

# GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

|                  |   |
|------------------|---|
| APPLICANT:       | Lexington-Fayette Urban County Planning Commission<br>200 East Main Street, Lexington, Kentucky 40507 |
| PROPERTY OWNERS: | See Attachment  |
| ATTORNEY:        | LFUCG Department of Law<br>200 East Main Street, Lexington, Kentucky 40507                            |

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

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

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

| Existing   |   | Requested    |   | Acreage  |          |
|------------|---|--------------|---|----------|----------|
| Zoning     | Use   | Zoning       | Use   | Net      | Gross    |
| R-1C & B-1 | Single Family Residential, Duplexes, & Multi-Family Residential | ND-1 Overlay | Single Family Residential, Duplexes, & Multi-Family Residential | 113.87 ± | 150.90 ± |

## 4. SURROUNDING PROPERTY, ZONING & USE

| Property | Use  | Zoning                          |
|----------|--|---------------------------------|
| North    | New Circle Road Right-of-Way; Light Industrial             | I-1                             |
| East     | Warehouses   | I-1                             |
| South    | Multi-Family Residential & Commercial                      | R-4, P-1, B-1 & B-3             |
| West     | Elementary School, Multi-Family Residential & Townley Park | R-1C, R-1T, R-4, P-1, B-1 & B-3 |

## 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?<br>If yes, how many units?<br>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<br>_____ 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 – Not existing and not planned                       |
| Sanitary Sewers       | <input checked="" type="checkbox"/> Existing | <input type="checkbox"/> To be constructed by | <input type="checkbox"/> Developer        | <input type="checkbox"/> Other – Individual Septic Systems                          |
| Curb/Gutter/Sidewalks | <input checked="" type="checkbox"/> Existing | <input type="checkbox"/> To be constructed by | <input type="checkbox"/> Developer        | <input type="checkbox"/> Other – Not existing and not planned                       |
| 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...  in agreement with the Comp. Plan  more appropriate than the existing zoning  due to unanticipated changes.

## 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.

PLANNING COMMISSION SECRETARY *Christy D. J...* DATE 12/16/2011

surrounding residential neighbors. The proposed reuse of this site, in its current configuration, will not create a necessity for additional screening and landscaping.

- b. Approval of the landscape variances will not result in an unreasonable circumvention of the Zoning Ordinance.
- c. The special circumstance that applies to the subject properties that serves to justify the variances is the proposed reuse of the existing development. In order to provide the required landscaping, existing pavement will need to be removed, thus reconfiguring the parking lot to accommodate both the parking and the landscape buffers.
- d. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship to the applicant, and would likely lead to an inferior buffer since new vegetation would supplant mature screening material.
- e. The circumstances surrounding this request are not the result of actions taken by the applicant since the adoption of the Zoning Ordinance.

The approval is made subject to the following conditions:

- 1. Provided the Urban County Council rezones the property to P-1; otherwise, any Commission action of approval of this variance is null and void.
- 2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, unless amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
- 3. A note shall be placed on the Zoning Development Plan indicating the variances that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).
- 4. Prior to any construction or erection of signs, the applicant shall obtain the necessary permits.
- 5. The landscape variances are subject to the adaptive reuse of the existing parking lot. If the open space areas (playgrounds) are to be paved for parking, then the standard landscaping and screening required by the Zoning Ordinance shall apply.

Development Plan Action: A motion was made by Mr. Owens, seconded by Mr. Penn, and carried 7-0 (Beatty, Brewer, Paulsen, and Roche-Phillips absent) to approve ZDP 2011-69, subject to the 13 conditions as listed on the agenda.

Commission Comment: Mr. Owens stated that he appreciated the residents' concerns about the rezoning. He said that he had come to this hearing with one opinion about this request; but, after hearing about the petitioner's efforts to maintain the subject properties and protect the character of the neighborhood, he had changed his mind.

**VI. COMMISSION ITEMS**

- A. MEADOWTHORPE NEIGHBORHOOD ZONE CHANGE INITIATION REQUEST** – petition request received from residents of the Meadowthorpe neighborhood for Planning Commission initiation of an ND-1 overlay zone.

The Zoning Committee made no recommendation on this request.

Ms. Wade briefly oriented the Commission to the location of the Meadowthorpe neighborhood, noting that it is to the north of Leestown Road, inside New Circle Road; to the northwest of Price Road and the Lexington Cemetery; and across from the Townley Park shopping and residential area. She said that the Meadowthorpe Neighborhood Association had been going through the initial phases of the ND-1 process for some time, and they have now requested Planning Commission initiation of an ND-1 overlay zone. The neighborhood association has completed the required petition and design study, copies of which were distributed to the Commission members.

