/Ambulance – Fire Station #13 is the nearest station to the Meadowthorpe neighborhood area. It is located less than ¼ of a mile to the south, along Leestown Road between Lisle Industrial Avenue and S. Forbes Road.

Utilities – Electric, gas, cable television, water, and phone service, as well as street lights, all exist in the neighborhood at this time.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 3) recommends mostly Low Density Residential (LD) land use for the neighborhood. A few properties on Meadowthorpe Avenue are recommended for Medium Density Residential (MD) land use. The Planning Commission has initiated a zone change request to add a Neighborhood Design Character Overlay (ND-1) zone in order to regulate exterior building materials, floor area ratio (FAR), building height, rear yard building setbacks, accessory structures, building wall openings, and off-street parking design regardless of the underlying zoning.

CASE REVIEW

The Planning Commission initiated a zone change to a Neighborhood Design Character Overlay (ND-1) zone for the subject area in October 2011 at the request of the Meadowthorpe Neighborhood Association (requesting party). The area now proposed for an ND-1 overlay zone constitutes 484 individual properties and over 100 acres. The Meadowthorpe subdivision is located on the east side of Leestown Road, inside New Circle Road. The subject area includes single-family, duplex, and multi-family residential dwellings within the established neighborhood. Although typically thought of as part of the neighborhood, the Meadowthorpe Park, Meadowthorpe Elementary School, Westchester on the Circle Apartments, Meadowthorpe Baptist Church and Meadowthorpe Presbyterian Church are not included in the area proposed for the overlay zone. The subject area is bounded to the north, west and southwest by New Circle Road and Leestown Road, to the east by the Norfolk-Southern Railroad, and to the southeast by commercial development.

The subject area is primarily zoned Single Family Residential (R-1C). The exception is eight lots along Meadowthorpe Avenue, which are in a Neighborhood Business (B-1) zone. Most of these eight lots, as

well as numerous other properties within Meadowthorpe, have non-conforming duplexes and multi-family apartment buildings located on them. The surrounding zoning, outside of the neighborhood itself, is mostly commercial in nature, including P-1, B-1, B-3, B-4 and I-1 zoning.

The Meadowthorpe subdivision was platted in five units between October 1949 and August 1961. The homes are mostly post-WWII Cape Cod and ranch style homes, many of which are on basements. There were also 29 duplexes and 15 multi-family buildings constructed, intermingled with the single-family residences throughout the neighborhood. These pre-date the R-1C zoning approved for this area in 1969.

The Meadowthorpe subdivision was intended to be larger than its existing boundaries today, but the construction of New Circle Road in the mid-1950s limited its expansion to the northwest. The site of the Meadowthorpe subdivision was originally the "Meadowthorpe" stock farm, and in 1927 it became the location of the first airport serving Lexington (Halley Field). Later the land came under the ownership of H.R. Taylor, who developed the Meadowthorpe subdivision.

Neighborhood Request - The Meadowthorpe Neighborhood Association submitted a letter and supporting documentation to the Planning Commission describing the impetus for the ND-1 proposal prior to the initiation of the zone change. They indicate that the local planning greatly limits suburban growth within Fayette County, which creates a real pressure on established neighborhoods, such as Meadowthorpe to "succumb to 'teardowns' and to rebuild, or to construct large additions." The neighborhood desires to maintain the existing character and preserve their neighborhood; and while some variety exists in terms of size and style, there is also a consistency to the development pattern and materials used in the neighborhood.

In order to protect the neighborhood from inappropriate or incompatible development, they have requested the ND-1 overlay zone to in order to regulate exterior building materials, floor area ratio (FAR), maximum building height, rear yard building setbacks, accessory structures, building wall openings, and off-street parking design regardless of the underlying zoning.

The purpose of the ND-1 overlay zone is to permit conservation of key features or visual and natural characteristics of an interested neighborhood (Article 29 of the Zoning Ordinance). The ND-1 overlay has already been applied to three other neighborhoods – Greenbrier, Chevy Chase and Montclair – since it was added to the Zoning Ordinance in December 2002. The ND-1 zone is designed to be administered in a way similar to properties that have conditional zoning restrictions, and any change or modification to the standards would require approval by the Planning Commission.

Article 29-3 offers seven criteria, at least one of which must be met by a neighborhood in order to qualify for an ND-1 overlay zone. As noted in the material submitted by the Meadowthorpe Neighborhood Association to the Planning Commission, the neighborhood would like to maintain the overall character of the neighborhood, and they have established a need to protect some of the visual characteristics that give their neighborhood its distinct identity (#3) based upon recent changes, the projected future character, and current building trends. In recent years, there have been projects that propose new construction of a differing character than the existing neighborhood fabric. Additionally, the neighborhood has character as a geographically definable area, possessing a significant concentration of buildings united by past events and by a common plan (#6). The Meadowthorpe ND-1 Design Standards, developed through a two-year process, are intended to help protect the historic character of Meadowthorpe by achieving the following goals:

1. To protect against the degradation of Meadowthorpe, a special place of aesthetic and cultural significance in Lexington;
2. To encourage the preservation of Meadowthorpe's original structure, through adaptive rehabilitation when necessary;
3. When adaptive rehabilitation is necessary or desirable, to encourage construction that will lead to continuation, conservation and improvement in a manner appropriate to the scale and physical character of the original buildings; and

4. To foster civic pride in Meadowthorpe as a community, and as an exemplary subdivision of the post-WWII era.

The proposed Design Standards were developed based upon those four stated goals. The requested standards can be divided into two overall groups – standards to address structural or building changes (which include exterior building materials; floor area ratio (FAR); building height; minimum window and door openings; and accessory structures), and standards to address site design and land redevelopment (which include rear yard building setbacks and off-street parking design).

Structural Changes - The neighborhood has requested that exterior wall coverings of the primary structure (including attached garages and chimneys) be limited to laid brick or laid natural stone for all types of structures (#1). New additions to the primary structure would be treated slightly differently – if located behind the rear wall plane, then any building material could be used; but if located in front of the rear wall plane (i.e., to the side of the house), the addition(s) shall be only brick or stone. The staff would suggest the addition of the phrase “rear wall plane” for clarification within this standard. The design study conducted by the neighborhood indicates that the primary exterior cladding for all structures in Meadowthorpe is either brick (93%) or natural stone (7%); however, some additions have been constructed of alternate materials. This standard is aimed to preserve the quality of the built environment by requiring similar materials and to maintain this commonality among the homes.

