

ORDINANCE NO. 034 - 2022

AN ORDINANCE CHANGING THE ZONE FROM A LIGHT INDUSTRIAL (I-1) ZONE TO A LEXINGTON CENTER BUSINESS (B-2B) ZONE, FOR 9.23 NET (12.73 GROSS) ACRES, FROM A TWO-FAMILY RESIDENTIAL (R-2) ZONE TO A LEXINGTON CENTER BUSINESS (B-2B) ZONE, FOR 0.00 NET (0.08 GROSS) ACRES, AND FROM A LIGHT INDUSTRIAL (I-1) ZONE TO A TWO-FAMILY RESIDENTIAL (R-2) ZONE, FOR 0.00 NET (0.13 GROSS) ACRES, FOR A PORTION OF PROPERTIES LOCATED AT 131 AND 150 TUCKER STREET (TOWN BRANCH PARK, INC.; COUNCIL DISTRICT 11).

WHEREAS, at a Public Hearing held on March 24, 2022, a petition for a zoning ordinance map amendment for a portion of properties located at 131 and 150 Tucker Street from a Light Industrial (I-1) zone to a Lexington Center Business (B-2B) zone, for 9.23 net (12.73 gross) acres, from a Two-Family Residential (R-2) zone to a Lexington Center Business (B-2B) zone, for 0.00 net (0.08 gross) acres, and from a Light Industrial (I-1) zone to a Two-Family Residential (R-2) zone, for 0.00 net (0.13 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for a portion of properties located at 131 and 150 Tucker Street from a Light Industrial (I-1) zone to a Lexington Center Business (B-2B) zone, for 9.23 net (12.73 gross) acres, from a Two-Family Residential (R-2) zone to a Lexington Center Business (B-2B) zone, for 0.00 net (0.08 gross) acres, and from a Light Industrial (I-1) zone to a Two-Family Residential (R-2) zone, for 0.00 net (0.13 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: May 5, 2022

Linda Gorton

MAYOR

ATTEST:

Alla

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: May 12, 2022-1t

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

IN RE: PLN-MAR-22-00001: TOWN BRANCH PARK, INC. - a petition for a zone map amendment from a Light Industrial (I-1) zone to a Lexington Center Business (B-2B) zone, for 9.23 net (12.73 gross) acres, from a Two-Family Residential (R-2) zone to a Lexington Center Business (B-2B) zone, for 0.00 net (0.08 gross) acres, and from a Light Industrial (I-1) zone to a Two-Family Residential (R-2) zone, for 0.00 net (0.13 gross) acres, for a portion of properties at 131 and 150 Tucker Street. (Council District 11)

Having considered the above matter on March 24, 2022, at a Public Hearing, and having voted 9-0 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend APPROVAL of this matter 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 an 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.

ATTEST: This 15th day of April, 2022.


 Secretary, Jim Duncan

LARRY FORESTER
 CHAIR

Note: The corollary development plan, PLN-MJDP-22-00007: Town Branch Park was approved by the Planning Commission on March 24, 2022 and certified on April 7, 2022.

K.R.S. 100.211(7) requires that the Council take action on this request by June 22, 2022.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Mike Ades, Attorney**.

OBJECTORS

- Helene Steene, president of the Historic Woodward Heights Neighborhood Association

OBJECTIONS

- Concerned about the potential impact of traffic on the adjoining neighborhood

VOTES WERE AS FOLLOWS:

AYES: (9) Barksdale, Davis, de Movellan, Forester, Meyer, Michler, Penn, Pohl, and Worth
 NAYS: (0)
 ABSENT: (2) Bell, Nicol
 ABSTAINED: (0)
 DISQUALIFIED: (0)

Motion for APPROVAL of PLN-MAR-22-00001 carried.

