

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT:	Urban County Planning Commission, 200 E. Main Street, Lexington, KY 40507 859-258-3160
OWNER:	See Attached
ATTORNEY:	LFUCG Department of Law, 200 E. Main Street, Lexington, KY 40507 859-258-3500

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

201 - 540 Clinton Road

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1B & R-1C	Single-Family Residential	ND-1	Same	23.33 ±	29.81 ±

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Single-Family Residential	R-1B
East	Single-Family Residential, Public Park, Shriner's Hospital	R-1C, R-2 & P-1
South	Single-Family Residential	R-1B
West	Single-Family Residential	R-1C

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
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
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...	<input checked="" type="checkbox"/> in agreement with the Comp. Plan	<input type="checkbox"/> more appropriate than the existing zoning	<input type="checkbox"/> due to unanticipated changes.
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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.	
APPLICANT <u>Jim Duncan, Sec</u>	DATE <u>5-2-16</u>
OWNER _____	DATE _____
LFUCG EMPLOYEE/OFFICER, if applicable _____	DATE _____

The Clinton Road residents have proposed the following ND-1 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.

Development Plan Action: A motion was made by Mr. Cravens, seconded by Mr. Wilson, and carried 6-1 (Plumlee opposed; Berkley, Drake, Penn, and Richardson absent) to approve ZDP 2016-6, subject to the 13 conditions as listed, changing #12 and #13 to read: "Resolve...at the time of the Final Development Plan."

VI. COMMISSION ITEMS

- A. **CHANGE TO THE OFFICIAL 2016 MEETING & FILING SCHEDULE** – Mr. Duncan requested Commission consideration of a change to the 2016 Meeting & Filing Schedule in order to reschedule the March work session to March 17, 2016 at 1:30 p.m.

Action: A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 6-1 (Cravens opposed; Berkley, Drake, Penn, and Richardson absent) to reschedule the work session from March 31st to March 17th.

- B. **CLINTON ROAD NEIGHBORHOOD DESIGN CHARACTER OVERLAY (ND-1) ZONE CHANGE INITIATION REQUEST** – Ms. Wade stated that the residents of Clinton Road had submitted a request for Planning Commission initiation of a zone change for an ND-1 overlay zone. She distributed to the Commission members a map of the area to be included in the overlay, as well as a summary of the notice postcard responses. The staff mailed 55 postcards to the residents of Clinton Road to survey their level of support for the ND-1 overlay zone; 35 were returned, which represents a 63.6% return rate. Of the postcards returned, 91.4% were in support; 8.6% were opposed. A few of those in support commented that they did not agree with some of the proposed design standards, but they indicated that they were in support overall of an ND-1 overlay.

Ms. Wade said that a design study had been conducted by the residents for the 55 properties on Clinton Road. She noted that there was a much higher response rate during the study and public input period than for the Commission's survey postcard mailing. The staff does not provide a recommendation at this time on the particular restrictions proposed by the neighborhood. Ordinarily, a staff report would be presented at a later date, should the Commission choose to initiate this rezoning.

Neighborhood Presentation: Dr. Monica Kern, 505 Clinton Road, was present representing the Clinton Road neighborhood steering committee. She stated that three unifying features give Clinton Road its distinctive character: large lots, the average size of which is .43 acres; a large amount of greenspace; and deep, uniform building setbacks. These characteristics create a spacious, open impression along the street.

Dr. Kern said that the residents of Clinton Road fear for its future, given recent neighborhood trends to the west and south of their street, such as subdividing large corner lots in order to construct very large homes with little yard space or distance between the houses. Residents are also concerned about the homes that have been constructed as a result of tear-downs, which are disproportionately large for the lot size and overwhelm the neighboring homes. Dr. Kern displayed several photographs, noting several examples of this type of development around Clinton Road.

Dr. Kern stated that the Clinton Road residents began the ND-1 process due to an application by the property owner of 508 Clinton Road to reduce the front yard setback. During that process, residents became aware of the ND-1 overlay zone, and that it could provide protection for their neighborhood against future development that might be out of character. The steering committee met with Coleman Bush, a Meadowthorpe resident who was instrumental in that neighborhood's ND-1 process. The steering committee members met extensively with Ms. Rackers and Ms. Wade of the Planning staff, as well as Bettie Kerr of the Division of Historic Preservation. Once it was determined that Clinton Road was suitable for ND-1 protection, a letter was mailed to all residents, and an information meeting was scheduled. Following that meeting, it was clear that there was overwhelming support for the ND-1 overlay. The next step in the process included an architectural study of the residences, the format of which was based on the Meadowthorpe study. The study was performed in consultation with an architect who is a Clinton Road resident. Dr. Kern said that the neighborhood's architectural study revealed that, while the houses on Clinton Road all have slightly different architectural styles, there are several commonalities that create a distinctive visual identity. Their homes are comprised almost exclusively of brick or stone; and all but three lots include deep front and back yards, and ample greenspace.

