

MAR 2011-16

Date Received 10/3/11

Pre-Application Date 9/21/11

Filing Fee \$460<sup>00</sup>**GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION****1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)**

APPLICANT:	Hallmark Student Development Co., LLC 150 East Broad St., Columbus, OH 43215 (614) 221-3504
OWNER:	Lexington Trots Breeders Association, LLC 1200 Red Mile Rd., Lexington, KY 40504 (859) 233-0814
ATTORNEY:	Christine N. Westover/McBrayer, McGinnis, Leslie & Kirkland, PLLC 201 E. Main Street, #1000, Lexington, KY 40507 (859) 231-8780

**2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)**

843 South Broadway; portion of 1200 Red Mile Road
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**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)**

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-4	stable; horse sale barn	R-5	multi-family apartments	8.54	8.83
A-U	vacant track area	R-5	multi-family apartments	2.06	2.06

**4. SURROUNDING PROPERTY, ZONING & USE**

Property	Use	Zoning
North	Harness track; vacant; business	A-U; B-4
East	Vacant; business; gas station/convenience store	B-4; B-3
South	Student housing complex	R-4
West	Hotel, restaurants	B-3

**5. 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 checked="" type="checkbox"/> NO ____ Units

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

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input type="checkbox"/> LFUCG	<input checked="" type="checkbox"/> Other		
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

**7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)**

This is in... <input checked="" type="checkbox"/> in agreement with the Comp. Plan <input checked="" type="checkbox"/> more appropriate than the existing zoning <input type="checkbox"/> due to unanticipated changes.
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**8. APPLICANT/OWNER SIGNS THIS CERTIFICATION**

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am <input type="checkbox"/> OWNER or <input checked="" type="checkbox"/> HOLDER of an agreement to purchase this property since _____.	
APPLICANT <u>Janna H. Hargis III</u>	DATE <u>9/30/11</u>
OWNER _____	DATE _____
LFUCG EMPLOYEE/OFFICER, if applicable _____	DATE _____

# ( M C B R A Y E R )

McBrayer, McGinnis, Leslie & Kirkland, PLLC

ATTORNEYS AT LAW

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CHRISTINE N. WESTOVER  
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201 EAST MAIN STREET, SUITE 1000  
LEXINGTON, KENTUCKY 40507  
(859) 231-8780 EXT. 137  
FAX: (859) 253-0706

October 3, 2011

Mike Cravens, Chairman  
Lexington-Fayette Urban County Planning Commission  
101 E. Vine St., 7<sup>th</sup> Floor  
Lexington, KY 40507

RE: Hallmark Student Development Co., LLC;  
Zone Change from A-U and B-4 to R-5  
10.89 gross (10.6 net) Acres  
843 South Broadway and a portion of 1200 Red Mile Road

Dear Chairman Cravens,

I represent Hallmark Student Development Co., LLC ("Hallmark"), a company that designs and builds high quality student housing throughout the south and midwest. Building student housing complexes within close proximity to college campuses has become a national trend. Such housing is managed, operated and maintained to provide a clean and safe residential environment, including features such as study and recreational areas, to meet all student off-campus residential needs. Privately built and operated student housing complexes fill a growing demand for student housing that many colleges and universities are having difficulty providing on campus due to lack of suitable land or budgetary constraints. This trend is evident in Lexington, which has several such student housing complexes near UK, particularly in the general South Broadway corridor.

Hallmark intends to build a residential complex consisting of four, 4 story residential buildings with interior courtyards. A fully equipped clubhouse will be available for residents. The development will contain 272 apartments with 832 beds. Sufficient parking will be installed to meet or exceed minimum parking requirements. Sidewalks and attractive landscaping are an integral part of the design.

The parcel is the site of the unused Tattersalls horse sale arena and barns that are being phased out by the Red Mile because they are no longer needed to stable horses during race



meets. The sales arena has not been used for several years now, as it is too small and deteriorated to use for its intended purpose. Horse sales are now held off site at Fasig Tipton, which has more modern and larger facilities. The development of this property fits the Red Mile's plans to redevelop portions of its property which are not needed for horse racing and related track purposes. Proceeds from the sale of the Tattersalls property for the Hallmark development will enable the Red Mile to implement its plan for a mixed use entertainment district. The redevelopment of these portions of the Red Mile property will enhance and preserve the horse racing track as the centerpiece and heart of the Red Mile entertainment district.

