

- A. PENSACOLA PARK NEIGHBORHOOD LOCAL HISTORIC DISTRICT (H-1) OVERLAY ZONE** – a request for the Planning Commission to initiate an H-1 Overlay zone for the Pensacola Park Neighborhood, including 96-171 Goodrich Avenue; 101-224 Lacawanna Road; 1733-1915 Nicholasville Road (west side of roadway); 101-177 Penmoken Park; 1847-1877 Pensacola Drive; 108-199 Rosemount Garden; 105-175 Suburban Court; and 101-166 Wabash Drive.

Staff Zoning Presentation – Mr. Baillie distributed maps, the petition, the initiation letter, and two letters: one letter of opposition and one letter of support. He said that this initiation process began on October 29, 2018, when members of the neighborhood attended a meeting to discuss the various aspects of this process. The neighbors then met with the Division of Historic Preservation for more information on the H-1 Overlay Zone. On February 4, 2019, they filed their application with the Division of Planning, which officially started the request process. He added that the Historic Overlay Zone has various different elements that can restrict certain uses of property, as well as a more in-depth process to go through, outlined in the Zoning Ordinance. This process begins with a study and a Board of Architectural Review (BOAR) hearing. He said that the staff sent the surrounding neighbors letters with return postcards to gather information and the neighbors' comments on February 18, 2019. He said that 426 households were contacted and as of today, 54.5 percent of the neighborhood has responded. He displayed a map depicting the households that have responded in support (72 percent) the households in opposition (26 percent) and those that expressed "no opinion" (one percent).

Mr. Baillie said that there were various different comments provided on the returned postcards. He said that some of them in support focused on retaining and promoting historic character; maintaining the neighborhood friendly character and original construction methods; need for better design and materials; need to protect from development and want for rehabilitation rather than demolition. He said that the opposition focused on the cost of future modifications or regular up keep for property; preference for the ND-1 Overlay Zone; want for business development along corridors; and other interests that were not consistent with the H-1 Overlay Zone. He said that if the Planning Commission initiates the H-1 Overlay Zone, it will begin with the Board of Architectural Review and the study that is produced for their review. It will then proceed, per their recommendation, to the Planning Commission and then to the Urban County Council. He added that with the size of this area, there is the potential to need to extend the beginning phases, so that the report can be produced.

Commission Question – Mr. Berkley asked how this would impact the future corridor study that was part of the previous zone change. Mr. Baillie said that an H-1 Overlay Zone does not preclude a zone change, demolition or modification to the landscape. However, it would add another level of review. He added that there may be more conditions and considerations for the corridor study within this area.

Mr. Berkley asked if this is under a moratorium. Mr. Baillie said that the Urban County Council voted on March 7, 2019 for a six month moratorium. Mr. Baillie added that is for the entire project area, with the exception of certain properties, 1847 Nicholasville Road and a few homes along Goodrich Avenue because of various stormwater projects that are currently underway.

Mr. Owens stated that the moratorium was imposed by the Urban County Council and any action regarding an extension would have to be made from them and not the Planning Commission.

Ms. Wade stated that the moratorium only effects zone change applications and demolitions, not additions or other building permits that residents may seek in the meantime.

Division of Historic Preservation – Betty Kerr, Director, thanked the Planning Commission for taking the initiation under consideration. She added that the moratorium is for six months and the Council's final meeting to take full action on this application will not occur within that six month time period. It is, per the Zoning Ordinance, more of an eight to ten month process.

Ms. Kerr said that there are no existing surveys completed for this neighborhood and everything will need to be created for the study, which will necessitate three to four months to be completed. She added that the first month is with the Council to authorize the hiring of the consultant to perform the study. She said that a consultant has been selected and is awaiting the Council's approval. The study is being funded through a grant that was received from the Kentucky Heritage Council. She then said that the second month is compiling data. It will need to be completed and available to the hearing body two weeks prior to the hearing. She is requesting an additional ninety days, so that the study can be completed properly.

Commission Question – Ms. Plumlee asked for clarification if the area were to receive an H-1 Overlay Zone, all of the properties within the boundary would be included. Ms. Kerr agreed and stated that all of the homes within the boundary are being proposed for the study, which will determine if the entire area should be nominated for the Historic Overlay Zone. She said that these findings will be presented at the first hearing, which will be the Board of Architectural Review.

Citizens in Opposition - Mr. Nathan Billings, attorney representing the property owner of 1739 Nicholasville Road. He said that the discussions over the next year are going to rely heavily upon the 2018 Comprehensive Plan and the interaction with the Nicholasville Road Corridor. He said that they are in favor of an H-1 Overlay Zone for the majority of the area, but oppose it for

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the properties located along Nicholasville Road. He said that this can be discussed in more detail as the process moves forward, but he wanted to make it known that this will be a fight. He added that a zone change on Nicholasville Road happened and spurred this process. He said that according to the map displayed by the staff, very few homeowners along the Nicholasville Road corridor responded in favor; rather, most did not respond or responded that they are opposed to it.

Ms. Candace Wallace, 130 Goodrich Avenue, said that she one of the homeowners that initiated this overlay process. She said that most of the neighbors signed their petition, but not all of them responded with the postcards. She added that most of the homeowners that responded in opposition are the landlords that do not want the additional steps to have their designs approved. She said that this overlay will only add one additional step that does meet the Comprehensive Plan. She asked that since this was filed prior to the adoption of the 2018 Comprehensive Plan, this should be reviewed only with the Goals & Objectives of the 2018 Comprehensive Plan. She said that the application was prepared as such and they believe that they meet all of those standards.

Commission Comments – Mr. Owens asked for clarification of adding the extension. Ms. Wade said that it would be best to grant it to the BOAR, which would allow them to have 180 days total.

Mr. Berkley asked if when recommendations are made for that corridor, the neighborhood would be taken into consideration as a part of the study. Ms. Wade said that the RFP and project scope for the Nicholasville Study has not been finalized yet. She said that the idea would be to concentrate on the land use, the transportation and other planning concerns just along the corridor. Mr. Berkley added that he is struggling with supporting this because he believes that this request is partially in response to the recently approved zone change.

Mr. Owens asked for clarification of the time frame for this process and asked if a date should be placed on this. Ms. Wade said that the Planning Commission should give the BOAR the extra time and then, once they act, the time frame for the Planning Commission begins. She added that the BOAR may not need all of the time allotted to them.

Zoning Action – A motion was made by Mr. Plumlee, seconded by Mr. Pohl, and carried 5-2 (Berkley and Nicol opposed; Bell, Forester, Penn, Wilson absent) for the INITIATION OF THE PENSACOLA PARK NEIGHBORHOOD LOCAL HISTORIC DISTRICT (H-1) OVERLAY ZONE, including an extra 90 days, if necessary.

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