The neighborhood has requested that a maximum floor area ratio (FAR) of 0.25, excluding basements (#2), be established for all single-family and duplex structures in the neighborhood. The staff suggests that this restriction only apply to single-family structures, since all duplexes in the neighborhood are existing non-conforming uses and would not be able to expand without a zone change request. This standard was developed by researching Property Valuation Administer (PVA) data for each structure and calculating the existing FAR (excluding basements), to determine that 95.7% of all properties in the neighborhood meet this restriction and 99.4% of the single-family residences meet (3 structures currently exceed the 0.25 FAR). The neighborhood has also proposed to limit the building height to 30 feet (as measured at roof ridge rather than mid-gable) (#3). These height limits are only slightly more restrictive than the underlying R-1C zone's requirements, but would most likely prevent three-story buildings, which is desirable, as the neighborhood is comprised of mostly 1-, 1½-, and 2-story structures. Similar to proposed restriction #2, this regulation is aimed at keeping homes in scale with the neighborhood and to maintain the appearance of the streetscape.

The neighborhood is characterized primarily by detached garages (to the rear of the property) (71%); thus, standards for accessory structures were deemed important to maintaining the existing visual streetscape and their secondary nature to the primary structure. The proposed standard would apply to single-family and duplex residences (maximum footprint of 800 square feet per lot) and multi-family structures (maximum footprint of 250 square feet per dwelling unit). The proposed height restriction would be the same for all accessory structures, regardless of the principal use (22 feet to roof ridge, 12 feet to eave) (#5). During the staff review, it became evident that dormers should also be prohibited for accessory structures as none currently exist and they can significantly increase the useable square footage and massing of an accessory structure. The staff proposes eliminating one line of the proposed restriction (no accessory structure may be taller than the primary structure), as it is redundant to the Zoning Ordinance. The next standard proposes that a minimum of 10% of any wall plane (considered separately) of new construction be windows, doors or vented openings (#6). This is similar to an existing Infill & Redevelopment Area regulation and will help to ensure visual continuity of the neighborhood. For regulatory purposes, this standard is proposed to only apply once the wall plane area is at least 150 square feet in size, and does not require openings on chimneys or dormers. This standard will eliminate the possibility of completely blank walls, which would be out of character with the neighborhood.

Site Design & Land Redevelopment - The neighborhood has proposed a standard to address rear yard setbacks that would allow the principal structure to extend 60 feet behind the front building plane or 10 feet from the rear property line, whichever is greater (#4). The rear yard setback would only apply to the principal structure on the lot, and is proposed to maintain green space, which is considered vital to the

character of the neighborhood. The staff suggests adding a short phrase at the beginning of this standard to make it a complete sentence.

Lastly, two standards related to off-street parking design are proposed (#7). The neighborhood wishes to prohibit the creation of any new front yard parking and turnarounds for single-family residences, duplexes, and multi-family structures. This standard reinforces the existing state of parking in the neighborhood; that is, parking areas are typically behind the front wall plane of the primary structure, with just a few exceptions. The staff suggests the addition of some clarifying language, specifically to the single-family and duplex standard and the prohibition on loop or circular driveways.

Comprehensive Plan - The 2007 Comprehensive Plan recommends Low Density (LD and Medium Density Residential (MD) land use for Meadowthorpe – recognizing its existing condition. It also identifies one of eight overriding themes as “preserving, protecting, and maintaining existing residential neighborhoods in a manner that ensures stability and the highest quality of life for all residents,” and recommends that neighborhood protection overlay zoning provisions be implemented for establishing stability and protection in existing and, especially, older neighborhoods (Goal 15, Objective I). Several other goals and objectives recommend greater neighborhood protection efforts. Therefore, it follows that the implementation of a Neighborhood Design Character (ND-1) overlay zone in the Meadowthorpe neighborhood is in agreement with the Comprehensive Plan’s Goals & Objectives by providing specific standards that will maintain the existing character of the neighborhood, regardless of the underlying zoning.

In conclusion, the proposed ND-1 regulations will help maintain the existing character of the Meadowthorpe neighborhood, ensuring that any new development or additions to existing homes will be compatible with the surrounding subdivision. The residents studied the early and present character of the neighborhood, and found that incompatible development is beginning to occur, which threatens Meadowthorpe’s identity and unique fabric. Additionally, the neighborhood has character as a geographically definable area possessing a significant concentration of buildings united by past events and by a common plan that they wish to protect from potential degradation. Should this neighborhood not be protected through the use of the proposed Neighborhood Design Character Overlay (ND-1) zone, it might be significantly altered, one property at a time, much to the detriment of the neighborhood’s stability.

The Staff Recommends: Approval of the ND-1 overlay zone with the Staff Alternative Design Standards, for the following reason:

1. The requested Neighborhood Design Character (ND-1) overlay zone is in agreement with the 2007 Comprehensive Plan for the following reasons:
 - a. The Goals & Objectives of the Plan identify eight overriding themes, one of which is “preserving, protecting, and maintaining existing residential neighborhoods in a manner that ensures stability and the highest quality of life for all residents.” This will be enhanced with this zoning overlay for Meadowthorpe. Further, Goal 15, Objective I states that neighborhood protection overlay zoning provisions should be implemented for establishing stability and protection in existing and, especially, older neighborhoods.
 - b. The implementation of a Neighborhood Design Character (ND-1) overlay zone is in agreement with the Comprehensive Plan’s Goals & Objectives by providing specific standards that will maintain the existing character of the neighborhood, independent of the underlying zoning.
 - c. The Meadowthorpe neighborhood has completed a design character study, defined the existing character of the neighborhood, developed preservation goals, and proposed appropriate neighborhood design standards (in need of only slight modification), thus meeting the requirements of the ND-1 zone.
2. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:**

Alternative Design Standards (Additions are identified by an underline, and deletions to the original proposal are identified by a ~~strickethrough~~.)