Enclosures: Application
 Justification
 Legal Description
 Plat
 Staff Report
 Development Snapshot
 Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant:

TOWN BRANCH PARK, INC., 249 EAST MAIN STREET, STE 201, LEXINGTON, KY 40507

Owner(s):

LEXINGTON CENTER CORP., 430 WEST VINE STREET, LEXINGTON, KY 40507

Attorney:

MIKE ADES, 249 EAST MAIN STREET, STE 201, LEXINGTON, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

131 TUCKER STREET (A PORTION OF) AND 150 TUCKER STREET, LEXINGTON, KY 40507

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
I-1	SURFACE PARKING LOT	B-2B	RESTAURANT AND PARK	9.23	12.73
R-2	RIGHT-OF-WAY	B-2B	RIGHT-OF-WAY	0	0.08
I-1	RIGHT-OF-WAY	R-2	RIGHT-OF-WAY	0	0.13

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	DOWNTOWN
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	HIGH DENSITY NON-RESIDENTIAL / MIXED-USE

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 type="checkbox"/> NO

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

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
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





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.-7th 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.

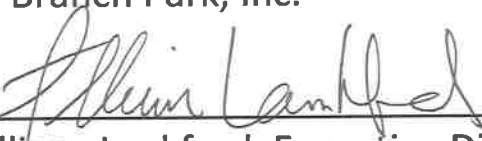
CONCLUSION

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

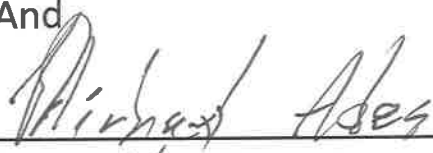
respectfully requests approval of the rezoning of the Park and related areas to the B-2B zone and Parcel Two to the R-2 Zone.

Yours truly,

Town Branch Park, Inc.

By: 
Allison Lankford, Executive Director

And

By: 
Michael Ades, Special Counsel

**LEGAL DESCRIPTION
OF
LEXINGTON CENTER CORPORATION PROPERTY
FOR
ZONE CHANGE REQUEST
FROM I-1 TO B-2B (PARCEL ONE)
150 TUCKER STREET
LEXINGTON, FAYETTE COUNTY, KENTUCKY
JANUARY 28, 2022**

All that tract or parcel of land situated northeast of the intersection of Oliver Lewis Way (US 60) and Manchester Street (Kentucky Route 1681), in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at the intersection of the centerlines of Oliver Lewis Way (US 60) and Manchester Street (KY 1681);

Thence leaving the centerline of Manchester Street (KY 1681), with the centerline of Oliver Lewis Way (US 60) for two (2) calls:

- 1) North 45° 24' 19" East, 303.97 feet to a point; and
- 2) North 43° 18' 24" East, 188.59 feet to a point;

Thence leaving the centerline of Oliver Lewis Way (US 60), South 46° 41' 36" East, 80.00 feet to a point in the easterly right-of-way line of Oliver Lewis Way (US 60), said point being a common corner between The Salvation Army (Deed Book 1190, Page 33) and Tract 2 of Lexington Center Corporation (Deed Book 1296, Page 691);

Thence leaving the easterly right-of-way line of Oliver Lewis Way (US 60), with the northerly property line of Lexington Center Corporation Tract 2 (Deed Book 1296, Page 691) for eight (8) calls:

- 1) South 47° 44' 26" East, 47.59 feet to a point;
- 2) South 56° 42' 06" East, 242.08 feet to a point;
- 3) North 35° 13' 42" East, 40.00 feet to a point;
- 4) South 54° 46' 18" East, 343.10 feet to a point;
- 5) South 55° 19' 07" East, 150.63 feet to a point;
- 6) South 44° 43' 47" East, 102.71 feet to a point;
- 7) South 44° 26' 22" East, 91.27 feet to a point; and
- 8) South 45° 33' 07" East, 100.80 feet to a point in the former centerline of Jefferson Street;

Thence with the former centerline of Jefferson Street, through the lands of Lexington Center Corporation Tract 2 (Deed Book 1296, Page 691), Deed Book 1527, Page 450, and Tract 1 (Deed Book 1296, Page 691), South 49° 04' 08" West, 414.48 feet to a point in the centerline of Manchester Street;

Thence leaving the former centerline of Jefferson Street, with the centerline of Manchester Street for three (3) calls:

