

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1C) ZONE TO A SINGLE FAMILY RESIDENTIAL (R-1B) ZONE FOR PROPERTIES LOCATED AT 400, 401, 406, 407, 412, 413, 418, 419, 424, 425, 430, 431, 436, 437, 442, 443, 448, AND 449 ADAIR ROAD. (URBAN COUNTY COUNCIL; COUNCIL DISTRICT 5).

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WHEREAS, at a Public Hearing held on February 23, 2017, a petition for a zoning ordinance map amendment for properties located at 400, 401, 406, 407, 412, 413, 418, 419, 424, 425, 430, 431, 436, 437, 442, 443, 448, and 449 from a Single Family Residential (R-1C) zone to a Single Family Residential (R-1B) zone, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 7-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

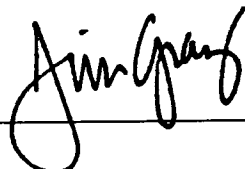
Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for properties located at 400, 401, 406, 407, 412, 413, 418, 419, 424, 425, 430, 431, 436, 437, 442, 443, 448, and 449 from a Single Family Residential (R-1C) zone to a Single Family Residential (R-1B) zone, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 16, 2017

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MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: March 23, 2017-1t

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Rec'd by Bm  
Date: 3-10-17

**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE: PLN-MAR-17-00004: URBAN COUNTY COUNCIL** – a petition for a zone map amendment from Single Family Residential (R-1C) zone to a Single Family Residential (R-1B) zone, for properties located at 400, 401, 406, 407, 412, 413, 418, 419, 424, 425, 430, 431, 436, 437, 442, 443, 448, and 449 Adair Road. (Council District 5)

Having considered the above matter on **February 23, 2017**, at a Public Hearing, and having voted **7-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. There is insufficient information to discern whether the requested R-1B zone, or the existing R-1C zone, is in more substantial agreement with the 2013 Comprehensive Plan. Both zones would permit Low Density Residential land use in this area, which was recommended by previous Comprehensive Plans.
2. The requested Single Family Residential (R-1B) zone is appropriate, and the existing Single Family Residential (R-1C) zone is inappropriate for the subject area, for the following reasons:
  - a. The large size of the lots in the subject area is inconsistent with the much smaller lot size requirements of the R-1C zone. Most lots are more than double the minimum size and have more than twice the lot frontage required in the R-1C zone.
  - b. Doubling of the density of single family residential uses on this street would be very disruptive to this well established neighborhood. An R-1B zone would minimize such a possibility in the future.
  - c. An R-1B zone for the subject area is much more appropriate, given the existing lots size and lot frontage characteristics in the 400-block of Adair Road conform, almost completely, to the requirements of that zone.
  - d. The 2013 Comprehensive Plan doesn't make specific land use recommendations, but *Chapter 1: Goals and Objectives* does recommend "enabling existing and new neighborhoods to flourish through improved regulation." The more restrictive requirements of an R-1B zone would meet this goal.

ATTEST: This 10<sup>th</sup> day of March, 2017.

  
Secretary, Jim Duncan

WILLIAM WILSON  
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by May 25, 2017.

At the Public Hearing before the Urban County Planning Commission, this request was represented by **Bill Sallee, Planning Manager**.

**OBJECTORS**

- None

**OBJECTIONS**

- None

**VOTES WERE AS FOLLOWS:**

AYES: (7) Cravens, Drake, Mundy, Owens, Plumlee, Richardson, and Smith

NAYS: (0)

ABSENT: (4) Berkley, Brewer, Penn, and Wilson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR 17-00004** carried.

Enclosures: Application  
Plat  
Staff Report  
Applicable excerpts of minutes of above meeting

## MAP AMENDMENT REQUEST (MAR) APPLICATION

### 1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

**Applicant:**

URBAN COUNTY COUNCIL, 200 E Main Street, LEXINGTON, KY 40507

**Owner(s):**

BAKER BARBARA 424 ADAIR RD LEXINGTON KY 40502  
 BARNHILL BETTY 728 ANDOVER VILLAGE DR LEXINGTON KY 40509  
 COOKE JOHN AND KRISTIN 400 ADAIR RD LEXINGTON KY 40502  
 COWDEN BARBARA B 406 ADAIR RD LEXINGTON KY 40502  
 DAVIS MARY ANN 407 ADAIR RD LEXINGTON KY 40502  
 EUBANK BEN P III & LAURA C 436 ADAIR RD LEXINGTON KY 40502  
 GAGO CAROLYN A TRUSTEE 431 ADAIR RD LEXINGTON KY 40502  
 GRAVES DAVID R AND CASEY D 315 KINGSWAY DR LEXINGTON KY 40502  
 HINKLE WILLIAM J AND KERRI PARKER 443 ADAIR RD LEXINGTON KY 40502  
 MASH JEREMY S AND ERICA C 1929 HART RD LEXINGTON KY 40502  
 MCLEAN LEWIS POPE SR AND BETTY ANN 3933 SPURR RD LEXINGTON KY 40511  
 NELSON JAYME W AND JOSEPH R 437 ADAIR RD LEXINGTON KY 40502  
 NEUMAN ALEXANDER M & JULIANNE H 430 ADAIR RD LEXINGTON KY 40502  
 POTTS JAMES W & BARBARA 442 ADAIR RD LEXINGTON KY 40502  
 QUEEN RICK AND MARION 418 ADAIR RD LEXINGTON KY 40502  
 ROOD WILLIAM A & KAREN W 401 ADAIR RD LEXINGTON KY 40502  
 TIPTON JANE F 425 ADAIR RD LEXINGTON KY 40502  
 WALKER JR QUENTIN W 449 ADAIR RD LEXINGTON KY 40502

