

# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-19-00015: URBAN COUNTY PLANNING COMMISSION

## DESCRIPTION OF ZONE CHANGE

Zone Change: To a Historic District Overlay (H-1) zone  
 Acreage: 94.53± gross acres  
 Location: 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., 101-165 Wabash Dr.



## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	R-1C/R-3/ R-4/B-1	Residential/ Commercial
To North	R-1C/R-4/ P-1/I-1	Residential/Medical Office/Industrial
To East	R-1C/R-2/P-1	Residential/Hospital
To South	B-1/B-3	Commercial
To West	R-1C/B-1	Residential/ Commercial

## URBAN SERVICE REPORT

**Roads** - The subject area includes ten roads and one alleyway. Bordering the eastern edge of the subject area is Nicholasville Road (US-27). Nicholasville Road, an urban arterial roadway, is five-lanes at this location, with variable directional traffic flow to reduce congestion. Nicholasville Road experiences approximately 33,000 daily vehicle trips along this section of the roadway, and serves as a major commuter corridor for Lexington-Fayette Urban County. There is a proposed road widening of Nicholasville Road currently being studied, which would allow for bus rapid transit (BRT). Rosemont Garden is a minor arterial roadway and connects Nicholasville Road to Harrodsburg Road, via Lane Allen Road. Goodrich Avenue, Lackawanna Road, Norfolk Drive, Pensacola Drive, Suburban Court, Wabash Drive, Chesapeake Drive, and Penmoken Park are all local streets serving the residential neighborhood. The only points of ingress and egress for the majority of the local roadways are along Nicholasville Road. There is a small alleyway, Sophia Alley, that connects Penmoken Park to Rosemont Garden.

**Curb/Gutter/Sidewalks** - There are curb, gutter and sidewalk facilities throughout this area to support the neighborhood, as well as support the broader public along Nicholasville Road. Sophia Alley has been constructed without curb, gutter and sidewalk facilities, as is typical of alleyways within the Urban County.

**Utilities** - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area.

**Storm Sewers** - The subject area is located within the Wolf Run watershed, and storm sewers do exist in this portion of the Urban Service Area. There are FEMA Special Flood Hazard Areas with known flooding issues within the subject area along Goodrich Avenue. There have been numerous public projects aimed at reducing the impacts of flood events in this area, including the removal of single family residences.

**Sanitary Sewers** - The subject properties are located within the Wolf Run sewershed. The properties are served by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue, south of New Circle Road, approximately 5 miles from the subject area.

**Refuse** - The Urban County Government serves this area with refuse collection on Mondays.

**Police** - The nearest police station is located at the Police Headquarters, approximately 3 mile to the northeast of the subject area, on East Main Street.

**Fire/Ambulance** - The closest fire station (#12) is located less than one mile to the west at the intersection of Southland Drive and Cherrybark Drive.

## SUMMARY OF REQUEST

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.

## PROPOSED ZONING



The purpose of the Historic District Overlay (H-1) zone is to further the goals and purposes of Article 13 of the Lexington Fayette Urban County Government's Zoning Ordinance and the preservation, protection, perpetuation and use of historic districts and landmarks.

## AREA & ZONING HISTORY



The subject area is primarily comprised of residential land uses, 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 and a T-Mobile retail establishment, and associated off-street parking.

Over the course of the last 50 years, there have been a total of four zone change applications filed within the confines of the proposed Overlay zone. In each of these cases there has either been a desire to increase the density or intensity of residential uses, or in the case of 1915 Nicholasville Road, add a business operation and associated parking lot.

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 shuttered 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. Zoning along this portion of Southland Drive includes the Neighborhood Business (B-1), and Highway Service Business (B-3) zones.

The subject area is in close proximity to the Seven Parks Historic (H-1) District, which is located along Dantzler Drive, Dantzler Court, Arcadia Park, Barberry Lane, and Shawnee Place. The Seven Parks Historic (H-1) District was established in 1997 and is an example of the type of growth Lexington witnessed prior to and following World War II. The buildings in the neighborhood are almost all representative of a hybrid architectural style combining elements of Colonial and Georgian Revival on Cape Cod plan houses. This combination resulted in a blending of styles that was prevalent in the 1920s, 1930s and 1940s as Lexington and its various subdivision developers struggled to create a marketable design that represented the prosperous future of the United States.