The justification for rezoning the property to the highrise apartment (R-5) category from the existing B-4 and A-U zoning is that it is in agreement with the 2007 Comprehensive Plan's land use recommendation for mixed uses. This category is similar to the mixed use zoning districts set out in the Zoning Ordinance, but the Comprehensive Plan's mixed use recommendation can be accomplished by other zoning designations that achieve the same overall mix of uses in a defined area. The Comprehensive Plan mixed use ("MU") category is discussed on page 53 to mean a mix of offices and retail with residential above or adjacent to the retail and office uses. The purpose of the MU land use recommendation is to encourage redevelopment of older commercial areas by mixing uses within it. Adjoining or accessory residential uses are considered to be a critical component of the mix of uses.

The property upon which Hallmark intends to build a student housing complex meets the MU Comprehensive Plan land use category in every respect. The project will consist of the redevelopment of an older B-4 zoned property in a larger area that once contained warehouses and other industrial uses which are now either vacant or have redeveloped. A gas station/convenience store adjoins the property on the east, and the rear of B-4 zoned properties along Curry Avenue. The opposite side of the property contains an area of B-3 zoned properties, including restaurants and a hotel. Across South Broadway from the property is Newtown Crossing, a student housing development which replaced a string of underused or vacant warehouses. Newtown Crossing was originally approved for R-4 zoning in 2003 based on agreement with the Comprehensive Plan's recommendation for mixed uses. Rezoning the Hallmark property to R-5 will fulfill the same Comprehensive Plan land use recommendation for mixed uses by adding a residential component to adjoining commercial uses in the South Broadway corridor on the west side of the road.

The proposed zoning is also more appropriate than the existing B-4 zoning. The site lies near the recently rezoned Red Mile MU-3 entertainment district that will be developed for a wide range of residential, commercial and entertainment uses. The student housing complex will provide customers for the restaurants, shops and businesses that are expected to be built in the MU-3 entertainment district in the near future. Not only will adding residential development at this location help make the Red Mile project more successful, it will facilitate greater pedestrian and bicycle interconnectivity between the two projects. This will reduce reliance on the automobile, which is an important goal of infill development.



Rezoning the property to R-5 to construct student housing at this location is more appropriate than the B-4 zoning because its location close to the UK campus makes it ideal for student housing. The site is so close to UK that on-campus student parking lots, such as at Commonwealth Stadium, are much farther from campus than the Hallmark apartments will be when they are built. Students are not likely drive to class because the parking lot where they live will be closer than parking that is available to students on campus. Hallmark has an agreement with the owner of Newtown Crossing that will allow students in the Hallmark complex full use of the pedestrian bridge across the railroad tracks to campus. This will greatly facilitate convenient and quick access to and from campus without relying on automobiles for transportation.

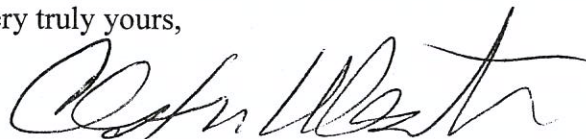
Finally, the B-4 zoning is inappropriate because it would allow uses that conflict with the MU-3 entertainment area and race track behind it. Indeed, the former use of the Tattersalls property as a sales arena and stabling is a legal non-conforming use that is not permitted in the B-4 zone. Rezoning the property to R-5 to allow residential uses will complement the Red Mile mixed use development and the other restaurants and businesses in the vicinity that rely on drop-in customers for their livelihood.

The small area of A-U land that is included in the rezoning is too small to use on its own for a free standing use and is not needed by the race track. It is appropriate to include it in the rezoning to make the site plan work.

Hallmark is committed to completing the project in time for occupancy by the fall semester in 2013. Accordingly, it is imperative that we obtain necessary approvals and begin construction in the spring of 2012. We strongly believe the rezoning should be granted for the reasons outlined herein. We will be prepared to answer questions at the Subdivision and Zoning Committee meetings in November, and will present more information at the Planning Commission hearing on November 17th. We have already been meeting with LFUCG staff, including many in Planning, which has been very useful and is much appreciated.

