

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

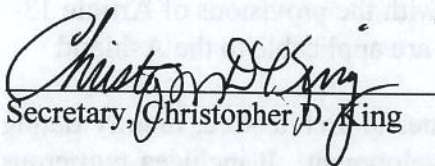
IN RE: MAR 2012-14: URBAN COUNTY PLANNING COMMISSION - petition for a zone map amendment to a Historic District (H-1) overlay zone for 37.85± net (51.14± gross) acres, for properties located at 106-346 Desha Road; 977-1024 Fincastle Road; 1003-1058 Fontaine Road; 100-314 South Hanover Avenue; 807, 853 & 859 East High Street; 908, 912 & 1000 Richmond Road; and 1003-1015 Slashes Road. (Council District 5)

Having considered the above matter on **October 25, 2012**, at a Public Hearing, and having voted **7-4** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter 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 county, 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 county, 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.

ATTEST: This 14th day of November, 2012.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by January 23, 2013.

At the Public Hearing before the Urban County Planning Commission, this petition was presented by **Traci Wade, Sr. Planner, and William R. Shipp, Historic Preservation Specialist.**

OBJECTORS

- Glenn Brown, 307 Desha Road
- Ben Kaufman, 125 Sycamore Road
- James Tucker, 321 Desha Road
- Dean Cranfill, 271 South Hanover Avenue
- Gail Wilkes, 205 South Hanover Avenue
- Bill Farmer, 549 Culpepper Road
- Shirley Wiseman, 857 High Street
- Tanya White, 1015 Slashes Road
- Steve Wilcox, 1013 Slashes Road
- Mark Wright, 122 South Hanover Avenue
- Erin Rouse, 320 Desha Road
- Bill Rouse, 320 Desha Road
- Keith White, 1015 Slashes Road
- Dell Kelly, 230 South Hanover Avenue
- David Minko, 306 South Hanover Avenue
- Lenora Rather, 269 South Hanover Avenue

OBJECTIONS

- Concerned about the loss of private property rights.
- Believes that the Design Guidelines are too restrictive.
- Does not believe that Ashland Park needs H-1 protection since it is well-maintained.
- Concerned about the possibility of increased property maintenance costs in the H-1 zone. Requests that his property be exempted.
- Does not believe that "fear of what may never happen" to Ashland Park is sufficient justification for rezoning.
- Does not believe that the proposed boundaries are appropriate. Requests the exemption of his property at 311 South Hanover Avenue.
- Does not believe that the proposed H-1 overlay has a majority in support.
- Does not believe that her property should be included in this request, since she is part of the Ashland Neighborhood Association. Requests that her property be exempted.
- Does not believe that properties in the Ashland Neighborhood Association should be included in this request.
- Concerned that he will not be able to make further improvements to his property under the Design Guidelines.
- Believes that the proposed H-1 zoning is exclusionary and elitist, and could divide the neighborhood.
- Does not believe that there is sufficient need for government services to be expanded with regard to enforcement of the Design Guidelines.
- Does not believe that the survey postcard mailing was fairly conducted and/or reported. Requests that his property be exempted.
- Does not believe that one group of citizens should be able to impose their tastes on another group.
- Does not trust the reason given for seeking the proposed H-1 zone, and does not believe the BOAR review process will favor property owners. Requests that his property be exempted.
- Requests that her property be exempted.

VOTES WERE AS FOLLOWS:

AYES: (7) Beatty, Brewer, Owens, Penn, Plumlee, Roche-Phillips, Wilson

NAYS: (4) Berkley, Blanton, Cravens, Mundy

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **MAR 2012-14** carried.

Enclosures: Application
Plat
Revised Staff Report
Applicable excerpts of minutes of above meeting