1. **Exterior Building Materials (applicable to single-family detached, duplexes and multi-family)**
 - a. Exterior wall coverings of the primary structure, including attached garages and chimneys, but with the exception of dormers and porch coverings, are to consist of laid brick or laid natural stone. Brick is defined as brick made of kiln-dried clay or ground shale, and recognized by the Brick Industry Association as such. Exterior wall coverings of additions to the primary structure, other than those behind the rear wall plane of the existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind the rear wall plane of the existing structure, may be of any material approved by local building codes.
2. **Floor Area Ratio (applicable to single-family detached and duplexes)**
 - a. The floor area ratio, excluding basements, shall not exceed 0.25.
3. **Building Heights (applicable to single-family detached and duplexes)**
 - a. Maximum of 30 feet to highest ridge.
4. **Rear Yard Setbacks (applicable to single-family detached and duplexes)**
 - a. Setback shall be measured 60 feet from the front building plane (excluding porches) or 10 feet from the rear property line, whichever is greater.
5. **Accessory Structures (applicable to single-family detached, duplexes and multi-family)**
 - a. Maximum footprint of 800 square feet for all accessory structures per lot for single-family detached and duplexes. Maximum of 250 square feet per unit for multi-family. Maximum 22-foot height to roof ridge, ~~but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure~~; maximum 12-foot height to eave (aka gutter line). Maximum 12-foot height for accessory structures with flat or shed roofs. Dormers shall be prohibited on accessory structures.
6. **Minimum Wall Openings (applicable to single-family detached, duplexes and multi-family)**
 - a. Minimum of 10 percent (10%) of the wall plane (surface) on each elevation (front, side and rear) of new construction to have windows, doors, and/or vented openings, unless such openings violate Building Code for fire protection. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers).
7. **Parking**
 - a. **Parking for Multi-family Dwellings:** No parking areas between the street and the front building plane of the principal structure on the lot. All parking areas are to be located to the rear and/or side of the principal structure on the lot.
 - b. **Parking for Single-Family Detached and Duplexes:** No driveways or parking areas directly between the front facade of the primary structure and the street unless it is a driveway directly in front of an attached garage. Loop or circular driveways shall also be prohibited.

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character by the Meadowthorpe Neighborhood Association, and are necessary to maintain that existing character in the future.

Development Plan Action: A motion was made by Ms. Blanton, seconded by Mr. Owens, and carried 9-0 (Penn absent) to approve ZDP 2012-9, subject to the nine conditions as listed in the revised staff recommendation.

2. URBAN COUNTY PLANNING COMMISSION ZONING MAP AMENDMENT

- a. MAR 2012-2: URBAN COUNTY PLANNING COMMISSION - petition for a zone map amendment to create a Neighborhood Design Character Overlay (ND-1) zone for 113.87± net (150.90± gross) acres, for properties located at 200-368 Boiling Springs Drive; 207-291 Burke Road; 1443-1602 N. Forbes Road; 216-352 Glendale Avenue; 212-353, 357 & 361 Hillsboro Avenue; 212-329 Larch Lane; 1519-1649 Old Leestown Road (odd addresses only); 310-331 Leona Drive; 1456-1650 Meadowthorpe Avenue; 1541 & 1545 Penrod Drive; 215-267 Pepper Drive; 209-340 Taylor Drive; and 1442-1509 Townley Drive.

Proposed Design Standards:

1. **Exterior Building Materials** (applicable to single-family detached, duplexes and multi-family)
 - a. Exterior wall coverings of the primary structure, including attached garages and chimneys, but with the exception of dormers and porch coverings, are to consist of laid brick or laid natural stone. Brick is defined as brick made of kiln-dried clay or ground shale, and recognized by the Brick Industry Association as such. Exterior wall coverings of additions to the primary structure, other than those behind the existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind the existing structure, may be of any material approved by local building codes.
2. **Floor Area Ratio** (applicable to single-family detached and duplexes)
 - a. The floor area ratio, excluding basements, shall not exceed 0.25.
3. **Building Heights** (applicable to single-family detached and duplexes)
 - a. Maximum of 30 feet to highest ridge.
4. **Rear Yard Setbacks** (applicable to single-family detached and duplexes)
 - a. Measured 60 feet from the front building plane (excluding porches) or 10 feet from the rear property line, whichever is greater.
5. **Accessory Structures** (applicable to single-family detached, duplexes and multi-family)
 - a. Maximum footprint of 800 square feet for all accessory structures per lot for single-family detached and duplexes. Maximum of 250 square feet per unit for multi-family. Maximum 22-foot height to roof ridge, but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure; maximum 12-foot height to eave (aka gutter line). Maximum 12-foot height for accessory structures with flat or shed roofs.
6. **Minimum Wall Openings** (applicable to single-family detached, duplexes and multi-family)
 - a. Minimum of 10 percent (10%) of the wall plane (surface) on each elevation (front, side and rear) of new construction to have windows, doors, and/or vented openings, unless such openings violate Building Code for fire protection. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers).
7. **Parking**
 - a. Parking for Multi-family Dwellings: No parking between the street and the front building plane of the principal structure on the lot. All parking areas are to be located to the rear and/or side of the principal structure on the lot.
 - b. Parking for Single-Family Detached and Duplexes: No driveways or parking areas between the primary structure and the street unless it is a driveway directly in front of an attached garage.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 3) recommends mostly Low Density Residential (LD) land use for the neighborhood. A few properties on Meadowthorpe Avenue are recommended for Medium Density Residential (MD) land use. The Planning Commission has initiated a zone change request to add a Neighborhood Design Character Overlay (ND-1) zone in order to regulate exterior building materials, floor area ratio (FAR), building height, rear yard building setbacks, accessory structures, building wall openings, and off-street parking design regardless of the underlying zoning.

The Zoning Committee made no recommendation on this request.

