

January 16, 1998

Mrs. Helen Ligon
1256 Standish Way
Lexington, KY 40504

Dear Mrs. Ligon

In response to your June 2, 1997 request for minutes, I am sure you will recall that at the May 22, 1997 meeting new officers of Residents' Inc. were elected. Consequently, Mrs. Joan Bush was no longer the secretary, and the secretary's files were passed on as appropriate. It would have been inappropriate for her to keep files and certainly not appropriate to have provided them because in so doing she would have been acting as the secretary when new officers were in place.

To my knowledge Residents' Inc. did not meet on May 19 or May 20 nor on any other date immediately preceding the May 22 meeting. The minutes of the May 22 meeting have not been approved by Resident's Inc. and will not be considered for such until the next meeting of Resident's Inc. Also, as you have attended many if not all of the meetings of Resident's Inc., you know that the records of the President are incomplete. I am still attempting to obtain past records but have not been successful. Any minutes or discussion of information contained therein, in isolation of preceding meetings, would not be appropriate. Therefore, I cannot comment on any actions taken prior to my becoming President in 1997.

As you are aware, there are no required dues to be a member of Residents' Inc. Consequently, we do not have funds to pay administrative costs of the organization. Residents' Inc. has voted on issues on which there was not unanimity in the past, and some of these items were assessments on each household to defray costs of litigation and for representation at LFUCG Council and Planning Commission meetings. Individuals who are part of the community but who chose not to support and participate with the majority of the community on this important issue by not paying their fair share are in my opinion, not in good standing in the community. The minutes of the July 9, 1996 meeting were read and approved by those in attendance at Residents' Inc. meeting on May 22, 1997. It has not been customary to circulate or provide minutes to residents, at least not during the Presidency years of Sturgill, Jackson, and Whitlow.

I hope this response has answered your many questions.

Sincerely,

Lowell Bush

1/30/98

Lexington Fayette Urban County Government
Board of Adjustment
200 East Main Street
Lexington, KY 40507

Dear Board Members,

By way of introduction my name is Walt Whitlow, past president of Residents, Inc, a.k.a. The Colony Neighborhood Association.

After more than 2 years of discussions and negotiations with J. Williams, Inc. The Colony Neighborhood Association finally arrived at an agreement addressing the problems associated with the rezoning of this property by the LFUCG.

While these discussions with the developer were not always easy, I can say that, I believe the developer acted in a good faith effort to help resolve the many neighborhood problems we had articulated.

And I personally believe these talks were a huge success.

One of the major concerns of The Colony Residents was the additional traffic generated by this new development, safety for current and future residents and the negative impact this development would have on this stable 50 year old neighborhood.

You may not be aware but with the approval of the zone change by the LFUCG The Colony became the entryway for the new development, the only way to get in or out of this new development was through The Colony. This new development did not attach to any road other than to the extremely narrow 18 to 20 foot wide neighborhood streets, which are of substandard design and construction according to LFUCG engineers. The Colony streets have no curbs, gutters or sidewalks. The people who live here have used the streets since the subdivision was originated (in the 1940's) as a place where people walk their pets, walk for exercise or just to walk to meet their neighbors, many times congregating in the street for casual conversation.

SOLUTION:

Provide a second entrance for this development on Parker's Mill Road to direct some of the traffic directly to a State Highway without going through the existing Colony Neighborhood.

Design the main detention basin (lake) so that the part of the new development outleting on to Parker's Mill Road cannot be connected to the existing Colony neighborhood streets. Any cut

through connection between Versailles Road and Parker's Mill Road, through the existing Colony Neighborhood would destroy The Colony and the special place that it is today

Improvements to the internal park areas with benches and landscaping to give the people in the neighborhood a place to congregate other than in the street.

Earth berms and landscaping in the internal park areas are also used to screen houses from the negative impact of automotive lights shining directly into one of our neighbors windows at night.

A trail around one end of the lake serves as a connection to the old neighborhood with the new, while providing another safe place to walk, congregate and meet friends and neighbors, old and new.

Speed humps and traffic circle installed as passive, speed control and traffic calming devices

~~Heavy earthmoving equipment would enter and exist directly from the State Highway (Parker's Mill Road) And it was our opinion that the heavy earthmoving equipment needed for development of the lots should enter and exist directly to a State Highway (Parker's Mill Road) as opposed through the Colony Neighborhood Streets. This earth moving equipment would destroy The Colony streets, the low overhanging trees and create an extremely unsafe environment for the current Colony Residents who use the streets.~~

Upon completion of the development of the property and necessary infrastructure the smaller trucks for the construction of the houses would enter either through The Colony Neighborhood streets or through Parker's Mill Road entry.

Another major concern was water and the increased runoff that would be brought about by the development of this property and the concern that it might contribute to additional flooding for our neighbors and us. We also wanted to review the design prior to final approval.

SOLUTION

Three large detention basins located on the property with capacity far in excess of that required by the LFUCG.

Review and approval of design by LFUCG Engineers

Review and approval of lake & earthen retainment design by State Engineers

Public forum set up for final review by The Planning Commission with potential for input from the neighborhoods, prior to final approval of the drainage plan

Review and discussion of design by private engineer employed by The Colony

The developer made available to us the engineers who designed the drainage plan and retention basins, to answer any and all of our engineer's questions prior to completing our engineering review.

Upon review of the design and plans our engineers commented that in his opinion it was a very conservative design and he could find no problems with it.

Many other agreements / approximately another 50 pages including:

Perimeter white horse fencing around the property in keeping with the character of the Versailles Road Corridor

Heavy berming and landscaping adjacent to New Circle Road help preserve the green character of the area, screen the cars from the houses and the houses from the cars.

Etc.

The only other R-1B development in Lexington ("Chinquapin") is located approximately ½ mile down Parker's Mill Road from the development in question. The same variance requested by J. Williams, Inc. was apparently granted for "Chinquapin" because few, if any of these lots meet the 100 ft frontage requirement.

All the lots in this new development meet the 15,000 SF minimum lot size. The variance requested for some of the lots to have less than 100 ft frontage seems reasonable to me and again, this same variance was apparently granted for the same zone, in a development approximately ½ mile away.

I really don't know why we are here discussing this.

These people have answered all our questions, responded to all our concerns, worked with us to solve the problems associated with their development and the impact it has on our neighborhood and have fulfilled all the requirements of the LFUCG

I don't know how we can reasonably ask for more.

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

January 30, 1998

- I. ATTENDANCE - The Chairman will call the meeting to order at 1:00 p.m. in the Council Chambers, 200 East Main Street, January 30, 1998.
- II. APPROVAL OF MINUTES - The Chairman will announce that minutes of the October 31, 1997 meeting will be considered at this time.
- III. PUBLIC HEARING ON ZONING APPEALS
 - A. Sounding The Agenda - In order to expedite completion of agenda items, the Chairman will sound the agenda in regard to any postponements, withdrawals, and items requiring no discussion.
 1. Postponement or Withdrawal of any Scheduled Business Item - The Chairman will announce that any person having an appeal or other business before the Board may request postponement or withdrawal of such at this time.
 2. No Discussion Items - The Chairman will ask if there are any other agenda items where no discussion is needed...that is, (a) The staff has recommended approval of the appeal and related plan(s), (b) The appellant concurs with the staff's recommendations. Appellant waives oral presentation, but may submit written evidence for the record, (c) No one present objects to the Board acting on the matter at this time without further discussion. For any such item, the Board will proceed to take action.
 - B. Transcript or Witnesses - The Chairman will announce that any applicant or objector to any appeal before the Board is entitled to have a transcript of the meeting prepared at his expense and to have witnesses sworn.
 - C. Variance Appeals - As required by KRS 100.243, in the consideration of variance appeals before the granting or denying of any variance the Board must find:

That the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

 - (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 - (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.
1. V-98-11: ALEX MEADE and CLARISSA SPAWN - appeal for a variance to increase the maximum allowable height for an accessory structure from fifteen (15) feet to eighteen (18) feet in order to

construct a detached garage in a Two-Family Residential (R-2) zone, on property located at 103 Irvine Road (Council District 5)

The Staff Recommended: Disapproval, for the following reason:

- a. There are alternative design solutions that would allow for a two-car garage, architecturally compatible with others in the neighborhood, without granting a variance to increase the maximum allowable height, particularly since there is no compelling need for the additional three (3) feet.
2. **V-98-12: MARK and ANITA YONTS** - appeal for a variance to reduce the required front yard from thirty (30) feet to twenty-six (26) feet in order to complete construction of a residence in a Single Family Residential (R-1D) zone, on property located at 4197 Clearwater Way (Council District 12).

The Staff Recommended: Approval, for the following reasons:

- a. Granting this variance will not adversely affect the public health, safety or welfare, or alter the character of the general vicinity; nor will it cause a hazard or nuisance to the public because of the minor nature of the deviation from the front yard setback requirement.
- b. Granting this variance will not allow an unreasonable circumvention of the Zoning Ordinance because there was no willful intent to circumvent the Zoning Ordinance; and because this mistake is relatively small, it will not have a significant visible effect on the general vicinity.
- c. The special circumstance that applies to the subject property is the unfortunate staking error that resulted in exceeding the front yard setback by four (4) feet
- d. Strict application of the Zoning Ordinance would create an unnecessary hardship for the appellants because they would have to modify or totally relocate the existing structure and foundation to meet the 30' setback requirement.
- e. This stakeout error was due to an inattention to detail in the construction process rather than a willful intent to violate the Zoning Ordinance.

This recommendation of approval is made subject to the following conditions:

1. That the property be developed in accordance with the submitted application and development plan.
 2. That applicable permits be obtained from the Division of Building Inspection prior to the continuation of any construction.
 3. That an administrative action minor subdivision plat for Highland Lakes Lot 4, Unit 3 be submitted for staff approval, reflecting the action of the Board.
3. **V-98-13: ROBERT E. ROBERTS** - appeals for a variance to increase the allowable square footage for detached accessory structures from 1,730 square feet to 1,984.5 square feet in order to construct a two-car garage in the Agricultural Rural (A-R) zone, on property located at 251 Carterbrook Lane (Council District 12).

The Staff Recommended: Approval, for the following reasons:

- a. Granting this variance will not adversely affect the public health, safety, or welfare, nor will it alter the character of the general vicinity, as the proposed garage will be screened from the adjacent property, it will be located at the rear corner of the subject property, and it will not affect the streetscape of Carterbrook Lane.
- b. Granting this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance, as the increase in square footage allowed is small and the subject property is large enough to handle the increase.

