

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MAR 2012-2: URBAN COUNTY PLANNING COMMISSION**

**DESCRIPTION**

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

**Acreage:** 113.87± Net (150.90± Gross) Acres

<b>Location:</b>	200–368 Boiling Springs Drive	1456–1650 Meadowthorpe Avenue
	207–291 Burke Road	1541 & 1545 Penrod Drive
	1443–1602 N. Forbes Road	215–267 Pepper Drive
	216–352 Glendale Avenue	1519–1649 Old Leestown Road (odd addresses only)
	212–353, 357 & 361 Hillsboro Avenue	209–340 Taylor Drive
	212–329 Larch Lane	and 1442–1509 Townley Drive
	310–331 Leona Drive	

**Proposed 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 existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind 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. 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.
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**
  - a. Parking for Multi-family Dwellings: No parking 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.
  - b. Parking for Single-Family Detached and Duplexes: No driveways or parking areas between the primary structure and the street unless it is a driveway directly in front of an attached garage.

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Properties	R-1C & B-1	Single Family, Duplex & Multi-Family Residential
To North	R-1C & I-1	Park, Churches, & Light Industrial
To East	I-1	Warehousing & Light Industrial
To South	R-4, P-1 & B-1	Multi-Family Residential, Bank, Retail Businesses
To West	R-1C, R-1T, R-4 & I-1	Elementary School, Multi-Family Residential, & Industrial

**URBAN SERVICES REPORT**

Roads – The Meadowthorpe neighborhood is comprised of local streets, with no through streets since the area is bounded by New Circle Road (KY 4), Leestown Road (US 421) and the Norfolk-Southern Railroad.

Generally, the neighborhood streets are laid out in a grid pattern, with Taylor, Boiling Springs, Burke and N. Forbes intersecting with Leestown Road. No changes to the roadway system within the neighborhood are expected as a result of the imposition of the Neighborhood Design Character overlay zone.

Curb/Gutter/Sidewalks – The street system in this neighborhood has been laid out in a grid pattern, with curbs, gutters and sidewalks throughout the area.

Storm Sewers – The neighborhood is located within the Town Branch watershed. Storm sewers have been constructed throughout the neighborhood, and stormwater generally drains southward, toward Town Branch. No FEMA Special Flood Hazard Area exists within this specific area.

Sanitary Sewers – Sanitary sewers exist in the Meadowthorpe neighborhood area. This area is served by gravity sanitary sewer lines to the Town Branch Wastewater Treatment Facility, located to the southwest, across 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 1 mile to the southwest of the Meadowthorpe subdivision, on Old Frankfort Pike at New Circle Road.

Fire/Ambulance – Fire Station #13 is the nearest station to the Meadowthorpe neighborhood area. It is located less than ¼ of a mile to the south, along Leestown Road between Lisle Industrial Avenue and S. Forbes 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 3) recommends mostly Low Density Residential (LD) land use for the neighborhood. A few properties on Meadowthorpe Avenue are recommended for Medium Density Residential (MD) land use. The Planning Commission has initiated a zone change request to add a Neighborhood Design Character Overlay (ND-1) zone in order to regulate exterior building materials, floor area ratio (FAR), building height, rear yard building setbacks, accessory structures, building wall openings, and off-street parking design 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 October 2011 at the request of the Meadowthorpe Neighborhood Association (requesting party). The area now proposed for an ND-1 overlay zone constitutes 484 individual properties and over 100 acres. The Meadowthorpe subdivision is located on the east side of Leestown Road, inside New Circle Road. The subject area includes single-family, duplex, and multi-family residential dwellings within the established neighborhood. Although typically thought of as part of the neighborhood, the Meadowthorpe Park, Meadowthorpe Elementary School, Westchester on the Circle Apartments, Meadowthorpe Baptist Church and Meadowthorpe Presbyterian Church are not included in the area proposed for the overlay zone. The subject area is bounded to the north, west and southwest by New Circle Road and Leestown Road, to the east by the Norfolk-Southern Railroad, and to the southeast by commercial development.

