

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

**MAR 2012-14: URBAN COUNTY PLANNING COMMISSION**

**DESCRIPTION**

**Zone Change:** To an Historic District (H-1) Overlay Zone

**Acreage:** 37.85 ± net (51.14 ± gross) acres

**Location:** 106-346 Desha Road 807, 853 & 859 East High Street  
977-1024 Fincastle Road 908, 912 & 1000 Richmond Road  
1003-1058 Fontaine Road 1003-1015 Slashes Road  
100-314 South Hanover Avenue

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	R-2, R-3, R-4 & B-1	Residential, Neighborhood Business
To North	R-2, R-3, R-4, B-1 & MU-2	Residential, Neighborhood Business
To East	R-3 & P-1	Residential, Professional Office
To South	R-1C, R-2 & R-3	Residential
To West	B-1	Neighborhood Business

**URBAN SERVICES REPORT**

**Roads** – Richmond Road (aka East Main Street and US 25), an urban arterial, forms the northeastern boundary of the proposed district, and Tates Creek Road (aka East High Street and KY 1974), also an urban arterial roadway, forms the western boundary. Both roadways transition from three-lane sections to four-lane sections along their respective boundaries of the proposed historic district. Fontaine, Ghent, Slashes and Fincastle Roads generally parallel the two main arterial streets and run north-south through the neighborhood. South Hanover Avenue and Desha Road are local residential streets that generally run east-west in the neighborhood. The rear property lines of parcels along the west side of South Hanover form the northern boundary of the proposed district, and the rear property lines along the east side of Desha Road (or the side property lines along the cross streets) form the southern boundary.

**Curb/Gutter/Sidewalks** – Curbs, gutters and sidewalks are typical in the area.

**Storm Sewers** – Storm sewers and drain inlets exist in the area and are typical of urban city development. The subject area is located within the Town Branch watershed. Several flooding problems were reported in this area with the heavy rains experienced in the fall of 2006.

**Sanitary Sewers** – Sewer service is available to all properties within the area, which is located within the Town Branch watershed. This area is served by the Town Branch Wastewater Treatment Plant, located off Leestown Road.

**Refuse** – The Urban County Government provides refuse collection to individual properties in this portion of the Urban Service Area on Fridays.

**Police** – The nearest police station is located on East Main Street in downtown Lexington, just over one mile north of the study area. The subject area is located in Police Sector 2 and is served by the Central Sector Roll Call Center near the intersection of Winchester Road and New Circle Road.

**Fire/Ambulance** – The nearest fire station is located at the corner of East Maxwell Street and Woodland Avenue (Fire Station No. 5), approximately ½ mile north of the subject area.

**Utilities** – Natural gas, telephone service, electric, water, and cable television are all available to these neighborhoods.

**LAND USE PLAN AND PROPOSED USE**

The 2007 Comprehensive Plan (Sector 3) recommends a mix of residential land uses. Properties recommended for Low Density Residential land use, defined as 0–5 units per net acre, are generally located along South Hanover Avenue and Desha Road. Properties located along Fontaine Road and Slashes Road, and one parcel on Fincastle Road, are recommended for Medium Density Residential land use, defined as 5–10 dwelling units per net acre. Additional properties along Desha Road (nearer Richmond Road), along Fincastle Road, and properties along Richmond Road are all recommended for High Density Residential land use, defined as 10–25 dwelling units per net acre. Lastly, two properties are recommended for Very High Density Residential land use – one being the Hanover Towers property at the intersection of South Hanover Avenue and E. Main Street; and the other, which is located at the southwestern edge of the subject area, at the intersection of E. High Street and Chevy Chase Terrace (an alley).

The area proposed for the H-1 overlay zone is residential in nature, except for the parcel at the intersection of E. High Street and Chevy Chase Terrace (859 E. High Street).