- c. The subject property is special in that it is one of the larger residential properties on Carterbrook Lane and contains adequate screening to minimize the impact of the proposed garage.
- d. Strict application of the requirements of the Zoning Ordinance would not allow the appellant the reasonable use of the subject property, as the lot is rather large, relative to the size of the residence.
- e. This variance request is not the result of any deliberate actions taken subsequent to the adoption of the Zoning Ordinance. The appellant obtained a building permit for a structure of this type some time ago (Building Permit #56997); and after its expiration and prior to applying for another permit, the Zoning Ordinance was amended.

This recommendation of approval is made subject to the following conditions:

- 1. That the appellant construct the proposed garage as depicted in the application and site plan.
 - 2. That the appellant obtain a building permit from the Division of Building Inspection prior to commencing construction.
4. **V-98-14: JOHN MIRACLE and BARBARA BURNETT** - appeal for a variance to reduce the required front (side street side) yard from thirty (30) feet to fifteen (15) feet in order to construct an addition to an existing residence in a Single Family Residential (R-1C) zone, on property located at 1242 E. Cooper Drive (Council District 5).

The Staff Recommended: Approval, for the following reasons:

- a. Granting this variance will not adversely affect the public health, safety, or welfare, as the majority of the addition will be located within existing building lines, and the streetscape of Andover Drive will not be affected by the proposed construction.
- b. Granting this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance, as the majority of the proposed addition will be located inside the existing building lines and the home is oriented toward Cooper Drive, mitigating any change to the streetscape of that road.
- c. The variance request arises from the fact that the subject property is one of two lots that has a buildable area limited by its location at the acute intersection of Andover and Cooper Drives, and by its two curved lot lines.
- d. Strict application of the Zoning Ordinance would deprive the appellants of the reasonable use of their property, as it would leave the subject property with a disproportionately small buildable area.
- e. This variance request is not the result of any intentional actions taken subsequent to the adoption of the Zoning Ordinance, but rather was caused by the desire of the appellants to improve their property and their reliance on the original plat for the subject property.

This recommendation of approval is made subject to the following conditions:

- 1. That the appellants construct the addition as depicted in the site plan and application.
 - 2. That the appellants obtain a building permit from the Division of Building Inspection prior to beginning construction.
5. **V-98-15: BALL HOMES, INC.** - appeals for a variance to exceed the maximum allowable lot size (7,500 square feet) for one (1) lot in the R-1E zone in order to construct a residence in a Single Family Residential (R-1E) zone, on a portion of 1950 Bryant Road (Council District 12).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested variance will not adversely affect the subject or surrounding properties; it will not cause a hazard or nuisance to the public, nor will it alter the character of the vicinity. Granting the variance will avert the need to create two lots,

- one of which would be unbuildable and would have to be maintained by either the owner/appellant or the various utility companies.
- b. Granting the requested variance will not allow an unreasonable circumvention of the Zoning Ordinance because the buildable area that will remain (over and above the amount of space required for the utility strip) will be comparable in size to other (typical) R-1E lots.
 - c. The circumstance peculiar to this property that does not generally apply to other R-1E properties or other properties in the area is the size and location of the large utility easement on the property relative to its location within the subdivision.
 - d. Strict application of the Zoning Ordinance would require that the property be split into two (2) lots, one of which would be unbuildable due to the large utility easement that would encompass the entire property. This property would then have to be maintained by either the owner/appellant or the various utility companies, neither of which is a practical or desirable alternative.
 - e. The requested variance is not the result of a willful violation of the Zoning Ordinance but is needed because of the large utility easement on the property.

This recommendation of approval is made subject to the following conditions:

1. That the property be developed according to the submitted application and development plan, or as amended by the Planning Commission.
2. That the action of the Board be noted on the final record plat of this portion of the Man o' War Development, submitted for Planning Commission approval.

D. Conditional Use Appeals

1. **CV-97-96: BILL MOORMAN (dba RTM MID-AMERICA, INC.)** - appeals for a conditional use permit to construct and occupy a parking lot in a Planned Neighborhood Residential (R-3) zone, accessory to the Arby's restaurant on South Limestone Street (which is split-zoned B-1 [Neighborhood Business] and R-3 [Planned Neighborhood Residential]), and a variance to reduce the required front yard at 127 Colfax Street from twenty (20) feet to four (4) feet and the required side street side yard along Colfax at 507 South Limestone from twenty (20) feet to four (4) feet in order to accommodate the parking, on property located at 127 Colfax Street and 507 South Limestone Street (Council District 3).

The Staff Recommended: Approval of the conditional use portion of the appeal, for the following reasons:

- a. A parking lot on a Planned Neighborhood Residential (R-3) property is permitted as a conditional use, when accessory to a Business or Professional Office zone, with Board of Adjustment approval.
- b. Granting the requested conditional use permit will not adversely affect the subject property or surrounding properties because a 6-foot privacy fence, supplemented with plant material (subject to the approval of the Urban County Landscape Inspector), will be provided to separate the parking area from the adjacent residence and other residential properties on the street, the parking area will be paved, with spaces delineated, and screened/landscaped according to Articles 16 and 18 of the Zoning Ordinance; the new parking lot will bring the restaurant's parking into compliance with Zoning Ordinance requirements; the layout of the parking for both properties, as well as how it relates to the access points on the Arby's property, will be subject to approval of the Urban County Traffic Engineer; adequate storm drainage and retention will be provided to the satisfaction of the Urban County Engineer; the parking will be solely for the use of the restaurant and will not be rented to U.K. students or any other party; and all public facilities are available and adequate for the proposed use.

The Staff Recommended: Approval of the variance portion of the appeal at 507 S. Limestone, for the following reasons:

- a. Granting the requested variance will not adversely affect the public health, safety or welfare since the parking has existed at the requested distance from the right-of-way for several years.
- b. Granting the requested variance will not allow an unreasonable circumvention of the Zoning Ordinance since the parking has existed with no variance up to this point. When the conditional use and variance for elimination of zone-to-zone screening were obtained in 1980, no variance was required for parking within the front yard of a B-1 zone. There is still no front yard requirement for parking in the B-1 zone; however, there is now and will be parking on the R-3 portion of the property, which does require a variance to be in compliance with the Zoning Ordinance.
- c. The circumstance peculiar to this property that does not exist on other properties in the immediate vicinity is that it is split-zoned B-1/R-3 and requires the variance to bring a portion of the existing parking into compliance with the Zoning Ordinance.
- d. Strict application of the Zoning Ordinance would prevent the appellant from providing parking to fulfill the amount of parking required for this size of a restaurant. Based on its square footage, thirty (30) spaces are required, and the restaurant only has twenty-five (25) existing on-site parking spaces.
- e. The requested variance is not the result of a willful violation of the Zoning Ordinance since Arby's did not occupy the property when the initial Board of Adjustment approval was given for a conditional use and variance.

This recommendation of approval is made subject to the following conditions.

1. That the proposed parking lot be constructed according to the submitted application and development plan, amended to delete the five (5) spaces within the front yard at 127 Colfax Street. They are not needed to fulfill the parking requirement, and removing the five (5) spaces negates the need for a variance on this property.
2. That any permits necessary for demolition of the residence and construction of the parking lot be obtained from the Division of Building Inspection.
3. That a plan for storm drainage and retention be submitted to and approved by the Division of Engineering prior to issuance of a building permit.
4. That the parking layout, both interior as well as relative to the access points, be approved by the Urban County Traffic Engineer prior to issuance of any permits.
5. That the appellant adhere to all of the requirements of Article 16 with regard to a parking lot as a conditional use in the R-3 zone.
6. That a 6-foot privacy fence be constructed around the rear and side of the proposed parking lot at 127 Colfax Street and that it be supplemented with plant material, subject to the approval of the Urban County Landscape Inspector.
7. That the parking area be paved, with spaces delineated, and screened/landscaped according to Articles 16 and 18 of the Zoning Ordinance.
8. That a plat, consolidating the two properties, be submitted for Planning staff approval, and that it reflect the action of the Board with respect to any variance granted.
9. That, under no circumstances, shall parking spaces be rented to U.K. students or any other party(ies).
10. That should Arby's (or its parent company) cease to own the subject property or operate a restaurant at this location, the conditional use permit shall become null and void.

The Staff Recommended: Disapproval of the variance portion of the appeal at 127 Colfax Street, for the following reason:

- a) The property is currently a residential property that will be converted to a parking lot if the conditional use request is approved. Maintaining a 20-foot front yard will provide a suitable transition from a property that is already paved for parking to the residential

properties beyond and behind the Arby's restaurant. The five (5) parking spaces that necessitate the variance on this property are not needed to fulfill the parking requirement for the restaurant (requirement is thirty [30]; amount provided without the five in question is thirty-eight [38]), nor do they appear to function well or properly. Therefore, the staff believes they should be deleted from the plan. Not only will this allow the flow of traffic to be more efficient, it will help to mitigate the fact that the parking lot will be on what is now a residential property.

2. **C-98-2: CLAYS MILL ROAD BAPTIST CHURCH** - appeals for a conditional use permit to construct and occupy a new sanctuary and to expand the accessory parking in a Single Family Residential (R-1B) zone, on property located at 3000 Clays Mill Road (Council District 10).

The Staff Recommended: Approval, for the following reasons:

- a. Churches and their related uses are permitted as conditional uses in the Single Family Residential (R-1B) zone with Board of Adjustment approval.
- b. Granting the requested conditional use permit will not adversely affect the subject property or surrounding properties since the new sanctuary will help to fulfill a need to accommodate the church's membership; more than adequate parking is available; the new construction will be architecturally compatible with what is existing and with the single family residences in the vicinity; the parking will be paved, with spaces delineated, and screened/landscaped according to Articles 16 and 18 of the Zoning Ordinance, a plan for storm drainage and retention will be provided to the satisfaction of the Urban County Engineer; opening up Noel Court (formerly Neal Drive) will help to alleviate the immediate traffic impact on Clays Mill Road by giving church members alternate routes of egress; the plan to connect the parking area on the church property with the stub street will be analyzed by the Urban County Traffic Engineer with regard to impact and design; the property will be landscaped along Clays Mill Road to correspond with the new construction; and all public facilities are available and adequate for the proposed addition

This recommendation of approval is made subject to the following conditions:

1. That the property be developed according to the submitted application and development plan.
 2. That a permit be obtained from the Division of Building Inspection prior to any construction.
 3. That a plan for storm drainage and retention be submitted to, and approved by, the Urban County Engineer prior to issuance of any permit.
 4. That the new parking area be paved, with spaces delineated, and screened/ landscaped according to Articles 16 and 18 of the Zoning Ordinance.
 5. That a plan for landscaping along Clays Mill Road, to correspond with the new construction, be submitted to the Urban County Landscape Inspector.
 6. That any signage be in compliance with Article 17 of the Zoning Ordinance and that it not be internally illuminated.
 7. That, prior to any construction, the parking layout and connection to Noel Court (formerly Neal Drive) be analyzed as to traffic impact and approved by the Urban County Traffic Engineer
 8. That a revised development plan, showing a minimum of five (5) handicap accessible spaces, one of which must be designated as van accessible, be submitted to the Division of Building Inspection prior to issuance of any permit for construction
3. **C-98-3: TRANSYLVANIA UNIVERSITY** - appeals for a conditional use permit to construct and occupy a new academic building (for business, economics and education) in a High Density Apartment (R-4) zone, on property located at 300 N. Broadway (Council District 1).

