

Rec'd by LT
Date: 3/29/12

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).

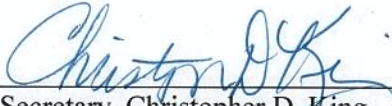
7. Parking

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