- 1) North 42° 09' 08" West, 24.54 feet to a point;
- 2) North 59° 50' 00" West, 241.63 feet to a point; and
- 3) 88.70 feet along an arc to the right, having a radius of 6,300.00 feet, the chord of which is North 59° 25' 48" West, 88.70 feet to a point;

Thence leaving the centerline of Manchester Street, with an existing zone boundary line for two (2) calls:

- 1) South 40° 46' 41" West, 28.25 feet to a point; and
- 2) South 36° 39' 03" West, 21.63 feet to a point in the centerline of Ty Court;

Thence with the centerline of Ty Court for four (4) calls:

- 1) 58.37 feet along an arc to the left, having a radius of 500.00 feet, the chord of which is North 66° 23' 02" West, 58.33 feet to a point;
- 2) North 69° 43' 42" West, 233.49 feet to a point;
- 3) 105.53 feet along an arc to the right, having a radius of 58.00 feet, the chord of which is North 17° 36' 07" West, 91.57 feet to a point; and
- 4) North 34° 31' 27" East, 46.25 feet to an intersection point in the centerline of Manchester Street;

Thence leaving the centerline of Ty Court, with the centerline of Manchester Street for three (3) calls:

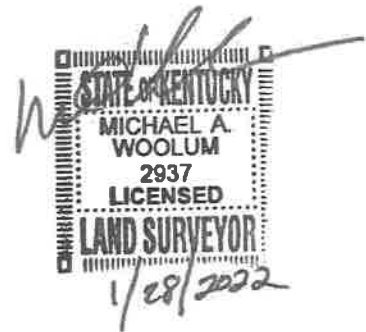
- 1) North 54° 48' 33" West, 164.90 feet to a point;
- 2) 240.43 feet along an arc to the left, having a radius of 1,500.00 feet, the chord of which is North 59° 24' 04" West, 240.18 feet to a point; and
- 3) North 63° 59' 35" West, 16.94 feet to the **POINT OF BEGINNING**, containing a net area of 9.23 acres and a gross area of 12.73 acres.

Being a portion the same property conveyed to Lexington Center Corporation by deed dated April 5, 1982, in Deed Book 1296, at Page 691, and by deed dated August 23, 1989, in Deed Book 1527, at Page 450, both of record in the Fayette County Clerk's Office.

This legal description is adapted from the deeds of record in Deed Book 1296, Page 691, and Deed Book 1527, Page 450. The description was prepared by Michael A. Woolum, PLS, Strand Associates, Inc., 651 Perimeter Drive, Suite 220, Lexington, KY 40517. The surveyor of record makes no representation that a boundary survey was conducted for the purpose of preparing this description to be used in connection with a zone change request.


Michael A. Woolum, PLS
Strand Associates, Inc.®
651 Perimeter Drive, Suite 220
Lexington, KY 40517
(859) 225-8500

1/28/2022
Date



**LEGAL DESCRIPTION
OF
LEXINGTON CENTER CORPORATION PROPERTY
FOR
ZONE CHANGE REQUEST
FROM R-2 TO B-2B (PARCEL TWO)
150 TUCKER STREET
LEXINGTON, FAYETTE COUNTY, KENTUCKY
JANUARY 28, 2022**

All that tract or parcel of land situated between Ty Court and Manchester Street in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the southerly right-of-way line of Manchester Street and Ty Court, said point being the northernmost corner of Kentucky Utilities Company (Deed Book 998, Page 38);

Thence with the southerly right-of-way line of Manchester Street and Ty Court, and the westerly property line of Kentucky Utilities Company (Deed Book 998, Page 38) South 25° 45' 26" West, 20.22 feet to a point in the centerline of Ty Court;

Thence leaving the southerly right-of-way line of Manchester Street and Ty Court, and the westerly property line of Kentucky Utilities Company (Deed Book 998, Page 38), with the centerline of Ty Court for two (2) calls:

- 1) North 58° 37' 54" West, 41.92 feet to a point; and
- 2) 38.47 feet along a curve to the left, having a radius of 500.00 feet, the chord of which is North 60° 50' 09" West, 38.46 feet to a point;

Thence leaving the centerline of Ty Court, with an existing zone boundary line for two (2) calls:

- 1) North 36° 39' 03" East, 21.63 feet to a point; and
- 2) North 40° 46' 41" East, 28.25 feet to a point in the centerline of Manchester Street;

Thence with the centerline of Manchester Street, 71.25 feet along an arc to the left, having a radius of 6,300.00 feet, the chord of which is South 59° 21' 03" East, 71.25 feet to a point;

Thence leaving the centerline of Manchester Street, South 30° 19' 31" West, 28.71 feet to the **POINT OF BEGINNING**, containing a net area of 0.00 acres and a gross area of 0.08 acres.