The Staff Recommended: Approval, for the following reasons:

- a. Schools for academic instruction are permitted as conditional uses in the high density (R-4) zone with Board of Adjustment approval.
- b. Permitting the University to construct the building will not adversely affect the subject or surrounding properties. The new building is a Georgian design, and is consistent in size and architectural style with other campus structures; it will be placed in the same location as a previous building on the property; providing appropriate facilities for the business, economics and education programs, Transylvania University will further meet the needs of its academic instruction; no additional parking will be required for this building; a plan for storm drainage and retention will be provided to the satisfaction of the Urban County Engineer; and all public facilities are available and adequate for the proposed building.

This recommendation of approval is made subject to the following conditions:

1. That the proposed building additions be completed according to the submitted application and development plan.
 2. That all applicable permits be obtained from the Division of Building Inspection prior to construction.
 3. That a plan for storm drainage and retention be provided to the satisfaction of the Urban County Engineer.
4. **C-98-6: BALL HOMES, INC.** - appeals for a conditional use permit to extend the regulations of the Neighborhood Business (B-1) zone fifty (50) feet into the Planned Neighborhood Residential (R-3) zone in order to construct a drive-through bank, on property located at 3098 Helmsdale Drive (AKA a portion of 1575 Bryant Road) (Council District 12).

The Staff Recommended: Disapproval, for the following reasons.

- a. The Board does not have the authority to grant the appellant's request since all of the criteria specified in Article 2, Section 5 for a conditional use of this type cannot be met.
 - b. This specific conditional use request cannot be justified since: 1) the property was created in 1996 from two separate properties that were re-zoned in 1993 and 1996 and then consolidated in 1996 in order to be developed commercially and residentially; therefore, there are no extenuating/hardship circumstances that warrant relief; and 2) there are alternative design solutions that negate the need for the conditional use as requested.
5. **C-98-7: KENTUCKY SATSANG SOCIETY, INC.** - appeals for a conditional use permit to occupy an existing building as a church and related uses (information center, book discussion groups, workshop/training sessions, etc.) in a Highway Service Business (B-3) zone, on property located at 153 Patchen Drive, Suite 55A (Council District 7).

The Staff Recommended: Approval, for the following reasons

- a. Churches and their related uses are now permitted as conditional uses in the Highway Service Business (B-3) zone with Board of Adjustment approval.
- b. Granting the requested conditional use permit will not adversely affect the subject or surrounding properties since use of the property as a church/ meeting/information center will be compatible with other uses in the immediate vicinity; adequate parking will be available, since primary use of the property by members meeting as a group will be limited to weekends, when other tenants are not present; the center will be open to the public only in the evenings when the majority of the tenants are not present; and all public facilities are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions.

1. That the proposed use be limited to the space known as Suite 55A within the Patchen Village shopping center.

2. That the proposed church/meeting/information center be operated in accordance with the submitted application and site plan and that it be limited to the types of services proposed by the appellant: i.e., worship services, meeting and discussion groups, classes and training sessions and disbursement of materials (books and tapes) related to the Kentucky Satsang Society.
 3. That the days and hours of operation for the information center (i.e., days and hours open to the public) be limited to Mondays, Wednesdays and Fridays from 6:00 p.m. until 8:00 p.m..
 4. That any signage be in compliance with Article 17 of the Zoning Ordinance and that no neon be used.
 5. That should the appellant cease to lease/occupy the subject property, the conditional use permit shall become null and void.
6. **C-98-8: IMMANUEL BAPTIST CHURCH** - appeals for a conditional use permit to expand the accessory parking in a Single Family Residential (R-1B) zone, on property located at 3100 Tates Creek Road (Council District 5).

The Staff Recommended: Approval, for the following reasons.

- a. Churches and their related uses (e.g., a parking lot addition) are permitted as conditional uses in an R-1B zone with Board of Adjustment approval
- b. Granting the requested conditional use permit will not adversely affect the surrounding properties mainly due to the distance that separates the proposed parking lot and any other residential areas. The parking lot will also be paved and screened/landscaped according to Articles 16 & 18 of the Zoning Ordinance; all required handicapped and van accessible handicapped spaces will be provided as per American Disabilities Act, and an amended development plan will be submitted to the Division of Building Inspection prior to issuance of any permit for construction; adequate storm drainage will be provided to the satisfaction of the Urban County Engineer; the parking lot layout will be approved by the Urban County Traffic Engineer; and all public facilities are available and adequate for the proposed construction.

This recommendation of approval is made subject to the following conditions:

1. That the proposed parking area be developed according to the submitted application and an amended development plan, submitted to the Division of Building Inspection prior to the issuance of a building permit. This development plan shall correct the number of required handicapped parking spaces from twelve (12) to sixteen (16), at least one of which will be a van accessible space
 2. That the parking area be paved, with spaces delineated, and screened/ landscaped according to Articles 16 & 18 of the Zoning Ordinance.
 3. That a building permit be obtained from the Division of Building Inspection prior to any construction.
 4. That a plan for storm drainage and retention be provided to the satisfaction of the Urban County Engineer prior to the issuance of any permit.
 5. That the parking layout be subject to the approval of the Urban County Traffic Engineer.
7. **C-98-9: LEXINGTON CATHOLIC HIGH SCHOOL** - appeals for a conditional use permit to construct and occupy a classroom addition and to expand the accessory parking in a Single Family Residential (R-1C) zone, on property located at 2250 Clays Mill Road (Council District 10)

The Staff Recommended: Approval, for the following reasons:

- a. Schools for academic instruction are permitted as conditional uses in the Single Family Residential (R-1C) zone with Board of Adjustment approval.
- b. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties since both additions (classroom and parking) will improve the

function of the school; the classroom addition will not create an additional need for storm water retention; if deemed necessary by the Urban County Engineer, due to the increase in parking and the relocation of the practice field, a plan for storm drainage and retention will be provided; the new parking will be paved, with spaces delineated, and screened/landscaped according to Articles 16 and 18 of the Zoning Ordinance; the parking layout will be subject to the approval of the Urban County Traffic Engineer; and, assuming that additional storm drainage is not necessary, all public facilities are available and adequate for the proposed additions.

This recommendation of approval is made subject to the following conditions:

1. That the proposed additions (second story classroom and parking expansion) and the relocation of the practice football field be completed according to the submitted application and development plan.
 2. That a building permit be obtained from the Division of Building Inspection prior to any construction.
 3. That, if deemed necessary by the Urban County Engineer, a plan for storm drainage and retention be submitted for approval prior to issuance of any permit for construction.
 4. That the new parking area be paved, with spaces delineated, and screened/landscaped according to Articles 16 and 18 of the Zoning Ordinance.
 5. That the layout of the new parking area, relative to what is existing, be approved by the Urban County Traffic Engineer.
8. **C-98-10: IDLE HOUR COUNTRY CLUB** - appeals for a conditional use permit to construct and occupy an enclosed addition (i.e., enclose an existing porch) in a Single Family Residential (R-1B) zone, on property located at 1815 Richmond Road (Council District 7)

The Staff Recommended: Approval, for the following reasons:

- a. Outdoor commercial and non-commercial recreational facilities, such as golf courses and private clubs, are permitted as conditional uses in the Single Family Residential (R-1B) zone with Board of Adjustment approval.
- b. Granting the requested conditional use permit will not adversely affect the subject property or surrounding properties; it will not pose a hazard or nuisance to the public, nor will it alter the character of the club itself or properties in the nearby vicinity. It will improve the function of the country club by allowing more flexibility in the amount and type of services it offers its members. Since this is only an enclosure of an existing porch, there is no need for additional storm drainage and retention; and since the use of the building is limited to club members, there is no need for additional on-site parking. All public facilities are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. That the porch enclosure be limited to the 800-square foot portion of the building as shown on the plat/site plan submitted with this application.
2. That any applicable permit be obtained from the Division of Building Inspection prior to construction.

E. Administrative Review

1. **AV-98-4: BARLOW HOMES, INC.** - appeals for an administrative review of the Division of Building Inspection's determination that a parking lot is not permissible as a principal use on a property in a High Density Apartment (R-4) zone; and, if determined that it should be permitted, a variance to reduce the required front yard from twenty (20) feet to zero (0) feet in order to accommodate the parking, on property located at 3416 Overbrook Fountain (Council District 4).

The Staff Recommended: Approval of the Administrative Review portion of the appeal and that the decision of the Division of Building Inspection be overturned, for the following reason:

- a. Although, in general, stand-alone parking is not permitted as a principal use on a property in the R-4 zone if not accessory to a Professional Office or Business zone, the Planning Commission saw fit to require additional off-street parking as a condition for approval. The only logical place for additional parking within the development is the subject property, which is owned by the Homeowner Association, and which is otherwise undevelopable.