## **CASE REVIEW**

The Urban County Planning Commission, at the request of the Ashland Park Neighborhood Association (APNA), initiated a map amendment for an Historic District (H-1) Overlay zone for an area consisting of approximately 51.14 gross acres.

The subject area is located about one mile southeast of downtown, between Tates Creek Road/E. Maxwell Street and Richmond Road/E. Main Street. The subject area contains 175 properties, all but one of which are residential in nature. The majority of properties are currently zoned R-2, R-3 or R-4, which supports the mixture of residential types and densities in the proposed historic district. One parcel at E. High Street and Chevy Chase Terrace is zoned B-1 for a neighborhood business.

The subject area is surrounded by a mixture of zoning and a mixture of land uses. Along E. High Street/Tates Creek Road is the Chevy Chase commercial area, and there are several commercial and office uses along E. Main Street to the north of the subject area. Most other properties within the immediate area are residential.

The subject area is in close proximity to several Local Historic (H-1) Districts. The South Ashland/Central Avenue Historic District (designated in 1989) lies along the northwest boundary of the proposed district, with the Aylesford Historic District (designated in 1998) located further to the northwest. In addition, the Bell Place Historic District (designated in 1990) is located to the north along E. Main Street.

The properties within the proposed historic district were studied by the Division of Historic Preservation and summarized in their *Ashland Park Historic District (H-1) Designation Report* to the Board of Architectural Review. The study area (aka subject area of the zone change) is part of a larger National Register Historic District. The Ashland Park Historic District was listed on the National Register in March 1986 and included the area proposed for H-1 Overlay zone designation, as well as properties along Irvine Road; McDowell Road; Sycamore Road; Woodspoint Road; Catalpa Road; the northeast side of Richmond Road; and Henry Clay's Ashland Estate. This larger historic district did not include the Hanover Towers property at 101 South Hanover Avenue.

The Ashland Park neighborhood was originally part of the 600-acre Ashland Estate owned by Henry Clay. Upon his death, the estate passed to his son, James Clay. Following the Civil War, the estate was sold to the Kentucky Agricultural and Mechanical College, the predecessor to the University of Kentucky. The College remained there until the 1880s, when Major Henry Clay McDowell purchased the estate. He was married to Henry Clay's granddaughter, Ann Clay; and with the purchase, the estate was returned to the Clay family. Upon Major McDowell's death in 1899, his son began making plans to subdivide a portion of the estate. The McDowell and Clay families contracted with the Olmsted Brothers of Brookline, Massachusetts to prepare plans to develop 95 acres of the farm. The firm was founded by Fredrick Law Olmsted, considered the father of American landscape architecture, but work in Lexington did not commence until after his death, and was led by his sons. In 1908, the first plan for Ashland Park was developed; subdivision plats followed primarily between 1919 and 1922 (Ashland Park Addition), and then construction occurred on approximately 94% of the lots in the study area by 1934. ;

This area is characterized by key architectural styles popular in the 1920s and 1930s, including the Colonial Revival; Craftsman, Bungalow; American Foursquare; Tudor Revival; Dutch Colonial Revival; Italian Renaissance; French Eclectic; and one example of the International style. The residential structures in the study area are primarily faced with brick, with a few examples in frame and other material, and are "remarkably intact," according to the *Designation Report*. Many of the structures have been modified since their construction in the 1920s and 1930s.

The request to initiate the proposed H-1 Overlay zone was made by the Ashland Park Neighborhood Association in March 2012. The Division of Historic Preservation conducted its customary study of the area, presenting its findings to the Board of Architectural Review at a public hearing held on August 13, 2012. The Board of Architectural Review voted 3-1 to accept the *Designation Report* for this district and has forwarded it to the Planning Commission with a recommendation of approval. It was noted that creation of an H-1 overlay zone for this area will help to further several of the Goals and Objectives of the 2007 Comprehensive Plan:

- Goal #3: Promote land uses that are sensitive to the natural and built environment.
- Goal #5: Protect and preserve Fayette County's significant historic and cultural heritage.
- Goal #15: Preserve, protect and enhance the character and quality of existing neighborhoods.

