

## GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

**1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)**

APPLICANT: Lexington Trots Breeders Association, LLC 1200 Red Mile Road, Lexington, KY 40504 (859) 255-0752
OWNER: Same as above.
ATTORNEY: Christine N. Westover, McBrayer McGinnis Leslie & Kirkland PLLC 201 E. Main Street, Suite 1000, Lexington, KY 40507 (859) 231-8780

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

Portion of 1200 Red Mile Road; 439, 441, 445, 449, 451, 455, 459, 461, 463 and 471 Nelms Avenue
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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	vacant, tack shop	MU-3	mixed uses	2.12	3.39

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

Property	Use	Zoning
North	harness track and grounds	MU-3
East	hotel/commercial	B-3
South	office, warehouse, gas station	B-1, P-1, B-4
West	vacant, warehouse, residential	B-4, B-1

**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 type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" 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 checked="" type="checkbox"/> LFUCG	<input 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 checked="" type="checkbox"/> OWNER or <input type="checkbox"/> HOLDER of an agreement to purchase this property since _____.	
APPLICANT _____	DATE 1-26-12
OWNER _____	DATE 1-26-12
LFUCG EMPLOYEE/OFFICER, if applicable _____	DATE _____



# ( M C B R A Y E R )

McBrayer, McGinnis, Leslie & Kirkland, PLLC

ATTORNEYS AT LAW

CHRISTINE N. WESTOVER  
CWESTOVER@MMLK.COM

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

January 30, 2012

Derek Paulsen, Chairperson  
Lexington-Fayette Urban County  
Planning Commission  
Phoenix Bldg.  
101 E. Vine St., 7th Floor  
Lexington, KY 40507

Re: Red Mile Rezoning from B-4 to MU-3  
1200 Red Mile Rd. (a portion of) and 439, 441, 445, 449, 451, 455, 459, 461,  
463 and 471 Nelms Avenue

Dear Chairman Paulsen,

We represent Lexington Trots Breeders Association, LLC, the owner of the Red Mile harness track and surrounding property. As you know, most of the Red Mile's property was rezoned two years ago to MU-3 for a mixed-use entertainment project. The site has been approved for tax increment financing, and the Red Mile anticipates development to occur in the near future.

The Red Mile property that was rezoned in 2010 lies to the front and side of the race track. A small parcel between the Stable of Memories and South Broadway was not included in the original rezoning, although it is within the boundary of the original TIF Development Area. Now the owners of the Red Mile want to rezone this remnant area to the MU-3 category to make it consistent with the MU-3 zoning, and to include it within a unified final development plan for the overall mixed-use entertainment project. This will also make the MU-3 zoned boundary consistent with the TIF Development Area.

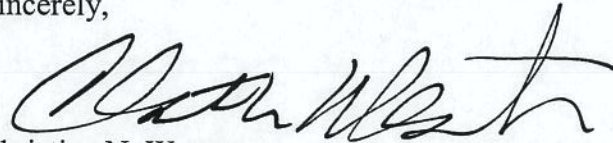
The site primarily consists of multiple small B-4 zoned lots along Nelms Avenue and Red Mile Road. Most of the lots are vacant. The proposed zoning is in agreement with the 2007 Comprehensive Plan, which recommends a combination of mixed-use zoning and medium-density residential uses for the property. The MU-3 category would allow a mix of uses, including residential development. The existing B-4 zoning is inappropriate and the proposed zoning is appropriate. The individual B-4 lots cannot be easily developed with B-4 uses due to



their small size. Even if they were combined, Nelms Avenue is a narrow, substandard street that would make access, especially by delivery trucks, problematic. B-4 uses at this location would likely conflict with the types of uses permitted in the MU-3 zone, particularly at this location, which is the main corridor into what will become the Red Mile Mixed-Use Entertainment District. The MU-3 zoning is appropriate because it is consistent with the rest of the Red Mile zoning and proposed new uses. Finally, it will place this remainder tract on the same development plan with the rest of the Red Mile mixed-use project.

We look forward to working with Planning staff, the Planning Commission and others to move the Red Mile Mixed-Use Entertainment Project another step closer to reality. Thank you for your consideration of this matter.

Sincerely,



Christine N. Westover

CNW/emr