

AN ORDINANCE CREATING A HISTORIC DISTRICT (H-1) ZONE FOR THE PENSACOLA PARK NEIGHBORHOOD FOR 92.68± GROSS ACRES, FOR PROPERTIES LOCATED AT 96-171 GOODRICH AVE., 101-224 LACKAWANNA RD., 1801-1909 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. (URBAN COUNTY PLANNING COMMISSION; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on October 24, 2019, a petition for a zoning ordinance map amendment to create a Historic District Overlay (H-1) zone for 92.68± gross acres for properties located at 96-171 Goodrich Ave., 101-224 Lackawanna Rd., 1801-1909 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., was presented to the Urban County Planning Commission; said Commission voting to withdraw 1733, 1737, 1739 and 1915 Nicholasville Road from the zone change and recommending approval of the zone change by a vote of 7-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone, to create a Historic District Overlay (H-1) zone for 92.68± gross acres of properties located at 96-171 Goodrich Ave., 101-224 Lackawanna Rd., 1801-1909 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., withdrawing property located at 1733, 1737, 1739 and 1915 Nicholasville Road, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

Passed by operation of law pursuant to KRS 100.211 on December 3, 2019

No signature Required
MAYOR

ATTEST:

No signature Required
CLERK OF URBAN COUNTY COUNCIL

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PUBLISHED: December 26, 2019-1t

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


IN RE: **PLN-MAR-19-00015: URBAN COUNTY PLANNING COMMISSION (PENSACOLA PARK) (AMD)** – an amended petition for a zone map amendment to create an Historic District (H-1) zone for the Pensacola Park neighborhood for 92.68± gross acres, for properties located at, 96-171 Goodrich Ave., 101-224 Lackawanna Rd., 1801-1909 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. (Council District 3)

Having considered the above matter on **October 24, 2019**, at a Public Hearing, the Commission, as applicant, **having voted to withdraw 1733, 1737, 1739 and 1915 Nicholasville Road** from the zone change, and having voted **7-0** 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, 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 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 8th day of November, 2019.


Secretary, Jim Duncan
by Traci Wade

MIKE OWENS
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by January 22, 2020.

OBJECTORS

- Chris Clendenen, attorney representing 1739 Nicholasville Road
- Jacob Walbourn, attorney representing Arcadia Rentals, LLC, 1733 & 1737 Nicholasville Road

OBJECTIONS

- Requested that 1739 Nicholasville Road be removed from the H-1 Overlay.
- Requested that 1733 & 1737 Nicholasville Road be removed from the H-1 Overlay.

VOTES WERE AS FOLLOWS:

AYES: (7) deMovellan, Forester, Mundy, Nicol, Owens, Penn, and Plumlee
 NAYS: (0)
 ABSENT: (4) Bell, Brewer, Pohl, and Wilson
 ABSTAINED: (0)
 DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-19-00015** carried.

Enclosures: Application

Plat

Staff Report

Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

| |
|--|
| Applicant: URBAN COUNTY PLANNING COMMISSION, 200 E. MAIN STREET, LEXINGTON, KY 40507 |
| Owner(s): SEE ASSOCIATED NOTIFICATION LIST |
| Attorney: URBAN COUNTY DIVISION OF LAW, 200 E. MAIN STREET, LEXINGTON, KY 40507 PH: 859-258-3500 |

2. ADDRESS OF APPLICANT'S PROPERTY

| |
|--|
| 96-171 GOODRICH AVE., LEXINGTON, KY 101-224 LACKAWANNA RD., LEXINGTON, KY 1801-1909 NICHOLASVILLE RD. (ODD ADDRESSES ONLY) LEXINGTON, KY 1855-1859 NORFOLK DR., LEXINGTON, KY 101-177 PENMOKEN PARK, LEXINGTON, KY 1847-1877 PENSACOLA DR., LEXINGTON, KY 108-199 ROSEMONT GARDEN, LEXINGTON, KY 105-175 SUBURBAN CT., LEXINGTON, KY 101-166 WABASH DR., LEXINGTON, KY |
|--|

