

April 10, 2012

Ms. Barbara Rackers  
LexingtonKY.gov

Subject: Proposed new ND-1 Restrictions for the Old Colony Neighborhood

Dear Barbara,

I am pleased to attach our amended proposal with the changes you suggested regarding The Old Colony Neighborhood's request for ND-1 zoning in hopes that at long last we can have you circulate our petition for a vote to all the Old Colony home owners in the very near future as discussed:

1. One **NEW** accessory structure, not exceeding a maximum of 180 sq. ft. with a 12 ft. maximum roof height limitation, shall be permitted to be located and constructed in the rear yard area of each home.

All existing accessory structures shall be deemed approved and permitted to remain. Said existing structures may be improved and/or replaced by new structures so long as the improvements do not exceed the existing footprint or alter the general character of the existing structures.

If any accessory structure(s) exist on a lot at the time a **NEW** accessory structure is proposed, the cumulative square footage of the existing structure(s), plus the proposed new structure, shall not exceed 180 square feet.

2. No **NEW** front yard fencing shall be permitted with the exception of those homes fronting on Versailles Road.

"Front Yard" shall be deemed to mean all that yard area located between the nearest points of the front of the house to its frontage roadway's right-of-way setback line.

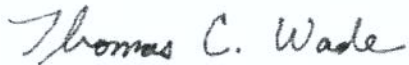
New and existing side and rear yard fencing shall continue to be approved in accordance with existing zoning restrictions.

3. Floor area to lot size ratio shall be limited to 25% maximum.

Hopefully you will find the above satisfactory to get the ball rolling from your end. Please feel free to contact either Mike or myself if you need any further clarification or information. The board has developed an extremely comprehensive data bank over the last few years in support of this project that is readily available for your usage.

Thanking you for all the courtesies extended to us by you and your associates, we look forward to an early hearing on our ND-1 request.

Respectfully,



Tom Wade, President  
Residents, Inc.

cc: Residents, Inc. Board Members



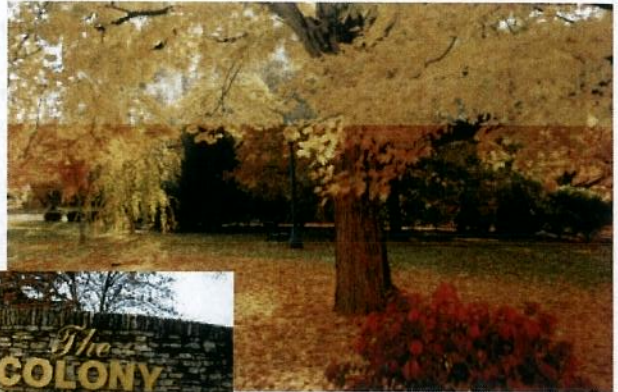


## Introduction to The Colony: Integrated Diversity

*The Colony* subdivision dates from 1947 and is composed of 71 single-family dwellings. Located three miles west of downtown Lexington just inside New Circle Road, the area encompasses over 40 acres with lots between one-half and one acre.

Stone fencing punctuated by antique street lamps and brass letters spelling *The Colony* distinguish the well-groomed entrance off Versailles Road. The internal streets project a pilgrim theme (see logo): Colonial Drive, John Alden Lane, Standish Way and Mayflower Lane. In addition, four homes on the south side of Versailles Road are part of *The Colony*.

Colony Unit IV is a separate subdivision that was developed in the nineties between New Circle Road and *The Colony* on acreage that remained from the original farm. These residents use *The Colony* entrance for ingress and egress. This entrance is the only access to Versailles Road.



The current neighborhood site was owned by the Sturgill family. The original Sturgill home on 2.2 acres is currently occupied by the owner's son. Surrounding the property is a four-plank dark wood "horse farm" fence. Although located on John Alden Road at Standish Way, the property is not included within *The Colony* neighborhood.

