

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2016-17: URBAN COUNTY PLANNING COMMISSION

DESCRIPTION

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

Acreage: 23.33± Net (29.81± Gross) Acres

Location: 201–540 Clinton Road

Proposed Design Standards:

1. Building Setbacks

Building setbacks shall be as follows:

- a. 200 and 300 blocks of Clinton Road: 50 feet
- b. 400 and 500 blocks of Clinton Road (odd-numbered houses): 60 feet
- c. 400 and 500 blocks of Clinton Road (even-numbered houses): 50 feet

2. Lot Widths

Minimum lot widths shall be as follows:

- a. 200-400 blocks of Clinton Road: 100 feet
- b. 500 block of Clinton Road: 80 feet

3. Floor Area Ratio

The Floor Area Ratio (excluding basements) may not exceed 0.33.

4. Building Heights

Maximum of 30 feet to highest ridge line (excludes new additions which may exceed 30 feet in order to match existing ridge lines).

5. Exterior Building Materials

Allowable exterior finish building materials are brick, stone, finished wood, cementitious fiberboard siding, or the same material as 90 percent of the existing structure (excludes windows and doors and their respective frames). Vinyl is allowable on eaves and cornices only and is otherwise prohibited. All other materials are prohibited.

6. Landscaping

Front yard fences shall be limited to 36" in height. Allowable materials for front yard fences are brick, stone, wood and iron. Chain link fences are prohibited in the front yard. If a retaining wall is used, it shall be subject to a maximum height of 18" above the unbalanced fill in the front yard.

7. Rear Yard Setbacks

Rear yard setback shall be measured 40 feet from the rear property line, excluding accessory structures.

8. Accessory Structures

Maximum footprint of 800 square feet for all accessory structures per lot.

9. Building Orientation

The front plane and front entrance of the principal structure shall face Clinton Road.

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-1B & R-1C	Single Family Residential
To North	R-1B & R-1C	Single Family Residential
To East	R-1C & P-1	Single Family Residential & Shriners Hospital
To South	R-1B & R-1C	Single Family Residential
To West	R-1B, R-1C & R-1D	Single Family Residential

URBAN SERVICES REPORT

Roads – Clinton Road is a local street that connects from Clays Spring Lane to Prather Road. It is located within the Shriners Neighborhood and is four blocks (3,000 feet) in length. Generally, local streets within the Shriners Neighborhood run parallel to Chinoe Road; but several terminate as cul-de-sacs within the area, including Adair Road, Bristol Road, and Hart Court. No changes to Clinton Road are expected as a result of the imposition of the Neighborhood Design Character overlay zone.

Curb/Gutter/Sidewalks – The street system in this neighborhood was constructed with curbs, gutters and sidewalks throughout the area, including Clinton Road.

Storm Sewers – The neighborhood is located within the West Hickman Creek watershed. Storm sewers have been constructed along Clinton Road and throughout the neighborhood, and stormwater generally drains southeasterly, toward Reservoir #2. No FEMA Special Flood Hazard Area exists within this specific area.

Sanitary Sewers – Sanitary sewers exist in the Shriners neighborhood area. This area is served by sanitary sewer lines to the West Hickman Wastewater Treatment Facility, located in northern Jessamine County.

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

Police – The nearest police station is the East Sector Roll Call Center, located about 2½ miles to the south, on Centre Parkway in the Gainesway neighborhood.

Fire/Ambulance – Fire Station #9 is the nearest station to Clinton Road. It is located less than one mile to the east, on Richmond Road, next to the Kentucky American Water offices and reservoir.

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

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan no longer makes a specific land use recommendation, but *Chapter 1: Goals and Objectives* does recommend “enabling existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County.” (emphasis added)

The Planning Commission has initiated a zone change request to add a Neighborhood Design Character Overlay (ND-1) zone in order to regulate front yard building setbacks; lot widths; floor area ratio (FAR); building height; exterior building materials; landscaping; rear yard building setbacks; accessory structures; and building orientation, regardless of the underlying zoning for 55 residential lots on Clinton Road.

CASE REVIEW

The Planning Commission initiated a zone change to a Neighborhood Design Character Overlay (ND-1) zone for the subject area in February 2016 at the request of the Clinton Road residents (requesting party). The area now proposed for an ND-1 overlay zone constitutes 55 contiguous properties and over 20 acres. Clinton Road is located within the Shriners Neighborhood, which includes parts of the Ashland Park and Lakewood Estates Subdivisions, west of Richmond Road, east of Chinoe Road and inside of New Circle Road (KY 4).

The subject area is a single-family residential street within an established neighborhood. All parcels along Clinton Road, with the exception of the Clays Spring Park (adjacent to Shriners Hospital) are included in the area proposed for the overlay zone. The subject area is zoned Single Family Residential (R-1B and R-1C) and will remain as such if the proposed overlay zone is approved. The subject area is surrounded by single-family residential development of similar age, although of varying character. The surrounding zoning, outside of the neighborhood itself, is also Single Family Residential, including R-1B, R-1C and R-1D zoning.

