

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00001: TOWN BRANCH PARK, INC.

DESCRIPTION OF ZONE CHANGE

Zone Change	I-1 to B-2B: 9.23 net (12.73 gross) acres
& Acreage:	R-2 to B-2B: 0.00 net (0.08 gross) acres
	I-1 to R-2: <u>0.00 net (0.13 gross) acres</u>
	Total: 9.23 net (12.94 gross) acres
Location:	131 and 150 Tucker Street (a portion of)

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	I-1 / R-2	Parking lot / Right-of-way
To North	B-2B / I-1	Church, Commercial, Townhouses / Parking
To East	B-2B	Convention Center
To South	R-2 / I-1	Residential / Auto Services, Construction Services
To West	I-1	Adaptive Reuse Project



URBAN SERVICE REPORT

Roads - The subject properties have frontage along three roadways Oliver Lewis Way (US 60), Jefferson Street, and Manchester Street (KY 1681). Oliver Lewis Way is a major arterial roadway that was constructed as part of the Newtown Pike Extension corridor project, and connects Newtown Pike to Bolivar Street. Historically, Jefferson Street extended along the southeastern portion of the area of the proposed rezoning. In 2019, the Jefferson Street viaduct was demolished in preparation of the expansion of the Lexington Convention Center. A remnant portion of Jefferson Street extends south from W. Main Street just past the Main Street Baptist Church. The eastern end of Manchester Street, a minor arterial roadway, runs along the southern boundary of the subject properties, terminating at its current intersection with W. High Street. In addition to the roadways that have frontage along the property, the applicant is seeking to rezone portions of Ty Court, a short local street that provides access to several properties.

Curb/Gutter/Sidewalks - Oliver Lewis Way (US 60), Jefferson Street, and Manchester Street (KY 1681) have curb, gutter and sidewalks. Ty Court has curb and gutter, but does not have sidewalks. Any modification to the public right-of-way associated with the park should include these urban improvements.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the proposed development.

Storm Sewers - The subject property is located within the Town Branch watershed. A portion of the Town Branch Creek runs through the site and the applicant is proposing to remove pavement and pipes to open greater portions of the creek to the surface. Storm sewers were installed as part of the Oliver Lewis Way roadway along that right-of-way. The creek is a floodway and there is an associated floodplain that covers approximately 10% of the total property.

Sanitary Sewers - The subject property is located in the Town Branch sewershed and is served by the Town Branch Wastewater Treatment Plant. There are no known problems related to the existing sanitary sewers in this area. The Capacity Assurance Program tracking indicates that the sewer bank serving this immediate area does have a positive balance, currently.

Refuse - The Urban County Government serves this area with refuse collection on Thursdays. However, supplemental service by private refuse haulers may be necessary to serve the proposed park.

Police - The nearest police station is located less than half a mile east of the subject property at the East Main Street headquarters location.

Fire/Ambulance - The nearest fire station (#4) is located approximately ¼ mile northeast of the subject property, at the corner of Jefferson Street and Hugh Alley.

Transit - The subject properties have a number of LexTran routes that run along all frontages of the property. These routes include the Georgetown Road (#2, #52), Versailles Road (#8, #58), Leestown Road (#12), and Mercer Road (#22) routes. The property is also located approximately ½ mile west of the Transit Center.

Parks - The subject properties are proposed to be a publicly accessible and privately operated park.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject properties from the Light Industrial (I-1), and Two-Family Residential (R-2) zones to the Lexington Center Business (B-2B) zone to allow for the development of the Town Branch Park. The applicant is also seeking to rezone a portion of Ty Court to the R-2 zone, removing remnant portions of I-1 zoning from the right-of-way.

PLACE-TYPE

DOWNTOWN

The Downtown Place-Type is the urban epicenter of commerce and entertainment. The core should be anchored by high-rise structures with ground-level pedestrian engagement opportunities surrounded by mid-rise buildings increasingly offering dense residential uses. Lexington's Downtown should continue to be notable for its mix of uses and variety of transportation options. Parking should be addressed as a shared urban core asset, eliminating dedicated surface parking lots in favor of structures.

DEVELOPMENT TYPE

HIGH DENSITY NON-RESIDENTIAL / MIXED USE

Primary Land Use, Building Form, & Design

Primarily regional-serving commercial uses, services, places of employment, and/or a mix of uses within high-rise structures with a high Floor Area Ratio. Mixed-use structures typically include an abundance of multi-family residential units, places of employment, and entertainment options, and the retail and commercial options generally draw from a regional geographic area. Screening and buffers should be provided to adjoining lower-density residential developments, however those adjoining neighborhoods should retain convenient access to the development.

Transit Infrastructure & Connectivity

These developments are generally located along higher intensity roadways. Mass transit infrastructure, on par with that of other modes, should be provided, and bicycle and pedestrian connections to adjoining developments are required. Internal multi-modal connectivity throughout the development is critical.

Parking

Parking is generally provided in structures with activated ground levels.

