

ON TUESDAY, OCTOBER 6TH, 2009 THE BOARD OF ARCHITECTURAL REVIEW HELD A MEETING IN THE COMMUNITY ROOM OF THE WOODFORD COUNTY COURTHOUSE TO HEAR THE FOLLOWING APPEALS:

The meeting opened at 5:00 P.M. with those being in attendance as follows:

MEMBERS PRESENT: Erin Shoot, Kevin Locke, Jean Lawson, Debra Shockley, Staff members Paul Noel Jr. and Petra Dotson

MEMBERS ABSENT: Larry Leach

Ms. Lawson asked Mr. Noel if Dan Sparrow finished the windows on the third story? Mr. Noel did not know as Mr. Sparrow has not called him. He stated he did see him working on the side window where he had to take the brick out. One of the windows was already there and it was just a matter of covering it up. All the windows were there so it was just a matter of getting them trimmed in. Mr. Noel stated the last word he heard from Mr. Sparrow was that he wasn't going to bother with the third floor windows because he didn't want to have to do whatever the Board told him to do.

MINUTES: Kevin Locke motioned to approve the July 7th, 2009 Historical District meeting minutes, as seconded by Erin Shoot. Motion carried 4-0 in favor.

BOAR# 10-013-2009 - Buena S. Bond – 220 Morgan Street – R-2 Zoning District – Applicant is seeking a Certificate of Appropriateness to remove a huge Siberian Elm tree in from of the home

Buena Bond introduced herself and stated she is requesting permission to remove a huge Siberian Elm. It is on the city's easement in front of her house. The past 10 years and the ice storm have caused problems for the tree. The tree has ruined an iron fence and the corner of the porch back in 2003. Ms. Bond stated she feels her job is to preserve the property and not the Elm tree. At this point the Elm tree is taking precedent over the property. Therefore, she is looking for permission to take the tree out. Both the arborist and the City agree with Ms. Bond. Ms. Bond stated she has lived there a long time and she has tried her best to live with it but it is more of a hazard then it is an asset at this point.

Mr. Locke asked if there were plans to replace the tree. Ms. Bond discussed options with the arborist and he suggested a Yellowwood tree. The root structure of the tree covers the entire section of the easement. Even though there is a plan to grind them out it will be a long time before anything can be planted there. Ms. Bond will be looking at replacement next fall. She has replaced a Maple tree that was lost in the storm. Several years ago GTE removed the root structure of all the trees in that area. The Elm tree was the only one remaining. GTE dug out 8 feet and dug out all the root structures of the tree and filled it with gravel. The maple tree died instantly so that was replaced. Mr. Locke asked if Ms. Bond is going to grind the stump down below the grade. Ms. Bond stated that was the plan. She stated the tree has caused drainage problems for her.

Ms. Shoot indicated she has had tree problems herself. She understands about the historic district and is not sure whether the tree is native or not. Ms. Shoot stated the tree does seem like it is overgrown. While she believes there may be an issue in a new development and tearing down trees but in this case there is a historic property where the tree is conflicting with the property. It appears the damage has already been done.

Ms. Lawson indicated, when looking at the photo, it appears the tree may be a hazard to the property. Ms. Bond stated she is trying to preserve the property. Mr. Noel referred to the Woodford Sun picture (provided with the application) and stated the tree forks and where the tree forks on the right it goes up over the house. If that part of the tree gives any it can damage the roof. Ms. Shoot stated, when looking at the photo the bricks over the root system, it is not fair to leave the tree. It will eventually die. Ms. Shockley stated she has the same thing in her driveway with a Maple tree which will eventually turn in to a one car driveway because the roots are growing.

Mr. Locke moved to approve the Certificate of Appropriateness as seconded by Ms. Shoot. Motion carried 4-0 in favor.

Ms. Noel advised Ms. Bond she will receive something from Planning and Zoning in the mail; however as of right now she can begin the process of removing the tree. Ms. Bond stated she brought this to the Board when she started getting estimates to take the tree out and they told her they would get fined if not approved by the Board of Architectural Review. Ms. Bond stated it has been an ordeal and it has been expensive. She stated she thinks the Board of Architectural Review's position goes beyond where it should. The job is to preserve the architecture and not the trees. It has cost her considerable amount of money to get the approval of the arborist as well as the fee for the application. Ms. Bond indicated she feels as if she has already been fined.

Mr. Noel explained back in the 1970's when the historic overlay was put on Morgan Street and Rose Hill it was done 200 feet from the center line out. Anything within that falls under the guidelines. This is the reason it has trees, out buildings and fences in that area. Ms. Shockley indicated the National Historic register considers a tree canopy almost as important as architecture. Tree canopy is one of the beauties of driving through an old town. Back in the day when trees were planted, nobody talked about appropriate street trees. Ms. Shockley stated she thinks people are more aware today of what is appropriate. Ms. Bond stated she thinks it should have been a decision between her and the city.

