



TOWN BRANCH  
PARK

Town Branch Park, Inc.  
249 East Main Street, Ste. 201  
Lexington, KY 40507

January 31, 2022

Larry Forester, Chair  
Planning Commission Members  
Lexington-Fayette Urban County Planning Commission  
Phoenix Bldg.-7<sup>th</sup> Floor  
101 East Vine Street  
Lexington, Ky 40507

Re: Letter of Justification

Dear Chairman Forester and Planning Commission Members:

**SUMMARY**

Town Branch Park, Inc. (“TBP”) has filed a Zone Map Amendment Application and the related Preliminary Development Plan for properties in downtown Lexington lying between the Convention Center Garage and Oliver Lewis Way and designated collectively as Parcel One on the Zone Change Notification Map. The properties are 150 Tucker Street owned by the Lexington Center Corporation (“LCC”), related LFUCG public right-of ways and certain properties owned by the Commonwealth of Kentucky Department of Transportation.

TBP will lease for a 50 year term from LLC approximately 9.2 acres designated as 150 Tucker Street for the design, development, construction and operation of a public park (the “Park”). Access to TBP

will be from West High Street, West Main Street, and Manchester Street via non-exclusive public easements to TBP from LCC and/or LFUCG.

The properties are proposed to be rezoned to the Lexington Center Business Zone (B-2B) from the current Light Industrial Zone (I-1), except Parcel Two which is to be rezoned to the Two-Family Residential (R-2) Zone. The proposed B-2B Zone conforms to many provisions of the current Comprehensive Plan. In fact, the development of 795 Manchester Street for a public park is specifically mentioned and recommended in several parts of the Comprehensive Plan and the Town Branch Commons Strategic Master Plan and is in accord with major principles of the Downtown Master Plan.

In addition, as shown on the Zone Change Notification Map, a small parcel designated Parcel Two (0.08 Gross Acres) is proposed to be rezoned from R-2 to B-2B and another small parcel designated Parcel Three (0.13 gross acres) is proposed to be rezoned from I-1 to B-2B. Both of these parcels lie in the right-of-way of Ty Court, are owned by LFUCG, and the existing zoning of both is inappropriate. The proposed rezoning to B-2B and R-2 respectively is appropriate, conforms to the contiguous zoning, and is in conformity with the Comprehensive Plan for many of the reasons described for Parcel One.

## **SITE DESCRIPTION**

The Park is currently in the I-1 zone and bounded as follows:

--On the east by the multi-story, newly constructed LCC Garage and the expanded Convention Center in the B-2B zone;

--On the north by a variety of uses all fronting on West Main Street, including a Church, single-family residences, a residential condominium development, an office building, an auto sales lot and the Salvation Army building; all are in the B-2B zone except a small part

along the Western end in the I-1 zone; and some are also in the H-1 zone;

--On the west by Oliver Lewis Way and a Commonwealth of Kentucky Department of Transportation tract in the I-1 zone.

--On the south by the newly constructed LCC Garage access road and Manchester Street in the I-1 zone. On the south side of Manchester Street are located several commercial businesses in the I-1 zone, several single-family residences fronting on West High Street in the R-2 and H-1 zones, a Kentucky Utilities substation and a small part of the LCC property both in the R-2 zone.

The gross acreage of the total area to be rezoned is 12.73 gross acres and extends to the centerlines of Oliver Lewis Way to the west and of Manchester Street and Ty Court to the south. The area of the Park applicable to this application is approximately 9.2 net acres.

The existing I-1 zoning and past uses of the Park are clearly incompatible with the neighboring uses and zoning. In addition, the elevation of the Park is approximately 20 feet below the elevation of the surrounding properties which obviously makes its development consistent with that of the neighboring properties very problematic. The proposed B-2B zoning for the Park is entirely compatible and complementary with the uses and zoning of the neighboring properties.

## **ENGAGEMENT**

From the beginning of the TBP project, emphasis has been placed on securing extensive community input to inform the design and programming of the Park. TBP has completed several rounds of community engagement since 2017, including the 2018 Inclusive Park Survey to explore Lexingtonians' expectations for a welcoming downtown public park. Over 2,000 responses to the survey were

received, resulting in the TBP Park Inclusion Plan, adopted by the Park's Board of Directors in 2019.