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The Staff Recommends: Approval of the ND-1 overlay zone with the Staff Alternative Design Standards, for the following reason:

1. The requested Neighborhood Design Character (ND-1) overlay zone is in agreement with the 2007 Comprehensive Plan for the following reasons:
 - a. The Goals & Objectives of the Plan identify eight overriding themes, one of which is "preserving, protecting, and maintaining existing residential neighborhoods in a manner that ensures stability and the highest quality of life for all residents." This will be enhanced with this zoning overlay for Meadowthorpe. Further, Goal 15, Objective I states that neighborhood protection overlay zoning provisions should be implemented for establishing stability and protection in existing and, especially, older neighborhoods.
 - b. The implementation of a Neighborhood Design Character (ND-1) overlay zone is in agreement with the Comprehensive Plan's Goals & Objectives by providing specific standards that will maintain the existing character of the neighborhood, independent of the underlying zoning.
 - c. The Meadowthorpe neighborhood has completed a design character study, defined the existing character of the neighborhood, developed preservation goals, and proposed appropriate neighborhood design standards (in need of only slight modification), thus meeting the requirements of the ND-1 zone.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

Alternative Design Standards (Additions are identified by an underline, and deletions to the original proposal are identified by a ~~strickthrough~~.)

1. **Exterior Building Materials (applicable to single-family detached, duplexes and multi-family)**
 - a. Exterior wall coverings of the primary structure, including attached garages and chimneys, but with the exception of dormers and porch coverings, are to consist of laid brick or laid natural stone. Brick is defined as brick made of kiln-dried clay or ground shale, and recognized by the Brick Industry Association as such. Exterior wall coverings of additions to the primary structure, other than those behind the rear wall plane of the existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind the rear wall plane of the existing structure, may be of any material approved by local building codes.
2. **Floor Area Ratio (applicable to single-family detached and duplexes)**
 - a. The floor area ratio, excluding basements, shall not exceed 0.25.
3. **Building Heights (applicable to single-family detached and duplexes)**
 - a. Maximum of 30 feet to highest ridge.
4. **Rear Yard Setbacks (applicable to single-family detached and duplexes)**
 - a. Setback shall be mMeasured 60 feet from the front building plane (excluding porches) or 10 feet from the rear property line, whichever is greater.
5. **Accessory Structures (applicable to single-family detached, duplexes and multi-family)**
 - a. Maximum footprint of 800 square feet for all accessory structures per lot for single-family detached and duplexes. Maximum of 250 square feet per unit for multi-family. Maximum 22-foot height to roof ridge, ~~but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure~~; maximum 12-foot height to eave (aka gutter line). Maximum 12-foot height for accessory structures with flat or shed roofs. Dormers shall be prohibited on accessory structures.
6. **Minimum Wall Openings (applicable to single-family detached, duplexes and multi-family)**
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7. **Parking**
 - a. **Parking for Multi-family Dwellings:** No parking areas between the street and the front building plane of the principal structure on the lot. All parking areas are to be located to the rear and/or side of the principal structure on the lot.
 - b. **Parking for Single-Family Detached and Duplexes:** No driveways or parking areas directly between the front facade of the primary structure and the street unless it is a driveway directly in front of an attached garage. Loop or circular driveways shall also be prohibited.

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character by the Meadowthorpe Neighborhood Association, and are necessary to maintain that existing character in the future.

Staff Presentation: Ms. Wade presented the staff's report on this ND-1 overlay zoning request by entering the following items into the record of the meeting: a copy of the staff's PowerPoint presentation; a summary of the staff's proposed alternative design standards; notebooks containing the design study and supporting information prepared by the Meadowthorpe Neighborhood Association; copies of the one letter received in opposition to the request, as well as several letters received in support; and the ND-1 ballots prepared by the neighborhood association as part of their initial request to the Planning Commission.

Ms. Wade stated that this ND-1 request was initiated by the Planning Commission in October of 2011. The request is for ND-1 zoning in the Meadowthorpe neighborhood, including 484 individual properties. Of these properties, 440 contain single-family residences, while the other 40+ are occupied by duplexes and multi-family units. Ms. Wade briefly oriented the Commission to the location of Meadowthorpe neighborhood on Lee Road, across from the Townley development and Meadowthorpe shopping center. The neighborhood is bordered to the north and west by New Circle Road; industrial uses to the east, along Price Road; commercial uses to the north and east; and industrial uses to the north, across New Circle Road. The neighborhood is almost entirely zoned R-1C, with the exception of several duplexes along Meadowthorpe Avenue; that area is currently zoned B-1, making them non-conforming uses. The other duplexes and multi-family structures in the neighborhood are also non-conforming, since they are currently zoned R-1C. Ms. Wade noted that the several large properties that were excluded from this request, including: Meadowthorpe Elementary School; Meadowthorpe Baptist Church and Meadowthorpe Presbyterian Church; Meadowthorpe Park; the Westcott on the Circle apartment complex; and the single-family residences on Pelican Lane, which were developed during the 1990s.

Ms. Wade stated that Meadowthorpe was developed primarily during the 1940s and 1950s, with the last subdivision of property occurring in 1961. Most of the homes are Cape Cod-style, with some ranch-style homes, as well as duplexes and 15 multi-family structures. The construction of New Circle Road in the 1950s limited the expansion of the neighborhood, which was originally the Meadowthorpe Stock Farm, to its current confines. The neighborhood was then developed as Lexington's first airport, called Hailey Field, in 1927; it had historical importance as a landing site for Charles Lindbergh.

Ms. Wade explained that, as part of the ND-1 process, the Meadowthorpe neighborhood was first required to prepare a design study, which helped determine whether the area could meet one or more of the seven criteria for a historic district designation outlined in Article 29. They believe that they meet two of those criteria: there is a historic character to protect the visual characteristics that give the neighborhood its distinct identity; and the area has a character that is geographically defined, that possesses a significant concentration of buildings or structures united by historic events, or has a plan or physical development that is united. Ms. Wade stated that Article 29 also requires the neighborhood to develop preservation goals as part of the ND-1 process. The Meadowthorpe neighborhood developed four such goals. The Zoning Ordinance also requires that any neighborhood seeking ND-1 designation must submit the results of a neighborhood survey. The Meadowthorpe ND-1 survey determined that 67% of property owners were in support of the ND-1 request; 25% had no response; and a little over 8% opposed the request. The staff sent survey postcards to Meadowthorpe property owners as well, prior to the Commission's initiation of this request. That survey revealed that, of all parcels, 40% of the postcards were in support; 8.7% in opposition; 28% said they had no opinion; and 46.5% did not return the postcards at all.

