2. URBAN COUNTY PLANNING COMMISSION (PENSACOLA PARK) ZONING MAP AMENDMENT

a. PLN-MAR-19-00015: URBAN COUNTY PLANNING COMMISSION (PENSACOLA PARK) (11/3/19)*- a petition for a zone map amendment to create an Historic District (H-1) zone for the Pensacola Park neighborhood for 94.53± gross acres, for properties located at, 96-171 Goodrich Ave., 101-224 Lackawanna Rd., 1733-1915 Nicholasville Rd. (Odd Addresses Only), 1855-1859 Norfolk Dr., 101-177 Penmoken Park, 1847-1877 Pensacola Dr., 108-199 Rosemont Garden, 105-175 Suburban Ct., and 101-166 Wabash Dr.

PROPOSED USE

A petition for a zone map amendment to create an Historic District Overlay (H-1) zone for the Pensacola Park neighborhood for 94.53± gross acres, for properties located at 96-171 Goodrich Ave., 101-224 Lackawanna Rd., 1733- 1915 Nicholasville Rd. (Odd Addresses Only), 1855-1859 Norfolk Dr., 101-177 Penmoken Park, 1847-1877 Pensacola Dr., 108-199 Rosemont Garden, 105-175 Suburban Ct., and 101-166 Wabash Dr.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reasons:

- 1. The proposed Historic District Overlay (H-1) zoning for this area is consistent with the following Themes, Goals, Objectives, and Policies of the 2018 Comprehensive Plan, as it relates to Historic Preservation:
 - a. Growing a successful community through well-designed neighborhoods, by encouraging existing neighborhoods to flourish through the use of neighborhood character preservation (Theme A, Goal #3.a).
 - b. Protecting and enhancing the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image (Theme D, Goal #3) by protecting historic resources and archaeological sites (Theme D, Goal #3.a), and incentivizing the renovation, restoration, development and maintenance of historic residential and commercial structures (Theme D, Goal #3.b).
 - c. Infill residential can and should aim to increase density while enhancing existing neighborhoods through context sensitive design (Design Policy #2).
 - d. Honor Lexington's History by requiring new development and redevelopments to enhance the cultural, physical, and natural resources that have shaped the community (Placemaking Policy #9).
 - e. Utilize critical evaluation to identify and preserve Lexington's historic assets, while minimizing unsubstantiated calls for preservation that can hinder the city's future growth (Growth Policy #5).
- 2. The Historic District Overlay (H-1) zoning for this area is mostly consistent with the recommendation of the Board of Architectural Review for an H-1 overlay district. The H-1 overlay district matches the recommendations found in the Pensacola Park Historic District (H-1) Designation Report (with one exception), and with the provisions of Article 13-3(g) of the Zoning Ordinance. Specifically, the following findings are applicable to the Pensacola Park neighborhood:
 - a. The study area is a cohesive, dense concentration of significant domestic architecture mainly dating from 1919 until 1944. This was a time of expansion and growth in Lexington's history. During this roughly 20 years (mostly between the world wars), the proposed historic district development offered well-designed, affordable, well-built homes to many first time homeowners and others.
 - b. The area includes over 400 period examples of the residential architecture popular during the development of Lexington between the wars. The historic buildings within the proposed district cover a range primarily of small and medium scale houses of one and one-and-one-half story in height. The area also includes a limited number of two-story, larger houses.
 - c. The structures within the study area are representative of several nationally popular architectural styles quite representative of the development period, including Colonial Revival, Craftsman, Bungalow, Tudor Revival, American Foursquare and Small American House.
 - d. The level of architectural integrity is very high throughout the study area. The historic houses maintain their character-defining styles and forms. The streetscapes and layout remain unchanged. There are very few incidents of adverse character altering changes to structures or sites within the boundaries of the proposed district.
 - e. The study area meets five of the nine criteria necessary for Local Historic (H-1) Overlay Zoning as established in Article 13, Section 13-3(g) of the Lexington-Fayette Urban County Zoning Ordinance. The historical importance and impact of the study area's diverse architectural styling on the Lexington community are only heightened by the continuity and integrity of the structures themselves, as well as the defined geographic area in which they were built. According to the Designation Report, the criteria met are:
 - i. Criteria 13-3(g)(1): It has value as part of the cultural or archaeological heritage of the county, state, or nation.
 - ii. <u>Criteria 13-3 (q)(3):</u> It is identified with a person or person or famous entity who significantly contributed to the development of the country, state, or nation.
 - iii. Criteria 13-3(g)(6): It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.
 - iv. <u>Criteria 13-3(g)(7):</u> It has character as a geographically definable area possessing significant concentration of buildings or structures united by past events or by its plan or physical development.
 - v. <u>Criteria 13-3(g)(8):</u> It has character as an established and geographically definable residential neighborhood, agricultural area, or business district, united by culture, architectural style or physical plan and development.