PROPOSED ZONING



This zone is intended to ensure compatible land uses, the preservation of existing attractions compatible with the Lexington Center, and the encouragement of new uses necessary to the proper development of the Downtown Area. The permitted land uses in the zone should have some logical relation to the Lexington Center and to the downtown core, should promote tourism, should promote the economic health of the community, should provide for an aesthetically pleasing environment, and should prevent the creation of influences adverse to the prospering of the Lexington Center and the Downtown Area.

PROPOSED USE



The applicant is seeking to rezone the subject property to the Lexington Center Business (B-2B) zone in an effort to develop the Town Branch Park, with amenities to include a cafe, amphitheater, playground, bike/pedestrian facilities, and a dog park. The proposed park will work in tandem with the Town Branch Commons, and will serve as an import aspect of the transportation system.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant and their representatives engaged with the Lexington community from the early stages of the conceptual development of the project and have continued to take input from stakeholders throughout the early design of the project. The outreach included numerous in-person and virtual meetings, as well as the establishment of a website to both inform and engage members of the community (<https://www.townbranchpark.org/>).

The proposed park has garnered significant support for the project from the broader Lexington community. The project has been funded through numerous sources, including a large amount of from private entities and citizens donations. Community feedback has directly influenced the recommendations made to the proposed design and connections to the community.

PROPERTY & ZONING HISTORY



The subject properties were historically located along the southern portion of Lexington's First Ward and were primarily utilized as shipping and rail yards. During the 19th Century, these rail lines cut through downtown Lexington, running parallel to the Town Branch Creek. By the late 19th Century the Louisville and Nashville Rail Road Company constructed a large depot structure where the current Lexington Convention Center is located. It was not until 1975, with the construction of Rupp Arena, that the rail lines and the industrial land uses shifted to parking in support of the arena.

The zoning for the subject properties have been historically Light Industrial (I-1) and remained as such to date.

COMPREHENSIVE PLAN COMPLIANCE



The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

GOALS & OBJECTIVES

The applicant opines that the proposed rezoning is in agreement with the adopted Goals, and Objectives of the 2018 Comprehensive Plan. They states that the proposed rezoning will protect the environment by reducing the carbon context of the area (Theme B, Goal #2) by replacing a large impervious parking lot with a park that will be primarily comprised of greenspace. The proposed park is also meant to act as a portion of the pedestrian and bicycle transportation system. Additionally, the applicant indicates that the park will conserve, protect, and improve the area in a environmentally sustainable manner by preserving and enhancing the portion of Town Branch Creek located along the southwest boundary of the park (Theme B, Goal #3).

Next, the applicant indicates that the proposed development will not only create jobs in the operation, maintenance, and management of the park, but will be a major asset in attracting tourists, promoting added conventions to the adjacent expanded Convention Center and enhancing the experience of the convention attendees (Theme C, Goal #1). Furthermore, the applicant indicates that the proposed park will encourage and embrace activities, performances, festivals, and events of a recreational, educational, artistic, musical, theatrical and social nature for children and adults (Theme C, Goal #2). They state that community organizations and groups of every nature will be encouraged to use the facilities for gatherings, activities and meetings.

The applicant indicates that the proposed rezoning of the property and the construction of the park will allow for the improvement of a desirable community by including facilities that are people first in design and provide a healthy and safe place for social interaction (Theme D, Goal #2). The facilities will include walking and bike trails; benches; a cafe restaurant for indoor and outdoor dining; open greenspace areas for picnics, play, gatherings; a children's play area with water and other active play features; a dog park; an entertainment stage and amphitheater accommodating up to 5,000 attendees for festivals and performances; and public restroom facilities.

Finally, the applicant indicates that the proposed development will protect and enhance the natural and cultural landscapes of Lexington by restoring a portion of the Town Branch Creek, while also enhancing the established built environment and bridging the gap in Lexington's trail system (Theme D, Goal #3).

Staff agrees that these Goals and Objectives of the 2018 Comprehensive can be met with the proposed rezoning and the subsequent redevelopment of the subject properties.

POLICIES

In addition to the Goals and Objectives of the Comprehensive Plan, the applicant opines that the proposed rezoning is in agreement with two of the Placemaking Policies of the 2018 Comprehensive Plan. First, the applicant indicates that the proposed park will serve as an important connection point of the Town Branch



Commons, and is integral to the implementation of the Town Branch Commons Master Plan (Placemaking Policy #1).

The applicant also indicates that this park is within an area that is described as needing a park in the Comprehensive Plan. This proposed development would play an important role in the growth of Lexington's regional park system (Placemaking Policy #4).

PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, a Place-Type based on the location of the subject property is identified. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the site is located within the Downtown Place-Type and are proposing a High Density Non-Residential / Mixed Use Development Type. Within the Downtown Place-Type, the Comprehensive Plan states that special care should be taken to maximize the development of the landscape, while prioritizing multi-modal transportation options and minimizing the impact of single occupancy vehicular movement. Typically, the appropriateness of the Downtown Place-Type is heavily reliant on the surrounding land uses and historical location of the property. The proposed site is located adjacent to the Lexington Convention Center and is located within an area of Lexington that has been identified as part of the Downtown Plan (Downtown Streetscape Master Plan 2008). Staff agrees that the subject property is located in the Downtown Place-Type.