**Attorney:**

Tracy Jones, 200 E Main Street, LEXINGTON, KY 40507

### 2. ADDRESS OF APPLICANT'S PROPERTY

400 ADAIR RD LEXINGTON KY  
 401 ADAIR RD LEXINGTON KY  
 406 ADAIR RD LEXINGTON KY  
 407 ADAIR RD LEXINGTON KY  
 412 ADAIR RD LEXINGTON KY  
 413 ADAIR RD LEXINGTON KY  
 418 ADAIR RD LEXINGTON KY  
 419 ADAIR RD LEXINGTON KY  
 424 ADAIR RD LEXINGTON KY  
 425 ADAIR RD LEXINGTON KY  
 430 ADAIR RD LEXINGTON KY  
 431 ADAIR RD LEXINGTON KY  
 436 ADAIR RD LEXINGTON KY  
 437 ADAIR RD LEXINGTON KY  
 442 ADAIR RD LEXINGTON KY  
 443 ADAIR RD LEXINGTON KY  
 448 ADAIR RD LEXINGTON KY  
 449 ADAIR RD LEXINGTON KY



**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY**

Zoning	Existing Use	Requested Use		Acreage	
		Zoning	Use	Net	Gross
R-1C	Single Family Residential	R-1B	Single Family Residential	10.94 ±	13.05 ±

**4. 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

**5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)**

Roads:	Private
Storm Sewers:	Not Applicable
Sanity Sewers:	Not Applicable
Refuse Collection:	Not Applicable
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



RESOLUTION NO. 771 -2016

A RESOLUTION INITIATING FOR PLANNING COMMISSION REVIEW AND RECOMMENDATION THE RE-ZONING OF PROPERTY LOCATED AT 400-448 (EVEN NUMBERED) ADAIR ROAD AND 401-449 (ODD NUMBERED) ADAIR ROAD FROM A SINGLE FAMILY RESIDENTIAL (R-1C) ZONE TO A SINGLE FAMILY RESIDENTIAL (R-1B) ZONE.

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BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the re-zoning of property located at 400-448 (even numbered) Adair Road and 401-449 (odd numbered) Adair Road from a Single Family Residential (R1-C) zone to Single Family Residential (R1-B) zone is hereby initiated for Planning Commission review and recommendation.

Section 2 – That this Resolution shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL: December 6, 2016