In March, 2021 TBP completed our most recent round of community engagement related to the Park's schematic design which focused on Park interior features and programming. Except for two-pop up events, all engagements occurred virtually due to the ongoing COVID-19 pandemic. This included an online survey, stakeholder focus groups, and a virtual public forum. In addition, all residents in zip codes closest to the Park received a postcard about the engagement process and numerous fliers were posted in businesses surrounding the Park site.

Thanks to those efforts TBP was able to complete over 1,000 touchpoints with the public. The majority of respondents to the online survey live in the zip codes closest to TBP, 40508 and 40507.

Community members were overall very excited for TBP and desire a well programmed, amenity focused, greenspace downtown. Utilizing specific feedback from schematic design community engagement, the design team was able to further refine the concept for the Park and complete schematic design documentation reflecting the community's vision and needs.

## **COMPREHENSIVE PLAN: GOALS AND OBJECTIVES**

The proposed Park rezoning is in agreement with many of the following Goals and Objectives of the Comprehensive Plan:

### **THEME B: PROTECTING THE ENVIRONMENT**

**GOAL 2: REDUCE LEXINGTON-FAYETTE COUNTY'S CARBON CONTENT.** The Park will replace a former asphalt parking lot for the LCC Convention Center and Rupp Arena, which has been used most

recently for a construction staging and service zone for the Convention Center expansion. Instead of its past use as primarily a large impervious service, the Park will be largely a greenspace covered by native grasses, plantings and trees.

**GOAL 3: APPLY ENVIRONMENTALLY SUSTAINABLE PRACTICES TO PROTECT, CONSERVE & RESTORE LANDSCAPES & NATURAL RESOURCES.** The Park will conserve, protect, and improve in an environmentally sustainable manner the existing portion of Town Branch which surfaces near the southwest boundary of the Park. Also, the Park will employ environmentally sustainable maintenance policies and practices throughout the Park to assure it remains a well-managed greenspace.

### **THEME C: CREATING JOBS AND PROSPERITY**

**GOAL 1: SUPPORT & SHOWCASE LOCAL ASSETS TO FURTHER THE CREATION OF A VARIETY OF JOBS.** The Park 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. Also, the Park will provide new job opportunities for its operations, maintenance and events both for Park employees and for businesses that will provide goods and services for the Park. The Park will constitute a vital link connecting with the Legacy Trail and the Town Branch Commons Trail, providing continuous pedestrian and bikeways between different and diverse segments of Lexington.

**GOAL 2: ATTRACT THE WORLD'S FINEST JOBS, ENCOURAGE THE ENTREPRENEURIAL SPIRIT, & ENHANCE OUR ABILITY TO RECRUIT & AND RETAIN A TALENTED CREATIVE WORKFORCE BY ESTABLISHING OPPORTUNITIES THAT EMBRACE DIVERSITY WITH INCLUSION IN THE COMMUNITY.** TBP will encourage and embrace activities,

performances, festivals, and events of a recreational, educational, artistic, musical, theatrical and social nature for children and adults. Community organizations and groups of every nature will be encouraged to use the Park for gatherings, activities and meetings of every kind.

The Park will be open to the public and will be totally non-discriminatory in its employment and other policies. The Park will enhance economic development by providing opportunities to promote Lexington as a community with a vibrant, active, downtown public park of interest to new businesses seeking to locate here, retaining existing businesses, attracting new visitors, creating a new focus and amenity for downtown businesses and creating new jobs.

#### **THEME D: IMPROVING A DESIRABLE COMMUNITY**

**GOAL 2: SUPPORT A MODEL OF DEVELOPMENT THAT FOCUSES ON PEOPLE-FIRST TO PROVIDE ACCESSIBLE COMMUNITY FACILITIES AND SERVICES TO MEET THE HEALTH, SAFETY & QUALITY OF LIFE NEEDS OF LEXINGTON-FAYETTE COUNTY'S RESIDENTS & VISITORS.** The Park is designed "people first" to serve small children, teens, and adults of all abilities, in a natural, greenspace environment. The Park includes walking and bike trails; benches; a café restaurant for indoor and outdoor dining; open greenspace areas for picnics, play, gatherings or just lounging; a children's play area with water and other active play features; a dog park; a stage and amphitheater accommodating up to 5,000 for festivals and performances; and public restroom facilities. The Park will provide a healthy and safe place and add another major asset to the quality of life attributes of Lexington.