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Staff Zoning Presentation – Mr. Baillie said that this is the Planning Commission's application, therefore any changes, as this application moves forward, it will be as recommended today to the Urban County Council. He then presented the staff report and recommendations for the zone change application. He said that the subject area is primarily comprised of residential zones, including Single Family Residential (R-1C), Planned Neighborhood Residential (R-3), and High Density Apartment (R-4) zones. While 420 of the lots within the neighborhood are zoned for single family residential, there are various examples of nonconforming duplexes or multi-family structures throughout the area. There is one lot that is zoned Neighborhood Business (B-1), located at 1915 Nicholasville Road. Currently, the lot houses El Toro Mexican Restaurant, a T-Mobile retail establishment, and associated off-street parking.

The subject area is surrounded by a mixture of zoning and land uses. The north, west, and east boundaries of the subject area are characterized almost entirely by residential land uses. Despite the area being primarily comprised of single family residences, there are three different classifications of residential zoning: Single Family Residential (R-1C), Two-Family Residential (R-2), and High Density Apartment (R-4) zones. Along the northeast portion of the proposed area is the Baptist Hospital Complex, zoned Professional Office (P-1), which along with the University of Kentucky, is one of the major employment centers in the area. Along the northwestern portion of the proposed area is the now shuddered General Electric Lamp Plant, which is zoned Light Industrial (I-1). South of the subject area, along Southland Drive there are various commercial operations, including the Hampton Inn, Days Donuts, Don Wilson Music Company, and the several restaurants. The subject area is in close proximity to the Seven Parks Historic (H-1) District, which mimics many of the different housing styles, which is somewhat unique compared to some of the other areas. He then displayed photographs of the subject property and aerial photographs of the general area. He said that there are four local streets that connect to Nicholasville Road, one collector street that connects Nicholasville Road to S. Broadway.

Mr. Baillie said that it important to note that the Historic District Legislation has been determined to be constitutionalized to produce an equitable distribution of benefits and burdens. The neighborhood receives the average reciprocity advantage whereby the individuals may be restricted on some elements of what they are able to do on the exterior of their property, they gain the benefits from the restrictions of the surrounding properties. The restrictions provide construction consistency over time, while respecting the historical character of an area. For any property within an H-1 Overlay, a Certificate of Appropriateness is required prior to the initiation of any new construction, any exterior change to, or the demolition of all or part of any building, structure, or sign on any premises in the zone protected by the H-1 Overlay.

Mr. Baillie said that this H-1 Overlay was initiated on March 28, 2019, and before the Board of Architectural Review (BOAR) recommendation, which was made on August 14, 2019, the staff of the Division of Historic Preservation and their contractor researched and analyzed the area and produced the designation report. At a public hearing held on August 14, 2019, the Division of Historic Preservation presented their findings at the BOAR meeting, which voted 4-0 to accept the designation report for this district and to forward it to the Planning Commission with a recommendation of approval. The designation report indicates that the proposed area meets five of the nine criteria necessary for Local Historic Overlay (H-1) zoning as established in Article 13, Section 13-3(g) of the Lexington-Fayette Urban County Zoning Ordinance. They are:

- Criteria 13-3(g)(1): It has value as part of the cultural or archaeological heritage of the county, state, or nation,
- Criteria 13-3 (g)(3): It is identified with a person or person or famous entity who significantly contributed to the development of the country, state, or nation.
- Criteria 13-3(g)(6): It has distinguishing characteristics of an architectural style valuable for the study of a period, method of
 construction, or use of indigenous materials.
- Criteria 13-3(g)(7): It has character as a geographically definable area possessing significant concentration of buildings or structures united by past events or by its plan or physical development.
- Criteria 13-3(g)(8): It has character as an established and geographically definable residential neighborhood, agricultural area, or business district, united by culture, architectural style or physical plan and development.

Mr. Baillie said that for an H-1 Overlay within the Article 13 of the Zoning Ordinance, only one of these criteria must be met to allow for an establishment of an H-1 Overlay.

Mr. Baillie said that the 2018 Comprehensive Plan has several Goals, Objectives, and Policies, which affirm the need for historic preservation within the community. This includes growing a successful community through well-designed neighborhoods, by encouraging existing neighborhoods, like the Pensacola Park neighborhood, to flourish through the use of neighborhood character preservation. The establishment of an H-1 Overlay zone in the Pensacola Park Neighborhood would also allow for both the protection and enhancement of the natural and cultural landscapes that give Lexington-Fayette County and the subject area its unique identity and image. This is achieved through the protection of historic architectural resources by requiring increased review, requiring a Certificate of Appropriateness (COA), and by incentivizing the renovation, restoration, development and maintenance of historic structures, which can be done with the help of Historic Tax Credits. In addition to the Goals and Objectives, Design Policy #2: infill residential can and should aim to increase density while enhancing existing neighborhoods through context sensitive design, is reinforced by the process of review established when a property is located within an H-1 Overlay zone. Additionally, an H-1 Overlay zone supports the enhancement of the cultural, and physical qualities that have shaped the Lexington community, as

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called for in Placemaking Policy #9. Finally, through the proper evaluation of the subject area, as presented in the Designation Report, the Historic Preservation Office has shown that this area is one of Lexington's historic assets (Growth Policy #5).

Mr. Baillie said that during the review of any zone change or the establishment of an overlay zone, staff evaluates an application utilizing the whole of the adopted Comprehensive Plan, including the Goals, Objectives, and Policies. Many of the recommendations made within the 2018 Comprehensive Plan are focused on the need for increased housing opportunities within our community, while making appropriate and incremental changes that respect the context of the areas in which development is occurring. This is exemplified by the need to expand housing choices by pursuing incentives and regulatory approaches that encourage creativity and sustainability in housing development, accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types, planning for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents, and creating and implementing housing incentives that strengthen the opportunities for higher-density and housing affordability. The staff believes that adding density and increasing housing opportunities in the Urban County, while also preserving the history of our community are not mutually exclusive. While it necessitates greater review, there are opportunities by which new and denser development can occur by working with both the Division of Planning and the Office of Historic Preservation. These opportunities will allow the city to grow while honoring our past and looking forward towards our future.

Mr. Baillie said that the staff, generally, does agree with the recommendation of the BOAR and the Division of Historic Preservation. However, there is one parcel that the staff recommends for withdrawal from this application. The staff recommends the removal of 1915 Nicholasville Road due to its location along the very southeastern edge of the proposed H-1 area, the age of the structure, and the lack of contribution to the historic district or significance of the property with respect to historic preservation. While 1915 Nicholasville Road has historically acted as a commercial property, the commercial use has changed overtime. From the 1930s to the 1980s the property acted as boarding house or hotel, like many of the other properties fronting Nicholasville Road. The use of the property changed to purely residential following the demolition of the structure along the southern edge of the subject property. Like many other properties in the area, 1915 Nicholasville Road was rezoned to the Single Family Residential (R-1C) zone in 1969, during the comprehensive rezoning of the county. The property was then rezoned in 1996, with conditional zoning restrictions, to the Neighborhood Business (B-1) zone. In its current form and with the zoning and modification of the property, 1915 Nicholasville Road is more representative of the commercial uses and the construction time and style along Southland Drive, rather than the residential uses and layouts proposed for inclusion into the H-1 Overlay zone. Lastly, the site has already been restricted via the imposition of conditional zoning restrictions, which prohibited 18 principal permitted uses, three accessory uses and seven conditional uses within the B-1 zone. These restrictions regulate both the use and function of what can occur on the site and are meant to protect against the adverse impacts of future development on the surrounding neighborhood. He displayed the 1927 Subdivision Plat and said that the configuration of the lots was not part of the original plat for the Goodrich area. He said that the lots along Nicholasville Road are longer and were meant for residential use. On the 1950 plat, there was a change in which there was a consolidation of the rear portions of the lots. This represents a change that is outside of the period of construction for the vast majority of the other portions of the neighborhood. As such, it does not conform to the original plat or criteria within the justification for the Historic Overlay.

Mr. Baillie said that the proposed Historic District Overlay (H-1) zoning for this area is consistent with the following Themes, Goals, Objectives, and Policies of the 2018 Comprehensive Plan, as it relates to Historic Preservation, and the staff is recommending approval. He said that the following needs to be read into the record:

The Historic District Overlay (H-1) zoning for this area is mostly consistent with the recommendation of the Board of Architectural Review for an H-1 overlay district. The H-1 overlay district matches the recommendations found in the Pensacola Park Historic District (H-1) Designation Report (with one exception), and with the provisions of Article 13-3(g) of the Zoning Ordinance. Specifically, the following findings are applicable to the Pensacola Park neighborhood:

- a. The study area is a cohesive, dense concentration of significant domestic architecture mainly dating from 1919 until 1944. This was a time of expansion and growth in Lexington's history. During this roughly 20 years (mostly between the world wars), the proposed historic district development offered well-designed, affordable, well-built homes to many first time homeowners and others.
- b. The area includes over 400 period examples of the residential architecture popular during the development of Lexington between the wars. The historic buildings within the proposed district cover a range primarily of small and medium scale houses of one and one-and-one-half story in height. The area also includes a limited number of two-story, larger houses.
- c. The structures within the study area are representative of several nationally popular architectural styles quite representative of the development period, including Colonial Revival, Craftsman, Bungalow, Tudor Revival, American Foursquare and Small American House.
- d. The level of architectural integrity is very high throughout the study area. The historic houses maintain their character-defining styles and forms. The streetscapes and layout remain unchanged. There are very few incidents of adverse character altering changes to structures or sites within the boundaries of the proposed district.
- e. The study area meets five of the nine criteria necessary for Local Historic (H-1) Overlay Zoning as established in Article 13, Section 13-3(g) of the Lexington-Fayette Urban County Zoning Ordinance. The historical importance and impact of the study area's diverse architectural styling on the Lexington community are only heightened by the continuity and integrity of the structures themselves, as well as the defined geographic area in which they were built. According to the Designation Report, the criteria met are:
 - i. Criteria 13-3(g)(1): It has value as part of the cultural or archaeological heritage of the county, state, or nation.

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October 24, 2019 Minutes
Page 13

<u>Criteria 13-3 (g)(3):</u> It is identified with a person or person or famous entity who significantly contributed to the development of the country, state, or nation.

- <u>Criteria 13-3(g)(6)</u>: It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.
- iv. <u>Criteria 13-3(g)(7):</u> It has character as a geographically definable area possessing significant concentration of buildings or structures united by past events or by its plan or physical development.
- v. <u>Criteria 13-3(g)(8):</u> It has character as an established and geographically definable residential neighborhood, agricultural area, or business district, united by culture, architectural style or physical plan and development.

Mr. Baillie said that the staff is also recommending the withdrawal of 1915 Nicholasville Road, for the following reasons:

- 1. The existing conditions of the property are not consistent with the rest of the proposed H-1 Overlay zone.
 - a. The configuration of the lot part of the original plat for the Goodrich area, as shown on the 1930 Subdivision Plat for Goodrich Avenue. The change to show the modification was not included into the area until around the 1950s, as represented by the 1958 Sanborn Insurance Map.
 - b. The property is located along the very southeastern edge of the proposed H-1 overlay zone area.
 - The existing commercial structure was constructed in 1998; therefore, it is not similar to the construction period, construction style, or time period of the rest of the proposed overlay zone.
 - d. The site is not "contributing", per the National Park Service guidelines, nor is the site significant with respect to historic preservation.

Commission Questions – Mr. de Movellan asked for clarification of the dash lines on the map. Mr. Baillie said the dash lines signify different zones in the area. He pointed to the R-3, R-4, and B-1 zones on the map, and stated that the rest of the neighborhood are Single-Family Residential (R-1C) zone. Mr. de Movellan also asked where the adjoining H-1 Overlay is located. Mr. Baillie said that Cherokee Park neighborhood is located to the north of the proposed H-1 Overlay, which is not part of an H-1 Overlay, and the Seven Parks H-1 Overlay, is located north and east of Cherokee Park.

Mr. Owens asked if there are other businesses on Nicholasville Road that will be within this overlay. Mr. Baillie said that there is a dental office located within the area. Mr. Owens then asked if it could be part of this and adhere to the overlay. Mr. Baillie affirmed and said that the H-1 Overlay doesn't preclude a zone change, densification, or demolition.

<u>Historic Preservation</u> – Ms. Janie-Rice Brother, consultant, gave a brief history of the neighborhood. She displayed a map from 1934 displaying the neighborhood and said that Pensacola Park was farmland until 1898, when L.C. Price purchased the land. He began developing the land with homes on two-ten acre parcels. She said that some of the styles found in the neighborhood are: the Colonial Revival, the Craftsman, the Bungalow, the American Foursquare, the Tudor Revival, the Dutch Revival, the Cape Cod, the Minimal Traditional, and the American Small House. However, there have been some recent additions to the neighborhood. The proposed district was developed with similar type houses, to be appealing and affordable for working and middle-class residents and remains as such, with an array of historic homes that are architecturally intact. She said that every house has a front yard, drive way, and a comparable setback from the street. There is a distinct sense of place, because the porches are well used, and the sidewalks are well traveled. She added that the houses retain stylistic details, including windows and doors surrounds, porches, roof forms, and other elements that conveyed historic style design of each building.

Ms. Brother said there is a National Register nomination being prepared for this district has been received by the Kentucky Heritage Council and will be reviewed by their Review Board in the spring.

Mr. Baillie submitted two letters of support and three letters of opposition into the record and distributed them to the Planning Commission.

Citizens in Support

The following individuals were in attendance:
Wanda Jaquith, Historic Preservation Commission member
Candace Wallace, 130 Goodrich Avenue
Kevin Katlic, 103 Penmoken Park
Carol Hulse, 120 Wabash Drive
Mareth Birmingham-Gillespie, 164 Penmoken Park
Phil Theobald, 128 Rosemont Garden
Vicki Barenberg, Kentucky Heritage Council
Hanley Loller, 197 Rosemont Garden
Michael Bardo, 107 Lackawanna Road
Alison Connell, 155 Goodrich Avenue
Mike Brower, 114 Shady Lane
Jackson Osborne, Blue Grass Trust for Historic Preservation
Rebecca Glasscock, 145 Wabash Dive

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Walt Gaffield, Fayette County Neighborhood Council Kay Myer, 1511 Richmond Road Jody McKee. 128 Penmoken Park Dennis Webb, 120 Suburban Court Tenley Terrier, 99 Goodrich Avenue Bill Egan, 105 Wabash Drive Dee Bailey, 105 Wabash Drive Jesse Voight, 1859 Nicholasville Road Isaac Moore, 105 Cherokee Park Amy Clark, 628 Kastle Road

Those individuals in support of the H-1 Overlay zone, made the following comments:

- Overwhelmingly received support from the neighborhood for this request (65% of the neighborhood).
- Supports the vision and recommendation of the 2018 Comprehensive plan.
- Historic consultant created a Designation Report stating the neighborhood met five of the nine criteria for the historic guidelines.
- Board of Architectural Review unanimously recommended this overly with the entire boundary.
- Preserves and protects existing neighborhoods.
- · Should include whole properties, with an uninterrupted perimeter boundary.
- Want to halt the demotion of historical homes and the building non-conforming homes.
- Protect unique neighborhood against density.
- Keep properties intact while undergoing rehabilitation work.
- Maintain high-level of architectural quality.
- · National Register designation.
- · Sense of identity and quality of life.
- Preserve characteristics of neighborhood.
- Maintain a safe, walkable, welcoming and supportive neighborhood.
- · Keep all properties in the Overlay.
- · Protection of design guidelines.
- Neighborhood benefits the city as a whole.

Citizen Questions

Alison Connell, 155 Goodrich Avenue, asked if this overlay will decrease property values and inhibit people from continuing anyhome improvements, such as adding solar panels.

Bill Parker, 146 Penmoken Park, asked what kind of requirements are there to have the businesses change their appearance to meet the characteristics of the neighborhood and to be included in this overlay. He also asked if any rehabilitation is to be done to those buildings, will they need to go before the Architectural Board of Review for review.

<u>Citizen Comments</u> - Chris Clendenen, attorney representing 1739 Nicholasville Road, said that they are not in opposition of this overlay, for the rest of the neighborhood. However, this property is currently zoned R-4 and located on the extreme north end of the neighborhood. Its current use is a rooming house with nine bedrooms. He said that that it isn't significant in any way. He asked if this property could be removed from the H-1 Overlay. He added that he is agreement with the staff that the 1915 Nicholasville Road property be removed from this overlay.

Jacob Walbourn, attorney representing Arcadia Rentals, LLC, 1733 & 1737 Nicholasville Road. He said these are the two furthest northern parcels and is requesting to be excluded from this overlay. They are currently zoned R-4, which mirrors the 1739 Nicholasville Road property. He added that these properties have been identified as prime parcels for redevelopment for many years. He said that these properties do not connect to the neighborhood in any way, and their sole access in onto Nicholasville Road. They are located immediately adjacent to one of Lexington's largest employers and believes that there is a higher and better use for these properties than single-family housing. He said that there are numerous Comprehensive Plan elements that speak to the inappropriateness of their inclusion, which include density development, corridor development, and transit oriented development. He added that the R-4 zone is considered in the corridor place type for the Placebuilder, which was identified as one of the least intense developments and called for mid-rise structures, attached and multi-family dwellings. He said that Nicholasville Road is proposed to undergo a corridor study in regards to density and transit. In the 2014, the Metropolitan Planning Organization study suggested that these parcels be a Bus Rapid transit station. He submitted findings to the Planning Commission to exclude these two properties.

Staff Rebuttal - Ms. Betty Kerr, Historic Preservation, said that in regards to replacing windows in historic houses, if the windows have already been replaced one or more times, they will need a staff issued certificate of appropriateness/permit. If the house still has its original windows, they will be protected by the design guidelines, but the Historic Preservation will assist the property owner

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with repair and the addition of storm windows. She said that in regards to property values, other areas with designated local historic districts, property values have increased at a higher ratio than in a similar area that is not protected.

Ms. Kerr said in regards to bringing the property located at 1915 Nicholasville Road, the El Toro building, into compliance with the characteristic of the neighborhood; there are not any requirements to make any changes to the building in the existing design and utilization. She added that if a property does wish to remodel their building, permits will either be granted at the staff level or they must go before the Board of Architectural Review. Any demolition permit would also necessitate BOAR review.

Mr. Baillie said that in regards to the process, as this application moves forward, if the Planning Commission makes any withdrawals of certain properties; that is how this application will move forward. He said that the Urban County Council can't add any properties back in and will proceed as such.

Commission Question – Mr. de Movellan asked what the percentage is for those in favor of this overlay compared to the total of all property owners. Mr. Baillie said that overall 55% of the neighborhood responded, 40% were in support, 14% were opposed, and less than one percent had no opinion, and 45% gave no response. He continued with the information of the respondents, 72% were in support, 26% were opposed, and 1.3% had no opinion.

Ms. Mundy asked if the staff is in agreement to removing the properties at 1733, 1737, and 1739 Nicholasville Road from the overlay. Mr. Baillie said that the removal of 1915 Nicholasville Road was not only because of the differential use at that location, as a business, but it is was also replatted at a later date. There have been changes that don't mimic the same kind of development that occurred throughout the rest of the area. He said that in regards to 1733, 1737, and 1739 Nicholasville Road, they have changed in zoning, but they haven't changed in residential use, so that there is continuity with those properties. He added that there is continuity with the platting of those three locations, and the staff is supporting the recommendation of the BOAR in the Designation Report for those locations.

Mr. de Movellan asked about the citizen comment in regards to adding solar panels to properties within the H-1 Overlay. Ms. Kerr said that solar is permitted and is addressed in the design guidelines. She said that they have approved several applications, they just need to not be located on the rear face of the roof of the house.

Ms. Mundy asked is solar panels can be on towers, posts, or poles. Ms. Kerr said that free-standing panels are allowed, but it would depend on the placement and the size of the site, and have no adverse effect on the property or neighbors.

Commission Discussion – Mr. Owens announced that if the board choses to withdraw any properties, to do so before a motion is made. He reiterated that this will be heard by the Urban County Council, who cannot add any properties back in, however they can also withdraw properties.

Motion to Remove - A motion was made by Ms. Plumlee, seconded by Mr. de Movellan, and carried 7-0 (Brewer, Nicol, Pohl, and Wilson) to withdraw 1733, 1737, and 1739 Nicholasville Road, for the findings provided by the attorneys, Mr. Walbourn and Mr. Clendenen, such findings should also include 1739 Nicholasville Road

- 1733, 1739, and 1739 Nicholasville Road are presently zoned for denser development and possess different zoning restrictions than virtually every other parcel contemplated for inclusion in the historic overlay.
- 2. The adjacent properties to 1733, 1739, and 1739 Nicholasville Road are more intense uses, making the preservation of the existing single-family homes on these properties less appropriate.
- 3. The properties at 1733, 1739, and 1739 Nicholasville Road are not integrated in to the remainder of the Pensacola Park neighborhood. Their sole access is to Nicholasville Road.
- 4. The 2018 Comprehensive Plan calls for barriers to infill development to be reduced, and inclusion of these properties in the historic overlay would not facilitate that goal.
- 5. There is a study currently being conducted regarding the Nicholasville Road corridor by the Lexington Metropolitan Planning Organization. The study includes 1733, 1739, and 1739 Nicholasville Road. As that study remains outstanding at this time, it would be inappropriate to make determinations regarding the appropriateness of the preservation of single-family properties until such time as the study is completed.

<u>Motion to Remove</u> - A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 7-0 (Brewer, Nicol, Pohl, and Wilson) to <u>withdraw 1915 Nicholasville Road</u>, for the reasons provided by the staff.

Zoning Action — A motion was made by Ms. Plumlee, seconded by Mr. Bell, and carried 7-0 (Brewer, Nicol, Pohl, and Wilson) to approve PLN-MAR-19-00015: URBAN COUNTY PLANNING COMMISSION (PENSACOLA PARK), for the reasons provided by the staff.

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