Clinton Road was platted as part of the Ashland Park Subdivision (Units 10, 11, 11A, and 12) in the mid-1950s; as such, it was originally part of the Henry Clay estate and farm. The homes are mostly post-WWII ranch style, and colonial/traditional homes on basements. Several contemporary and a few Cape Cod style homes also exist within the four-block area, and one lot is currently vacant.

Neighborhood Request - The Clinton Road residents submitted a request 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 their deed restrictions expired in the mid-1980s, 30 years after they were imposed by the developer. Since that time, little has changed until last year when one property owner filed an amended final record plat with the Planning Commission requesting a reduced front yard building setback - reducing the existing setback from 50 feet to 30 feet - in order to construct a front facing, attached garage. After the application was denied by the Planning Commission, a second application to reduce the front yard building setback from 50 feet to 40 feet was also denied. That decision is now under litigation in the courts. This precipitating event led the residents of Clinton Road to evaluate the character of the area and to request a Neighborhood Design Character Overlay (ND-1) zone to preserve the existing neighborhood, and to protect Clinton Road from inappropriate or incompatible development. The request includes regulation of nine design standards, as follows: front yard building setbacks, lot widths, floor area ratio (FAR), building height, exterior building materials, landscaping, rear yard building setbacks, accessory structures, and building orientation. Such regulations would be applied to the area 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 five other neighborhoods – Greenbrier, Chevy Chase, Montclair, Meadowthorpe and The Old Colony – 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 requires 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 requesting party to the Planning Commission, the neighborhood would like to maintain the overall character of the neighborhood. 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. The Clinton Road ND-1 Design Standards are intended to help protect the historic character of the street by achieving the following goals:

1. Maintain the open, uniform, and expansive appearance of the street;
2. Avoid further subdivision of corner lots;
3. Preserve current building sizes and area devoted to yards/greenspace; and
4. Maintain the consistency and quality of exterior building appearances.

The proposed Design Standards were developed based upon these four stated goals. The requested standards can be divided into two overall groups – standards to address structural or building changes (which include floor area ratio (FAR), building height, exterior building materials and accessory structures);

and standards to address site design and land redevelopment (which include front and rear yard building setbacks, lot widths, landscaping and building orientation).

Structural Changes

The neighborhood has requested that a maximum floor area ratio (FAR) of 0.33, excluding basements (#3), be established for all lots in the neighborhood. This standard was developed by researching Property Valuation Administrator (PVA) data for each structure and calculating the existing FAR (excluding basements), to determine that 100% of properties on Clinton Road currently meet this restriction and that FARs currently range from 0.16 to 0.33. An average lot on Clinton Road is 18,000 square feet in size (0.43 acres); thus, an average buildable floor area of over 6,000 square feet would be permitted under this limitation (in addition to a basement), which is a generous home size for this area.

The neighborhood has also proposed to limit the building height to 30 feet (as measured at roof ridge rather than mid-gable) (#4). These height limits are only slightly more restrictive than the underlying single family residential zones' requirement of 35 feet to mid-gable; but would most likely prevent three-story buildings, which is desirable, as the neighborhood is comprised of mostly 1-, 1½-, and 2-story structures. These regulations are aimed at keeping homes in scale with the neighborhood and maintaining the appearance of the streetscape.

The neighborhood has requested that exterior wall coverings (excluding windows and doors and their respective frames) be limited to brick, stone, finished wood, cementitious fiberboard, or the same material as exists on 90 percent of any existing structure (#5). This standard would apply to principal and accessory structures within the neighborhood. An exception for vinyl materials on eaves and cornices was suggested by HBAL representatives because of its common practice and because it is an economically viable alternative to wood that requires little maintenance. The architectural study conducted by the residents indicates that the primary exterior cladding for all structures on Clinton Road is either brick (85%) or stone (11%); and two homes have been constructed with mixed materials, including one that was renovated with mostly vinyl siding. The purpose of the standard is to ensure that new construction, including additions, is consistent with the existing character of the street and quality of the built environment.

The neighborhood is characterized primarily by attached garages (80%); but standards for accessory structures were deemed important to maintain the existing visual streetscape and to protect greenspace of the lots. While the FAR restriction mentioned above maintains the scale of the principal structure on the lot, it does not govern accessory structures. The proposed standard would limit the footprint of any accessory structure to 800 square feet (#8), falling within the range of existing accessory structures on Clinton Road, which varies from 440 feet to 900 feet in size. The residents selected 800 square feet as a suitable upper limit for accessory structure size that would also limit the possibility of inadequate yard space if the FAR were also being maximized.