Ms. Wade stated that one of the requirements of the ND-1 application process is a postcard mailing to each of the properties within the area proposed for the overlay zone. The Planning staff mailed notice letters and postcards to all of the just over 480 properties in the neighborhood earlier this month, and they received 239 postcards back, or just less than half. Of the 239 postcards returned, 198 of them, or 82.8% were in favor of the proposed ND-1 zoning; 37 responses, or 15.5%, were opposed; and four respondents expressed no opinion. Ms. Wade noted that the Commission had received copies of the seven proposed design guidelines, which were also sent to the property owners along with the notice letter and postcard mailing. She added that the staff had received one letter in opposition to the initiation, which was circulated to the Commission members for their review.

Commission Questions: Mr. Owens asked how many mailed postcards had been returned. Ms. Wade answered that the staff received 239 postcards. Mr. Owens asked how many had been mailed out, to which Ms. Wade replied that 484 postcards had been sent.

Mr. Cravens said that, if 198 postcards in favor of ND-1 zoning were received, that represents less than half of the total number of residences. Ms. Wade replied that the Planning Commission only needs to consider the number of postcards that were returned. The staff informs the neighborhood association at the outset that the count provided to the Planning Commission will only take into consideration the postcards that are returned. Ms. Wade noted that the neighborhood association had to make several rounds of resident contacts in order to notify homeowners and distribute the petition, so there might be some apathy with the initial postcard mailing.

Neighborhood Presentation: Coleman Bush, 324 Pelican Lane, thanked the staff and the Planning Commission for their assistance during the three-year process that brought the Meadowthorpe Neighborhood Association to this point. He said that, during the hearing for the previous zone change, Ms. Wade had referred to the Goals of the Comprehensive Plan, some of which include preserving and protecting older neighborhoods. The Planning Commission has demonstrated their support for preserving older neighborhoods by approving ND-1 overlay zoning for the Chevy Chase and Montclair neighborhoods.

Mr. Bush stated that the residents of the Meadowthorpe neighborhood believe that it is unquestionably worth preserving. The neighborhood was established in 1949, and has not undergone many of the unfavorable changes that were experienced by the Chevy Chase and Montclair neighborhoods. Meadowthorpe is characterized by medium-sized brick or stone houses, with little siding; consistent setbacks; and an appealing appearance. Mr. Bush said that Meadowthorpe was first occupied by the "greatest generation," and serves as an example of the beliefs and ideals of that period in the country's history; and, as such, is worthy of preserving.

With regard to the postcard mailing, Mr. Bush stated that the staff is not required to send follow-up postcards; but the neighborhood association had followed up on that mailing several times, with both resident and non-resident property owners. There was a 77.3% response rate for the petition, which was just a bit higher than the response to the Chevy Chase ND-1 petition. The neighborhood association is proposing seven standards, and they gave each property owner the opportunity to offer their opinion separately on each standard.

Mr. Bush said, in conclusion, that he believes that Meadowthorpe is at the perfect point in its life cycle to apply ND-1 zoning, unlike Montclair, where unfavorable changes had already occurred. He said that the neighborhood association had drafted the following goals for the ND-1 process:

- "To protect against the degradation of Meadowthorpe, a special place of aesthetic and cultural significance in Lexington;
- To encourage the preservation of Meadowthorpe's original structures through adaptive rehabilitation when necessary;
- When adaptive rehabilitation is necessary or desirable, to encourage construction that will lead to continuation, conservation, and improvement in a manner appropriate to the scale and physical character of the original buildings;
- To foster civic pride in Meadowthorpe as a community and as an exemplary subdivision of the post-World War II era."

Commission Questions: Mr. Penn stated that he hopes that the Meadowthorpe Neighborhood Association intends to continue the work that they have done up to this point, since initiation is just the first step in the rezoning process. He said that several of the Planning Commission members had been through the ND-1 process before, and had found that the property owners who did not respond to the postcard mailing might have questions about the effect of the rezoning on their property rights. Mr. Penn encouraged the neighborhood association to continue their discussions with property owners, so that everyone will be aware of the intent of the process. He added that there had been questions about the validity of some ND-1 petitions; and the neighborhood association must make a commitment to the process, since initiation of ND-1 zoning is no guarantee that the rezoning will actually occur. Mr. Bush stated that the neighborhood association would make that commitment.

Action: A motion was made by Mr. Penn, seconded by Mr. Wilson, and carried 5-2 (Blanton and Cravens opposed; Beatty, Brewer, Paulsen, and Roche-Phillips absent) to initiate the Meadowthorpe neighborhood ND-1 overlay zoning as requested by the Meadowthorpe Neighborhood Association.

**B. ADOPTION OF THE OFFICIAL MEETING & FILING SCHEDULE FOR 2012** – Mr. Sallee presented the recommended Official Meeting and Filing Schedule for 2012, and requested that the Commission consider its adoption.

Action: A motion was made by Ms. Blanton, seconded by Mr. Wilson, and carried 7-0 (Beatty, Brewer, Paulsen, and Roche-Phillips absent) to adopt the Official Meeting and Filing Schedule for 2012, as presented by the staff.

