

Rec'd by _____

Date: _____

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

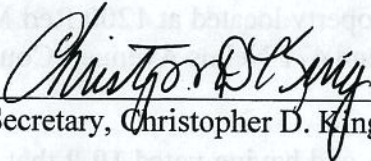
IN RE: MAR 2012-4: LEXINGTON TROTS BREEDERS ASSOCIATION, LLC – petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Mixed-Use Community (MU-3) zone, for 2.12 net (3.39 gross) acres, for property located at 1200 Red Mile Road (a portion of); and 439, 441, 445, 451, 455, 459, 461, 463 and 471 Nelms Avenue. (Council District 11)

Having considered the above matter on **June 28, 2012**, at a Public Hearing, and having voted **10-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reason:

1. The proposed Mixed-Use Community (MU-3) zone can be found to be in substantial agreement with the 2007 Comprehensive Plan, for the following reasons:
 - a. The north side of Nelms Avenue is recommended for Commercial Residential Mixed Use (MU) future land use by the Comprehensive Plan. The petitioner is proposing a mixed-use zone and a mixed-use building on the site.
 - b. The south side of Nelms Avenue is recommended for Greenspace/Open Space (GS) land use by the Comprehensive Plan, and is proposed as a gateway entrance to the Red Mile Mixed-Use Project by the Red Mile Development Plan, a detailed study of the site accepted by the Planning Commission in 2009.
 - c. The petitioner is substantially meeting the Greenspace/Open Space land use recommendation by maintaining about two-thirds of the existing open space, and ensuring a clear sight line to the Standardbred Stable of Memories on the Red Mile property.
2. This recommendation is made subject to approval and certification of ZDP 2012-13: Red Mile Mixed-Use Development (Amd.) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses and buffering shall be restricted on 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 (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.

These restrictions are appropriate and necessary for the subject property to ensure agreement with the Comprehensive Plan's land use recommendation, to create a gateway entrance to the Red Mile Mixed-Use Entertainment Project, and to maintain the sight line from South Broadway to the Standardbred Stable of Memories as recommended by the Red Mile Development Plan.

ATTEST: This 15th day of August, 2012.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2012-13: Red Mile Mixed-Use Development (Amd.), was approved by the Planning Commission on June 28, 2012, reapproved on August 9, 2012, and certified on August 14, 2012.

K.R.S. 100.211(7) requires that the Council take action on this request by September 26, 2012.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Christine Westover, attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Berkley, Blanton, Brewer, Copeland, Cravens, Owens, Penn, Plumlee, Roche-Phillips, Wilson

NAYS: (0)

ABSENT: (1) Beatty

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **MAR 2012-4** carried.

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