The subject area is primarily zoned Single Family Residential (R-1C). The exception is eight lots along Meadowthorpe Avenue, which are in a Neighborhood Business (B-1) zone. Most of these eight lots, as well as numerous other properties within Meadowthorpe, have non-conforming duplexes and multi-family

apartment buildings located on them. The surrounding zoning, outside of the neighborhood itself, is mostly commercial in nature, including P-1, B-1, B-3, B-4 and I-1 zoning.

The Meadowthorpe subdivision was platted in five units between October 1949 and August 1961. The homes are mostly post-WWII Cape Cod and ranch style homes, many of which are on basements. There were also 29 duplexes and 15 multi-family buildings constructed, intermingled with the single-family residences throughout the neighborhood. These pre-date the R-1C zoning approved for this area in 1969.

The Meadowthorpe subdivision was intended to be larger than its existing boundaries today, but the construction of New Circle Road in the mid-1950s limited its expansion to the northwest. The site of the Meadowthorpe subdivision was originally the "Meadowthorpe" stock farm, and in 1927 it became the location of the first airport serving Lexington (Halley Field). Later the land came under the ownership of H.R. Taylor, who developed the Meadowthorpe subdivision.

**Neighborhood Request** - The Meadowthorpe Neighborhood Association submitted a letter and supporting documentation to the Planning Commission describing the impetus for the ND-1 proposal prior to the initiation of the zone change. They indicate that the local planning greatly limits suburban growth within Fayette County, which creates a real pressure on established neighborhoods, such as Meadowthorpe to "succumb to 'teardowns' and to rebuild, or to construct large additions." The neighborhood desires to maintain the existing character and preserve their neighborhood; and while some variety exists in terms of size and style, there is also a consistency to the development pattern and materials used in the neighborhood.

In order to protect the neighborhood from inappropriate or incompatible development, they have requested the ND-1 overlay zone to in order to regulate exterior building materials, floor area ratio (FAR), maximum building height, rear yard building setbacks, accessory structures, building wall openings, and off-street parking design 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). The ND-1 overlay has already been applied to three other neighborhoods – Greenbrier, Chevy Chase and Montclair – 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 offers seven criteria, at least one of which must be met by a neighborhood in order to qualify for an ND-1 overlay zone. As noted in the material submitted by the Meadowthorpe Neighborhood Association to the Planning Commission, the neighborhood would like to maintain the overall character of the neighborhood, and they have established a need to protect some of the visual characteristics that give their neighborhood its distinct identity (#3) based upon recent changes, the projected future character, and current building trends. In recent years, there have been projects that propose new construction of a differing character than the existing neighborhood fabric. Additionally, the neighborhood has character as a geographically definable area, possessing a significant concentration of buildings united by past events and by a common plan (#6). The Meadowthorpe ND-1 Design Standards, developed through a two-year process, are intended to help protect the historic character of Meadowthorpe by achieving the following goals:

1. To protect against the degradation of Meadowthorpe, a special place of aesthetic and cultural significance in Lexington;
2. To encourage the preservation of Meadowthorpe's original structure, through adaptive rehabilitation when necessary;
3. 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; and
4. To foster civic pride in Meadowthorpe as a community, and as an exemplary subdivision of the post-WWII era.

The proposed Design Standards were developed based upon those four stated goals. The requested standards can be divided into two overall groups – standards to address structural or building changes (which include exterior building materials; floor area ratio (FAR); building height; minimum window and door openings; and accessory structures), and standards to address site design and land redevelopment (which include rear yard building setbacks and off-street parking design).

**Structural Changes** - The neighborhood has requested that exterior wall coverings of the primary structure (including attached garages and chimneys) be limited to laid brick or laid natural stone for all types of structures (#1). New additions to the primary structure would be treated slightly differently – if located behind the rear wall plane, then any building material could be used; but if located in front of the rear wall plane (i.e., to the side of the house), the addition(s) shall be only brick or stone. The staff would suggest the addition of the phrase “rear wall plane” for clarification within this standard. The design study conducted by the neighborhood indicates that the primary exterior cladding for all structures in Meadowthorpe is either brick (93%) or natural stone (7%); however, some additions have been constructed of alternate materials. This standard is aimed to preserve the quality of the built environment by requiring similar materials and to maintain this commonality among the homes.