Being a portion of the existing right-of-way of Manchester Street (formerly KY 1681) and Ty Court as shown on Highway Plans of Lexington-Versailles Road (US 60) and Jefferson Street, Project Number 2169 (SP 34-7164), dated May 9, 1979 and on file with the Kentucky Transportation Cabinet.

This legal description is adapted from the May 9, 1979 Highway Plans of Lexington-Versailles Road (US 60) and Jefferson Street by the Kentucky Transportation Cabinet, Project Number 2169, (SP 34-7164). The description was prepared by Michael A. Woolum, PLS, Strand Associates, Inc., 651 Perimeter Drive, Suite 220, Lexington, KY 40517. The surveyor of record makes no representation that a boundary survey was conducted for the purpose of preparing this description to be used in connection with a zone change request.



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1/28/2022
Date



**LEGAL DESCRIPTION
OF
LEXINGTON CENTER CORPORATION PROPERTY
FOR
ZONE CHANGE REQUEST
FROM I-1 TO R-2 (PARCEL THREE)
150 TUCKER STREET
LEXINGTON, FAYETTE COUNTY, KENTUCKY
JANUARY 28, 2022**

All that tract or parcel of land situated within the right-of-way of Ty Court, south of Manchester Street, in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the southerly right-of-way line of Manchester Street and Ty Court, said point being 94.32 feet right of the centerline of survey of Manchester Street at Station 26+38.70, as shown on the May 9, 1979 construction plans of Manchester and Jefferson Streets by the Kentucky Transportation Cabinet (Project Number 2169, SP 34-7164).

Thence with the southerly right-of-way line of Manchester Street and Ty Court for two (2) calls:

- 1) North 54° 27' 53" West, 65.32 feet to a point; and
- 2) North 72° 01' 10" West, 35.06 feet to a point;

Thence leaving the southerly right-of-way line of Manchester Street and Ty Court, with an existing zone boundary line, North 20° 16' 18" East, 19.11 feet to a point in the centerline of Ty Court;

Thence with the centerline of Ty Court for two (2) calls:

- 1) South 69° 43' 42" East, 114.22 feet to a point; and
- 2) 58.37 feet along an arc to the right, having a radius of 500.00 feet, the chord of which is South 66° 23' 02" East, 58.33 feet to a point;

Thence leaving the centerline of Ty Court, with an existing zone boundary line for two (2) calls:

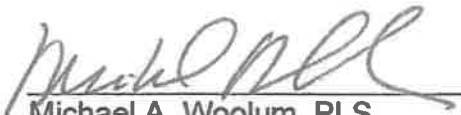
- 1) South 36° 39' 03" West, 59.46 feet to a point; and
- 2) North 61° 59' 02" West, 37.92 feet to a point in the southerly right-of-way line of Manchester Street and Ty Court;

Thence with the southerly right-of-way line of Manchester Street and Ty Court for two (2) calls:

- 1) North 11° 41' 24" East, 14.79 feet to a point; and
- 2) North 51° 43' 14" West, 18.79 feet to the **POINT OF BEGINNING**, containing a net area of 0.00 acres and a gross area of 0.13 acres.

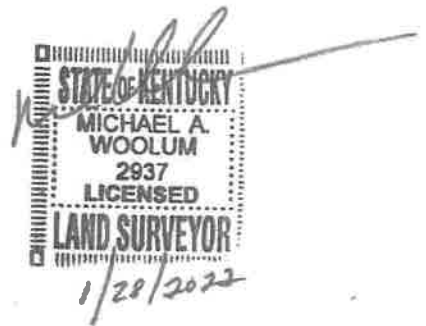
Being a portion of the existing right-of-way of Manchester Street (formerly KY 1681) and Ty Court as shown on the Highway Plans of Lexington-Versailles Road (US 60) and Jefferson Street, Project Number 2169 (SP 34-7164), dated May 9, 1979 and on file with the Kentucky Transportation Cabinet.