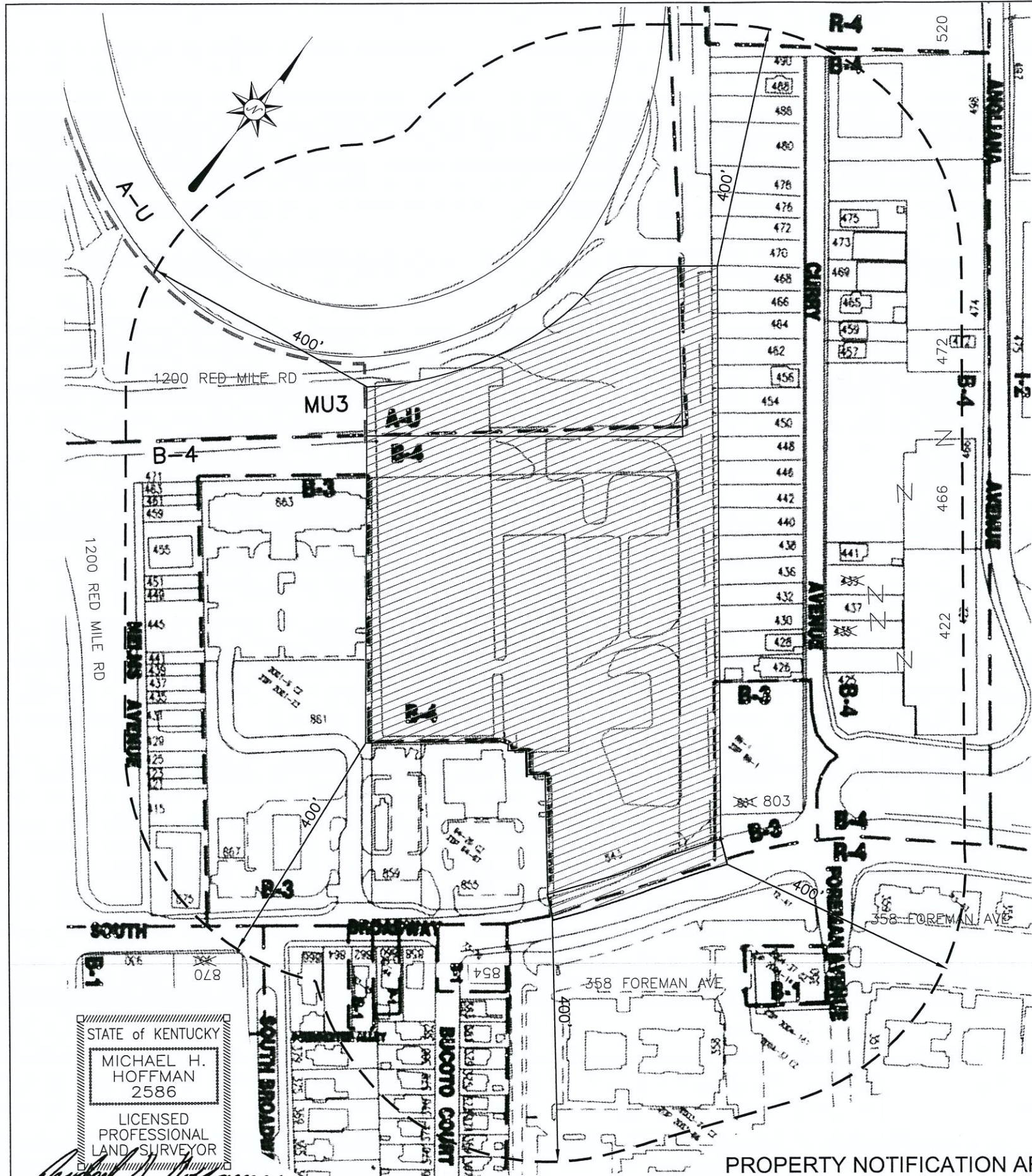
Please call if you have any questions. We look forward to presenting our application to the Planning Commission, and believe that it merits approval.

Very truly yours,



Christine N. Westover

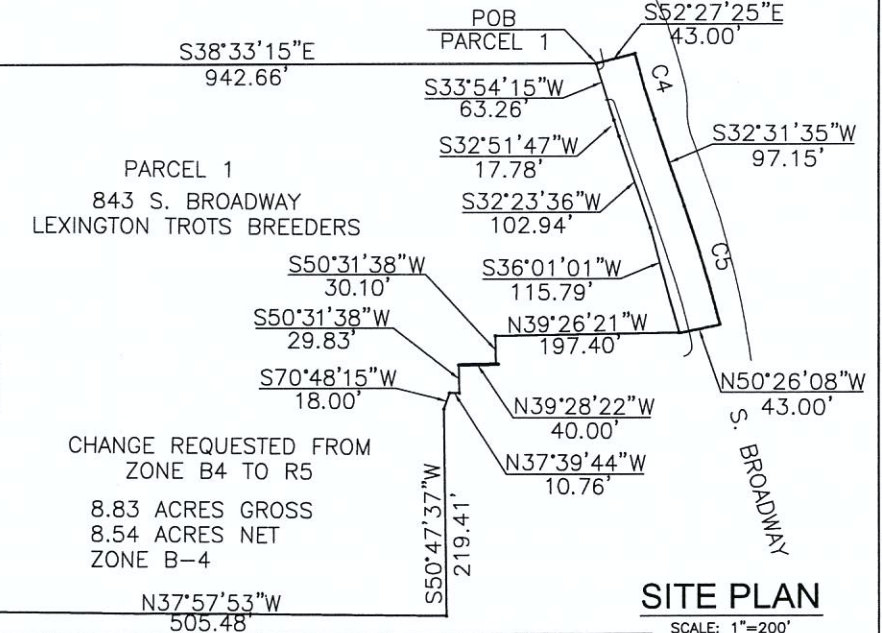
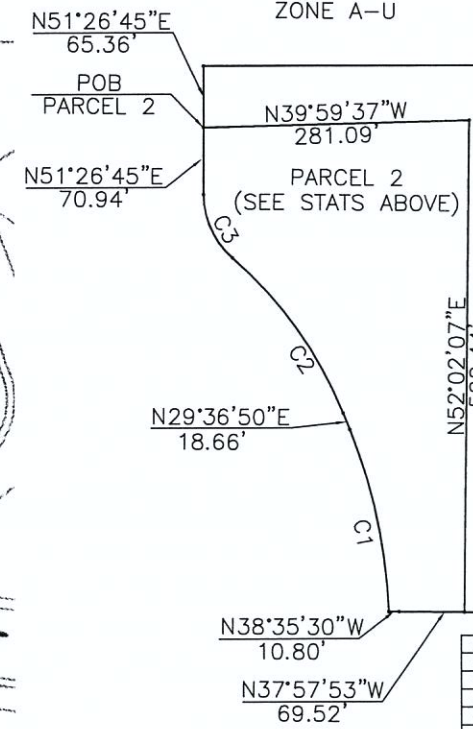