Ms. Wade stated that the neighborhood had been through a two-year process to develop their seven proposed design standards. The first design standard would restrict all wall coverings, including garages and chimneys to brick or natural stone; dormers and porch coverings would be exceptions to that restriction. With regard to additions, any addition behind the primary structure would be allowed to have a different covering, provided it meets local building codes. The neighborhood found, as part of their research, that 100% of the homes in Meadowthorpe have either brick or natural stone cladding, while the existing additions have a variety of coverings. This standard is proposed to preserve the quality of the environment and maintain the commonality of the structures.

Ms. Wade said that design standard #2 is proposed to restrict the floor area ratio (FAR) for single-family structures and duplexes to .25, excluding basements. The intention of this standard is to keep homes in scale with the neighborhood and maintain the streetscape. Ms. Wade noted that the property owner who submitted the opposition letter received by staff is concerned primarily with this proposed standard. The staff reviewed the information provided by the neighborhood, with the exception of duplexes, which cannot be expanded due to their non-conformity, and found that only five of the single-family homes in the neighborhood exceed the .25 FAR. The greatest FAR among those structures is .3; there are another two homes which are currently at the .25 FAR. If this standard is applied, five properties would become non-conforming, and would not be able to expand.

With regard to design standard #3, Ms. Wade stated that the neighborhood is proposing a building height restriction to a maximum of 30' to the roof ridge. The neighborhood's data indicate that all of the homes in the neighborhood are one, one-and-a-half, or two stories tall, so none exceed the 30' limit. This restriction is proposed in order to keep homes in scale with the neighborhood and maintain the appearance of the streetscape.

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Ms. Wade said that proposed standard #5 refers to accessory structures. The neighborhood is proposing a maximum footprint of 800 square feet for structures accessory to a single-family dwelling or duplex. For the multi-family dwellings, accessory structures would be limited to 250 square feet per unit. This standard would also restrict the height of accessory structures to 22 feet. In reviewing the neighborhood's data, the staff found that the existing accessory structures range from 180 square feet to 1,700 square feet in size; the average size of 462 square feet is well below the proposed maximum. Over 95% of the properties with single-family residences are currently below that limit. Among the multi-family dwellings, only eight have accessory structures; two of those would have more square footage than would be permitted under the proposed design standard, so those structures would not be permitted to be expanded. This standard is proposed to maintain the streetscape, and to ensure that accessory structures remain secondary to the principal structures.

Ms. Wade stated that proposed design standard #6, which would require a minimum number of wall openings, is similar to an existing requirement in the defined Infill and Redevelopment Area. The neighborhood did not survey each property to ascertain the existing wall openings; however, they reviewed a sample of properties, and they estimate that all of the existing structures in the neighborhood would fall within the 16 – 22% range. This design standard is proposed to eliminate the possibility of structures with completely blank walls, which would be out of character with the neighborhood.

With regard to proposed design standard #4, Ms. Wade said that the neighborhood is proposing rear yard setbacks, to be measured 60' back from the front building plane, in order to maintain green space. They believe that large rear yards and open space are vital to the character of the neighborhood. The staff considered whether this guideline would create non-conformities, and found that 7.5% of the properties (or 35 parcels) have structures that are currently more than 60' deep. Those structures might be able to be expanded to either side, but not to the rear.

Ms. Wade said that design standard #7 pertains to parking, which is almost exclusively to the rear in the Meadowthorpe neighborhood. Most of the single-family homes have detached garages, and the multi-family units have parking to the rear as well. Under this proposed standard, parking for multi-family dwellings would be maintained to the rear or the side of the principle structure. For single-family structures, a driveway would be allowed in front of a garage, but it could not be expanded beyond the width of the garage. This standard is proposed to reinforce the character of the neighborhood. The staff found four properties in the neighborhood that currently have parking that is not located in front of a garage. Ms. Wade displayed several photographs of examples of such parking areas.

Ms. Wade stated that the staff is suggesting the following modifications to the proposed design standards, in order to aid in interpretation of the standards should any of the Meadowthorpe property owners request a zoning compliance permit or building permit:

2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

Alternative Design Standards (Additions are identified by an underline, and deletions to the original proposal are identified by a ~~strikethrough~~.)

1. **Exterior Building Materials (applicable to single-family detached, duplexes and multi-family)**
 - a. Exterior wall coverings of the primary structure, including attached garages and chimneys, but with the exception of domers and porch coverings, are to consist of laid brick or laid natural stone. Brick is defined as brick made of kiln-dried clay or ground shale, and recognized by the Brick Industry Association as such. Exterior wall coverings of additions to the primary structure, other than those behind the rear wall plane of the existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind the rear wall plane of the existing structure, may be of any material approved by local building codes.
2. **Floor Area Ratio (applicable to single-family detached and duplexes)**
 - a. The floor area ratio, excluding basements, shall not exceed 0.25.
3. **Building Heights (applicable to single-family detached and duplexes)**
 - a. Maximum of 30 feet to highest ridge.
4. **Rear Yard Setbacks (applicable to single-family detached and duplexes)**
 - a. Setback shall be measured 60 feet from the front building plane (excluding porches) or 10 feet from the rear property line, whichever is greater.

5. **Accessory Structures (applicable to single-family detached, duplexes and multi-family)**
- a. Maximum footprint of 800 square feet for all accessory structures per lot for single-family detached and duplexes. Maximum of 250 square feet per unit for multi-family. Maximum 22-foot height to roof ridge, ~~but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure~~; maximum 12-foot height to eave (aka gutter line). Maximum 12-foot height for accessory structures with flat or shed roofs. Dormers shall be prohibited on accessory structures.
6. **Minimum Wall Openings (applicable to single-family detached, duplexes and multi-family)**
- a. Minimum of 10 percent (10%) of the wall plane (surface) on each elevation (front, side and rear) of new construction to have windows, doors, and/or vented openings, unless such openings violate Building Code for fire protection. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers).
7. **Parking**
- a. **Parking for Multi-family Dwellings:** No parking areas between the street and the front building plane of the principal structure on the lot. All parking areas are to be located to the rear and/or side of the principal structure on the lot.
- b. **Parking for Single-Family Detached and Duplexes:** No driveways or parking areas directly between the front facade of the primary structure and the street unless it is a driveway directly in front of an attached garage. Loop or circular driveways shall also be prohibited.

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character by the Meadowthorpe Neighborhood Association, and are necessary to maintain that existing character in the future.