**GOAL 3: PROTECT & ENHANCE THE NATURAL & CULTURAL LANDSCAPES THAT GIVE LEXINGTON-FAYETTE COUNTY ITS UNIQUE IDENTITY & IMAGE.** Rezoning of the Park will restore and then recreate

the use of the Park property which in the earliest history of Lexington was grassland and Town Branch, the waterway Lexington was founded upon. The architecture of the several structures, fencing, pedestrian bridges, Town Branch Commons Trail, signage and other features of the Park will reflect many of the historic nature of these features in the Rural Service Area and in surrounding counties.

### **COMPREHENSIVE PLAN: PLACEMAKING**

Placemaking Policy #1 “Implementing The Town Branch Commons Strategic Master Plan As An Element of The Comprehensive Plan” states “The Town Branch Commons is all-inclusive of the Town Branch Park, Town Branch Trail,...”. The policy also includes a schematic drawing of the Town Branch Commons Trail including Town Branch Park.

Also Page 184 OF THE COMPREHENSIVE PLAN TITLED “POPSED REGIONAL & NATURE PARKS: LEXINGTON PARKS & RECREATION PLAN: YOUR PARKS, OUR FUTURE” specifically locates the Park exactly where it is proposed and labels it “Future Town Branch Park”.

Placemaking Policy 4 “Create Quality & Useable Open Space For All Developments Over One Acre” states “Successful, usable open space requires both private and public open space areas, designed and incorporated intentionally into the fabric of all development.”

Placemaking Policy #14 “Pursue A Regional Park system” states “The City of Lexington and the Division of Parks and Recreation also continue their efforts for proposed Town Branch Park, with public and private partnership. This park would provide a much-needed regional recreational attraction in downtown Lexington.

Clearly, the Park is envisioned to be a significant part of the Placemaking Section of the Comprehensive Plan

### **COMPREHENSIVE PLAN: PLACEBUILDER**

The Placebuilder provides that the property to be rezoned B-2B is in the Place-Type “Downtown” and the Development Type “High Density Non-Residential/Mixed-Use” for the purpose of analyzing the following Placebuilder development criteria:

#### **SITE DESIGN, BUILDING FORM & LOCATION**

A-D54-2, A-D55-3, A-D55-4, ADN2-2 & B-SU11-1: The Park is primarily a large greenspace area occupied by native grasses, trees, plantings, pedestrian paths, the connecting section of Town Branch Commons trail, Town Branch and a new tributary to it, a large children’s playground area with a variety of features, a major sculpture and a dog park. The buildings are all centered in the Park with the stage facing east toward the Lexington Center Garage and expanded Convention Center and the restaurant and public restrooms buildings facing west toward Oliver Lewis Way. Since the entire Park site is approximately 20 feet below the elevation of the neighboring properties on the south and north, there is not any adverse impact on them.

C-U7-1: The Park is situated between several neighborhoods to the south and north, which along with the downtown Lexington to the east, provide a mix of residential, commercial, retail and office uses within easy walking distance and accessible access to the Park.

D-PL7-1: The entire Lexington community has been invited to review the Park plan and activities, many participated and responded and many of their recommendations have been incorporated in the Park



plan and programming. See the above Section ENGAGEMENT for details.

D-PL10-1: The Park will include a major sculpture and host a variety of art related events and activities that will be an important and regular part of Park activities.

D-SP3-1: Adequate underground easements will be provided for sanitary, stormwater, electric, water, gas and communications facilities in accordance with all applicable LFUCG, State and federal requirements. Existing main underground easements on the property for the Town Branch culverts, sanitary, water, electric and communications will be left in place. All existing and new easements are under active review by the applicable LFUCG, State and Federal entities and will require permits.

E-GR10-2: The Park will be crossed with a network of connected pedestrian paths and along the northern and western borders will lie the Town Branch Commons Trail for pedestrians and bicyclers.

Many of the above development criteria are illustrated on the Preliminary Development Plan filed with the Application.