The proposed Pensacola Park Historic District developed cohesively over a set period of time, with similar type homes, all designed to be appealing and affordable for working and middle class residents. The suburban nature of the district means that every house has a front yard, a driveway and a comparable setback from the street. The Designation Report makes several findings regarding the history of the Pensacola Park Neighborhood. 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. Additionally, the area includes over 400 period examples of the residential architecture popular during the development of Lexington between the world wars. The historic buildings within the proposed district cover a range primarily of small and medium scale houses that are one and one-and-one-half stories in height. The area also includes a limited number of two-story, larger homes. The



structures within the study area are also 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. Furthermore, 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. For greater information regarding the history of the subject area, refer to the Designation Report produced for the Board of Architectural Review (BOAR).

## STAFF REVIEW



The Urban County Planning Commission, at the request of the Pensacola Park Preservation Society, initiated a map amendment for an Historic District Overlay (H-1) zone for approximately 426 properties in March 2019. The subject area is located south of the Baptist Health Hospital and north of Southland Drive. The area is situated between Nicholasville Road and the Norfolk-Southern Railroad. The total area of the proposed overlay is approximately 94.53 gross acres.

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 14, 2019. The Board of Architectural Review voted 4-0 to accept the Designation Report for this district and has forwarded 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.

In accordance with the background information and findings enumerated in the Designation Report, including the supporting documentation contained in the appendices, the Lexington-Fayette Urban County Government Board of Architectural Review (BOAR) recommended that the proposed local historic district, with the defined boundaries requested by the Pensacola Park Preservation Society and as initiated by the Urban County Planning Commission, be approved as submitted and forwarded with a recommendation of approval in its entirety to the Urban County Planning Commission for public hearing, discussion and action.

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 (Theme A, Goal #3.a). The establishment of an H-1 Overlay zone in the Pensacola Park Neighborhood also would 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 (Theme D, Goal #3). This is achieved through the protection of historic architectural resources (Theme D, Goal #3.a) by requiring increase review and the requirement of a Certificate of Appropriateness (COA), and by incentivizing the renovation, restoration, development and maintenance of historic structures (Theme D, Goal #3.b), 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 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).

While an H-1 Overlay zone does require added review within the development process, the establishment of an



H-1 Overlay zone does not preclude zone changes, increased intensity, increased density, or physical changes within a neighborhood to meet the adopted Comprehensive Plan. It seeks to provide design review for areas that have been protected within the community. An H-1 Overlay zone is meant to produce “an equitable distribution of benefits and burdens,” whereby a neighborhood receives the “average reciprocity of advantage.” In other words, a property owner may be restricted on some elements of what they are able to do on the exterior of their property, but gain the benefits from the restrictions of the surrounding properties. The restrictions provide construction consistency over time, while respecting the historic character of the area. The establishment of an H-1 Overlay zone along Nicholasville Road, the largest and most traveled arterial roadway in the Urban County, led to a greater review of the potential impacts that preservation might have on the ability for a land owner to intensify the use on their property and also on the ability of the transportation network to be improved. Both are currently being studied in the development of a corridor plan for Nicholasville Road.

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 (Theme A, Goal #1) by pursuing incentives and regulatory approaches that encourage creativity and sustainability in housing development (Theme A, Goal #1.a), accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types (Theme A, Goal #1.b), planning for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents (Theme A, Goal #1.c), and creating and implementing housing incentives that strengthen the opportunities for higher-density and housing affordability (Theme A, Goal #1.d). 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.

Within the Designation Report the property located at 1915 Nicholasville Road is recommended for inclusion in the Pensacola Park H-1 Overlay zone. This property is a modern, one-story commercial structure located at the southeastern edge of the subject area. The Designation Report recommended that this property be included in the Overlay zone as it “anchors the corner of Goodrich Avenue and Nicholasville Road,” and that it “is part of the footprint of the historic plat and has always had a commercial use.”

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 their 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.

**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. 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.
    - 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 significant concentration of buildings or structures united by past events or by its plan or physical

## STAFF RECOMMENDATION CONTINUED



- 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.

## STAFF RECOMMENDS: **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.
  - c. 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.