The Staff Recommended: Approval of the Variance portion of the appeal, for the following reasons:

- a. Granting the requested variance will not adversely affect the subject property or surrounding properties; it will not cause a hazard or nuisance to the public, nor will it alter the character of the vicinity. The parking in question already exists, although the spaces are not delineated, and it is not landscaped according to the Zoning Ordinance specifications. If a variance were not granted, it would necessitate removal of the parking or construction of a large retaining wall with special engineering techniques, as well as an inordinate amount of fill dirt/materials to make the parking area workable. This would not be practical, nor would it be desirable, given the location and proximity of the adjoining apartment complex relative to the subject property.
- b. Granting the requested variance would not amount to an unreasonable circumvention of the Zoning Ordinance since the topography of the property creates special development considerations and since the Planning Commission required additional off-street parking for the development.
- c. The circumstances peculiar to this property that justify granting the variance are its size, shape and slope. These factors basically render the property undevelopable. In addition, its location, relative to the adjoining apartment complex, would necessitate an inordinate amount of fill and special engineering/design techniques to make the parking workable without the variance, which is neither practical nor desirable.
- d. Strict application of the Zoning Ordinance would likely deny the residents additional (needed) off-street parking, which was required by the Planning Commission as a condition for approval of this particular residential development.
- e. The requested variance may or may not be a willful violation of the Zoning Ordinance, although it could be construed as such since the parking area was constructed prior to this administrative review/variance request to allow it. However, additional off-street parking was required by the Planning Commission as a condition for approval of this development; therefore, it should be permitted to remain.

This recommendation of approval is made subject to the following conditions:

1. That the parking remain as depicted on the submitted application and site plan.
 2. That the spaces be delineated, as required by Article 16 of the Zoning Ordinance, and that the perimeter of the parking area be screened/ landscaped as required by Article 18 prior to issuance of any permit for the parking area. A landscape plan must be submitted to and approved by the Urban County Landscape Inspector. The landscape plan should contain taller plants than what is actually required by the Zoning Ordinance for screening purposes, since the property slopes downward toward the Kirklevington apartment complex.
 3. That any applicable permit be obtained from the Division of Building Inspection to allow the parking area to remain as constructed.
 4. That the action of the Board be noted on the appropriate record plat for Overbrook Place.
2. **A-98-5: SAUL HOLDINGS LIMITED PARTNERSHIP** - appeals for an administrative review of the Division of Building Inspection's determination that a temporary fence requires a building (fence) permit

and that it must be depicted on an amended development plan for the property in a Planned Shopping Center (B-6P) zone, located at 2401 Richmond Road (Council District 7).

The Staff Recommended: Disapproval and that the decision of the Division of Building Inspection be upheld, for the following reasons:

1. The definition of "structure" in the Zoning Ordinance includes fences; therefore, a building permit is necessary.
2. A fence that affects the circulation of traffic, or access to public streets, while not explicitly included in the requirements for a development plan, is the type of structure contemplated by those requirements; and the construction of such a fence is the type of change that necessitates an amendment to the development plan for the subject property.

F. Early Rehearing

1. ER-98-16: J. WILLIAMS, INC. - appeals for an early rehearing of a variance denied by the Board of Adjustment on December 19, 1997, in order to allow additional information to be presented with regard to a reduction of the required 100' frontage for eighteen (18) lots, in a Single Family Residential (R-1B) zone, on a portion of 4100 John Alden Lane and 1284 Priscilla Lane (Council District 10).

The Staff Recommended: Approval, for the following reason:

- a. Due to the fact that infrastructure is already in place for 84 single family residences, and since there is additional information that was not made available to the Board (e.g., the evolution of the development that may explain the need for the requested frontage variances, as well as other information), the staff believes that the appellant should be given the opportunity for a rehearing before the normal one-year waiting period has elapsed. This will only be on the condition that the circuit court appeal has been dismissed; and the rehearing may not occur until the time that it has been dismissed.

- IV. BOARD ITEMS - The Chairman will announce that any items a Board member wishes to present will be heard at this time.
 - a. Election of Officers - At the January meeting each year, the Board shall elect a Chairman, a Vice-Chairman, a Secretary and any other officers it deems necessary. Nominations shall be made from the floor, and the candidate receiving the majority vote of the membership in attendance shall be declared elected and shall take office at the close of the meeting. The present officers are: Chairman -- William Bagby; Vice-Chairman -- William Matlack, Secretary -- Franklin D. Thompson.
- V. STAFF ITEMS - The Chairman will announce that any items a Staff member wishes to present will be heard at this time.
- VI. NEXT MEETING DATE - The Chairman will announce that the next meeting date will be February 27, 1998.
- VII. ADJOURNMENT - If there is no further business, the Chairman will declare the meeting adjourned.

BOARD MEETING
RESIDENTS' INC
THE COLONY
February 11, 1998

Present: Lowell Bush, Tom Wade, Frankie Daniel, Sally Miller, Jane Baumohl, Chuck Vineyard
Absent: Fred O'Bryan
Guest: Todd Strecker, President, Lexington- Versailles Corridor Coalition(254-7961)

The board met at the home of President Lowell Bush
Todd Strecker, President of the Lexington-Versailles Corridor Coalition presented the mission and resources needs of the Coalition he represents. This citizen group has the support of City Council members as it works to "assure the Versailles Road corridor remains attractive and well managed." The "view-scape" of Versailles Road as the entrance to Lexington is considered to be what one sees from the road. Roughly this corridor includes Harrodsburg Rd. to Old Frankfort t Pike and Maxwell St to the Woodford County Line.

The coalition is asking neighborhood associations to contribute approximately \$1000 a year for five years. Other associations are doing this and Wellesley is contributing \$2000 per year. If the organization becomes a 501C-3 contributions will be tax deductible. Once this status is achieved, Keeneland is expected to contribute \$50,000 per year and Shadwell is considering a similar contribution. A grant of \$5000 has been obtained. The coalition has a planner and a proposed long-range plan.

Following Mr. Strecker's departure, the Board agreed that the proposal has merit and should be presented to the membership in May. If the organization is tax deductible the proposal is more likely to be received favorably. Matching employer donations are also a possibility. Tom Wade will check on Lexmark.

Other Business:

1. January 31, 1998 - Chuck Vineyard reported that the Board of Adjustment granted a hearing for appeal of the J. Williams developer to request a variance of frontage on selected lots. This is set for February 27, 1998.

2. Lowell Bush - Report from meeting of neighborhood presidents with council Representative, Sandy Schafer.

A. Airport- Sandy Schafer has sent a letter to FAA to express concern about expansion. A second runway would require bring in over a million cu. yd. of soil to fill in creeks, etc.

B Speed Limits: Council is attempting to change neighborhood speed limits to 25 mph; feeder roads to 35 mph. Traffic council is preparing, proposing, there will be a public hearing, approval is expected.

C. Emma Tibbs - Pres. of neighborhoods Assn. (21 in district 10) - work on retention and detention basins is being done. "To maintain" is questionable. Basins were not bonded and did not have liability insurance. Sludge coming out is considered hazardous waste and can't be put back on farmland. This item could support us and the new neighborhood assn. if government requires such insurance.

D Treasurer's Report:

Light Fund Billing: 79% response - missing \$192 of \$912 possible.

Fred O'Bryan is "keeper of the globes and bulbs" - Tom will turn over ones he "inherited".

Light Fund Balance: \$1960.68 - paid to June.

Legal Fund Balance \$2187.49 - uncollected contributions. \$16,000. We expect a bill soon from Bruce Simpson.

E. By-Laws. There is an alternate set of by-laws in C. Huber's computer that should be considered for possible submission to membership in may. The present ones are weak and sketchy. Much of the groundwork has been done; Board need to finalize.

F. Snow Removal. In light of the recent 18 inch snowfall, residents ask if The Colony should have provisions for removing snow from roads since our roads have the lowest priority. Questions included who would make the decision when to plow, what process should be in place, and what funds should be used for this service. No decision was reached.

G. Landscaping. The word is that our "requests" are working through the system and , although nothing is official, there are "encouraging" signs for approval.

H. Fences on Versailles Road. All homeowners have signed to allow new fences to be installed at no expense with the exception of Mrs. Collier. There is a need to follow up on this so that the entrance work can be accomplished.

The meeting adjourned with the expectation of another meeting in March or April.

Frankie Daniel
Secretary

MINUTES - COLONY NEIGHBORHOOD ASSOCIATION MEETING

Residents Inc.
St. Raphael's Church
7:30 p.m. June 23, 1998

CALL TO ORDER: The meeting was called to order by President Lowell Bush.

MINUTES: In the absence of Secretary Frankie Daniel, Pat Nichols read the minutes of the May 22, 1998 general membership meeting and recorded the following minutes for the 6/23/98 meeting:

The minutes of the 5/22/98 meeting were approved as presented.

TREASURER'S REPORT: Treasurer Tom Wade reported the 6/23/98 general fund balance as \$528.22; the legal fund balance is \$2,087.84.

Mr. Wade reported that the statement received 6/9/98 from Bruce Simpson for services dated 2/18/98 to 2/27/98 is \$3,872.72 and has not been paid. If Mr. Simpson's bill is paid, it will result in a treasury shortfall of \$983.23. General discussion followed concerning collection of unpaid dues from those residents who are in arrears. A copy of Mr. Wade's report has been made a part of these minutes. The treasurer's report was approved as presented.

OLD BUSINESS

Discussion followed about advisability of making a partial payment of Mr. Simpson's bill and recontacting those residents who are not currently up to date with their payments. It was reported that 54% of all households are fully paid, and eight households have not yet paid the \$100 assessment.

Motion: Mr. Whitlow moved and Mr. Huber seconded that residents be asked to contribute an additional \$35 to settle the Simpson account if efforts to collect the \$985 in overdue accounts are unsuccessful and that the general fund not be touched. The motion was seconded. Mr. Whitlow then amended the motion to specify a two month period for collection of up to \$35 for each household. The motion passed as read.

Mr. Whitlow updated those present about discussions with the city regarding landscaping, improvements, approval of entry way planning, speed humps, medians, and other aspects of beautification. Paving of streets in the new area is to start in four to six weeks. Four to five speed humps are to be constructed within 60 days. A meeting has been scheduled by council person Sandy Schaefer to discuss issues such as speed bump signage, and Mr. Whitlow will continue dialogue with city planners. Mr. Anderson commented there is no need to mar the neighborhood with an excessive number of speed bumps. Mr. Whitlow reported a conversation with developer Bill McAlpin during which he reported that the streets are to be rocked and paved soon; 30% of the lots have been sold, and builders are on the high upper end, building houses of \$300,000 to \$600,000 in value. Work is continuing on installation of the valve in the lake.

NEW BUSINESS

Following this discussion, Mr. Bush introduced representatives of the 300 member organization involved with development of the Lexington/Versailles Road Corridor Coalition: President Todd Strecker and professional consultant and community planner Russell Casey.

Coalition Plan members are concerned with the entirety of the Versailles Road corridor from Lexington to Versailles. They deal with the city in a positive way to affect outcomes and to achieve the goals of making the entire corridor more attractive, protecting existing neighborhoods from negative effects of overdevelopment. They welcome participation from neighborhood groups, are privately funded but did receive a matching grant from the city. On Tuesday, June 30, a public session to discuss a plan for development of a park will be held at Rosa Parks school, 7:00 p.m. on Beaumont Parkway. All members of the Colony association are invited to attend.