The remaining Site Design, Building Form & Location development criteria are inapplicable to the Park due to their specific focus on residential or other types of development which are not part of the Park or for other obvious reasons.

## TRANSPORTATION & PEDESTRIAN CONNECTIVITY

A-D51-2, AD-54-1, AD-55-1 & AD-55-2: The perimeter pedestrian paths of the Park connect directly to the main Park pedestrian access ways to and from West Main Street, West High Street and Manchester

Street/Oliver Lewis Way. West Main Street and West High Street are major bus transit routes. The interior Park roadways around the east, north and west boundaries will be separated from the pedestrian paths by trees, plantings, and landscaping and are limited only for emergency vehicles and vehicles servicing the Park for maintenance, utility and trash service, and Park programming.

B-SU4-1: The Park constitutes a greenspace community center.

C-PS10-1, D-CO1-1, DCO2-1, & D-CO2-2: Public parking lots and garages are within easy walking distance to the Park as are bus transit stops on West Main and West High Streets. Also, there are parking spaces on the north side of Manchester Street with direct access to the Park pedestrian paths which will be restricted only for use by Park visitors with disabilities.

D-SP6-1: The Park is a community facility accessible via mass transit, bicycle and pedestrian transportation.

The remaining Transportation & Pedestrian Connectivity development criteria are inapplicable to the Park due to their specific focus on other types of development not part of the Park or for other obvious reasons.

#### GREENSPACE & ENVIRONMENTAL HEALTH

A-D54-3: The existing surfacing of Town Branch will be preserved and enhanced and much of the tree line along the northern boundary of the park will be preserved and enhanced.

A-EQ7-3: The entire Park will be accessible to the public.

B-PR2-1 & B-2PR-2: The Park impact on Town Branch and its floodplain will be improved by environmentally sustainability measures and maintenance.

B-PR2-3: The floodplain of Town Branch will be incorporated into accessible greenspace and additional protection will be provided to areas around the floodplain.

B-PR7-1: Connections to greenways, tree stands and Town Branch and its floodplain will be provided.

B-PR&-2 & B-PR&-3: Trees will be incorporated in the Park development plans with grouping as appropriate to increase sustainability. The trees to be planted in the Park will greatly increase the tree canopy compared to the existing tree canopy.

B-RE1-1: Trees will be planted along the pedestrian paths.

B-RE2-1: Basically, most of the Park is a large inter-connected greenspace network consisting of native grasses, plantings, trees and Town Branch.

E-GR3-1 & E=GR3-2: The existing Town Branch and the north boundary tree line will both be maintained, visually incorporated in the Park and become focal points emphasizing their unique features.

The remaining Greenspace & Environmental Health development criteria (B-PR2-2) is inapplicable to the Park because no privately owned parcels are included in the Park; and, development criteria D-SP2-1 and D-SP-2 are inapplicable because the Park does not include a school site.

## **THE COMPREHENSIVE PLAN, THE DOWNTOWN MASTER PLAN AND THE TOWN BRANCH COMMONS STRATEGIC MASTER PLAN**

### COMPREHENSIVE PLAN

The following references in the Comprehensive Plan demonstrate the proposed B-2B zone is in agreement with the Comprehensive Plan:

--Page 170 specifically illustrates the Park to be located between the Convention Center Garage and Oliver Lewis Way.

--Page 173 specifically illustrates the Park to be "Open Space".

--Page 179 encourages public art; the Park Plan will include major permanent art features, art exhibitions and other art-related activities on a regular basis.

--Pages 183 & 184 specifically describes and designates the future Town Branch Park in downtown Lexington as a "regional recreation attraction".

--Page 184 describes Town Branch Park as a priority for a "Citywide Festival". The Park plans numerous small and large festivals with many different themes.

--Page 186 emphasizes the importance of access for seniors. The Park access and interior circulation paths are designed for easy access and circulation for persons of all abilities, including seniors and disabled persons.

--Page 203 mentions the importance of "infill". The Park constitutes an excellent example of positive infill development.

--Page 222 states new developments should have economic, environmental and social sustainability benefits; the Park meets all of these measures.

-- Pages 225 & 226 describes the importance of open space to business. The Park will be the largest open space in downtown Lexington with many outdoor activities.