Ms. Wade stated, with regard to the recommendations of the 2007 Comprehensive Plan, that the Meadowthorpe neighborhood is recommended for mostly Low Density Residential use, with the exception of the B-1 properties along Meadowthorpe Avenue, which are recommended for Medium Density Residential use. The Comprehensive Plan also identifies eight overriding themes, one of which is preserving and protecting existing neighborhoods in order to improve quality of life. Goal 15, Objective I specifically recommends overlay zoning as a means to protect established neighborhoods. Ms. Wade said that the staff is recommending approval of the alternative design standards, for the reasons as listed in the staff report and on the agenda.

Commission Questions: Mr. Berkley asked if the Meadowthorpe neighborhood is included in the defined Infill & Re-development Area. Ms. Wade answered that it is not.

Ms. Copeland asked if the Meadowthorpe shopping center is included in this request. Using the rendered zoning map, Ms. Wade displayed the outline of the area proposed for ND-1 zoning, noting that the shopping center is not proposed to be added to the ND-1 area.

Mr. Owens asked, with regard to the standard for accessory structures, if a duplex would be allowed an 800-square foot accessory structure for each unit, or one structure only. Ms. Wade responded that the proposed standards would allow 800 square feet total.

Mr. Owens asked how parking would be addressed should a property owner wish to convert their garage to an enclosed building, and no longer use it for parking. Ms. Wade answered that parking would have to be provided somewhere on the property, behind the building line. She added that the rear yard setback issues have come about on properties where detached garages have been connected to the primary structures.

With regard to the proposed standard for floor area ratio, Mr. Owens asked if the staff could provide the average floor area ratio for all of the properties in the neighborhood. Ms. Wade stated that she believed that it could be .19 or .20; the neighborhood representatives might be able to provide more concrete information. Coleman Bush, neighborhood representative, noted that the average FAR is .17.

Ms. Roche-Phillips asked if the Commission had already ruled that parking in front yards is not permitted. Ms. Wade responded that required parking cannot be provided in front of the building line, but non-required parking is permitted there, as long as no more than 50% of the front yard is paved. Ms. Roche-Phillips asked if it would be possible for a property owner to double the width of their driveway in order to provide more parking. Ms. Wade answered that there are a few such driveways in the neighborhood, and some of them have a parking space that is no longer in front of the garage door. She explained that, if the garage has a double door, the property owner should be able to widen the driveway. Ms. Wade also noted that these restrictions apply only in front of the building line; there would be no such restrictions behind the building line. Ms. Roche-Phillips asked if this standard would prohibit widening of a driveway in front of the house. Ms. Wade responded that, if a property

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has a single garage, widening the driveway would result in a parking space that is not in front of the garage. The proposed standard would require that parking must be located directly in front of the garage.

Neighborhood Presentation: Coleman Bush, 324 Pelican Lane, was present representing Meadowthorpe Neighborhood Association. He distributed copies of his PowerPoint presentation and a Meadowthorpe history booklet to the Commission members.

Mr. Bush stated that the Meadowthorpe neighborhood has been involved in the ND-1 process for the past three years. He displayed several photographs of the neighborhood, in order to familiarize the Commission members with the neighborhood character and history. Mr. Bush noted that the largest home in the neighborhood, which was originally built for the Hillenmeyer family, is 29 feet in height. He added that another large home, located on Boiling Springs Drive, was built for the Pieratt family, with a solid stone foundation taken from some of the original farm fences on the property.

Mr. Bush stated that there are 313 "Meadowthorpe Cape Cod" homes in the neighborhood, many of which have been extensively rehabilitated and are virtually unchanged from the original 1950s construction. There are 149 smaller ranch-style homes in the neighborhood as well, some with vinyl additions to the rear. Meadowthorpe was designed with several types of housing, to meet the needs of different residents. There are several duplexes and multi-family structures in the neighborhood, all of which are located on large, attractive lots, and are well-maintained.

With regard to Mr. Owens's question, Mr. Bush stated that the average FAR for all the properties in Meadowthorpe is .17, excluding basements. He noted that that figure includes structures that currently have additions; the average FAR of the original structures would have been smaller. There are five structures that do not meet the proposed FAR of 0.25, all of which have a FAR under .30. Mr. Bush said that the average square footage of the structures in the neighborhood is 1,749, which includes the larger multi-family structures. He displayed a photograph of a home with a large rear yard addition, which depicts the type of development that the proposed design standards should help to eliminate, and a photograph of a large, three-car garage, which would be permitted under the proposed standards.

Mr. Bush said that the neighborhood believes that large wall expanses with few or no openings would be very out of character with the existing homes in Meadowthorpe, which was the impetus behind the proposed standard requiring a minimum percentage of wall openings.

Mr. Bush stated that the purpose of the proposed design standard for parking spaces is to eliminate parking in front of the living space, which would be out of character with the neighborhood. He displayed a photograph of one of the multi-family structures in the neighborhood, noting the location of the parking spaces to the rear of the building.

With regard to the petition data that is required as part of the ND-1 process, Mr. Bush said that the results of the petition drive indicated overwhelming support for the proposed ND-1 overlay. He noted that, out of the 484 properties in Meadowthorpe, there was a 77.3% response rate. Of those responses, nearly 87% were in support. Mr. Bush broke those responses into two categories: resident owners, among whom 80% responded and 87% were in support; and non-resident owners, of whom 64% responded and 87% were in support. He noted that the neighborhood provided two postage-paid envelopes along with the survey request, in order to encourage greater participation and maintain a transparent process. In comparison, the Chevy Chase neighborhood had a 73% response rate during their ND-1 process, and 84% in support. With regard to the survey postcards sent by the staff, Mr. Bush stated that 44% of the Meadowthorpe respondents were in support, while the Montclair neighborhood had 42% support indicated during their ND-1 process.

In conclusion, Mr. Bush said that he believes that the Meadowthorpe neighborhood definitely meets the Article 29 criteria for ND-1 overlay zone protection. He displayed a photograph of a vacant property in Meadowthorpe, where the home was torn down, which is currently awaiting a master commissioner's sale, and noted that, with ND-1 protection, the neighborhood residents could have the assurance that any home constructed on that lot will be in keeping with the character of the neighborhood.