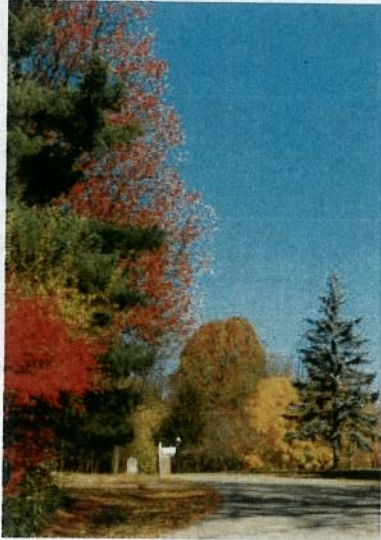


The presence of antique street lamps from a bygone era and attractive green spaces throughout the neighborhood enhance the quiet, community aesthetic of *The Colony*. Four small triangular green spaces with stop signs are located at each intersection of internal streets. In addition to modifying traffic flow, they have a welcoming quality. Each "island" includes a lamp, bench, flowers, shrubs and small tree. The lack of through-traffic strengthens the overall sense of safety and community.

Sixty-seven Colony houses were built in the late forties, fifties and sixties. Four houses were built on vacant lots in the eighties and nineties. Construction styles consist of mid-century modern, classic ranch and traditional colonial. Although each house is unique, continuity in scale and proportion is evident. All are low-profile with clean lines (examples below).







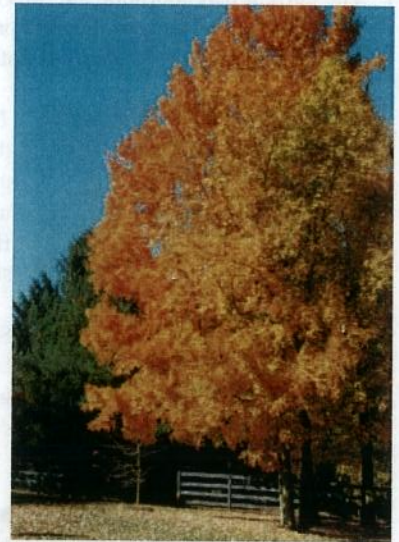
The subdivision layout, fitted to the terrain contours and saving an extensive number of large trees, gives *The Colony* an impression of rural transition from town to country. This aesthetic is accentuated by the absence of visual barriers e.g. sidewalks and front-facing fences. The pastoral appearance and unique architectural variations described below make *The Colony* much less like a “sub-division” than almost any other in Lexington. Diverse dwellings are well integrated with each other and the landscape creating a pleasing visual impact. It’s hard to imagine that the amenities of urban life are so quickly accessible from this verdant, tranquil setting

*The Colony* was featured in *Homeseller Sunday* (November 2007), a supplement to the *Lexington Herald-Leader*. Our then-neighborhood association Residents, Inc. President, William H. “Bill” Taylor invited all board members to interview with author Connie Holman.

### Early and Present Character of The Colony: A Rural Neighborhood Community

Newer residents as well as the long-termers are attracted to the minimal degree of change between the early and present character of the neighborhood. The neighborhood looks today much as it did in the fifties. Original, mature trees dot the landscape, notably providing a stunning canopy upon entering the subdivision. The presence of these magnificent trees is distinctive and important to the more peaceful, rural sense of *The Colony*. The lack of sidewalks adds favorably to this less congested atmosphere. Individual mailboxes preserve a symbol of our unique dwellings and diverse residents, key attributes of the neighborhood.

*The Colony* residents are proud of and vested in their neighborhood. New and long-term residents have updated and refurbished their properties. For example, during the last two years, six of eight homeowners in the 1228 to 1248 block of Standish Way spent approximately \$200,000 upgrading two kitchens, repainting over 6,000 square feet, converting two unfinished basements to livable spaces, updating two bathrooms, installing new exterior windows (two homes) and building a large in-ground pool. None of these projects altered the outward appearance of homes involved. One couple on Colonial Drive seeking more space for their family, yet wanting to remain in *The Colony*, completed a significant remodel and expansion of their house. The result is attractive and does not look out-of-place within the context of their neighbors. Certainly, other homes have been dramatically improved but not altered from their original styles.



