

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2012-17: URBAN COUNTY PLANNING COMMISSION

DESCRIPTION

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

Acreage: 52.68 ± Net (59.72± Gross) Acres

Location: 1200–1280 Colonial Drive
4009–4021 John Alden Lane
4004–4025 Mayflower Lane
1228–1273 & 1290 Standish Way
2492–2516 Versailles Road (even addresses only)

Proposed Design Standards:

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.

(Note: All existing accessory structures shall be deemed approved and permitted to remain. Said existing structures may be improved and/or replaced by new structures so long as the improvements do not exceed the existing footprint or alter the general character of the existing structures.)

2. No new front yard fencing shall be permitted with the exception of those homes fronting on Versailles Road.

(Note: "Front Yard" shall be deemed to mean all that yard area located between the nearest points of the front of the house to its frontage roadway's right-of-way line. New and existing side and rear fencing shall continue to be approved in accordance with existing zoning restrictions.)

3. Floor area to lot size ratio shall be limited to 25% maximum.

EXISTING ZONING & LAND USE

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

URBAN SERVICES REPORT

Roads – Generally, the Old Colony neighborhood is located on the south side of Versailles Road, between Parkers Mill Road and New Circle Road (KY 4). The Old Colony neighborhood is comprised of local streets, with the only through street connecting to a later-developed phase of The Colony subdivision. The neighborhood streets are laid out in a curvilinear pattern, with Colonial Drive serving as the entrance road and the only point of ingress and egress for the neighborhood, with several local streets feeding into this roadway. No roadway changes are expected as a result of the imposition of the Neighborhood Design Character overlay zone.

Curb/Gutter/Sidewalks – The neighborhood was developed without curbs, gutters and sidewalks.

Storm Sewers – The neighborhood is located within the Wolf Run watershed. Storm sewers have not been constructed within the neighborhood; rather, swales and the large lots in this subdivision are utilized to accommodate stormwater runoff. Stormwater generally drains to the northeast, toward the Colonial Drive tributary and Wolf Run Creek. A FEMA Special Flood Hazard Area does exist along the southeast edge of this neighborhood area, as well as the northeastern edge of the neighborhood along Versailles Road associated with the Colonial Drive tributary.

Sanitary Sewers – Sanitary sewers exist in The Old Colony neighborhood area. This area is served by the Town Branch Wastewater Treatment Facility, located to the northeast, near 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 1½ miles to the northeast of the neighborhood, on Old Frankfort Pike at New Circle Road.

Fire/Ambulance – Fire Station #14 is the nearest station to The Old Colony neighborhood area. It is located about ½ of a mile to the east, near the intersection of Alexandria Drive and Roanoke 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 4) recommends Low Density Residential (LD) land use for the neighborhood. The Planning Commission has initiated a zone change request to add a Neighborhood Design Character Overlay (ND-1) zone in order to regulate accessory structures, fencing and floor area ratio (FAR) 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 July 2012 at the request of The Colony Neighborhood Association (Residents, Inc.) for The Old Colony (requesting party). The area proposed for an ND-1 overlay zone constitutes 72 individual properties and over 50 acres.

The Old Colony neighborhood, the early developed portion of the Colony subdivision, is located on the south side of Versailles Road, between New Circle Road and Parkers Mill Road. The subject area is made up entirely of single-family residences within the established neighborhood. The subject area is bounded to the north by Versailles Road, to the west by a newer portion of the Colony subdivision, and to the south and east by additional residential development.

The subject area is zoned Single Family Residential (R-1A and R-1B). The surrounding zoning, outside of the neighborhood itself, is also Single Family Residential (R-1A, R-1B and R-1C). The Colony subdivision was platted in four units; the lots included in this area are located within Units 1 and 2, as well as four lots from Unit 3 that have frontage along Standish Way. The homes were mostly constructed during the late 1940s, 1950s and 1960s, and are a combination of mid-century modern, classic ranch and traditional colonial style architecture. The subdivision consists of large lots, mostly ½ to one acre in size; mature trees; pocket green spaces; and an open feel, due to the relatively large lot sizes in this neighborhood.

Neighborhood Request - The Colony Neighborhood Association submitted a letter and supporting documentation to the Planning Commission describing their desire for an ND-1 zone, prior to the initiation of the zone change. They indicate that the neighborhood wishes to maintain the distinguishing features and existing character of their neighborhood; and while some variety exists in terms of home size and style, there is also a consistency to the development pattern and in the low intensity of the neighborhood.