Site Design & Land Redevelopment

The neighborhood has proposed standards to address both front yard (#1) and rear yard building setbacks (#7). The front yard setback, as proposed, would mimic the expansive, established front yard setbacks varying between 50 and 60 feet (depending on the block and side of the street) that were set when the original record plats were recorded in the mid 1950s, as opposed to the underlying zone requirements of 30 feet (R-1C) and 40 feet (R-1B). The rear yard setback is proposed to be set at 40 feet, whereas the underlying zoning would allow a minimum of 10 feet. The neighborhood has also proposed a minimum lot width of 80 feet for the 500 block, and 100 feet for the other three blocks (#2). The staff suggests a rewording of the rear yard setback design standard for clarity, which is noted in the Alternative Design Standards. The residents of Clinton Road state that these three requirements, although more stringent than the underlying zoning, will preserve the character of the street by maintaining open space, eliminating

the possibility of corner lot subdivisions, and preserving the original development intent for the street, all of which are considered vital to the character of Clinton Road.

The residents propose a design standard to restrict front yard fences and retaining walls (#6). This standard would limit fences to 3 feet in height and the permissible materials for such fences to brick, stone, wood and iron. No mention of free-standing walls is made, but the issue should be addressed in the proposed design standard that free-standing walls be regulated in a manner similar to fences. Retaining walls are permitted as well, but limited to a height of 18 inches above any unbalanced fill. Lastly, the residents propose to require all structures and their main entrance to be oriented to Clinton Road (#9). These two standards generally reinforce the existing condition of the neighborhood and preserve the character as it is today. The purpose of these standards is to preserve the open feeling of the street and prevent further subdivision of corner lots.

Comprehensive Plan

The Neighborhood Design Character Overlay (ND-1) and the Historic District (H-1) Overlay zones are the two tools available to neighborhoods to preserve and protect their physical surroundings and the built environment. Each offers a different approach to meeting the 2013 Comprehensive Plan Goals and Objectives for “providing well-designed neighborhoods and communities” (Theme A, Goal #3) and to “protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image” (Theme D, Goal #3). Theme A, Goal #3.a. more specifically recommends enabling existing neighborhoods to flourish through expanded opportunities for neighborhood character preservation. Therefore, it follows that the implementation of a Neighborhood Design Character (ND-1) overlay zone in on Clinton Road 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.

Although the Comprehensive Plan is supportive, in general, of the neighborhood-driven process and ND-1 regulations to help maintain the existing character of a neighborhood, the staff would like to note some concern about segments of larger neighborhoods requesting ND-1 overlays. In this case, the residents of one street within a larger subdivision (Ashland Park) and neighborhood association (Shriners) have requested that only their street be protected. While protection for Clinton Road has been deemed important by the residents thereof, the overarching question of “what about the rest of the neighborhood” can’t help but be raised. Presumably, future ND-1 Overlay zones, perhaps with different standards, will be considered for Ashland Park or for the rest of Shriners neighborhood. Additionally, single street ND-1 Overlay zones, if they become commonplace, may become an issue for the government, as well as contractors and homeowners, due to the level of review (effort and time) required above and beyond the typical building permit.

Conclusion

The proposed ND-1 regulations will help maintain the existing character of the 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 in their area, which could threaten Clinton Road’s identity and unique fabric. Should this area 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 overall 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 2013 Comprehensive Plan for the following reasons:

- a. The Goals & Objectives of the Plan recommend “providing well-designed neighborhoods and communities” (Theme A, Goal #3) and “protecting and enhancing the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image” (Theme D, Goal #3). Theme A, Goal #3.a. more specifically recommends enabling existing neighborhoods to flourish through expanded opportunities for neighborhood character preservation. This will be enhanced with this zoning overlay for Clinton Road.
 - 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 Clinton Road residents have completed a design character study, defined the existing character of their neighborhood area, 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 (Note: Additions are identified by an underline, and deletions are identified by a ~~strikethrough~~.)

1. Building Setbacks

Building setbacks shall be as follows:

- a. 200 and 300 blocks of Clinton Road: 50 feet
- b. 400 and 500 blocks of Clinton Road (odd-numbered houses): 60 feet
- c. 400 and 500 blocks of Clinton Road (even-numbered houses): 50 feet

2. Lot Widths

Minimum lot widths shall be as follows:

- a. 200-400 blocks of Clinton Road: 100 feet
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7. Rear Yard Setbacks

Rear yard setback shall be a minimum of ~~measured~~ 40 feet, as measured from the rear property line, excluding accessory structures.

8. Accessory Structures

Maximum footprint of 800 square feet for all accessory structures per lot.

9. Building Orientation

The front plane and front entrance of the principal structure shall face Clinton Road.

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character by the Clinton Road residents, and are necessary to maintain that existing character in the future.

TLW/BJR/WLS

6/2/16

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