BOAR # 10-014-2009 Virgil Mathews Estate/Bob Mathews – 114 Rose Hill – OHB-2 Zoning District – Applicant is seeking to construct a new building because

A representative was not present and therefore the case was not heard.

Ms. Lawson moved to adjourn the meeting, as seconded by Mr. Locke. Motion carried 4-0 in favor.

URBAN CODE

BOAR # 10-015-2009 Jerry Woodall/James McKee –Lots 501-571, lots 263-288, lots 1-16 and 23-36 of Wooldridge Gardens Section 1-B & 2-A plus Section 3-A, respectively - R-1C/PUD Zoning District – Applicant is seeking approval to install Roger Vinyl windows

MEMBERS PRESENT: Erin Shoot, Kevin Locke, Jean Lawson, Debra Shockley, Staff members Paul Noel Jr. and Petra Dotson

MEMBERS ABSENT: Larry Leach

Mr. McKee introduced himself. He stated his request is to use vinyl windows which were previously approved on two other homes that have been built in the area. Mr. McKee brought a sample of the window to the hearing. He distributed a letter to each of the Board members and requested the Board review the letter when they are deliberating over the New Urban Code.

Mr. McKee showed the window to the Board and indicated that is what he wants to use on the Phase II development. He stated there is no window approval list and the window does not meet with the New Urban Code guidelines. The request is for a blanket approval for the entire subdivision. The window is a new version of what Mr. McKee has in his home. He has been very pleased with the performance. The window is a lowE, Argon field window that meets Energy Star guidelines. It has a maintenance free exterior. It is a single hung window. Mr. McKee referred to the window sample and stated that it is a smaller version and the type of pattern that they want to use in order to give the craftsmen style that is indicative of the New Urban Code development. Mr. Anderson utilizes a similar window and it has met all the requirements for the 2009 building codes. Mr. McKee referred back to the window itself and discussed the materials throughout the window. He stated he will be using wood trim on all the interiors. From the inside, the window sash is similar to a wood window so you won't see much of anything. At this time Mr. McKee was pointing to parts of the window to describe what parts would be visible.

Mr. McKee stated he understood the point of contention on the window is that there is not a true divided light. He stated he has been doing his best to build affordable homes. He is hoping to build homes for as little as \$140,000 which is very competitive for new homes today. The buyers and first time home buying market segment wants as low maintenance as possible. A lot of times it is a stretch to buy a first home so they want things to be attractive and as low maintenance as possible. The window fills that need and it does so in an attractive and appealing package.

Mr. Noel indicated the only units Mr. McKee can receive approval on are the units listed on the application. These lots are all on the High Street/McCowans Ferry Road side. Mr. McKee explained that he provided the lot layout with his application and highlighted all the units which include the town homes. Ms. Lawson referred to the lot layout and asked Mr. Noel about the units on Ridgeview Road. Mr. Noel stated it is included and includes everything that has been

developed thus far. Ms. Lawson referred to a small section of the lot lay out and asked if that was included. Mr. Noel indicated they are and he believes they are lots 23-36. Mr. McKee confirmed this. Lots 1-16 and 23-36 are the town homes.

Mr. Locke referred to the sample window and asked Mr. McKee if that was the exact window that will be used. He asked if it was going to be 3 over 1 and have muntins? Mr. McKee stated it will be 3 over 1 and on a larger to scale in case of egress or bedroom window. The sample is for something like a kitchen window. It may be more square and would be 3 foot wide by 3 foot tall because it has to be tall enough to be over a kitchen sink.

The window he is requesting are the same windows on 112 & 116 Chinoe Way. Mr. McKee invited the Board to come out and visit the homes. Mr. Noel explained those are the two that received the approval from the gentleman in Washington.

Mr. Locke asked what the options are with regards to muntins? Mr. McKee said you can do whatever you choose. Mr. Locke stated he meant whether they are applied vs. interior. Mr. McKee stated they are in between the glass with the new Energy Star requirements. Mr. Locke asked if they make an applied exterior muntin that would not affect the Energy Star requirements? Mr. McKee stated the Rogers company makes a window like the sample he provided with little pieces of wood trim which he indicated looks worse. Since they are painting the trim it provides a nice linear break where the wood meets the vinyl so it looks a lot nicer. With the wood trim, you will have a painted piece next to an extruded vinyl piece and it might be difficult to match that exactly.

Mr. McKee stated they are building with the goal of attracting first time home buyers. He has spoken with several people and qualifying for mortgages is tight. The bankers are dealing with a lot of single woman who are head of household, young professionals like school teachers, fire fighters and nurses. Mr. McKee indicated he did look at a wood window. If you have 8-9 windows, per home you are looking at a difference of \$375 per window. This means it is an added cost of about \$3500-\$4000 on a home where there is no tangible benefit but it looks nice from the outside. If you add that \$4000 it is not only harder to market the product it will also be difficult to qualify buyers. If you take the young professional, like a first year school teacher, and take that added cost of \$3500-\$4000 it would be an extra \$25 in house payment a month. An additional \$100-\$140 per month in income would be needed in order to qualify.

Mr. Locke asked if there are going to be shutters on the windows? Mr. McKee stated in some cases there will be but not in every case. Ms. Shockley reviewed her notes and indicated she wrote clad wood, aluminum or vinyl is not defined in the window section. She stated the Board did not approve a solid vinyl window back in Nov 2008 for Bob Derringer and then her notes say they were approved back in December 2008. Mr. Noel stated they were approved for the town homes. Ms. Lawson stated Mr. Derringer was using applied exterior muntins. Mr. Noel stated Mr. Derringer wanted to use vinyl which was ok because they were not visible to the street. He was approved for vinyl with the 2inch relief in the front of the homes. Ms. Lawson asked if those were for the brick town homes. Mr. Locke stated Mr. Derringer was able to get the 2" relief because of the brick. Ms. Shockley referred to a photo taken on Ms. Lawson's phone showing Dennis Anderson's windows. Mr. Noel indicated those windows are made of wood.

Mr. Noel stated Mr. Anderson started building when it was brought up about the vinyl and the 2” relief so he took the windows that were initially installed out and replaced them.

Mr. Locke asked what the material is going to be used for the trim? Mr. McKee stated a 1x6 or 2x6 redwood and to get the 2” relief they will add a trim. The trim can either be molded or they would take another partial 2 x4 and turn in flat way. Mr. Locke asked if it was cement board siding or brick? Mr. McKee stated it’s a combination of brick up front and vinyl siding on the sides. Mr. Noel asked if there were any windows on the sides of the home? Mr. McKee stated not typically but in some cases there will be.

Mr. Noel advised the Board’s previous decision is that vinyl windows were to be left on a case by case basis. There was no interpretation. As far as muntins, it was previously decided that true divided light or exterior applied muntins are acceptable with a 2” relief that is measured from the upper glass. Ms. Lawson wanted to know about the homes there were already built in Wooldridge and Mr. Noel explained those homes are not under the Board of Architectural Review New Urban Code. They were approved elsewhere. Ms. Shockley asked if they were approved by Mr. Ferrell for which Mr. Noel confirmed they were. Ms. Lawson asked about how the decision was made to change the windows on the Anderson homes. Mr. Noel stated Dennis Anderson made the decision to change the windows on his own. Ms. Lawson stated those windows do not have applied or true divided light. She stated the divisions are in the interior.

Mr. Locke advised Mr. McKee during a work session, the Board provided an interpretation of the New Urban Code on windows. Mr. Locke read from the BOAR New Urban Code Interpretation which stated windows should be divided by true muntins or exterior applied muntins only; interior or in between glass will not be approved. Mr. Locke explained that was the interpretation the Board agreed upon. Mr. McKee asked for a copy of that interpretation. Mr. Noel explained to Mr. McKee that the Board has interpreted the New Urban Code and set their standard. Mr. McKee asked if that was available to the public? Mr. Noel indicated he provided a copy Mr. McKee with the last three permits. Ms. Shockley indicated the Board has had work sessions to make interpretations because there is a lot in the New Urban Code that is not defined. Mr. Locke explained the Board interpreted Section E1. which states “Windows should be divided by muntins into multiple panes to provide detail and hold the surface of the façade-rather than the “hole” effect that a large single sheet of glass produces”. Mr. McKee referred to the photos provided in his application and explained that he went through a lot of areas downtown Lexington around the historic district. The photos are indicative of the homes used in the Code to display massing and porch structures. Two things that occurred in downtown Versailles on the old historic homes; either they have no storm windows in terrible shape and they are the true divided light or you have old windows that have full plate glass storm windows. Those two things are practically in every home in that district. Mr. McKee stated to deny the approval of the Rogers window because it has one sheet of glass appearance should not be applicable because of the existing storm windows that are all over downtown Versailles and that defeats the very purpose the Board is trying to achieve. Mr. Noel indicated these homes are the only houses that have been and will be built under the New Urban Code. There is nothing else in Woodford County. Mr. McKee stated if the Board demands that he use a window with true divided light it will add an extra expense and he feels he is being penalized. Anyone who builds in that area will require extra costs of several thousand dollars per house on something

that is not being enforced in any other zone or any where else in the community. It is against what currently exists in the historic area downtown. Mr. Noel stated that was the purpose of the New Urban Code and that is what the developers asked for. That was in the approval in the zone change.

Mr. Jerry Woodall introduced himself. He has been involved in the development and has been for three years. To date, there are 3 houses, 6 town houses and 2 others. They are trying to build 3 more. Mr. Woodall got involved with Mr. McKee to spur something in the development since nothing has been happening. Mr. Anderson has not sold his homes. The town homes are partially rented. Mr. Woodall explained they are trying to make something happen. They can not afford to put \$3000 more in to the homes. They want to build 3 more. He explained he brought his banker with him who is concerned about the situation. They need a break on the houses to be competitive in the marketplace. Mr. Woodall indicated he does not know what the builders agreed upon since he was not involved. He stated times have changed and the economy has changed. The market has changed and the values of the lots and houses have changed. He stated there is nothing wrong with the window and he would not want a wood window in his own home.

John Soper of Citizen Commerce introduced himself. He explained that he wanted to provide a different perspective about the situation and look what is happening to the people who are buying the houses. The problem is that most of the buyers are going to see private mortgage insurance. The extra \$4000 in added expense filters through and adds 2% to the monthly payment. The back end ratio; their total debt to income ratio or total monthly payments to income can be no higher than 41%. Many of the buyers are on the bubble that adding \$4000 is going to knock a lot of those buyers out of the market. It's not only looking at it from the builders and developers side but what is being done to have affordable housing. Factories are closing down and the reason is because there is no affordable housing for factory workers. There has to be affordable housing and that is what Mr. McKee and Mr. Woodall are trying to do. He stated he agrees with Mr. Woodall that to put a true divided light window in the homes that do not have a lifetime maintenance guarantee like the Rogers windows is a double burden; the people won't be able to afford the houses and they won't be able to afford the maintenance. This will cause you to end up with what is downtown now. Mr. Soper stated we are almost in a crisis stage in terms of new housing in this community and mostly in affordable housing. Mr. Locke explained he does not think the choice is between the window or a true divided light. There is an option for an applied muntin and if you look at the cost difference between a window that has an applied muntin vs. the Roger window it is not \$3000 or \$4000.

Mr. McKee stated there is no approved list. It has been immensely frustrating to build homes that are in his own backyard. Every time he tries to do something in the subdivision everything is interpreted in its most restrictive and with the largest constraint. Mr. McKee stated he already received approval for the windows and now he is back trying to do it a second time. This is why he is asking for approval for everything. He does not understand why a window can be approved once and can't be approved again. There are all types of little features that are required out of the New Urban Code that don't make that much of a difference to include the 2" relief and the wood trim piece around the window. A lot of building materials, like cement siding would be nice to use but the cost is prohibited. Real wood doors would be nice but for the cost and the

maintenance since they warp. There are a lot of things in the New Urban Code that would be wonderful if you did not have the constraints of a budget or if you are building homes that were selling for a quarter of a million dollars in the market place. Mr. McKee stated he is trying to build homes that are the beginning of home ownership in Woodford County. Every time he approaches a county and wants to build from the beginning and to make it nice and affordable he runs it to problems.

Mr. Noel indicated he wanted to clarify where the Board of Architectural Review is coming from. The Board was charged with implementing and interpreting the New Urban Code by the Planning and Zoning Commission. The Planning and Zoning Commission accepted the offer to build under the New Urban Code by the developers and the zone change was granted with that stipulation. The Board of Architectural Review does not have the power to throw out the New Urban Code. When the New Urban Code was put together there was no consideration for how much it would cost per lot or per house. The Board of Architectural Review cannot act on cost rather they can only act on appearance. The New Urban Code is all about appearance. That is what the Planning and Commission has asked the Board to do. The Board is to judge if there is an alternative use or method or product that is equivalent or better in appearance. If, in the Board's judgment, there is not then they are to deny the request. Mr. McKee stated he thinks the evidence points to the reasoning Planning and Zoning has given New Urban Code to the Board of Architectural Review is because they don't want to be bothered with it. So every time a window needs to be scooted down 6" the Board has to review and decide on it. Mr. McKee stated the bottom line is the Board has the responsibility. He has someone in Birmingham, Alabama that makes extruded metal windows; he can get a Uhaul truck and get enough windows for the development. He can do it in one trip at an affordable cost. Mr. McKee stated by not allowing him to do this the Board is going to mandate whoever buys those homes use a metal window in a climate where it is not feasible. Everybody has seen homes around here built in the 60's or 70's with metal windows and what happens to them. This will be the same thing happening to the new homes. He stated they are trying to bring affordable homes for the first year school teacher that doesn't have a big wallet. They are trying to keep them in the community so that when they get married and start their families they stay in the community.

Ms. Shockley stated she appreciates what is being said. She is looking at long term, like 20 years from now. She stated she believes metal window is a knee jerk reaction. Who would want to buy a town home with metal windows? Ms. Shockley stated she believes the thing to do is think long term. How many years will the mortgage be for? Typically, you will try to re-sale because it's a starter home. Usually it will be leased or re-sold for a profit and hopefully we will not be in a bottomed out economy forever. Mr. Woodall stated he would rather have a vinyl window than a wood window. Ms. Shockley stated she agrees and she has an older home and half her house has wood windows and half vinyl clad windows. Mr. Woodall stated under the New Urban Code it says equivalent or better practices and products are encouraged. In today's technology the vinyl windows are better than wood windows. Ms. Shockley stated she agreed and does not have a problem with that. Mr. Noel states it goes back to what he said earlier which is appearance. Ms. Shockley stated through the work sessions, the Board has tried to make some interpretations of what are key features to the exterior elements that make the look of the buildings unique. She stated if the builders go with flat windows or no exterior applied muntins then the New Urban Code has gotten lost. Ms. Shockley stated if you read the New Urban Code

from start to finish it contradicts itself about every third sentence. It was written very oddly. Coming from an architectural background, Ms. Shockley stated she would have kept the materials consistent. Mr. Noel stated 80% of what is in the New Urban Code came from the 2 year input sessions. Ms. Shockley stated the Board has determined the 2" setback is important. The Board has been consistent in requiring true divided light and exterior muntins. Ms. Shockley stated the Board has been trying to be consistent with their approvals and their voting so it is fair to everyone. She stated she appreciates the community awareness and the first time home buyer mentality. She went through it herself and it is a great program. She is thinking long term, 10-15 years from now, and hopefully the economy is good. The economy is bad now, square footage prices is off the charts.

Ms. Lawson stated in the latest home builder survey it said 76% of builders are not building. Only the big builders will exist in the future. Ms. Lawson stated what has been difficult is that the Board was not asked if they thought they were the appropriate Board for this. Ms. Lawson stated the Board actually asked if they can turn the New Urban Code hearings down. It is hard for the Board to wear two hats. The Board has worked long and hard and feels comfortable with the historic district cases. It is hard to start historic, dismiss it and then start up with the New Urban Code. Ms. Lawson stated they were given the New Urban Code with certain things previously approved such as vinyl siding. That changes the whole look of everything anyway. Over the years the Board has been so careful to be consistent within the historic district. Ms. Lawson stated 5 years ago when she went to the remodeler open house, throughout Lexington and in all the (south one) areas, they were starting to get affordable homes. Ms. Lawson stated they did not have just one window and they are not all applied windows and true divided lights. She knows buyers don't want wood, metal or vinyl clad windows. Even with the affordable issue, buyers would prefer metal windows in a half million dollar home. Ms. Lawson stated she understands with what Mr. McKee is saying. Ms. Lawson asked Mr. McKee what he will do to get the 2" dimension. Mr. McKee referred to the window to show where a 2 x 6 will be put. Ms. Lawson asked how many inches will it stick out? Mr. McKee stated the 2 x 6 inch part of the window will stick out approximately 1/2 an inch. The other piece, whether it is a molding applied to the 2x6 or a separate piece, will go perpendicular to that 2x6 to get the 2" relief. Ms. Lawson asked Mr. McKee if he can get the 2" relief with no problems. He responded that he could. Ms. Lawson asked if that would cause some additional maintenance? Mr. McKee stated in all of the homes, going back to the New Urbanism, the windows are trimmed with some type of material like a 1x6 or a 2x6, so you will have to deal with that anyway. It may require some type of painted product. Mr. McKee stated the trim will be the only maintenance but he said all the trim could be painted in just one afternoon. Ms. Lawson stated that redwood is more expensive? Mr. McKee stated it is but it is durable and it will last.

Ms. Lawson asked if the case is down to true divided light or applied exterior muntin? Ms. Shockley stated that was correct. Mr. Locke stated he thinks there is not a big cost difference between an exterior applied muntin and true divided light and a lot of vinyl manufacturers have the option of exterior applied muntins.

Mr. Noel indicated he wanted to point out the issue to keep things organized which is to accept or not accept vinyl windows, then get to the relief and then muntins. Ms. Shockley indicated she was trying to think back with regards to the vinyl windows that were not previously approved

which were the SunVinyl windows. She stated it was solid vinyl inside and out. Ms. Shoot stated it didn't involve the 2" relief. Ms. Shockley wanted to know about the other windows the Board has previously approved and if they were aluminum clad or vinyl clad? Mr. Noel stated there has not been anybody else who have asked for windows. Mr. Noel stated Mr. McKee was the only one who has asked for windows. Ms. Shockley asked what the Board approved on December 2nd, 2008 for Mr. Derringer? Mr. Noel stated he asked for window on the town homes and 2 more that he had foundations on. Ms. Lawson stated those were brick homes so there was not an issue with the 2" relief and remembers that Mr. Derringer had windows from a company he likes. Ms. Shockley asked if Mr. Derringer brought the Sun window back?

Mr. McKee asked if the problem here is the muntins being in between the glass which does not have anything to do with the New Urban Code and has to do with the Board's interpretation? Mr. Locke stated it does have to do with the New Urban Code. Mr. Noel stated it is the Board's interpretation of the New Urban Code. Ms. Shockley stated the New Urban Code has a preface page with a few examples and then following page goes in to the code descriptions. She stated what is bad is that a lot of the important information is in the preface page. The Board's interpretation is based on the preface page as well. She gave an example of the preface page that says windows should be divided by muntins into multiple panes; this is what the Board made an interpretation from. Mr. McKee stated he attached that page to his application. He stated he and the Board are talking about two different interpretations over the same sentence. Mr. McKee read from the code as follows: windows should be divided by muntins into multiple panes to provide detail and hold the surface of the façade- rather than the "hole" effect of a large sheet of glass produces. He stated he thinks the code is talking about a 1 over 1 window. Ms. Shockley indicated that section means if you look at the window from an angle with the muntins in between glass the glass appears to be one piece of glass. Mr. McKee stated all the homes downtown have storm windows and have that same thing. He stated if you put wood windows on and kids knock off the muntins that are applied from the outside and put storm windows on you have the same effect. Ms. Shockley stated the applied muntins the Board is looking for are actually captured in the window frame in the glass pocket. Ms. Lawson stated those are the exterior applied. Ms. Shockley stated any exterior muntin is going to be at the tale end of the frame and will be captured in the glass pocket.

Mr. Locke stated when he reads the code it says when windows have muntins and it is not talking about a 1 over 1. It is saying where there is a muntin it needs to provide detail and hold the surface of the façade; So you are producing the appearance of a large single sheet of glass. He explained that is the way the Board interpreted that.

Ms. Shockley asked Mr. McKee if he knew if the manufacturer has a feature for applied exterior muntins? Ms. McKee stated he asked and they do not have that feature. He stated that if they did, unless you use brick on the entire structure, and you put an applied muntin on it will bring the relief out even further. Mr. Locke explained it would be from the glass surface. Mr. McKee stated it will be unprotected and exposed to the weather. McKee asked if those muntins would be made out wood? If so, the lifespan is affected. Mr. Locke stated some of the other vinyl windows have vinyl muntins that are exterior applied. Mr. McKee asked Mr. Locke if he wanted a vinyl muntin on the outside of the window? Mr. Locke asked if he was going to have a vinyl window why wouldn't he have a vinyl muntin? Mr. McKee stated the Rogers window is the one

he can use affordably; he thinks it is attractive and it meets the intent of the New Urban Code. He stated he thinks they are interpreting the code differently.

Mr. McKee stated in moving forward he would like for the Board to come to a conclusion and/or to get the windows approved. He stated he thinks there should be a list of approved windows to give the builders something to go by. Mr. McKee has asked Mr. Noel a few times if there is a particular window that has been approved and he was told it would have to go in front of the Board. Mr. McKee told the Board that if they want a specific window with a specific relief then the Board has to create those guidelines. He is unable to spend time chasing windows and keep trying to get approval. Mr. Noel asked Mr. McKee who he would want to do that? Mr. McKee stated the Board has the responsibility. Mr. Noel stated the Board has the responsibility of approval only.

Mr. Noel told Mr. McKee that the developers should take serious consideration in going back to the Commission to get relief on the New Urban Code. The economy is different and there is an argument to do that. Mr. Woodall asked if the Board would be willing to present the problems that they have been having with the New Urban Code? Mr. Noel stated if they are requested to they will. Ms. Shockley and Ms. Lawson both confirmed they would. Mr. McKee stated he would like to have approval on the windows tonight at the very least.

Ms. Shockley stated the Board approved a window for Mr. Derringer that had an applied muntin. She stated she could not remember the brand. Mr. Locke indicated it was a Sun window. Ms. Lawson stated there are windows sitting out there right now that have the internal divisions. Mr. Anderson's New Urbanism type homes are being held up as the ones that are doing well and that have low maintenance and people are buying. Mr. Woodall stated maybe in Boston but not here. Ms. Lawson stated Townley has the internal muntins on the windows. She has seen them used a lot, even within the neighborhoods in Lexington. They are using this in comparison to using the true divide. Mr. Woodall stated they are trying to build that type of home in this development and Ms. Lawson stated she agrees.

Ms. Lawson stated it is a matter of opinion. She stated she thinks if Mr. McKee can do the trim on the window that accomplishes the divide and get the applied. Mr. Noel stated the Board previously approved SunVinyl SH57 window. The motion was for the windows to be installed with exterior muntins and a 2" setback. Mr. McKee stated he does not want to be inappropriate or make anybody mad but Mr. Anderson has had 3 homes just sitting there for a long time. Mr. McKee stated he is a licensed broker in Kentucky and got a mass emailing that Mr. Anderson is offering \$20,000 to sell those models. Mr. Derringer has built 3 homes and he has received the window approval but he has not sold all three. At the prices he is selling them for, they will not be sold. Mr. McKee stated the Board has the responsibility to deal with this. There are not that many people that can build affordable homes, make them look decent, sell them for a profit and stay in business and Mr. McKee explained he was one of those builders. There are a handful of people that are like that and there is a reason why. He said the market is tight and you have to watch every penny. He stated the window is the way to do that but jumping through a hoop every time he needs a new window is not the way to do it. Mr. McKee stated the Board doesn't realize how important this is. Wooldridge is a key development. He lives in the community and doesn't want the development to look like a cornfield 10 years from now which is what it

currently looks like. Mr. McKee wants to do a good thing and have something nice and the Board is talking about relief on a pane of glass. Mr. Noel indicated he would need to talk to the Planning and Zoning Commission. Mr. Woodall indicated they do not have time to talk to them. Mr. Noel asked how long has it been? Mr. Noel stated it has been at least 2 years with just streets. Mr. Noel stated he wonders if the New Urban Code was read when it was adopted? Mr. Noel indicated he didn't think it was and thinks the man in Lexington said add in the New Urban Code and you'll get your zone change. This is what he has heard since day 1, before the first permit was issued. Mr. Noel stated he has heard the question "why do we have to do this?"; he has heard that question from fiberglass doors to windows. There have been complaints on that but the New Urban Code has never changed. The Board cannot change the Code and they have relaxed several things in the Code. Mr. Woodall stated they have not asked for any other relief rather they are just asking for a window. Mr. Woodall stated they had to tear out windows on the first houses to move them back.

Ms. Shockley stated she believes the public no longer wants cookie cutter, snout houses with garage door fronts. Time has changed and they don't want the single road cul-de-sac snout house status quo subdivision any more. It is time to go back to being on the street grid. Ms. Shockley indicated that is what makes it odd about Wooldridge because you are so far out in the cornfield and you are re-creating a street grid. If you think 50-70 years down the road, the Versailles street grid and that development's street grid could possibly touch some day. If you think back in 1910, they never dreamed how far out the street grid extends. That is why you have to think out in the future because the public has demanded and participated in the New Urban Code and the writing of it. They wanted to go back to the way Urban planning was done which is when you didn't have these single entry gated subdivisions with single income level family of 4 with no amenities. Therefore, Ms. Shockley stated she does not want to water down what they are doing. Ms. Shockley stated the Board does think about the economy every time they look at one of these requests. She is afraid the choices they make now, when the economy gets better, will affect the look and doesn't want somebody to look at the choices the Board made and be disappointed. Mr. Soper stated the infrastructure is there and both Mr. Woodall and Mr. McKee have committed to the infrastructure. He stated the major things mentioned by Ms. Shockley cannot be changed but Mr. McKee is asking to be able to roll with new technology and modern type product but keep the garages in the back along with front porches. Mr. Noel stated all the products that are being used today were in use when the Code was written. Ms. Shockley stated that is why they belabor the small points to include the 2" setback and the exterior applied. They try to glean down on what details make the exterior and it always seem to come back to the 2" setback, a true divided light or an applied muntin.

Mr. Locke stated vinyl windows run the gamut from good quality windows all the way down to very poor quality windows. That is why the Board has to review this on a case by case basis. They have approved vinyl windows in the past that were good quality with a lot of construction in the corners. Mr. Locke stated he does not have a concern with that. Mr. Locke stated the Board has been given the New Urban Code which says certain things and those things that are not clear have to be interpreted. The Board has interpreted that the Code does not want to have smooth sheets of glass and it is not saying the builders have to use true divided light. There are other alternatives. Other manufacturers have said they can do applied muntins. He stated the request for applied exterior muntins is not a major economic life force. It is a very small issue

and there are windows out there that are the same cost as the Rogers windows or very close that do have applied muntins. The Board is just asking to look at applied muntins because the Board interpreted the Code accordingly. Mr. Locke indicated that is what the case boils down to. He stated they can talk about major issues and what the economy is doing but this is not a big major economic issue. Mr. Woodall stated he disagrees and the Board is not sitting in their shoes. Mr. Locke stated he does not think people have done their research in this case. Mr. Woodall stated Mr. McKee has done his research. Mr. McKee stated this is the best window at the most affordable price. He stated there are other windows out there with muntins but they are more expensive. Mr. McKee stated if he is ready to do another 10 houses and another 10 homes that is significant money that gets passed on to the cost of the home and taken down to the marketplace. Mr. Locke stated he still believes Mr. McKee has not done his research. Mr. McKee stated he disagrees. Mr. Woodall asked if he had any recommendations? Mr. McKee asked for a manufacturer and spec. Mr. Locke indicated that was not his job. Mr. McKee stated the Board is keeping what could be the nicest development in Versailles a weed patch. Mr. McKee stated the Board won't approve the window and will not provide a detailed spec.

Ms. Shockley asked if the SunVinyl window was the only window approved? Mr. Noel stated the only one approved was the SunVinyl SH57 window. Mr. Locke asked Mr. McKee if he knew the cost of that particular window? Mr. McKee stated it was approximately \$300. He stated when he spoke with Mr. Noel he talked about that window and Mr. Noel explained that the approval was for Mr. Derringer only. Mr. Noel explained the Board's approval is per lot. Mr. McKee stated he thought that was ridiculous. He requested the Board use common sense and have some compassion. Mr. McKee stated he does know who the Board is trying to be the gatekeeper to. He is trying to build affordable homes for this community. Ms. Shockley stated they are being the gatekeeper for what the Planning and Zoning has charged them with. She thinks there is accountability to the public.

Ms. Lawson stated that the Board should take a vote? The question is whether or not the Board thinks the window comes close to meeting what they have interpreted so far. She stated she doesn't think it has to do with what they may do 2 months from now. There should be something done so that builders don't have to wait. It makes sense for the builders to ask for a large group so they could get a bid. Ms. Lawson indicated what she is hearing is that Mr. McKee wants to use the Rogers window; they don't want to use any others and they want to use it for Wooldridge Gardens Phase II. Mr. McKee stated he knows the man who owns the window company and he knows his integrity. Any time he has a minor problem in the past the owner has personally come out and fixed it. He does not know anything about the Sun window, doesn't know their warranty or anything. They are not priced competitively.

Ms. Shockley stated the Board is ready to vote. Ms. Lawson stated she thinks to some of the members the window does provide the divided light and it does provide the 2" relief and it's ok but to some it may not. Mr. Noel stated he needed to correct himself and that Mr. Anderson did get window approval from Mr. Ferrell. He took a sample with him to Washington. Ms. Shockley asked if that was the window he originally had or the one he replaced. Mr. Noel stated it was the original window. Ms. Shockley asked why they were not happy with the original ones? Mr. Noel stated it looked like a \$20,000 town home. Ms. Lawson stated when he replaced the windows he used an internal muntin. It has the in between glass muntin.

Ms. Lawson motioned to accept as proposed with the caveat that a 2” dimension is to be revealed and be applied to the lots requested. Ms. Shockley stated it is the window as submitted with the 2” reveal. Ms. Lawson stated he would have to do some sort of application to get the 2” reveal. Mr. Noel asked what the model was and Mr. McKee stated it is a Rogers single hung window, standard. Mr. Locke stated he believes it is model 9100. Ms. Shockley asked if the window is totally vinyl. Mr. McKee stated it is vinyl with a wood jam extension. Ms. Lawson asked if she has to include the particular make in her motion. Mr. McKee confirmed it was a 9100. Mr. Noel stated he thinks it should be included. Mr. McKee asked if you could put 9001 or equal in case the manufacturer changes their model numbers. Ms. Lawson stated she has a problem with doing a particular brand of window because she feels like she is endorsing it. Therefore, she doesn’t know if she wants to put that particular one. Mr. Noel stated the Rogers name was put in the motion. Mr. McKee asked if it could read the window as presented at the meeting. Mr. McKee just wants to make sure that, if three years from now, the model number changes to the 9500 series he still wants to be able to use that same window. Ms. Lawson stated the motion is for everything that is being requested tonight as far as the lots being requested. Mr. Noel stated it would include all the lots listed. **Ms. Lawson requested the motion be read back. It stated the motion was to approve the Rogers vinyl window single hung window 9001 with the 2” dimension per the lots as requested. Ms. Lawson stated that was her motion as seconded by Ms. Shoot. Motion denied. Ms. Shockley, Ms. Shoot and Mr. Locke voted in opposition and Ms. Lawson voted in favor.**

MOTION NOW READS:

Ms. Lawson moved to approve the Rogers vinyl window single hung window model no.9001 with the 2” dimension per the lots as requested, as seconded by Ms. Shoot. Motion denied. Ms. Shockley, Ms. Shoot and Mr. Locke voted in opposition and Ms. Lawson voted in favor.

Mr. Noel stated that right now it stands at no decision. Ms. Shockley asked if they need to indicate why the request is denied. Mr. Noel stated if a motion to deny is seconded an explanation is required. Ms. Shockley advised the Board to correct her if needed but it is the need for the divided muntin or applied exterior muntin.

Mr. Locke moved to deny the request for the express reason that the window does not meet the New Urban Code requirements specifically that it does have an applied exterior muntin or true divided light, as seconded by Ms. Shoot. Ms. Shockley, Ms. Shoot and Mr. Locke voted in opposition and Ms. Lawson voted in favor.

Mr. McKee asked if there was an opportunity for discussion. Mr. Noel indicated after the vote the hearing is closed. Mr. McKee asked if there was an opportunity before the vote? Mr. Noel stated when the Board calls for the vote that is it.

Ms. Shockley asked if they can have a discussion and Mr. Noel advised to close the hearing. **Ms. Shoot moved to adjourn the meeting, as seconded by Mr. Locke. Motion carried 4-0 in favor.**

X

Debra Shockley