A modest height profile is presented overall. Because most Colony homes were built in the fifties through seventies, most (43) are one-level ranch-style. The remainder has split-levels (18) or two stories (10). The exterior wall type for 84% of the dwellings is brick. The others are composed of masonry and wood. Four homes were designed by Richard Isenhour. Isenhour, now deceased, was a Lexington-based architect noted for fine mid-century modern buildings with generous spans of glass and exteriors constructed of limestone and redwood.

The low density living environment that prevails in *The Colony* is a **distinguishing feature**. Lot sizes average over 30,000 square feet. Residence living areas range from 1,300 to 4,800 square feet. The average footprint with patio, decking and/or pool is 10% of lot coverage. This figure has to be much lower than most subdivisions in Fayette County. With only five exceptions, no coverage exceeds 15% and the largest is less than 18%.





The house and grounds representing the largest footprint were built by Hal Price Headley in 1957. Mr. Headley, an owner and breeder of thoroughbred racehorses, was a founder of Keeneland and served as the race track's president from 1935 to 1951. As a result of the current owners' efforts to honor the distinctive features of this property, the site was designated a Kentucky Landmark and listed on the National Register of Historic Places in 2011 (see left).

Lot widths average 140 feet. Building setbacks average 77 feet, providing for open greenway and mature trees. This distance allows privacy without isolating neighbors from each other. As there are no sidewalks, walkers congregate to visit with each other in front yards and on streets. Back yards are deep enough (over 100 feet) to provide a sense of privacy from the facing back yard properties. Sixteen back yards are fenced using materials that are barely discernable from the street.

The original Covenants, Conditions and Restrictions (CC&R) effective through 1976 specified "any garage shall be built in or as a part of the dwelling house" and "only one building may be put on each lot". As a result, all garages and carports are attached, and accessory structures are limited (six exist). No more than one accessory structure per lot and none exceeds 120 square feet. "Clutter" resulting from unchecked construction of accessory structures could affect the impression of *The Colony* as well-groomed and expansive - a **distinguishing feature**.



Except for the four-plank farm fence surrounding the Sturgill property, no fencing across front yards existed from 1947 until 2008. At that time, a new resident removed the farm plank fencing which flanked Colony homes on Versailles Road (eastward from the entrance) as well as all mature trees within the state's right-of-way. After this assault on the landscape, he erected a stone wall eight feet tall along the length of his property. A majority of residents were very upset with this activity, and special meetings of Residents, Inc. was called to address the issue. The state dept. of highways was notified about the removal of trees, and the resident was fined. The LFUCG Division of Code Enforcement was notified that the approved four feet wall was not in compliance; however, nothing was done. This example demonstrates how existing ordinances were not adequate to protect the character of our neighborhood and the entrance to *The Colony* was forever compromised (*Attachment A*).

In 2010, a new resident constructed a wire fence along the perimeter of her front yard (*Attachment A*). With a few exceptions, residents were adamantly opposed to this addition, strengthening this feature of *The Colony's* ND-1 process which was underway but not completed. The ensuing scenario disrupted for a time the communal feel enjoyed by the residents, whose typical response to newcomers is embracing. The rural aesthetic of *The Colony* landscape is a **distinguishing feature**, and landscape-related topics have been an ongoing concern throughout the history of the neighborhood association.

## Process: Broad Support

*The Colony* neighborhood association, **Residents Inc.**, was formed in 1961. All residents are included. The Residents, Inc. board (BOD) is composed of volunteers focused on serving *The Colony* community. Details that concern our neighborhood association are: Maintaining streetlights and the four green spaces, grooming the entrance, taking care of our older trees, addressing emergent problems, collaborating with Colony IV neighbors for mutual benefit, watching for "suspicious" activities that could violate our safety, interacting with city government; and of course, providing a venue for socialization.