The project currently under discussion is the development of Cardinal Run, a 170 acre park in the Beaumont area, to include soccer and football fields in a location that will enhance but not adversely affect the Versailles Road corridor. Westwood, Wellesley, and Calumet neighborhood associations have pledged support of the group's goals.

Motion: It was moved and seconded that Residents Inc. join other neighborhood associations in this effort and adopt a recommendation that each resident donate \$35 per year for a period of five years to join with other neighborhood association in protection of the Versailles Road corridor. The motion passed unanimously. Mr. Bush said this is a voluntary contribution and not mandatory for those who do not wish to make a donation or are unable to do so.

There was discussion of investigation of hiring an independent snow removal service for Colony streets; mandatory dues would be necessary, and the Board will discuss this further.

Mr. Bush welcomed new Colony residents Mr. And Mrs. Cox and Mr. And Mrs. Wheeler to the neighborhood.

Chuck Vinyard presented the names of the following candidates as selected by the 1998 nominating committee:

President	Fred O'Brien	Members At Large	Jane Baumohl
Vice-President	Lowell Bush		Laura Kessler
Secretary	Frankie Daniel.		Luann Burnett
Treasurer	Tammy Wheeler		

Minutes 6/23/98
Page 3

Tom Wade moved that nominations cease. The motion passed, and the slate was unanimously approved by those present . Dr. Ginger then asked that Walt Whitlow and his committee be commended with a round of applause. Mr. Bush asked that new president Fred O'Brien take charge of the meeting. There being no further business, Mr. O'Brien called for adjournment of the meeting.

Respectfully submitted,

Patricia G. Nichols

Patricia G. Nichols (on behalf of Secretary Frankie Daniel)

Resident's, Inc.
General Membership Meeting, June 23, 1998
Treasurer's Report

Information contained herein is confidential to Resident's Inc.

Colony General Fund

Beginning Balance, June 15, 1997 **\$ 1,713.61**

Receipts.

Member light fund contributions	\$ 768 00	
Interest on account	\$ 42.93	
Total Receipts		\$ 810 93

Disbursements:

Kentucky Utilities	\$ 445.00	
Kentucky State Treasurer	\$ 4.00	
Memorials	\$ 25.00	
Office Supplies	\$ 54 22	
Total Disbursements		\$ 528 22

Ending Balance, June 23, 1998 **\$ 1,996.32**

Colony Legal Fund

Beginning Balance, June 15, 1997 **\$ 2,087.49**

Receipts

Member legal fund contributions	\$ 800 00	
Total Receipts		\$ 800 00

Disbursements:

None	\$ -	
Total Disbursements		\$ -

Ending Balance, June 23, 1998 **\$ 2,887.49**

Outstanding Bill:

6/9/98 - Bruce Simpson for legal services 2/18/97 to 2/27/98	\$3,872.72
This outstanding bill leaves the legal fund with a shortfall of	\$ (985.23)

Respectfully Submitted,

Tom Wade

Tom Wade, Treasurer



Versailles Road Area/Corridor Plan

Introduction

Versailles Road is one of the primary entrances or gateways to Lexington. The positive impact of Keeneland, horse farms and the open countryside cannot be overstated. Much of the separation or sharp edge between urban and rural is due to the Urban Service Area policy first enacted in 1958. This landmark policy directed urban growth inside this boundary while allowing and stabilizing agricultural areas outside the boundary. However, it is becoming clear that this policy and other regulations may not be enough to guarantee that this critical corridor between New Circle Road and the county line remains attractive and well managed.

The following statements ¹ from Seattle Washington regarding neighborhood (area) planning provide insight into why we need to do corridor planning. These reason are also appropriate for Bluegrass region's corridors

Why should we do Neighborhood Planning?

Effective outreach begins with addressing the questions foremost in people's minds: "Why plan? What's in it for me?" Good reasons to plan include:

- **To Be proactive:** Instead of reacting to problems and issues in their community, groups can work together to prevent problems and improve their neighborhoods. With a clear vision and a community - developed plan, communities can work with developers and city planners to achieve their preferred future.
- **To Create a community vision:** Through planning, individuals can work together to create a vision that protects and enhances the best qualities of the community – families, schools, neighborhood businesses, infrastructure and open space and unique neighborhood features.
- **To build a sense of community:** Neighborhood planning is a way to bring together and foster interaction among different communities that make up a neighborhood.

¹ These statements were excerpted from the City of Seattle, Washington *Outreach Tool Set*. This Tool Set is designed to help community Groups to overcome barriers to increase citizen outreach and participation

- **To address a concern:** planning provides an opportunity to address neighborhood concerns, such as slowing down traffic, increasing street lighting, building a community center, and enhancing inadequate social services. Problem solving begins with planning.
- **To recognize and build on community assets:** communities are built from within. Each community boasts a unique combination of assets from which to build its future. Through planning, neighborhoods can identify available community assets and begin connecting them with one another in ways to multiply their power and effectiveness.
- **To coordinate activities and projects:** Planning can help ensure that projects are coordinated to maximize resources and minimize disruptions (noise, traffic congestion).

Bluegrass Region Corridors, especially Versailles Road Corridor

Other communities in the region are considering methods to protect and enhance their gateway corridors. For example, the Woodford County Planning Commission developed additional guidelines for their portion of U.S. 60 as part of their comprehensive plan update. The private planning group Woodford Tomorrow has prepared a corridor plan for this portion of U.S. 60. The Paris Pike corridor plan and the U.S. 27 and U.S. 68 Corridor Management plans are further examples.

An area/corridor plan for Versailles Road corridor from New Circle Road to the Woodford/Fayette County line is being prepared by the Lexington-Versailles Corridor Coalition (LVCC). While the initial focus of the plan is Fayette County, their interest is to protect and enhance the entire corridor between Lexington and Versailles. This group is proving instrumental in bringing together individuals and groups with diverse interests to benefit the corridor.

The plan will be specifically tailored to issues particular to Versailles Road and existing planning and development policies. Some of the more specific purposes of this plan would be:

- Protection of the corridor from negative change
- Amend Fayette County comprehensive plan with a more detailed small area plan
- Meet Scenic Byway requirements and help achieve a scenic corridor designation
- Enhance tourism
- Coordinate transportation, preservation, land use, and scenic issues
- Coordinate where feasible with Woodford County Comprehensive Plan
- Coordinate with Lexington-Fayette Urban County Government Versailles Road (inside New Circle Road) landscape plan
- Assist in preparation of grant applications (ISTEA, preservation, etc.)
- Enhance historic preservation efforts

Study Area

Lexington-Versailles Area-Corridor Plan



Lexington-Versailles
Road Coalition

Corridor 
Wetlands 
Streams 

1000 Foot Buffer 
One Mile Distance 

Generalized Viewshed 

Not to Scale



North

Russell Casey AICP
Community Planner
606-266-5738



At our annual meeting on June 23, Todd Stricker and Russell Casey from the Lexington-Versailles Road Corridor Coalition discussed their organization and solicited the support of The Colony. This organization is comprised of many of the existing residents who live close to Versailles Road, including strong representation from many area horse farms and neighborhood associations such as Wellesley Heights. They discussed the impact their organization had in the early planning stages of the new park to be built on the Kentucky Coal property, moving much of the park access and activity toward the Parker's Mill side and away from the Versailles Road side where the city had initially planned to build a baseball complex similar to the one at Shiloto Park. **In a show of support for this organization, the membership at this meeting overwhelmingly passed a resolution to support the Coalition through voluntary member donations of \$25/year for 5 years.** Members may pay a one-time \$125 contribution if they prefer not to be billed each year. The treasurer will collect and track these voluntary donations and funnel these funds to the Coalition in a timely fashion.

In other business at the annual meeting, an update was given on the progress of the new development. Among the news reported at the meeting:

- The City has formally approved the landscaping and entryway plan for the existing Colony neighborhood shown at the 1997 annual meeting. The developer should be continuing this work throughout the summer and fall (at his expense).
- LFUCG will be soliciting comments on the speed hump installed at the entrance to the neighborhood later this month as stated in their letter to all residents.
- The new neighborhood construction is proceeding. Approximately 30% of the lots have already been sold. The developer expects the average home price in the new neighborhood to be around \$300,000 with a high end of approximately \$600,000.

We received a bill from Bruce Simpson for work completed from February 1997 through February 1998 including attendance at several council hearings to represent the neighborhood on the plan agreed to at the 1997 annual membership meeting. To our knowledge, this bill represents the final balance due to Mr. Simpson unless new actions arise which require his attention. This bill for 37 hours of work for the neighborhood totals \$3872.72 leaving the legal fund with a deficit of \$985.23. The membership authorized the board to assess each household up to \$35 apiece to cover this new debt if necessary. Before asking all members to contribute more, we are asking those with outstanding balances to please make every effort bring your account up to date.

The statement below reflects a current statement of account for your household. If you have questions regarding your account, please call me at 253-0240.

Lexington-Versailles Road Corridor Coalition Contribution Balance Due	\$25.00
Outstanding Light Fund Balance Due	\$ _____
Total Due (make checks to to Resident's Inc.)	\$

Legal Fund Balance Due (make checks to The Colony Legal Fund) \$

Thank you,
 Tammy Wheeler, Treasurer
 1205 Colonial Drive



Lexington Fayette Urban County Government

CHIEF ADMINISTRATIVE OFFICER

July 13, 1998

Dear Colony Neighborhood Property Owners / Residents,

This is to invite you to a meeting at St. Rafael's Church on Parkers Mill Road on Thursday, July 23, at 7:30 pm to review and discuss the speed hump installed on Colonial Drive last month, and to gauge the neighborhood's collective interest in moving forward with the provision of additional speed humps in the neighborhood per the agreement between the Colony Neighborhood Association and the developer of John Alden Estates. Present at that meeting will be representatives of the LFUCG Division of Traffic Engineering, Division of Streets and Roads, and the Chief Administrative Office.

With regard to the trial speed hump installed, we have received suggestions regarding the signage and paint markings and would like you to be aware of the following options. It would be acceptable to place one sign on Colonial Drive near the entry to the subdivision to notify motorists that speed humps are in the area and they should drive with caution, rather than placing signs at the location of each speed hump. Certainly signs at each speed hump would be aesthetically unpleasing, and we would support placement of one general cautionary sign at the subdivision entry instead, since there is only one access point to the subdivision. It is also possible to use alternative paint markings to the markings on the trial speed hump, and we will present options to consider at the meeting on July 23.

