

AN ORDINANCE CHANGING THE ZONE FROM A WHOLESALE & WAREHOUSE BUSINESS (B-4) ZONE TO A MIXED-USE COMMUNITY (MU-3) ZONE, FOR 2.12 NET (3.39 GROSS) ACRES, FOR PROPERTY LOCATED AT 1200 RED MILE ROAD (A PORTION OF); AND 439, 441, 445, 451, 455, 459, 461, 463 AND 471 NELMS AVENUE. (LEXINGTON TROTS BREEDERS ASSOCIATION, LLC; COUNCIL DISTRICT 11).

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WHEREAS, at a Public Hearing held on June 28, 2012, a petition for a zoning ordinance map amendment for property located at 1200 Red Mile Road (a portion of ); and 439, 441, 445, 451, 455, 459, 461, 463 and 471 Nelms Avenue from a Wholesale & Warehouse Business (B-4) zone to a Mixed-Use Community (MU-3) zone for 2.12 net (3.39 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change; 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 for property located at 1200 Red Mile Road (a portion of); and 439, 441, 445, 451, 455, 459, 461, 463 and 471 Nelms Avenue, from a Wholesale & Warehouse Business (B-4) zone to a Mixed-Use Community (MU-3) zone for 2.12 net (3.39 gross) acres; being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are proposed for the subject property via conditional zoning:

- A. Between South Broadway and the extension of an existing concrete apron along Red Mile Road, and between Nelms Avenue and Red Mile Road an open space shall be maintained. The open space may continue to have a sign for the Red Mile property (as permitted by Article 17), and fencing, but shall be devoid of any other structures:

- B. Between the extension of the existing concrete apron along Red Mile Road and the Red Mile property entrance, and measured from the face of the sidewalk, there shall be maintained an open space and landscape buffer of no less than fifteen feet (15') at any point, provided that the open space and landscape buffer shall not average less than twenty-five feet (25') overall. Any new trees planted within the open space and landscape buffer shall be placed so as to maintain the sight line to the Standardbred Stable of Memories from the intersection of Red Mile Road and South Broadway.

Section 3 - 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 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

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