Although regulated by federal or municipal entities, the residents have historically assumed the costs of maintaining the entrance, street lights and four green spaces. Residents Inc. dues are not mandated and about 70% of the residents pay each year. As discussions brewed about increasing the amount to pay assumed costs, then-president, Mr. Taylor, surveyed residents (September 2008) about mandated fees, lawn care, security, garbage service and parked vehicles. The "summary of remarks" emphasized streetlights, landscaped areas, concerns about tear down/rebuilds, unsightly storage of trash cans and large vehicles and "un-neighborly" features of other neighborhoods e.g. gate at the entrance and CC&Rs. These opinions (accounted for





verbatim) were helpful when the BOD was introduced to the ND-1 overlay option in 2009.

***The chronology of events follows:***

1) In November 2008 Mr. Taylor attended a meeting of Fayette County neighborhood association presidents hosted by then-mayor Jim Newberry. The option of ND-1 neighborhood conservation zoning was discussed. At the next monthly meeting of the BOD, he distributed copies of the LFUCG *ND-1 Overlay Zoning* brochure itemizing 17 design standards that could be regulated and described a) its relevance to older neighborhoods with established, unique characteristics and b) the egalitarian and collective nature of the process, emphasizing that any standard/s imposed would *only* affect **new** projects; that the focus of the process was to be proactive moving forward, not retroactive.

Mr. Taylor nor any of the six BOD members had been aware of this option. The response was immediately positive and unanimous, except for one person who felt ambivalent about the ethical fairness of regulating neighbors. A lively philosophical discussion ensued, as it was important to hear everyone's voice in that moment and on future occasions.

2) At our annual meeting of Residents, Inc. in June 2009, Mr. Taylor introduced the ND-1 option. He informed the group about the mayor's meeting and distributed LFUCG *ND-1 Overlay Zoning* brochures, answering questions and inviting feedback. The will of the group was to pursue this option with the BOD doing the initial "legwork."

3) A special meeting about ND-1 was scheduled that summer. Any interested resident was encouraged to attend to a) consider participating on the not-yet-formed ND-1 Committee and b) hear two experts discuss this issue. Barbara Rackers, LFUCG Division of Planning, described the process of overlay zoning and fielded questions. Tom Burke, an architect and resident of Chevy Chase involved with the CCNA's successful (2008) quest for ND-1 overlay zoning, described his experience. The insights and information they provided were invaluable to the 14 residents in attendance.

4) The ND-1 Committee was established in October 2009 with former BOD president, Mr. Taylor, as chair. (See Organizational Memorandum, *Attachment B.*) As the BOD had begun to gather data, the members decided to continue with this course of action as a help to the committee. The intent of the BOD was to provide at least a starting point for analysis and further discussion by the committee and later by the neighborhood (Residents, Inc.). The committee was dormant for several months while the BOD harnessed details and wrestled with the scope of the project. As Mr. Taylor was frequently out of town on business during this period, the BOD was able to move the project forward.

5) The BOD met 20 times over the next 18 months. The lively discussion above (#1) set our beginning premise that the best approach would be to "net the greatest concerns within the fewest provisions". Colony residents are a highly educated and independent-thinking mix of professionals, artists and business owners. We are diverse in all ways – age, race, religion, sexual-orientation and political persuasion, yet we "click" – bound in large part by a shared appreciation for our living environment.

The BOD began its work by describing the intangibles: What was personally appealing about living in *The Colony*? Why did people move here? Based on knowledge of others, they postulated why residents don't leave, and why adult children and grandchildren (six) choose to live in homes where they were raised. This dialogue was harder to objectify but necessary to discern the key distinguishing features that overlay zoning could protect. A pattern in these subjective data reflected a greater emphasis on conserving our park-like environment than conformity in building styles.