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

| Existing Use | | Requested Use | | Acreage | |
|--------------|-------------|---------------|-------------|---------|--------|
| Zoning | | Zoning | | Net | Gross |
| R-1C | RESIDENTIAL | R-1C w/ H-1 | RESIDENTIAL | | 92.68± |
| R-3 | RESIDENTIAL | R-3 w/ H-1 | RESIDENTIAL | | |
| R-4 | RESIDENTIAL | R-4 w/ H-1 | RESIDENTIAL | | |

4. EXISTING CONDITIONS

| | |
|---|---|
| a. Are there any existing dwelling units on this property that will be removed if this application is approved? | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| b. Have any such dwelling units been present on the subject property in the past 12 months? | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing. | <input type="checkbox"/> YES <input type="checkbox"/> NO |

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

| | |
|--------------------|--|
| Roads: | LFUCG |
| Storm Sewers: | LFUCG |
| Sanity Sewers: | LFUCG |
| Refuse Collection: | LFUCG |
| Utilities: | <input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable |



- 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

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

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.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Applicant: LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION (AMD)

Proposed Zone: Historic (H-1) Overlay Zone

Acreeage: 92.68± Acres

Addresses:

- 105 - 175 Suburban Court, 108 - 199 Rosemont Garden, 101 - 177 Penmoken Park
- 101 - 166 Wabash Drive, Chesapeake Drive (noaddresses), 1855 - 1859 Norfolk Drive,
- 101 - 224 Lackawanna Road, 96 - 171 Goodrich Avenue, 1847 - 1877 Pensacola Drive
- 1801 - 1909 Nicholasville Road (odd addresses only)



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- Withdrawn by P.C.
- Requested H-1
- 500' Buffer

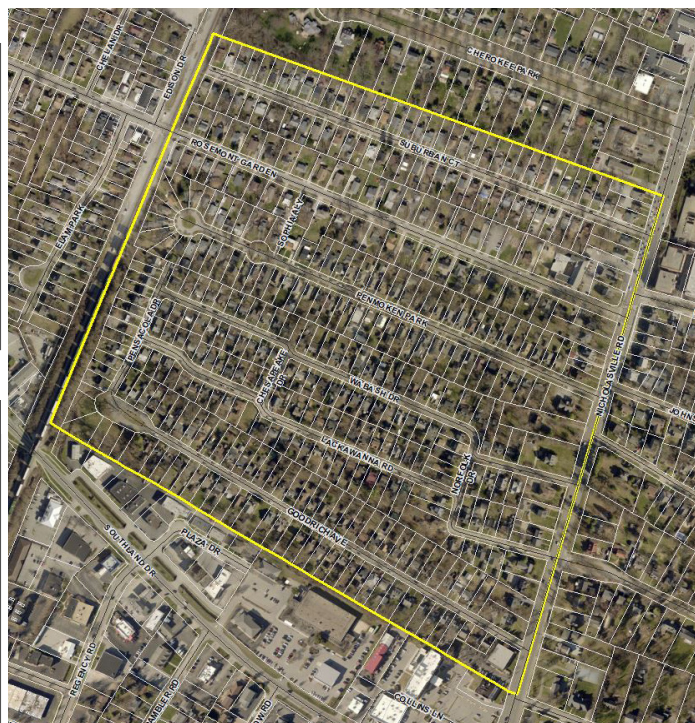
GIS
© 2018 LFCUC
1 inch = 400 feet

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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.

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. 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 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.

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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 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. 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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- 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 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.

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.
 - 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.

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.

Historic Preservation – 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 overlay with the entire boundary.
- Preserves and protects existing neighborhoods.
- Should include whole properties, with an uninterrupted perimeter boundary.
- Want to halt the demolition 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 any-home 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.

Citizen Comments - 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 is 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

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

1. 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.

Motion to Remove - A motion was made by Mr. Penn, seconded by Mr. Bell, and carried 7-0 (Brewer, Nicol, Pohl, and Wilson) to withdraw 1915 Nicholasville Road, 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.