--Page 232 states the redevelopment of older industrial sites near areas zoned H-1 will enhance the H-1 areas.

--Page 247 supports public event planning, community events, festivals and parades, all of which are planned activities of the

Park; and also indicates the importance of developments to Lexington's quality of life, including greenspace.

## DOWNTOWN MASTER PLAN

The following reference in the Downtown Master Plan, which is incorporated in the Comprehensive Plan, demonstrate the proposed B-2B zone is in agreement with the Downtown Master Plan:

--Page 20 emphasizes the creation of accessible open spaces, encouraging innovative infill development, restoration of impervious surface areas, an increase of green spaces, and encouragement of Public Private partnerships for redevelopment. The Park meets all of these objectives. In particular, the Park is actually a Public Private Partnership due to the initial LFUCG funding for the Park conceptual design, the LFUCG grants for stormwater improvements and other areas of cooperation between LFUCG and the Park. In addition, the Park will complete the final link of LFUCG's Town Branch Commons Trail Project.

## TOWN BRANCH COMMONS STRATEGIC MASTER PLAN

The following references in the Town Branch Commons Strategic Master Plan, which is incorporated in the Comprehensive Plan, demonstrate the proposed B-2B zone is also in agreement with the Town Branch Commons Strategic Master Plan:

--Page 9 indicates The "Vision" for Town Branch Commons clearly encompasses the Park's vision to be an essential and valuable part of downtown Lexington's need for additional green space and an active, vital setting offering recreation, education, social, healthy and entertainment opportunities to the general public.

--Page14 specifically identifies Town Branch Park to be the “Core Central Park” of downtown Lexington with access and connectivity.

--Page 15 describes the uses of Town Branch Commons which correspond to the uses of the Park.

-- Page 15 describes the amenities of Town Branch Commons which correspond to the amenities to be provided by the Park.

## **THE ZONING ORDINANCE**

The “Intent” of the Lexington Center Business (B-2B) Zone states:

“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 Lexington Center and the Downtown Area.”

The Park fully meets all of these objectives.

Among the Principal Uses specified in the B-2B Zone are Civic Center and Convention Facilities, Restaurants, and Amusement enterprises, such as “.... special events, festivals, and concerts provided such activity is operated on a temporary basis of a duration not exceeding two (2) weeks”.

The Principal Uses permitted in the B-2B Zone also include “Other uses substantially similar to those listed herein shall also be deemed permitted.”

The Park Café, a principal permitted use, will be open full-time throughout the year for indoor and outdoor dining. Other principal permitted uses include special events, festivals and concerts, will occur for most months of the year. Some of the accessory and ancillary uses include walking trails, the Town Branch Commons trail, a stage and large amphitheater area, a children’s play and water park area, a dog park and other features are illustrated on the Preliminary Development Plan. Many of the active and passive uses of the Park for the public are described in the “Program Planning” of the Park attached as Exhibit A, which are both accessory to these principal permitted uses, substantially similar to the permitted uses and clearly fall within the intent of the B-2B zone.

Also, the many activities of the Park are certainly ancillary and very valuable to the LCC Civic Center and Convention Facilities by providing amenities to convention attendees and by providing a major selling point for the attraction of conventions to Lexington, especially to those hosted at Lexington Center.

Clearly, the proposed uses of the Park are all consistent with the Intent of the B2-B Zone, some are specifically permitted uses, and others are accessory and substantially similar to the permitted uses.

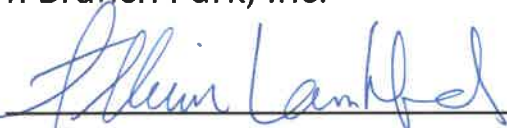
## **CONCLUSION**

The proposed B-2B zoning for the Park is fully in agreement with the Comprehensive Plan. The existing I-1 zone is not in agreement with the Comprehensive Plan, nor is it compatible with the uses and zoning of the neighboring properties of the Park. Town Branch Park


respectfully requests approval of the rezoning of the Park and related areas to the B-2B zone and Parcel Two to the R-2 Zone.

Yours truly,

Town Branch Park, Inc.

By:   
Allison Lankford, Executive Director

And

By:   
Michael Ades, Special Counsel