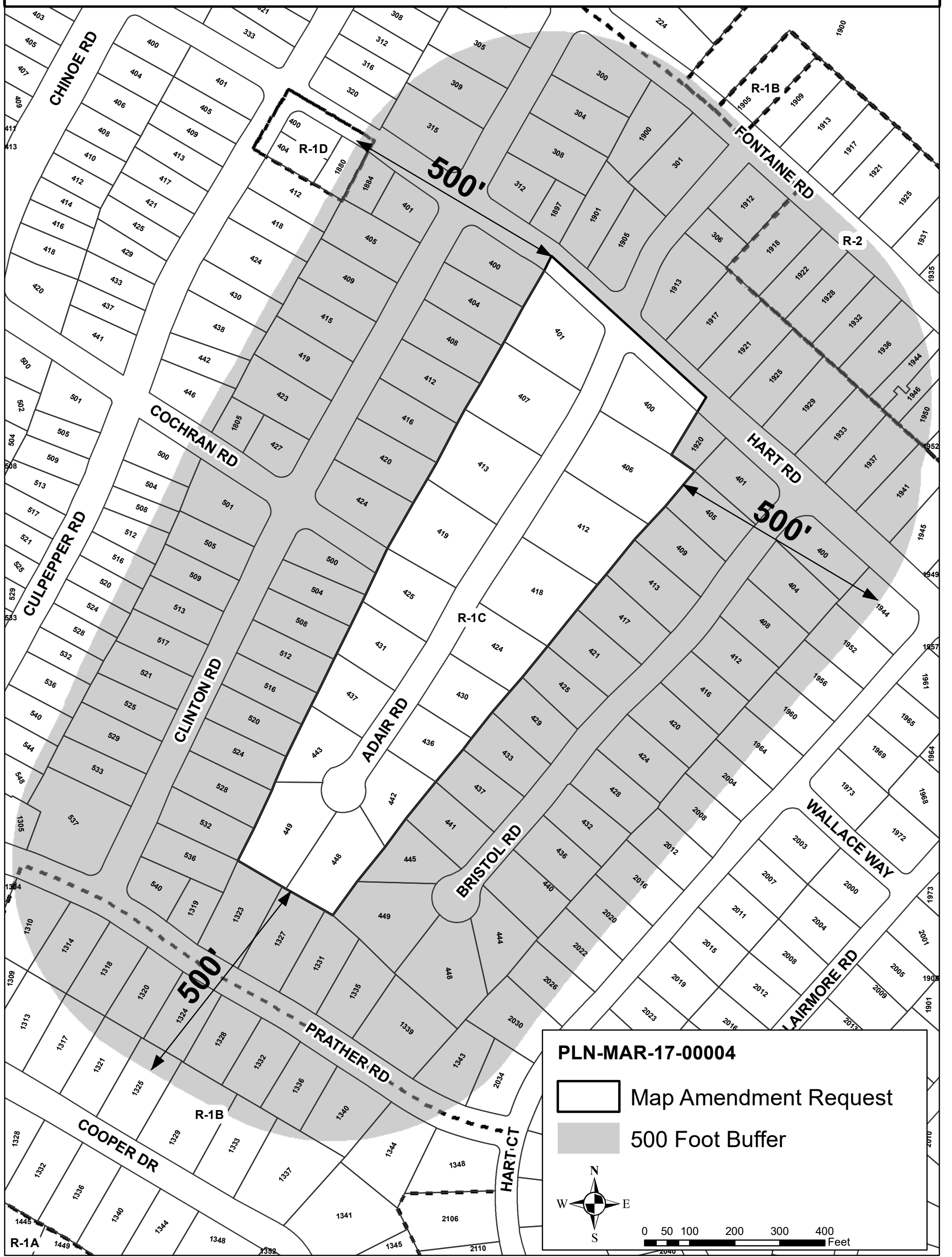
  
MAYOR

ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL

**Applicant:** LEXINGTON FAYETTE URBAN COUNTY COUNCIL  
**Proposed Zone:** Single Family Residential (R-1C) Zone to Single Family Residential (R-1B) Zone  
**Acres:** 10.94 ± Net (13.05 ± Gross) Acres

Addresses of Property:  
 400 -449 Adair Road





**6. URBAN COUNTY COUNCIL ZONING MAP AMENDMENT**

- a. PLN-MAR-17-00004: URBAN COUNTY COUNCIL (4/6/17)\* - petition for a zone map amendment from Single Family Residential (R-1C) zone to a Single Family Residential (R-1B) zone, for properties located at 400, 401, 406, 407, 412, 413, 418, 419, 424, 425, 430, 431, 436, 437, 442, 443, 448, and 449 Adair Road.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan doesn't makes specific land use recommendations, 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."

The Urban County Council has initiated a zone change request from a Single Family Residential (R-1C) zone to a Single Family Residential (R-1B) zone for the 400-block of Adair Road.

The Zoning Committee Recommended: **Approval.**

The Staff Recommends: **Approval,** for the following reasons:

1. There is insufficient information to discern whether the requested R-1B zone, or the existing R-1C zone, is in more substantial agreement with the 2013 Comprehensive Plan. Both zones would permit Low Density Residential land use in this area, which was recommended by previous Comprehensive Plans.
2. The requested Single Family Residential (R-1B) zone is appropriate, and the existing Single Family Residential (R-1C) zone is inappropriate for the subject area, for the following reasons:
  - a. The large size of the lots in the subject area is inconsistent with the much smaller lot size requirements of the R-1C zone. Most lots are more than double the minimum size and have more than twice the lot frontage required in the R-1C zone.
  - b. Doubling of the density of single family residential uses on this street would be very disruptive to this well established neighborhood. An R-1B zone would minimize such a possibility in the future.
  - c. An R-1B zone for the subject area is much more appropriate, given the existing lots size and lot frontage characteristics in the 400-block of Adair Road conform, almost completely, to the requirements of that zone.
  - d. The 2013 Comprehensive Plan doesn't make specific land use recommendations, but *Chapter 1: Goals and Objectives* does recommend "enabling existing and new neighborhoods to flourish through improved regulation." The more restrictive requirements of an R-1B zone would meet this goal.

Staff Zoning Presentation – Mr. Sallee said that a petition from the area's homeowners was received about this zone change, which he circulated to the Planning Commission. He presented and summarized the revised staff report and recommendations for this zone change. He said this zone change is to change the zoning and the minimum lot standards for 18 single family residential properties along the 400 block of Adair Road. He displayed several photographs of the subject site, including the general area. He said that the 2013 Comprehensive Plan no longer recommends a land use or residential density here and that the staff couldn't determine, based only on the plan, which of the two zones would be more in agreement with the plan. The staff feels that it would be disruptive to the property owners along Adair Road if the R-1C zone remains and a doubling of residential density began to occur one lot at a time. He said that the staff recommends approval of this zone change.

Citizen Comment – There were citizens present, but none chose to speak to this application.

Zoning Action – A motion was made by Ms. Richardson, seconded by Mr. Drake, carried 7-0 (Berkley, Brewer, Penn, and Wilson absent) to approve PLN-MAR-17-00004: URBAN COUNTY COUNCIL, for the reasons provided by the staff.

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.