We will also request that a petition of property owners and residents be conducted on a per-property basis for the streets containing the speed humps. A sample petition has been provided to representatives of the neighborhood association, and it would speed up the process to attempt to complete this petition prior to the July 23 meeting date, if possible. The petition will require that 60% of the property owners on the affected streets sign their approval of construction of the speed humps. The basis for placement of the speed humps is contained in the two options attached to this letter. Speed humps are designed to work in series with each other to effect the desired speed, which in this case is 25 MPH. Spacing is important, and the Division of Traffic Engineering has provided two options for your review in advance of signing a petition and the July 23 meeting. The favored option of LFUCG staff is the plan that contains 10 speed humps, rather than the other plan which contains 13 speed humps. Please review these diagrams in anticipation of discussion of these options at the July 23 meeting.

There has also been some discussion regarding whether the speed humps will have any impact on stormwater drainage. The concurrence of LFUCG staff is that the speed humps will have minimal if any impact on stormwater drainage. The roads in the area have no curbs and gutters, and are paved with an appropriate crown such that stormwater sheds off either side of the roadway into the grassy areas. There have been at least 2 significant rainfalls since installation of the trial speed hump, one of which may have been in excess of 5 inches, with no apparent adverse impacts to stormwater drainage. A review and any discussion of this consideration is also welcome at the July 23 meeting.

Hopefully this information will provide a clear view of the next steps regarding the provision of speed humps for the Colony neighborhood, if the speed humps are in fact desired by a majority of property owners and residents. We appreciate your input and look forward to seeing you at the meeting on July 23.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charlie Boland', written in a cursive style.

Charlie Boland
Office of the CAO

Charlie,

Attached are two possible alternatives for The Colony Speed Hump plan. I prefer Alternative #1 with the 300' spacing between humps and approx. 250' from each intersection. This plan calls for a total of 13 humps. Studies have shown that the most effective speed humps are 60 to 90 meters (200 to 300') apart. Alternative #2 is a more conservative approach with spaces of 400' between speed humps. This plan calls for a total of 10 humps.

On another note, we did get a count and speed study for the area of the new hump before it was installed and hopefully will get another now that the hump has gone in. I think the before data was an 85th percentile speed of 34 mph. I'll be off the next two weeks and will return to work on July 13th so keep me posted on the neighborhood meeting..

Chuck Saylor

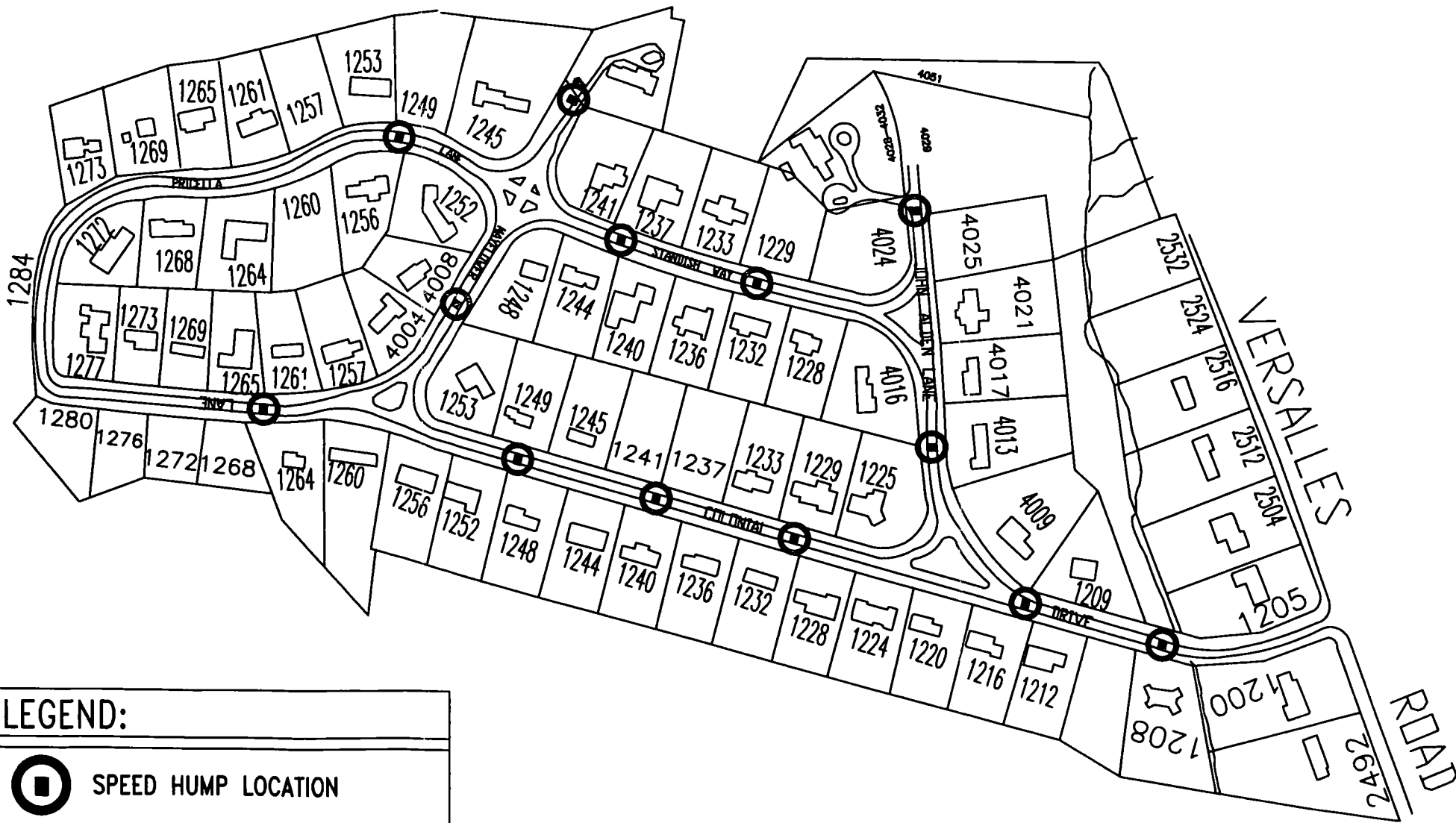
THE COLONY SPEED HUMP PLAN

ALTERNATE #1

PREPARED BY THE DIVISION OF TRAFFIC ENGINEERING

SCALE 1"=300'

JULY, 1998



LEGEND:



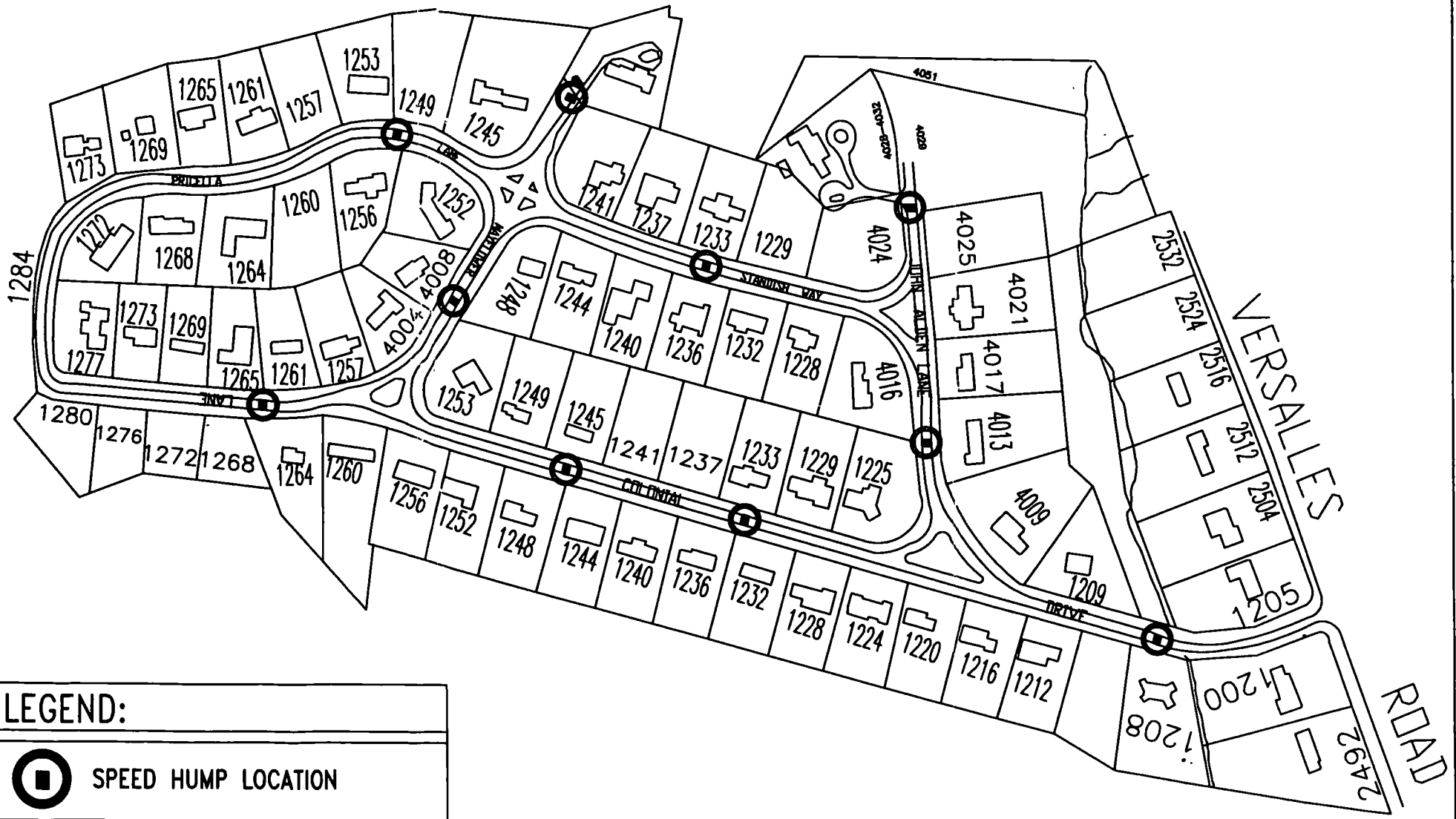
SPEED HUMP LOCATION

THE COLONY SPEED HUMP PLAN

ALTERNATE #2

PREPARED BY THE DIVISION OF TRAFFIC ENGINEERING

SCALE 1"=300' JULY, 1998



LEGEND:

 SPEED HUMP LOCATION

RESIDENTS INC.
Minutes
July 23, 1998

Residents Inc. met at St. Raphael's church at 7:30 p.m. to hear and discuss a presentation by Charles Boland and Chuck Saylor from the Lexington - Fayette County Metro Government regarding placing speed humps in the Colony.

A list of residents who attended is attached to these minutes.

The meeting was called to order by President Fred O'Bryan. Mr. Boland then presented the plans that had been individually mailed to each household. One called for placing thirteen humps including the one already laid at the entrance on Colonial Drive. The second plan called for 10 humps. Mr. Boland pointed out that the developer, J. Williams, has agreed to install six humps. The city paid for the one already installed. If the residents choose thirteen or ten, the question of how to pay was left unsettled. The rationale for the thirteen was to prevent autos braking and then speeding up before the next hump.

Mr. Boland suggested eliminating four [the two on Mayflower, the one on Priscilla, and the one in front of 1265 Colonial] which would leave about six or seven according to the ten hump plan.

Some residents were opposed to any humps. Some wanted the maximum. An informal poll showed that of the twenty-three households represented, sixteen favored humps and seven opposed them. Perhaps a majority wanted six or seven humps.

Mr. Saylor reported on a survey done of traffic before the installation of the hump and after it. Even after the present hump was installed, a considerable number of vehicles were clocked at 39 mph on Colonial.

Mr. Boland pointed out that the height of the humps could vary. The one installed has a three inch center. Four inch centers would slow traffic considerably.

Humps could be painted either with diamonds [as is the present one] or with zigzags. The residents favored diamonds by a considerable margin.

The city has decided that permission will be granted if sixty percent of the residents request them by petition. Such a petition is being circulated from house to house. This would amount to forty-one out of the sixth-seven households. The number of humps, their exact location, and their height as well as any costs beyond those J. Williams incurs will be negotiated if the petition drive is successful.

The issue of the roundabout was raised and it was pointed out by the President that those had been approved when the overall plan

was approved at the meeting on May 22, 1997.

The city in order to implement enhanced 991 has sent letters to persons on Priscilla Lane [aka Standish Way] informing that their street address is now Priscilla Lane. President O'Bryan reported that he had spoken to city officials and the residents of Priscilla could decide that all would be Standish. Residents would be visited and consulted about such a move.

President O'Bryan adjourned the meeting shortly before 9 p.m.

List of Meetings 7-23-98

Edna O'Brien

Wart Whitlow

Pat Wilson

Sybil Ward

Tom Wade

Lowell Bush

Don & Chandra Nuber

C.E. Vinograd

Pat Edgewood

Frank Rose

Clifton Anderson

Jamie C. Kessler

Mary Duff

Jane Baunack

Pat Wilson

Helen Ligon

MYRA JACKSON

Sandy Shafer

Suzanne & Tanny Wheeler

HOWARD MUSGOVE

BONNIE "

MARK CROCKER

BARBARA CROCKER

MARK SHARFF

Allison COX + husband -

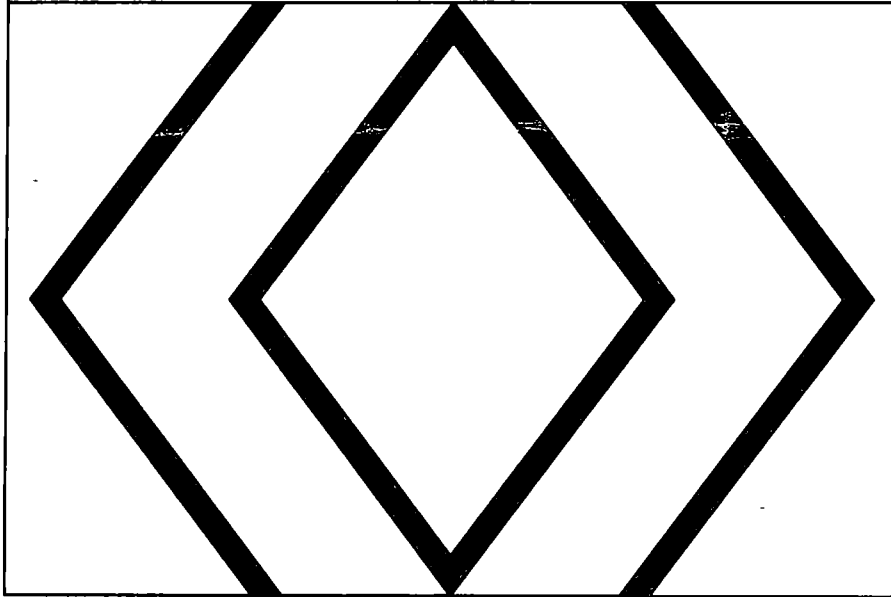
Walter & Joanne

Cliff Hymman

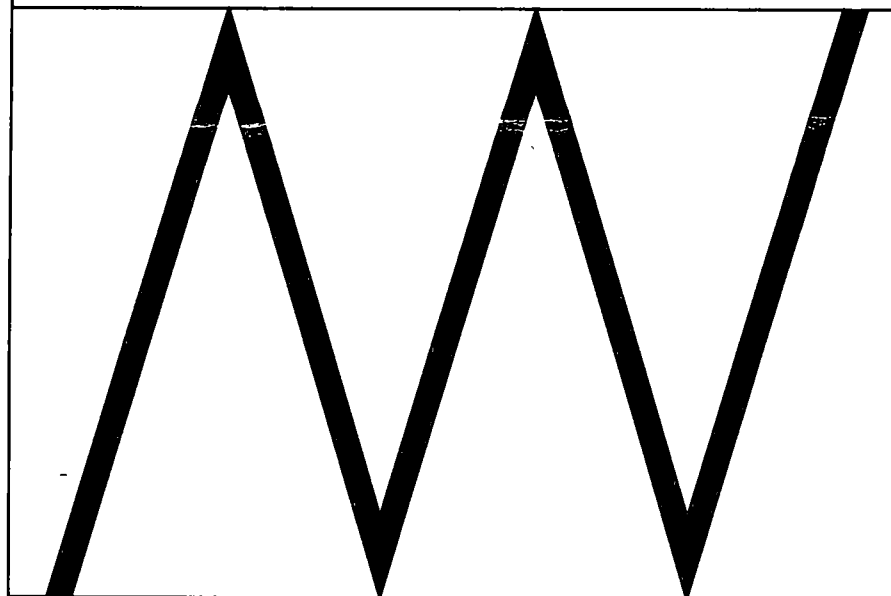
James (late)

ACCEPTABLE SPEED HUMP STRIPING

RECOMMENDED STRIPING ----- DIAMOND DESIGN



ALTERNATIVE STRIPING ----- SAWTOOTH DESIGN





Lexington Fayette Urban County Government

CHIEF ADMINISTRATIVE OFFICER

July 13, 1998

Dear Colony Neighborhood Property Owners / Residents,

This is to invite you to a meeting at St. Rafael's Church on Parkers Mill Road on Thursday, July 23, at 7:30 pm to review and discuss the speed hump installed on Colonial Drive last month, and to gauge the neighborhood's collective interest in moving forward with the provision of additional speed humps in the neighborhood per the agreement between the Colony Neighborhood Association and the developer of John Alden Estates. Present at that meeting will be representatives of the LFUCG Division of Traffic Engineering, Division of Streets and Roads, and the Chief Administrative Office.

With regard to the trial speed hump installed, we have received suggestions regarding the signage and paint markings and would like you to be aware of the following options. It would be acceptable to place one sign on Colonial Drive near the entry to the subdivision to notify motorists that speed humps are in the area and they should drive with caution, rather than placing signs at the location of each speed hump. Certainly signs at each speed hump would be aesthetically unpleasing, and we would support placement of one general cautionary sign at the subdivision entry instead, since there is only one access point to the subdivision. It is also possible to use alternative paint markings to the markings on the trial speed hump, and we will present options to consider at the meeting on July 23.

We will also request that a petition of property owners and residents be conducted on a per-property basis for the streets containing the speed humps. A sample petition has been provided to representatives of the neighborhood association, and it would speed up the process to attempt to complete this petition prior to the July 23 meeting date, if possible. The petition will require that 60% of the property owners on the affected streets sign their approval of construction of the speed humps. The basis for placement of the speed humps is contained in the two options attached to this letter. Speed humps are designed to work in series with each other to effect the desired speed, which in this case is 25 MPH. Spacing is important, and the Division of Traffic Engineering has provided two options for your review in advance of signing a petition and the July 23 meeting. The favored option of LFUCG staff is the plan that contains 10 speed humps, rather than the other plan which contains 13 speed humps. Please review these diagrams in anticipation of discussion of these options at the July 23 meeting.

There has also been some discussion regarding whether the speed humps will have any impact on stormwater drainage. The concurrence of LFUCG staff is that the speed humps will have minimal if any impact on stormwater drainage. The roads in the area have no curbs and gutters, and are paved with an appropriate crown such that stormwater sheds off either side of the roadway into the grassy areas. There have been at least 2 significant rainfalls since installation of the trial speed hump, one of which may have been in excess of 5 inches, with no apparent adverse impacts to stormwater drainage. A review and any discussion of this consideration is also welcome at the July 23 meeting.

Hopefully this information will provide a clear view of the next steps regarding the provision of speed humps for the Colony neighborhood, if the speed humps are in fact desired by a majority of property owners and residents. We appreciate your input and look forward to seeing you at the meeting on July 23.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charlie Boland', written in a cursive style.

Charlie Boland
Office of the CAO

Charlie,

Attached are two possible alternatives for The Colony Speed Hump plan. I prefer Alternative #1 with the 300' spacing between humps and approx. 250' from each intersection. This plan calls for a total of 13 humps. Studies have shown that the most effective speed humps are 60 to 90 meters (200 to 300') apart. Alternative #2 is a more conservative approach with spaces of 400' between speed humps. This plan calls for a total of 10 humps.

On another note, we did get a count and speed study for the area of the new hump before it was installed and hopefully will get another now that the hump has gone in. I think the before data was an 85th percentile speed of 34 mph. I'll be off the next two weeks and will return to work on July 13th so keep me posted on the neighborhood meeting..

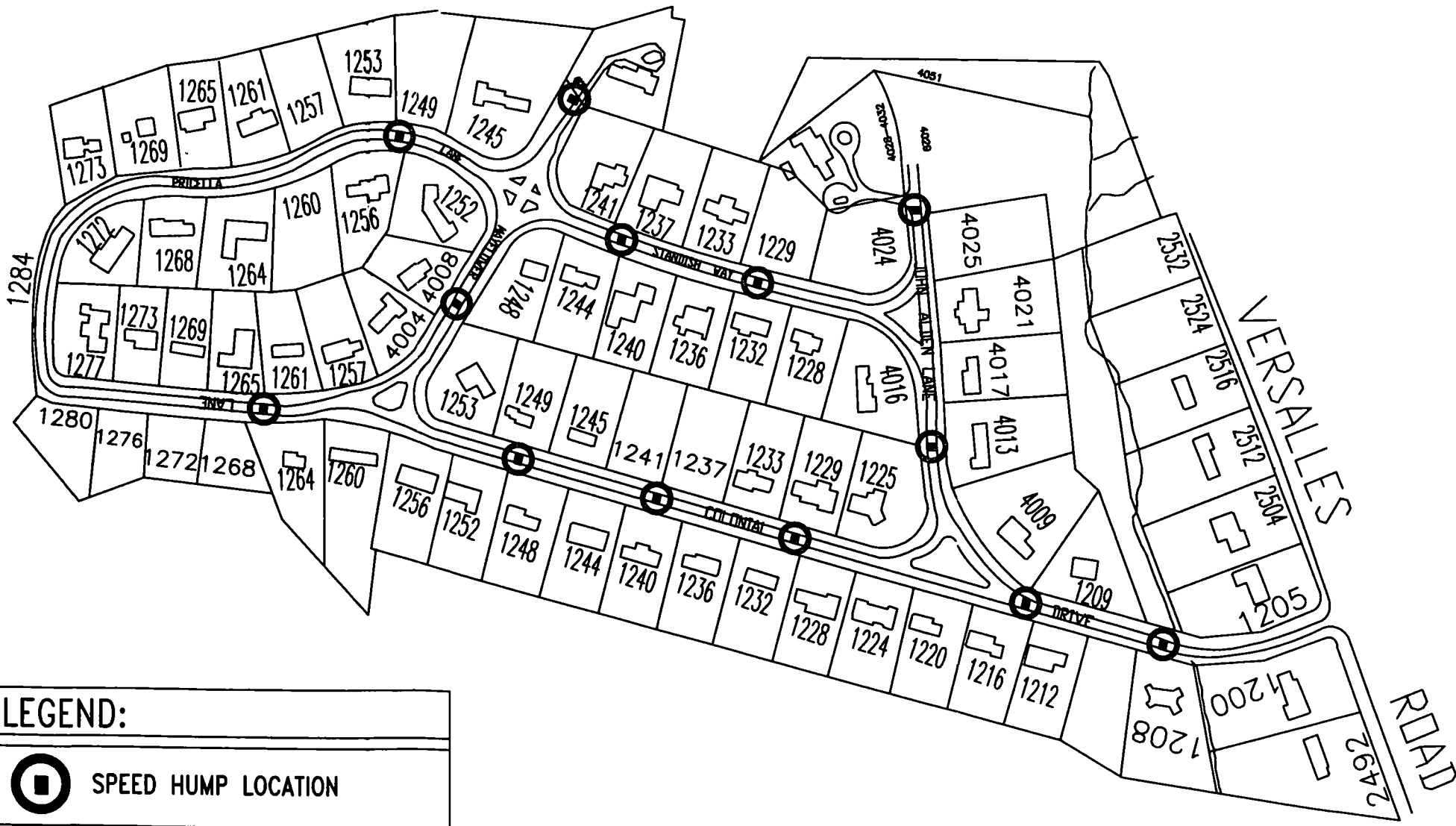
Chuck Saylor

THE COLONY SPEED HUMP PLAN

ALTERNATE #1

PREPARED BY THE DIVISION OF TRAFFIC ENGINEERING

SCALE 1"=300' JULY, 1998



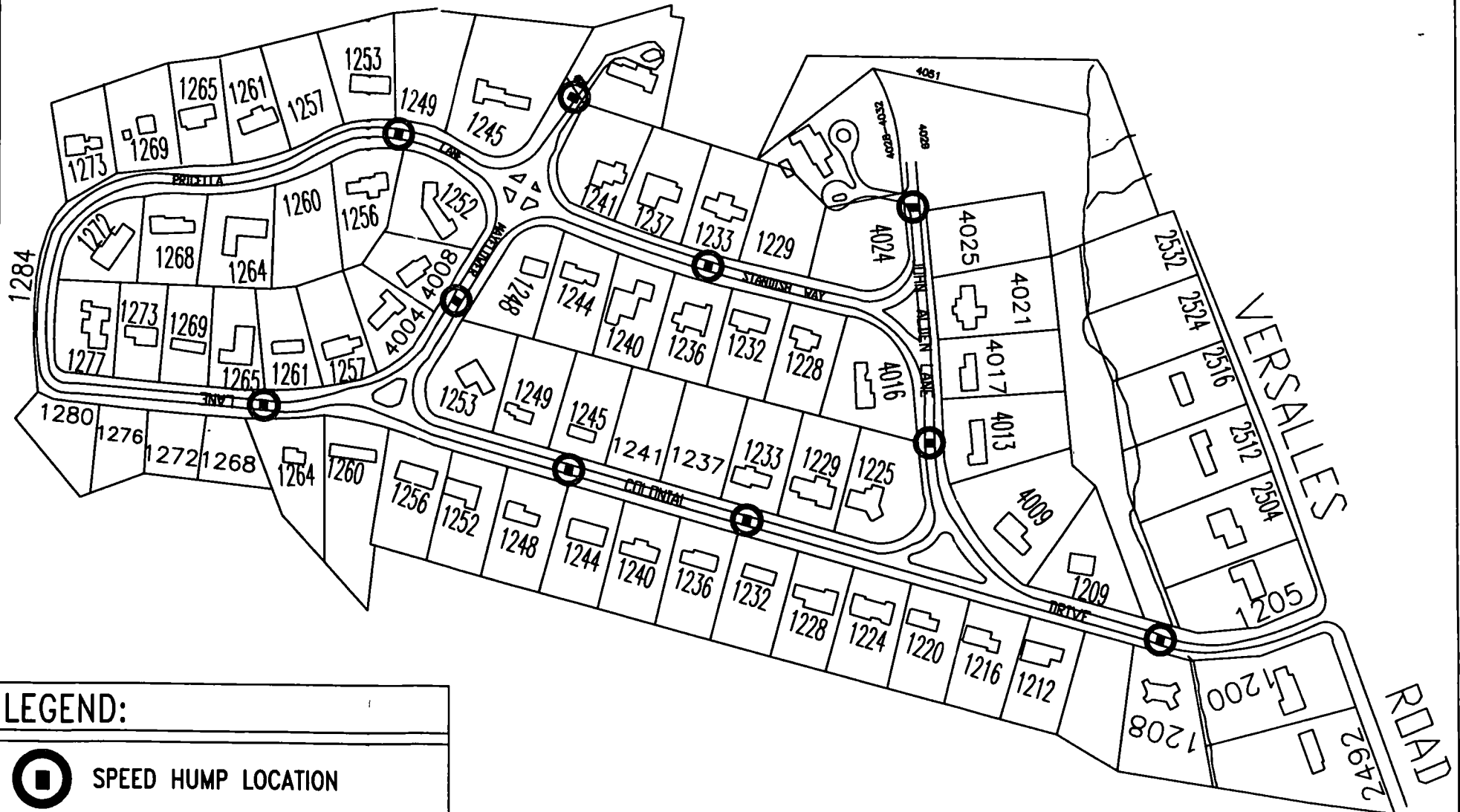
THE COLONY SPEED HUMP PLAN

ALTERNATE #2

PREPARED BY THE DIVISION OF TRAFFIC ENGINEERING

SCALE 1"=300'

JULY, 1998



LEGEND:



SPEED HUMP LOCATION

Statement for: O'Byern

August 17, 1998

At our annual meeting on ~~June~~ ^{July} 23, Todd Stricker and Russell Casey from the Lexington-Versailles Road Corridor Coalition discussed their organization and solicited the support of The Colony. This organization is comprised of many of the existing residents who live close to Versailles Road, including strong representation from many area horse farms and neighborhood associations such as Wellesley Heights. They discussed the impact their organization had in the early planning stages of the new park to be built on the Kentucky Coal property, moving much of the park access and activity toward the Parker's Mill side and away from the Versailles Road side where the city had initially planned to build a baseball complex similar to the one at Shilito Park. **In a show of support for this organization, the membership at this meeting overwhelmingly passed a resolution to support the Coalition through voluntary member donations of \$25/year for 5 years.** Members may pay a one-time \$125 contribution if the prefer not to be billed each year. The treasurer will collect and track these voluntary donations and funnel these funds to the Coalition in a timely fashion.

In other business at the annual meeting, an update was given on the progress of the new development. Among the news reported at the meeting....

- The City has formally approved the landscaping and entryway plan for the existing Colony neighborhood shown at the 1997 annual meeting. The developer should be continuing this work throughout the summer and fall (at his expense).
- The new neighborhood construction is proceeding. Approximately 30% of the lots have already been sold. The developer expects the average home price in the new neighborhood to be around \$300,000 with a high end of approximately \$600,000.

We received a bill from Bruce Simpson for work completed from February 1997 through February 1998 including attendance at several council hearings to represent the neighborhood on the plan agreed to at the 1997 annual membership meeting. To our knowledge, this bill represents the final balance due to Mr. Simpson unless new actions arise which require his attention. This bill for 37 hours of work for the neighborhood totals \$3872.72 leaving the legal fund with a deficit of \$85.23 as of August 17, 1998. The membership had previously authorized the board to assess each household up to \$35 a peice to cover this new debt if necessary. Before asking all members to contribute more, we are asking those with outstanding balances to please make every effort bring your account up to date.

The statement below reflects a current statement of account for your household. If you have questions regarding your account, please call me at 253-0240.

Lexington-Versailles Road Corridor Coalition Contribution Balance Due	\$ 25.00
Outstanding Light Fund Balance Due	\$ <u>0</u>
Total Due (make checks to to Resident's Inc.)	\$ <u>25.00</u>
Legal Fund Balance Due (make checks to The Colony Legal Fund)	\$ <u>0</u>

Thank you,
Tammy Wheeler, Treasurer
1205 Colonial Drive