Commission Questions: Mr. Brewer asked, with regard to the data provided to the Commission, if the response percentage provided was broken into seven categories to correspond to the seven proposed design standards. Mr. Bush answered that he averaged the categories, so that the page would be more readable. Mr. Brewer asked if the property owners had the opportunity at any point during the process to cast a simple "yes" or "no" vote, without breaking it down into categories. Mr. Bush responded that the residents had the opportunity to vote "yes" for all of the standards; or, if they had concerns about some standards, they also had to opportunity to vote independently for each one. He added that the total range of residents in support was approximately 85.1% to 88%. Mr. Brewer asked how many total "no" votes were received. Mr. Bush answered that he used the same methodology for the "no" votes.

Citizen Support: Mark Feibes, 288 Larch Lane, was present in support of this request. He quoted the following passage from *Rock Fences of the Bluegrass*:

"Our society does aspire to preserve some of the artifacts of the past, but we do this selectively. It is simpler to argue that a great building designed by a great architect, or occupied by a great man, merits preservation than it is to argue that a neighborhood market or a row of common working peoples' houses are worthy of the same effort. The unfortunate result of such selective preservation is that the geographic, historic, and cultural past is lost, and what is left is a unique artifact out of context amidst other structures to which it has no functional attachment. Such artifacts tell very little of their place in the events during the time they flourished."

Mr. Feibes stated that the Meadowthorpe neighborhood still exists nearly as it was 50 years ago. Out of the 484 original residences, only two have been torn down: one, in order to provide land for the Meadowthorpe Presbyterian Church, and the other due to a fire. Mr. Feibes said that he believes that this is the perfect time for ND-1 overlay zoning protection for the neighborhood, before it succumbs to changes.

Terry Terry, 1490 Townley Drive, stated that she lives near the home in one of the photographs displayed by Mr. Bush, which has a large addition. She said that, when she purchased her home 16 years ago, one of her main concerns was the size of the lot, in relation to the sizes of the homes around it. She and her family chose to live in Meadowthorpe partly because of the large lots and open space, since they spend a great deal of time outdoors. Ms. Terry said that, if she lived near the home at 1740 Townley Drive, she might consider selling her property, since that residence, the addition, and two-car garage occupies such a large portion of the lot and is out of character with the other homes on the street. She added that the neighborhood residents are seeking the ND-1 overlay zone in order to protect the other properties in the neighborhood for that type of overdevelopment, which does not fit in with the neighborhood.

Shirley Young, 220 Boiling Springs Drive, stated that she was a former president of the Meadowthorpe Neighborhood Association. Ms. Young said that she was first introduced to Meadowthorpe in 1980, while visiting a friend. In 1983, she sold a newer house on the south side of Lexington in order to relocate to Meadowthorpe.

Ms. Young stated that Meadowthorpe has important history, but the best feature of the neighborhood is its residents and the generations of families that make up the community. The neighborhood was developed by forward-thinking people who constructed many different types of housing to make it possible for people of many income ranges to live there. Ms. Young noted that, present in the audience at this meeting, are: Mary Owen Bush, who bought her home in Meadowthorpe in 1956; Mary's son Coleman and daughter Nora, both of whom live in Meadowthorpe; and her granddaughter and two great-grandsons, who live in the neighborhood as well. She said that the proposed standards would not prevent additions or improvements to existing homes, but they can help to preserve the unique character and style of the homes in Meadowthorpe.

Joe Collins, president of the Meadowthorpe Neighborhood Association, stated that the Planning Commission has a great opportunity to protect a wonderful neighborhood, and he hopes that they will choose to do so.

Elizabeth Robertson, 1602 Meadowthorpe Avenue, stated that she was originally from Bourbon County. She chose to return to Lexington after college in order to establish roots for her family. She purchased her home in Meadowthorpe in 2010 because of the quality of the homes, proximity to downtown life, and the sense of being part of a small, historic community.

Ms. Robertson said that her home was originally built for the Hillenmeyer family, and has been maintained in its original state for the past 45 years by the Collier family. She noted that she supports the proposed ND-1 overlay zone, because it will protect the historic homes and strong character of the Meadowthorpe neighborhood for future generations.

Citizen Opposition: Donna Blauvelt, 252 Boiling Springs Drive, stated that she used to own the property at 344 Boiling Springs Drive. She purchased her current home following the death of her father-in-law, so it truly is a generational house.

Ms. Blauvelt stated that she is in opposition to the proposed ND-1 overlay. When she bought her home, it was in a state of complete disrepair, and no one else would buy it. Ms. Blauvelt revamped the house, keeping it consistent with the character of the neighborhood. As part of those renovations, she added a dormer in the rear of the house to accommodate her family of three children, which is the first phase of the alterations she planned to make. The next phase would involve the addition of a large deck in the rear of the home; removing the existing concrete-block, two-car garage; replacing it with a brick façade, three-car garage; and constructing an extra

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parking space beside the garage. Ms. Blauvelt stated that the proposed design standards would prohibit her from constructing that extra parking space. She explained that she had previously lived in a newer neighborhood with a homeowners' association, which had many regulations about the use and aesthetics of the properties, and she is concerned about the proposed ND-1 standards and how they could affect the use of her property. She said that she bought her home with the understanding that there were no restrictions on additions; she believes that it is unfair to apply restrictions to her property now, when she is partway through her renovation plans. Ms. Blauvelt asked that the Planning Commission consider the rights of the homeowners in the Meadowthorpe neighborhood, because she believes that dictating to a homeowner what they can and cannot do is not the American way.

Community Support: John Rhorer, Chair of the Historic Preservation Commission, stated that his organization is in support of this ND-1 request. He said that the Ordinance sets out the following jurisdiction for the Historic Preservation Commission:

"Providing guidance to LFUCG in all matters concerning historic preservation; conservation or enhancement of structures, premises, areas; or historic cultural and architectural significance."

Mr. Rhorer said that he believes that the amount of effort put forth by the Meadowthorpe Neighborhood Association with respect to data gathering and preparation for the ND-1 process is impressive. He noted that the Historic Preservation Commission had submitted a letter in support of this request, and he asked that the Commission recommend approval.

Chairman Comments: Since there were no other citizens wishing to speak to this proposal, Mr. Cravens declared the hearing closed at this time.

Commission Questions: Mr. Owens asked if there are required front yard setbacks in the Meadowthorpe neighborhood. Ms. Wade answered that the R-1C zone requires a 30' setback.

Ms. Roche-Phillips asked if Ms. Blauvelt would be permitted to construct an 800-square foot garage and a deck under the proposed design standards. Ms. Wade answered that that would be permitted. Ms. Roche-Phillips asked if Ms. Blauvelt would be able to construct an additional parking space beside the garage. Ms. Wade responded that the design standards would only restrict parking when it is between the front façade of the primary structure and the street. Ms. Roche-Phillips stated that it seemed, then, that Ms. Blauvelt's concerns should be met. Ms. Wade said that there might be some concern about the size of the garage, or the height, if dormers are added to it.

Ms. Copeland asked if this ND-1 request is typical, or if there is anything "radically different" about it. Ms. Wade answered that she did not believe that there was anything radically different about this request. She noted that, compared to the three existing ND-1 overlay areas, the design standards proposed by the Meadowthorpe neighborhood are not the strictest or the least restrictive.

Ms. Roche-Phillips asked Mr. Berkley if he knew the standard size for a two-car garage. Mr. Berkley responded that a two-car garage would likely be approximately 20x25 feet in size. Ms. Roche-Phillips asked what the dimensions would likely be for a three-car garage. Mr. Berkley answered that that would likely add another 10 to 15 feet to the structure. Ms. Roche-Phillips stated that 750 square feet should usually be sufficient for a garage, but that size would not account for storage space. She asked if the Commission members might be amenable to expanding the 800 square-foot restriction proposed by the neighborhood for accessory structures to 820 square feet.

Mr. Brewer asked if the neighborhood is in agreement with the proposed staff alternative design standards. Mr. Bush answered that the neighborhood is in agreement with the standards, and noted that they had been working closely with the staff.

Commission Discussion: Ms. Beatty commended the neighborhood for seeking ND-1 zoning, particularly due to their location in Lexington.

Mr. Owens stated that he had driven through the neighborhood, and had found it to be one of the most uniform neighborhoods in Lexington. He said that he believes that the proposed design standards are reasonable, and they should allow for reasonable expansions of existing homes in the future. He noted that there will be a few non-conformities created, but they should not have a significant impact on the neighborhood.

Ms. Blanton stated that she believes that the Meadowthorpe neighborhood is beautiful, with well-kept homes. She said that she grew up in homes of that era, however; and many of them are not functional by the standards of many families today, since they typically have only one bathroom and three bedrooms. Ms. Blanton stated

that she is concerned that the proposed design standards are too restrictive, and that they might have an opposite effect of their intention, in that younger families might not choose to locate there due to the lack of accommodation for modern lifestyles.

Mr. Cravens stated that he does not see why ND-1 overlay zoning is necessary in the Meadowthorpe neighborhood, since the homes there have been well maintained for 60 years and "the pride of the neighborhood keeps them that way." He added that he would hate to come home and find a postcard informing him that his neighbors wanted to rezone his house, and take away his rights to build an addition, garage, or circle driveway in the front yard. Mr. Cravens agreed with Ms. Blanton that many of the homes of that age are obsolete, and need more restrooms. He believes that the .25 FAR restriction could prevent those needed expansions, adding that the Infill & Redevelopment Area regulations allow a .35 FAR.

Mr. Cravens also noted that, if deed restrictions were in effect for the Meadowthorpe neighborhood, it would take 100% support to have them changed, rather than the approximately 70% support for this request.

Ms. Blanton asked if accommodations could be made to the proposed design standards in order to meet ADA regulations or for someone who might need to park close to the front of their house. Mr. Sallee answered that there is a process through which an owner could seek to change the restrictions on their property, but it would not be an automatic process; as an application, mailed notice, and public hearing would be required.

Ms. Roche-Phillips stated that the Meadowthorpe neighborhood has been working on the ND-1 process for over two years, and noted that it would be very difficult to achieve 100% consent for anything in an area with 484 property owners. She said that she believes that the neighborhood has clearly put forth a great deal of effort through this process, and that they have the best interests of all of the property owners in mind in their attempt to preserve the historical integrity of the neighborhood.

Action: A motion was made by Ms. Roche-Phillips, seconded by Mr. Wilson, and carried 6-3 (Penn absent; Berkley, Blanton, and Cravens opposed) to approve MAR 2012-2 with the staff alternative design standards, for the reasons provided by staff.

Note: Chairman Cravens declared a brief recess at 3:16 p.m. The meeting reconvened at 3:23 p.m.

VI. COMMISSION ITEMS

A. REVISED COMMISSION BY-LAWS – Mr. Cravens stated that Mr. King had prepared a draft change to the Planning Commission's by-laws, as discussed at the recent work session.

Mr. Owens stated that, under the proposed change to the by-laws, the nominating committee would be elected by the Planning Commission at their first regular meeting in June. The nominating committee would report on their progress at a work session the following week, for discussion by the Commission. The vote on the new officers, either via slate or nominations from the floor, would then take place at the Commission's first meeting in July.

Mr. Cravens said that he had encouraged the nominating committee to pursue this change to the by-laws in order to have elections in July, but he does not support the amendment as proposed. He explained that he believes that the Chair should appoint the nominating committee, and he does not believe that it is necessary to discuss the slate at a work session.

Ms. Roche-Phillips said that there had been some previous discussion about "breaking apart the slate" to elect individual officers, and asked if that would still be permitted under the proposed change to the by-laws. Mr. Owens answered that that would be allowed, if anyone had concerns with the proposed slate of officers or wished to make a nomination from the floor.

Mr. Brewer asked why the Planning Commission could not elect officers at a work session, rather than at a public meeting. Ms. Boland answered that, although work sessions are technically public meetings, there is no published agenda. She explained that it has always been the practice that official action is not taken at a work session, since the Planning Commission is a public body, and since state law requires that official actions of that body shall be televised and recorded.

Ms. Roche-Phillips asked if that practice was codified in the Planning Commission's by-laws. She said that she agreed with Mr. Brewer. Ms. Boland responded that the law requires that the Planning Commission act officially through their meetings, and official actions are recorded in minutes. She added that, since work sessions are not considered official meetings, no minutes are taken. Ms. Boland stated that, in order to hold elections at a work session, the Planning Commission would have to completely change their policy, and have formal minutes taken at their work sessions, which would

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