

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

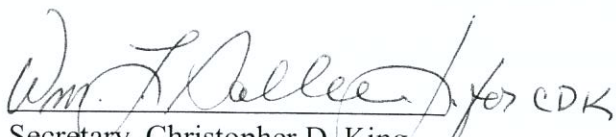
**IN RE:** **MAR 2011-16: HALLMARK STUDENT DEVELOPMENT CO., LLC** – petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a High Rise Apartment (R-5) zone, for 8.54 net (8.83 gross) acres; and from an Agricultural Urban (A-U) zone to a High Rise Apartment (R-5) zone, for 2.06 net and gross acres, for property located at 843 South Broadway and 1200 Red Mile Road (a portion of). (Council District 11)

Having considered the above matter on **November 17, 2011**, at a Public Hearing, and having voted **5-2** 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 reasons:

1. The proposed rezoning from a Wholesale & Warehouse Business (B-4) zone, and from an Agricultural Urban (A-U) zone to a High Rise Apartment (R-5) zone is in substantial agreement with the 2007 Comprehensive Plan, for the following reasons:
  - a. The Plan recommends that most of the subject property be used for Commercial Residential Mixed Use (MU) future land use, defined as “combinations of office and neighborhood retail with residential above, or adjacent to, the retail and office.” Non-residential uses already exist in the vicinity of this location, with some located adjacent to this site.
  - b. The Plan recommends redevelopment of the subject property, which is being proposed.
  - c. The petitioner proposes a residential use adjacent to restaurant and retail uses, for some 272 apartment units on 10.6 net acres, at a density of 25.66 units per net acre.
  - d. Residential redevelopment of the subject property, consistent with the Infill & Redevelopment Study recommendations, will implement the “mixed use” land use recommendation for this area of the South Broadway corridor.
  - e. The Plan recommends a small portion of the subject property, to the rear, be used for Semi-Public Facilities (SP) land use. Although this area of the subject property is mostly proposed for associated parking in support of the proposed residential uses, off-street parking for use by the harness track at this location would otherwise qualify as a Semi-public land use as well.
2. This recommendation is made subject to approval and certification of the applicable portions of **ZDP 2011-92: Tattersall Apartment Development**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

**Note:** The corollary development plan, **ZDP 2011-92: Tattersall Apartment Development**, was approved by the Planning Commission on November 17, 2011, and certified on December 1, 2011.

ATTEST: This 21<sup>st</sup> day of December, 2011.

  
Secretary, Christopher D. King

MIKE CRAVENS  
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by February 15, 2012.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Mr. Bruce Simpson, attorney.**

OBJECTORS

- Bill Bausch, attorney for Post Road Properties

OBJECTIONS

- His client wants to ensure that access is provided between the subject property and their adjoining property

VOTES WERE AS FOLLOWS:

AYES: (5) Berkley, Blanton, Cravens, Owens, Penn

NAYS: (2) Copeland, Roche-Phillips

ABSENT: (4) Beatty, Brewer, Paulsen, Wilson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of MAR 2011-16 carried.

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