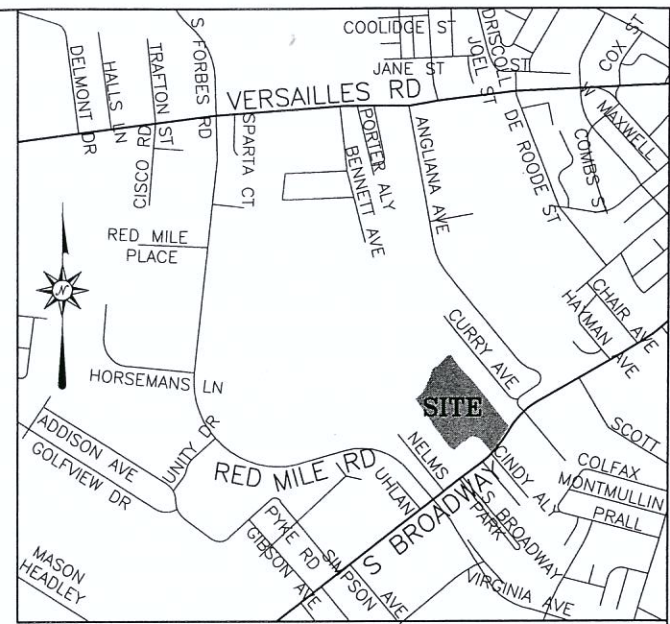
STATE of KENTUCKY  
MICHAEL H. HOFFMAN  
2586  
LICENSED PROFESSIONAL LAND SURVEYOR

PROPERTY NOTIFICATION AREA  
SCALE: 1"=200'

PARCEL 2  
A PORTION OF 1200 REDMILE RD  
LEXINGTON TROTS BREEDERS  
CHANGE REQUESTED FROM  
ZONE AU TO R5  
2.06 ACRES GROSS  
2.06 ACRES NET  
ZONE A-U



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	577.22'	198.78'	197.80'	N39°28'46"E	19°43'52"
C2	436.30'	204.28'	202.42'	N16°12'03"E	26°49'35"
C3	90.00'	76.43'	74.16'	N27°07'00"E	48°39'25"
C4	828.93'	73.22'	73.20'	S34°40'40"W	5°03'40"
C5	3200.53'	130.88'	130.87'	S35°07'18"W	4°40'19"



VICINITY MAP  
NTS

SITE PLAN  
SCALE: 1"=200'

ZOMAR:	TITLE: TATTERSALLS			
PROPERTY ADDRESS:	FROM	TO	GROSS	NET
PARCEL 1 A PORTION OF 1200 REDMILE AND 843 S BROADWAY	B-4	R-5	8.83	8.54
PARCEL 2 A PORTION OF 1200 RED MILE RD	A-U	R-5	2.06	2.06
APPLICANT NAME / ADDRESS:				
HALLMARK STUDENT DEVELOPMENT CO., LLC				
150 EAST BROAD STREET				
COLUMBUS OH 43215				
OWNER: LEXINGTON TROTS BREEDERS				
PREPARED BY: VISION ENGINEERING, LLC				
DATE FILED OR AMENDED: OCTOBER 3, 2011			TOTAL	10.89 10.60