**VII. STAFF ITEMS** – No such items were presented.

**VIII. AUDIENCE ITEMS** – No such items were presented.

**IX. MEETING DATES FOR NOVEMBER, 2011**

|  |                          |
|--|--------------------------|
| Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....           | November 3, 2011         |
| Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....                | November 3, 2011         |
| <b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers..... | <b>November 10, 2011</b> |
| <b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....      | <b>November 17, 2011</b> |
| Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....            | November 23, 2011        |

**X. ADJOURNMENT**

Revised 11/28/11 wls  
To be considered by PC on 12/8/11  
TLW/TM/BJR/BS/src

\* - Denotes date by which Commission must either approve or disapprove request.

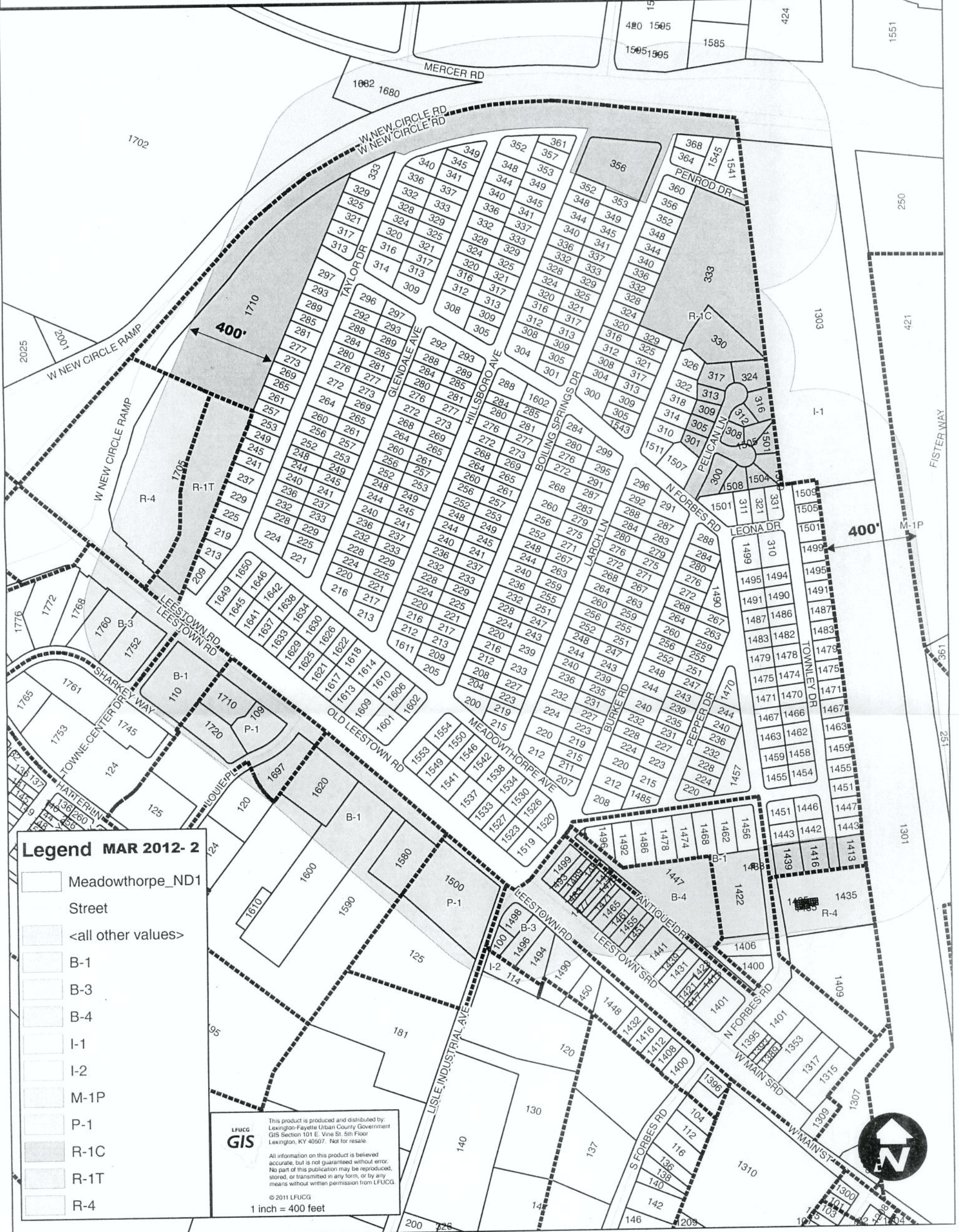
**Applicant:**

**LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION**

**Proposed Zone: Neighborhood Design Character (ND-1) Overlay Zone**


**Acreage: 113.87+ Net (150.9+ Gross) Acres**

**Addresses of Property;**  
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 address 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



**Legend MAR 2012- 2**

- Meadowthorpe\_ND1
- Street
- <all other values>
- B-1
- B-3
- B-4
- I-1
- I-2
- M-1P
- P-1
- R-1C
- R-1T
- R-4


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 1 inch = 400 feet