This legal description is adapted from the May 9, 1979 Highway Plans of Lexington-Versailles Road (US 60) and Jefferson Street by the Kentucky Transportation Cabinet, Project Number 2169 (SP 34-7164). The description was prepared by Michael A. Woolum, PLS, Strand Associates, Inc., 651 Perimeter Drive, Suite 220, Lexington, KY 40517. The surveyor of record makes no representation that a boundary survey was conducted for the purpose of preparing this description to be used in connection with a zone change request.



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1/28/2022
Date



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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: 0.00 net (0.13 gross) acres
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 a 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.

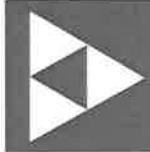
PROPERTY & ZONING HISTORY



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.

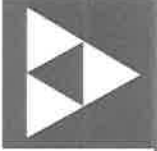
The applicant indicates that the proposed rezoning of the property and the construction of the park will allow for the improvement of a desirable community by including facilities that are people first in design and provide a healthy and safe place for social interaction (Theme D, Goal #2). The facilities 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.

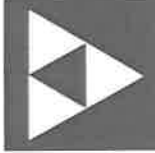
1. Site Design, Building Form and Location

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.

Note: Ms. Barksdale joined the meeting 2:03 p.m.

1. TOWN BRANCH PARK, INC. & TOWN BRANCH PARK ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-22-00001: TOWN BRANCH PARK, INC.** – a petition for a zone map amendment from a Light Industrial (I-1) zone to a Lexington Center Business (B-2B) zone, for 9.23 net (12.73 gross) acres, from a Two-Family Residential (R-2) zone to a Lexington Center Business (B-2B) zone, for 0.00 net (0.08 gross) acres, and from a Light Industrial (I-1) zone to a Two-Family Residential (R-2) zone, for 0.00 net (0.13 gross) acres, for a portion of properties at 131 and 150 Tucker Street.

COMPREHENSIVE PLAN AND PROPOSED USE

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.

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.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The 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 an 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.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

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.

b. PLN-MJDP-22-00007: TOWN BRANCH PARK (05/01/22)* - located at 131 AND 150 TUCKER ST., LEXINGTON, KY.
Project Contact: Carman

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-2B/R-2; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Addition of bearings and distances on all property lines.
9. Show location of street cross-sections on plan face.
10. Addition of dimensions on pedestrian bridges.
11. Dimension all buildings.
12. Denote 25' floodplain setback and vegetative buffer per Article 19 of the Zoning Ordinance.
13. Denote any proposed retaining walls and their height in feet.
14. Denote West Jefferson Street right-of-way to be closed at time of Final Development Plan.
15. Denote any environmental assessment and/or remediation plan to be submitted to the Divisions of Environmental Services and Planning at time of a Final Development Plan.
16. Discuss parking.
17. Discuss access to Main Street via West Jefferson Street.
18. Discuss Placebuilder criteria.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and of the immediate area. He said that 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. He stated that 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. The applicant is seeking 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.

Mr. Baillie indicated that the proposed rezoning identified the area as a Downtown Place-Type, and a High Density Non-Residential / Mixed-Use (HNR/MR) Development Type. He explained that the HNR/MR Development Type is typically associated with the construction of buildings that have a greater floor area ratio (FAR) and utilize the limited land to its fullest extent. He indicated that while the proposed development would not be adding greater FAR, it would be encouraging large scale activity, and invite more people to the downtown area. He stated that staff was in agreement with the Place-Type and Development Type.