Each of these goals includes several Plan objectives designed to help with their implementation, which were also cited in the Designation Report. The *Report* also identified two themes and their respective goals and objectives from the 2012 Goals and Objectives document that was recently adopted by the Planning Commission, including:

- Theme A. “Growing Successful Neighborhoods”
  - Goal 3. Provide well-designed neighborhoods and communities.
    - a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
- Theme D. “Improving a Desirable Community”
  - Goal 3. Protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image.
    - a. Protect historic resources and archeological sites.
    - b. Incentivize the renovation, restoration, development, and maintenance of historic residential and commercial structures.
    - c. Develop incentives to retain, restore, preserve, and continue use of historic sites and structures, rural settlements, and urban and rural neighborhoods.

As noted in the *Designation Report*, in order to qualify for protection under local historic district (H-1) designation, an area or property must meet at least one of the nine criteria listed in Article 13. The subject area was found to meet five of those nine criteria, which are outlined in the finding presented below. Based upon the *Designation Report*, and the findings of the BOAR, this area is clearly worthy of protection and preservation, and should be protected as a locally designated historic district.

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 and Objectives of the 2012 Comprehensive Plan, as well as the text of the 2007 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.3.a).
  - b. Improving a desirable community through protection and enhancement of the cultural landscapes that give our community its unique identity and image. This can be accomplished through protection of historic resources (obj. a); encouraging renovation, restoration and maintenance of historic structures (obj. b); and developing incentives to retain, restore, preserve, and continue use of historic sites and structures (Theme D.3.a-c).
2. Historic District Overlay (H-1) zoning for this area would be consistent with the recommendation of the Board of Architectural Review for an H-1 overlay district, with the recommendations found in the *Ashland Park Historic District (H-1) Designation Report*, and with the provisions of Article 13-3(g) of the Zoning Ordinance. Specifically, the following findings are applicable to the Ashland Park neighborhood:
  - a. The study area is a cohesive concentration of significant domestic architecture, mainly dating from 1919 until 1934 during the area’s greatest period of development. It includes numerous examples of small, medium, and some large-scale dwellings, primarily of one, one-and-one-half and two stories.
  - b. The structures within the study area are representative of several popular architectural styles from its development period, including Colonial Revival, Craftsman, Bungalow, and American Foursquare, among others.
  - c. The level of architectural integrity is high throughout the study area. There are very few incidents of adverse character-altering alterations to structures or sites within the boundary.
  - d. The study area includes a significant series of streetscapes, medians and landscapes that provide a true sense of place, illustrative still today of the signature Olmsted development plan of the early twentieth century.
  - e. The study area was listed in 1986 in the National Register of Historic Places as part of the Ashland Park Historic District under National Register Criterion C, which notes that the properties embody “the distinctive characteristics of a type, period or method of construction ...” and through that designation establishes that the study area meets the federal criteria for such designation.
  - f. The study area meets five of the nine criteria necessary to Local Historic (H-1) Overlay zoning established by Article 13-3(g) of the Zoning Ordinance. The study area’s connection to both Henry Clay and the Olmsted Brothers, all of whom had national influence and contributed to the development of the nation, as well as the common plan developed for the Ashland Park Addition and the character and quality of the housing in the area all contribute to the neighborhood meeting the requirements of the Zoning Ordinance. According to the *Designation Report*, the criteria met are:

- i. Criteria 13-3(g)(3): It is identified with a person or persons or famous entity who significantly contributed to the development of the country, state or nation.
- ii. Criteria 13-3(g)(4): It is identified as the work of a master builder, designer or architect whose individual work has influenced 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. Criteria 13-3(g)(7): It has character as a geographically definable area possessing a significant concentration of buildings or structures united by past events or by its plan or physical development.
- v. 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.

TLW/BJR/WLS

10/2/12

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