All 17 items eligible for regulation were considered in the above context and within existing zoning regulations. Five areas initially emerged as needing additional protections. These eligible items were *landscaping requirements, building heights, building setbacks, floor area ratios, and accessory structures.*





6) Following guidelines stipulated by LFUCG Zoning Ordinance, Article 29, *Neighborhood Design Character Overlay*, architectural data about every residence were collected from the Fayette County PVA (2010) and Google Earth images. An extensive Excel file containing the following categories of information were created:

Lot size square feet, lot size acres  
Year built  
Predominant exterior wall type  
Number stories of residence  
Residence setback from street (feet)  
Frontage along street (feet),  
Lot depth (feet)  
Residence living area (square feet),  
Garage area (square feet)  
Footprint area (square feet house with pool, decking),  
Percent lot coverage by footprint

*Note: The data above (available upon request) were analyzed for norms and patterns delineated in the preceding narrative. Additional observations were derived by direct inspection while walking or driving within the neighborhood.*

7) Written communiqués informing neighbors were numerous during this two-year period of time. Residents Inc. met on two more occasions. One meeting was called to specifically address ND-1. Materials were distributed in advance of and during all meetings. *Note: Copies of handouts from Residents, Inc. meetings, BOD minutes and letters to residents are available upon request.*

8) Current BOD president, Tom Wade, called a joint meeting of the BOD and ND-1 Committee in October 2010 to discuss the “pros and cons of work to date”. Seven BOD members, six committee members and a former BOD member who had worked on the ND-1 project were present. Support and opposition were voiced. In the spirit of transparency, oppositional comments are described below.

One committee member complained that the data were not properly vetted, that he had not had access to all available information and that he had been excluded from committee meetings. Mr. Taylor, committee chair, and others tried to assure this individual that he had received all available information and had not been excluded. In fact, because this person had been adamant and vocal in opposing any restrictions, one BOD member and one committee member (present) visited him on a previous occasion to assess concerns and seek input.

During the meeting, this same individual called ND-1 a “takeover attempt” and accused one supporter in attendance of having “a self-serving agenda”, presumably because the vacant house next door to her (and husband) was at-risk for becoming what most of the neighbors hoped to prevent (see Goals). The couple did purchase the house and remain ardent supporters of ND-1 as potentially beneficial to everyone.

One BOD member who grew up in *The Colony* responded with sadness to the concept of ND-1 as inherently “divisive”. She also made a similar impassioned plea to neighbors at one of the Residents Inc. meetings where she was countered with the notion that established “rules” help prevent controversy e.g. the incident about fencing across the front yard.

Given the forceful and emotional objections of two individuals, the notion of limiting provisions that target key characteristics was reaffirmed. The proposal was simplified from five to three characteristics after noting that the R-1A and R-1B zoning parameters addressing building heights and setbacks eased earlier fears about oversize new constructions which could look out-of-place in *The Colony* and no doubt be dubbed an “eyesore”. After the meeting, a date was established to reconvene residents to inform them and seek further direction (See November 2010 letter with survey, *Attachment C*).





9) In November 2010 the BOD prepared an informal survey to determine the level of resident support for each of the three design standards described below (see Goals). The survey, along with a letter from the BOD explaining the ND-1 proposal, was sent to all residents via email and US mail. The results of the survey were tabulated May 2011. The response rate was 45% and within that group, 74% indicated that they would consider supporting one or more of the three design standards described below (see Goals). Among the 55% non-respondents were/are two vacant lots, six empty houses for sale and one landlord. (*Raw data are available upon request.*)

10) In May 2011 Mr. Wade sent a letter to Ms Rackers whose response indicated our application was incomplete. In December 2011 Mike Hart, Residents Inc. Vice-President offered to move forward with the application process and requested assistance from three former BOD members. In January 2012 Mr. Hart and two of the these individuals met with Ms. Rackers and Traci Wade at the LFUCG Division of Planning to clarify what more was needed to bring this process to fruition. With this discussion *The Colony's* ND-1 quest was revitalized and a strategy for completing the application was defined.