In order to protect the neighborhood from inappropriate or incompatible development, they have requested the ND-1 Overlay zone in order to regulate accessory structures, fencing, and floor area ratio (FAR) 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). To date, the ND-1 overlay has been applied to four other neighborhoods – Greenbrier, Chevy Chase, Montclair, and Meadowthorpe – 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 of the Zoning Ordinance offers seven criteria, at least one of which must be met by a neighborhood in order to qualify for an ND-1 Overlay zone. The neighborhood would like to maintain the overall character of the neighborhood, and the neighborhood has character as an established and geographically definable residential neighborhood united by physical plan and development (#7). The neighborhood was planned and platted with a consistent design for a low density residential development at the edge of Lexington. The Old Colony ND-1 Design Standards, developed by the neighborhood through a four-year process, are intended to help protect the bucolic character of the neighborhood by achieving the goals of:

- preservation of open space in front of and behind the residences; and
- preventing over-development of individual lots beyond the historical building pattern in the neighborhood (with a reasonable allowance for some expansion)

The three proposed Design Standards were developed based upon these goals.

The neighborhood is characterized primarily by attached garages or carports, with limited storage sheds to the rear of the lots (only six exist). No more than one accessory structure exists for these six, and none exceeds 120 square feet in size. For this reason, a standard for accessory structures was deemed important to maintaining the existing visual

streetscape and open nature of the neighborhood. The proposed standard would limit accessory structures to 180 square feet in size and 12 feet in height, would allow them to be located in the rear yard, all of which would be consistent with the existing character of the neighborhood (#1). The staff suggests deleting the “notes” section that was initiated by the Planning Commission related to this design standard, because these notes are generally addressed by the regulation of non-conformities in Article 4 of the Zoning Ordinance, and also because the language about altering the “general character” of the existing structures cannot be objectively evaluated by the Division of Planning in determining compliance with the design standard.

The neighborhood wishes to prohibit front yard fences, with the exception of those few residences that have frontage along Versailles Road (#2). This standard reinforces the existing state in the neighborhood, in that fencing in general is rare, and only one front yard fence has been established within the area; that is, of the 68 homes that do not front along Versailles Road, only one fence exists, which would become non-conforming if the standard is adopted. Again, the staff suggests deleting the “notes” section that was initiated by the Planning Commission, because these notes are addressed by definition of “front yard” in Article 1-11 of the Zoning Ordinance and generally by the regulation of non-conformities in Article 4 of the Zoning Ordinance.

The neighborhood has requested that a maximum floor area ratio (FAR) of 0.25 (#3) be established for all structures in the neighborhood. Upon further research, and a meeting with the neighborhood representative and representatives of the Home Builders Association, the neighborhood appears to have provided data related to lot coverage. The staff understands from this recent meeting that the neighborhood’s intent was to regulate lot coverage, rather than floor area ratio (FAR). The average lot coverage in the neighborhood is less than 10%, with the maximum being 18% of the lot. This information was collected from the Property Valuation Administrator (PVA) data for each lot; then a standard was selected that would not create non-conformities, and would allow some expansion on all individual properties. This standard, if altered to apply to lot coverage instead of floor area ratio, will maintain the open, rural aesthetic of the neighborhood, consistent with the existing setting.

Comprehensive Plan - The 2007 Comprehensive Plan recommends Low Density Residential (LD) land use for The Colony – 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 Old Colony 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. The 2012 Comprehensive Plan’s Goals and Objectives also support the process and concept of neighborhood character protection in Theme A.3.a., which encourages well-designed neighborhoods by enabling existing neighborhoods to flourish through expanded opportunities for neighborhood character preservation, among other initiatives.

The Hal Price Headley house, located at 1236 Standish Way and within the proposed ND-1 Overlay zone area, is listed on the National Register of Historic Places as a single property landmark. Article 29 of the Zoning Ordinance prohibits the inclusion of a property in the ND-1 Overlay zone if it has been listed on the National Register as part of a Historic District. This house and lot are not technically considered part of a larger district, thus the staff believes that the property should remain a part of the ND-1 Overlay zone boundary. Additionally, the intent of the language in the Ordinance is to prevent layers of regulation that may conflict on any one property. However, in this instance the proposed design standards do not conflict with National Register requirements.

In conclusion, the proposed ND-1 regulations will help maintain the existing character of The Old Colony neighborhood, ensuring that changes in the neighborhood will be compatible with the surrounding subdivision. The neighborhood does have character as an established and geographically definable residential neighborhood united by physical plan and development (#7) that the neighborhood wishes 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 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:

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

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.

~~(Note: All existing accessory structures shall be deemed approved and permitted to remain. Said existing structures may be improved and/or replaced by new structures so long as the improvements do not exceed the existing footprint or alter the general character of the existing structures.)~~

2. No new front yard fencing shall be permitted, with the exception of those homes fronting on Versailles Road.

~~(Note: "Front Yard" shall be deemed to mean all that yard area located between the nearest points of the front of the house to its frontage roadway's right-of-way line. New and existing side and rear fencing shall continue to be approved in accordance with existing zoning restrictions.)~~

3. ~~Floor area to lot size ratio~~ Lot coverage shall be limited to a maximum of 25% ~~maximum~~.

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.