The applicant indicates that they are seeking to develop a High Density Non-Residential / Mixed Use Development Type. This Development Type is primarily focused on providing regional-serving commercial uses, services, places of employment, and/or a mix of uses within high-rise structures with a high Floor Area Ratio (FAR). In this case, the applicant is seeking to provide an activated park, with a very low lot coverage and FAR. While the development will be low density, with a small amount of built environment, the park is meant to provide a higher intensity development that includes a significant amount of programming and social interaction. Furthermore, the park will provide an important link in the transportation system along the Town Branch Commons.

Staff agrees that the High Density Non-Residential / Mixed Use Development can be appropriate for the subject property, providing that the park remains open to the public and that the transportation network remains open at all times.

DEVELOPMENT CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The development criteria represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Downtown Place-Type and is seeking to create a High Density Non-Residential / Mixed Use Development Type.

1. Site Design, Building Form and Location

The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will provide a urban park that includes amenities, provides connectivity for bike and pedestrian mobility, and promotes the preservation and maintenance of natural features.

2. Transportation and Pedestrian

While the proposed rezoning meets the majority of the criteria for Transportation and Pedestrian, as development will provide pedestrian access throughout the site and connecting into the established trail system, there are two criteria that will need to be clarified.

A-DS4-1 A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments



and complementary uses should be provided.

The applicant is proposing a development that connects to the Town Branch Commons and acts as an important link in the transportation network. As this park will be privately operated, it is important that the bicycle and pedestrian facilities that connect the Commons remain open to the public at all times. The applicant should provide information regarding the operation of the bicycle and pedestrian facilities within the park.

D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.

The applicant is depicting the termination of Manchester Street, eliminating an access and egress point to the property. The termination of this roadway is concerning from two levels. First, the termination of the roadway eliminates accessibility to the subject property from High Street, forcing all vehicular movement to access the proposed development, and those properties that utilize Ty Court, to Oliver Lewis Way. The Comprehensive Plan stresses the need for connected roadways and discourages the termination of roadways, especially when already connected. Additionally, the elimination of the roadway reduces the natural surveillance of the park that comes with pedestrian and vehicular movement around open space. The elimination of a portion of the roadway limits views into the park.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will protect and increase tree canopy coverage, and protect the natural features, specifically the Town Branch Creek on the site.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. A Lexington Center Business (B-2B) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will protect the environment by reducing the carbon context of the area (Theme B, Goal #2) by replacing a large impervious parking lot with a park that will be primarily comprised of greenspace.
 - b. The proposed park will conserve, protect, and improve the area in an environmentally sustainable manner by preserving and enhancing the portion of Town Branch Creek located along the southwest boundary of the Park (Theme B, Goal #3).
 - c. The proposed rezoning will create jobs in the operation, maintenance, and management of the park, but will be a major asset in attracting tourists, promoting added conventions to the adjacent expanded Convention Center and enhancing the experience of the convention attendees (Theme C, Goal #1).
 - d. The proposed park will encourage and embrace activities, performances, festivals, and events of a recreational, educational, artistic, musical, theatrical and social nature for children and adults (Theme C, Goal #2).
 - e. The proposed rezoning of the property and the construction of the park will allow for the improvement of a desirable community by including facilities that are people first in design and provide a healthy and safe place for social interaction (Theme D, Goal #2). The facilities will include walking and bike trails; benches; a cafe restaurant for indoor and outdoor dining; open greenspace areas for picnics, play, gatherings; a children's play area with water and other active play features; a dog park; an entertainment stage and amphitheater accommodating up to 5,000 attendees for festivals and performances; and public restroom facilities.
 - f. The proposed development will protect and enhance the natural and cultural landscapes of Lexington by restoring a portion of the Town Branch Creek, while also enhancing the established built environment and bridging the gap in Lexington's trail system (Theme D, Goal #3).
2. A Lexington Center Business (B-2B) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed park will serve as an important connection point of the Town Branch Commons, and is integral to the implementation of the Town Branch Commons Master Plan (Placemaking Policy #1).
 - b. The proposed development would play an important role in the growth of Lexington's regional park system (Placemaking Policy #4).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will provide a urban park that includes amenities, provides connectivity for bike and pedestrian mobility, and promotes the preservation and maintenance of natural features.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide pedestrian and bicycle access throughout the site and connecting into the established trail system.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will protect and increase tree canopy coverage, and protect the natural features, specifically the Town Branch Creek on the site.
4. Slight adjustments to the zoning categories within the right-of-way to the B-2B zone and the R-2 zone are nominal and do not have an impact on the subject property or the adjacent land uses. These changes are appropriate as they match the adjacent and surrounding zoning, whereas the current zoning is incongruent with the proposed land use.
5. This recommendation is made subject to approval and certification of PLN-MJDP-22-00007: Town Branch Park, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

HBB/TW
02/28/2022

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