### Preservation Goals: Scale, Expanse and Landscape

As local zoning limits suburban growth within Fayette County, the pressure on new or existing homeowners to succumb to teardown-rebuild or construct large additions or outbuildings is real – especially considering most houses in *The Colony* are over 50 years old, relatively small in relation to lot size and sit in a desirable part of Fayette County: An added concern is that materials and construction styles popular today may not be consistent with those that currently prevail.

The proposed area to be covered by the ND-1 overlay is the geographical region of *The Colony* neighborhood (71 single-family dwellings) which includes homes along the south side of Versailles Road (2492, 2504, 2512, 2516) and homes on contiguous streets Colonial Drive (1200-1280), John Alden Lane (4009-4021), Standish Way (1228-1273, 1290) and Mayflower Lane (4004, 4008, 4025). Of note, the property at 4025 Mayflower Lane had been a barn on the Sturgill “compound” until it was purchased and transformed into a home in 2005. Not included are homes within Colony Unit IV which are covered under separate covenants and deed restrictions.

If our ND-1 application is approved, the neighborhood will preserve its special character by meeting three crucial design goals for the community. These goals were endorsed by members of Residents Inc. at the May 2011 annual meeting. The rationale for selecting these particular goals and supporting architectural data are presented above (see *distinguishing feature/s*).

1. Floor area to lot size ratio shall be limited to 25% maximum.
2. One **new** accessory structure, not exceeding a maximum of 180 square feet with a 12 feet maximum roof height limitation, shall be permitted to be located and constructed in the rear yard area of each home. All existing accessory structures shall be deemed approved and permitted to remain. Said existing structures may be improved and/or replaced by new structures so long as the improvements do not exceed the existing footprint or alter the general character of the existing structures. If any accessory structure(s) exist on a lot at the time a new accessory structure is proposed, the cumulative square footage of the existing structure(s), plus the proposed new structure, shall not exceed 180 square feet.
3. No **new** front yard fencing shall be permitted with the exception of those homes fronting on Versailles Road. “Front Yard” shall be deemed to mean all that yard area located between the nearest points of the front of the house to its frontage roadway’s right-of-way setback line. New and existing side and rear yard fencing shall continue to be approved in accordance with existing zoning restrictions.





Design standards pertaining more to style and conformity did not concern residents as much as the standards that could ensure our rural, communal aesthetic: scale, expanse and the landscape. We also decided that our residential zoning regulations serve the remaining issues satisfactorily.

### Conclusion: Our Mission

Change is inevitable. Degradation can be prevented. Older Lexington-Fayette County neighborhoods - especially those with small homes relative to lot size inside New Circle Road - are at risk for a low price purchase, tear-down and replacement with an outcome that looks radically different from existing structures. New construction and additions are frequently incongruent with the uniquely attractive characteristics of these older neighborhoods. Through this application, we hope to manage impending change in a way that preserves the special character of our neighborhood.

Most residents have lived in *The Colony* more than 25 years. Six residents have lived here 50 years. Their advancing ages dictate the inevitability of change. During the last three years, ten houses became *home* to new, younger residents. This foreseeable turnover in homeowners risks sustaining the special identity that entices newcomers to *The Colony* and gratifies current residents who can't envision living anywhere else in Lexington. Our neighborhood wants to be proactive in countering this risk.

We close with a quote from one of our newer residents: "In 2009 my wife and I decided to sell our home in another part of town. As native residents of Lexington, the first area we thought of was *The Colony*. Growing up in the sixties we had friends who lived here, so knew the peaceful beauty of the community. Because real estate transactions had been infrequent in the neighborhood, we were skeptical about finding a house when we were ready to relocate. Fortunately, a 1957 ranch needing lots of work was for sale, and we jumped at the chance! We've done major structural renovations to the interior but did not alter the exterior except for cosmetics (paint, etc). We love *The Colony* and view it as a "village". The rural, park setting with the beauty of the seasons is spectacular. We have no intention to move anywhere else and hope *The Colony* maintains the charm we know now and remember from our youth, forever."

*Dedicated to the memory of*  
Dr. William H Taylor, II  
(1938-2011)





# Attachment A