The neighborhood has requested that a maximum floor are ratio (FAR) of 0.25, excluding basements (#2), be established for all single-family and duplex structures in the neighborhood. The staff suggests that this restriction only apply to single-family structures, since all duplexes in the neighborhood are existing non-conforming uses and would not be able to expand without a zone change request. This standard was developed by researching Property Valuation Administer (PVA) data for each structure and calculating the existing FAR (excluding basements), to determine that 95.7% of all properties in the neighborhood meet this restriction and 99.4% of the single-family residences meet (3 structures currently exceed the 0.25 FAR). The neighborhood has also proposed to limit the building height to 30 feet (as measured at roof ridge rather than mid-gable) (#3). These height limits are only slightly more restrictive than the underlying R-1C zone’s requirements, but would most likely prevent three-story buildings, which is desirable, as the neighborhood is comprised of mostly 1-, 1½-, and 2-story structures. Similar to proposed restriction #2, this regulation is aimed at keeping homes in scale with the neighborhood and to maintain the appearance of the streetscape.

The neighborhood is characterized primarily by detached garages (to the rear of the property) (71%); thus, standards for accessory structures were deemed important to maintaining the existing visual streetscape and their secondary nature to the primary structure. The proposed standard would apply to single-family and duplex residences (maximum footprint of 800 square feet per lot) and multi-family structures (maximum footprint of 250 square feet per dwelling unit). The proposed height restriction would be the same for all accessory structures, regardless of the principal use (22 feet to roof ridge, 12 feet to eave) (#5). During the staff review, it became evident that dormers should also be prohibited for accessory structures as none currently exist and they can significantly increase the useable square footage and massing of an accessory structure. The staff proposes eliminating one line of the proposed restriction (no accessory structure may be taller than the primary structure), as it is redundant to the Zoning Ordinance. The next standard proposes that a minimum of 10% of any wall plane (considered separately) of new construction be windows, doors or vented openings (#6). This is similar to an existing Infill & Redevelopment Area regulation and will help to ensure visual continuity of the neighborhood. For regulatory purposes, this standard is proposed to only apply once the wall plane area is at least 150 square feet in size, and does not require openings on chimneys or dormers. This standard will eliminate the possibility of completely blank walls, which would be out of character with the neighborhood.

**Site Design & Land Redevelopment** - The neighborhood has proposed a standard to address rear yard setbacks that would allow the principal structure to extend 60 feet behind the front building plane or 10 feet from the rear property line, whichever is greater (#4). The rear yard setback would only apply to the principal structure on the lot, and is proposed to maintain green space, which is considered vital to the character of the neighborhood. The staff suggests adding a short phrase at the beginning of this standard to make it a complete sentence.

Lastly, two standards related to off-street parking design are proposed (#7). The neighborhood wishes to prohibit the creation of any new front yard parking and turnarounds for single-family residences, duplexes, and multi-family structures. This standard reinforces the existing state of parking in the neighborhood; that is, parking areas are typically behind the front wall plane of the primary structure, with just a few exceptions. The staff suggests the addition of some clarifying language, specifically to the single-family and duplex standard and the prohibition on loop or circular driveways.

**Comprehensive Plan** - The 2007 Comprehensive Plan recommends Low Density (LD and Medium Density Residential (MD) land use for Meadowthorpe – 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 Meadowthorpe 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.

In conclusion, the proposed ND-1 regulations will help maintain the existing character of the Meadowthorpe neighborhood, ensuring that any new development or additions to existing homes will be compatible with the surrounding subdivision. The residents studied the early and present character of the neighborhood, and found that incompatible development is beginning to occur, which threatens Meadowthorpe’s identity and unique fabric. Additionally, the neighborhood has character as a geographically definable area possessing a significant concentration of buildings united by past events and by a common plan that they wish 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 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:

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

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~~ 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**
  - a. **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.
  - b. **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.