Mr. Baillie stated that over the course of the review of the proposed rezoning and the associated development plan, there were two primary concerns: 24-hour access to the portions of the Town Branch Commons that traverse the property, and the proposed termination of the remaining portions of Jefferson Street (also referred to as Manchester Street) that connect with W. High Street. The importance of the trail connection being maintained and available 24-hours a day was reiterated due to the importance of bridging the current portions of the trail and the operation of the trail as a major component of the transportation system. During the Zoning Committee Meeting, the applicant stated that they would be keeping that portion of the park open at all times. Staff found that the road connection between the proposed park and W. High Street was also an important element not only of the transportation system, but was important to the visibility of the property and the availability of natural surveillance of the area. Mr. Baillie indicated that the Comprehensive Plan supports maintaining connections with roadways and that the current roadway system not only provides access to the subject properties, but also to the business and residences located along Ty Court. Mr. Baillie stated that the Division of Planning staff met with the development team and they believe that there can be a solution that allows for the entryway into the park, while maintaining road connectivity. This aspect of the project can be finalized at the time of the Final Development Plan.

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Mr. Baillie finalized the presentation of the proposed application with the review of the recommended findings for approval that were enumerated in the staff report and stated that the Zoning Committee recommended approval of the rezoning.

Commission Questions – None

Staff Development Plan Presentation – Mr. Martin presented the staff report and recommendations for the associated Preliminary Development Plan. Mr. Martin presented the colored rendering of the site and reviewed the proposed development, noting that there were still cleanup conditions that needed to be addressed prior to the certification of the plan. He described the importance of the connections to be made into the site, focusing on the trail system. Mr. Martin described the “daylighting” of the Town Branch Creek and the importance of some of the modifications the applicant wanted to make on site. He noted the location of the various proposed elements of the site include the café, amphitheater, playground, bike/pedestrian facilities, and a dog park. He emphasized the orientation of the amphitheater was meant to reduce the noise impacts on the neighboring residential developments.

Mr. Martin described in more detail the bike and pedestrian access into the site, moving from the public right-of-way, through the tunnel, and over the bridge. He then reiterated the importance of pedestrian and vehicular connections. He stated that the park will be a very active public park and due to the ongoing negotiations with the Main Street Baptist Church, the access along Main Street (Condition #17) was no longer an aspect of the plan. However, the removal of access along Main Street resulted in a more robust access point along W. High Street. Mr. Martin stated that Planning staff recommends that there be a connected frontage along Manchester Street that provides visibility and activity along the frontage. He noted that staff supports the “grand entrance” that has been proposed by the applicant, but believes that the importance of the vehicular and pedestrian access is important to the development and that there is adequate space for all aspects.

Mr. Martin also stated that there has been significant discussion regarding the parking for the proposed uses. He indicated that the applicant is seeking to allow for on street parking along Manchester Street. He also noted that there were various lots within the downtown area and that the Lexington Convention Center was in the process of reviewing new development that would include the construction of new structured parking. He stated that at the time of the Final Development Plan, the applicant will need to provide greater information regarding the management of parking.

Mr. Martin finished his presentation by discussing the proposed conditions of approval. Mr. Martin suggested the modification of Conditional #14, changing the language to “Resolve the access on W. High Street at the time of the final development plan.” Additionally, he stated that at the time of the final development plan, the applicant will need to submit an environmental study regarding any potential impacts on the site from the historic industrial land use.

Commission Questions – Mr. Penn asked who owns the land that the proposed park will be built on. Mr. Martin indicated that it is owned by the Lexington Convention Center (LCC) and would be leased to the applicant. Mr. Penn then asked how the tunnel located on the south side of the site, along the W. High Street access, would be made safe. Mr. Martin indicated that the design that they are proposing will be as open and short as possible. He stated that the tunnel would be well lit and that at the time of the final development plan, there could be further discussion regarding the safety of the site and greater measures to ensure safety of the public. Mr. Penn indicated that he has heard from many individuals who support the project, and understands that the north access point along Main Street is still in process.

Mr. Pohl stated that he is glad that there are discussions being held regarding the access point on Main Street. He added that there is also the access point under the bridge that is like a tunnel and that should be looked at.

Mr. Michler inquired as to how the community could ensure that the Town Branch Commons would remain open 24-hours a day, whether it would be a conditional zoning restriction or a note on the development plan. Mr. