

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

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

**IN RE: MAR 2012-17: URBAN COUNTY PLANNING COMMISSION** - petition for a zone map amendment to a Neighborhood Design Character Overlay (ND-1) zone for 52.68± net (59.72± gross) acres, for properties located at 1200-1280 Colonial Drive; 4009-4021 John Alden Lane; 4004-4025 Mayflower Lane; 1228-1273 and 1290 Standish Way; and 2492-2516 Versailles Road (even addresses only). (Council District 11)

Having considered the above matter on **November 15, 2012**, at a Public Hearing, and having voted **9-2** on **December 13, 2012**, 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 reasons:

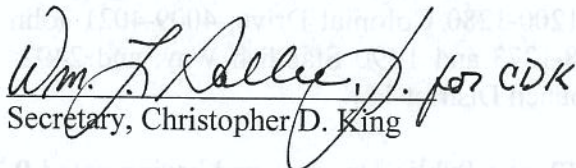
1. The requested Neighborhood Design Character (ND-1) overlay zone is in agreement with the 2007 Comprehensive Plan and the Goals and Objectives of the 2012 Comprehensive Plan for the following reasons:
  - a. The Goals and Objectives of the 2007 Plan identify eight overriding themes, one of which is "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 The Old Colony neighborhood. 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 Goals and Objectives of the 2012 Comprehensive Plan support the development of ND-1 Overlay zones to enable neighborhoods to flourish (Theme A.3.a).
  - c. 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.
  - d. The Old Colony 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:
  1. One new accessory structure, not exceeding a maximum of 180 sq. ft. with a 12 ft. maximum roof height limitation, shall be permitted to be located and constructed in the rear yard area of each home.
  2. No new front yard fences or freestanding walls shall be permitted, with the exception of those homes fronting on Versailles Road.
    - i. Retaining walls shall be permitted on all properties, subject to a maximum height of 18 inches above the unbalanced fill in the front yard.



3. Lot coverage shall be limited to a maximum of 25%.

These restrictions are appropriate, given the study undertaken to identify the existing neighborhood character by The Colony Neighborhood Association (Residents, Inc.), and are necessary to maintain that existing character of the neighborhood in the future.

ATTEST: This 2<sup>nd</sup> day of January, 2013.

  
Secretary, Christopher D. King

MIKE OWENS  
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by March 13, 2013.

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

OBJECTORS

- Walt Whitlow, 1249 Standish Way
- Jerry Nicholson, 1252 Colonial Drive
- Jennifer Hamm-Blakely, 1228 Colonial Drive
- Brandon Stinnett, 1252 Standish Way
- Jeremy Ford, 2512 Versailles Road
- Stella Moore, 4017 John Alden Lane
- Phillip Cassidy, 1256 Colonial Drive

OBJECTIONS

- He believes that there are inaccuracies in the information presented requesting initiation of the ND-1 overlay, and that the proposed overlay has been divisive in the neighborhood.
- He does not support the proposed ND-1 overlay because he would like to make alterations to his property that might not be allowed under the Design Standards.
- She is concerned that the ND-1 process has not been transparent, and that property owners have received misleading information about it.
- He does not believe that there was sufficient neighborhood support to request initiation of the proposed ND-1 overlay.
- He purchased his home with the intention of building a detached garage, and he is concerned that he will not be able to do so under the proposed Design Standards.
- She does not believe that the proposed Design Standards are necessary to protect the character of The Colony, which has been well-maintained for decades.
- He does not believe that the neighborhood association conducted an effective canvass of the property owners during the ND-1 process.

- Kathleen Whitlow, 1249 Standish Way
- Junior Odom, 1212 Colonial Lane
- Frank Robey, 2504 Versailles Road
- She read a letter of opposition from an unnamed neighbor who was not able to attend the hearing.
- He has lived in The Colony for 45 years, and would like for it to be maintained as it is today.
- He does not want to live in a restrictive neighborhood, and would not have purchased his home there recently if he had known that an ND-1 overlay would be proposed.

VOTES WERE AS FOLLOWS:

AYES: (6) Beatty, Owens, Penn, Plumlee, Roche-Phillips, Wilson

NAYS: (2) Brewer, Cravens

ABSENT: (0)

ABSTAINED: (3) Berkley, Blanton, Mundy

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2012-17 carried.

Enclosures: Neighborhood Request  
 Application  
 Plat  
 Staff Report  
 Supplemental Staff Report  
 Applicable excerpts of minutes of 11/15/12 meeting  
 Applicable excerpts of minutes of 12/13/12 meeting