Dr. Kern noted that the steering committee held focus group meetings and encouraged open dialog with residents about what standards should be addressed as part of the ND-1 overlay. They then began drafting standards, submitting them for resident input and vetting by the Planning staff, and changing them in response to feedback. Once the standards were prepared, a packet was mailed to each residence including a list of the standards; the rationale behind each standard; and a petition to be returned to indicate the resident's degree of support for the proposal in general, as well as each of the nine standards. That packet was mailed to all 55 residences; 42 petitions were returned, which equates to a 76% response rate. Of those 42, 90% voted in favor of the ND-1 overlay, with only two residents opposed. The individual standards were supported by between 86 and 95% of the respondents. Dr. Kern noted that all of the statistics, itemized by household, were included in the neighborhood's exhibit packet, which was distributed to the Commission members.

With regard to the proposed design standards, Dr. Kern said that they were written to accomplish the residents' four main preservation goals: to maintain the open, uniform and expansive appearance from the street; to avoid the further subdivision of corner lots; to preserve the building sizes and areas devoted to yards or greenspace; and to maintain the consistency and quality of the exterior building appearances. The proposed standards would regulate building setbacks and lot widths; floor ar-

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ea ratio; maximum building height; exterior finishes; front yard fences; rear yard setbacks; accessory structures; and a requirement that the front building plane must face Clinton Road.

Dr. Kern stated that that the ND-1 zone was created over a decade ago to provide a means for neighborhoods to preserve the distinctive character that makes Lexington-Fayette County unique. For 30 years, Clinton Road was adequately protected by the original deed restrictions; since the expiration of those restrictions, residents are concerned that the attractive, open feel of the street could be "irrevocably altered or destroyed." Dr. Kern said that the residents believe strongly in the cause, and their petition results demonstrate how much they want the ND-1 overlay for their street.

Citizen Support: John Price, Clinton Road resident, stated that Clinton Road was originally the location of the barns for the Henry Clay estate, and an area for watering cattle. He said that Clinton Road is an area where parents bring their children to go sledding or watch the fireworks on the Shriners Hospital property, and he requested Planning Commission initiation of the ND-1 overlay zone.

Citizen Opposition: Chris Clendenen, attorney, was present representing the owners of 508 Clinton Road. He requested that the Planning Commission deny this initiation request, based on his clients' contention that it is out of character with the intent of the Zoning Ordinance. The Planning Commission must decide how a "neighborhood" is defined, whether it is a single street, or a collection of streets. The other ND-1 areas in Lexington-Fayette County all include several streets each, with many lots.

Mr. Clendenen said that he believed that one of the main reasons for this ND-1 request was his clients' desire to construct an extension on their garage, which was not in conformance with the original deed restrictions for the street. His clients believe that this request is an overreaction to that issue, and an inappropriate use of ND-1 zoning. Clinton Road is part of a neighborhood, but it does not comprise a neighborhood in and of itself. Mr. Clendenen opined that this might not be the best use of this Article of the Zoning Ordinance, and it could set a precedent for other single streets to request ND-1 zoning. For those reasons, he asked that the Planning Commission deny this request.

Jerry Calvert, 427 Clinton Road, stated that he moved into the neighborhood in 1986, which was the last year that the original deed restrictions were in effect. He said that he appeared before the Planning Commission in opposition to the garage expansion at 508 Clinton Road.

Mr. Calvert opined that an ND-1 overlay is not the best option for Clinton Road; he would rather reinstate the deed restrictions, which all the residents previously lived with for more than 60 years. Referring to the map exhibit prepared by the staff, outlining the postcard response rate, he said that there appeared to be numerous residents who did not respond.

Mr. Calvert stated that he opposes ND-1 zoning, and he will continue to oppose it, because he is concerned about the elderly residents on the street, who might not understand the ramifications of the proposed ND-1 overlay.

Jane Farmer, 509 Clinton Road, stated that she lived in her home for approximately 16 years. She said that she loved Clinton Road, and does not want to move, but she is concerned about the recent subdivision of lots and construction of huge homes. Ms. Farmer stated that she would like to keep the existing character of the Clinton Road area.

Rebuttal: Dr. Kern said, with regard to Mr. Clendenen's comments, that the ND-1 ordinance states "an area, neighborhood, or place," and does not specify the size or configuration of neighborhoods.

Action: A motion was made by Mr. Brewer, seconded by Ms. Plumlee, and carried 5-1 (Smith opposed; Berkley, Drake, Penn, Richardson, and Wilson absent) to initiate the requested zone change for the ND-1 overlay zone for Clinton Road.

VII. STAFF ITEMS – No such items were presented.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. MEETING DATES FOR March, 2016

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 3, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	March 3, 2016
Subdivision and ND-1 Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 10, 2016
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 17, 2016
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....	March 24, 2016
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 30, 2016

X. ADJOURNMENT – There being no further business, Chairman Owens declared the meeting adjourned at 6:43 p.m.

TLW/TM/CT/BJR/BS/src

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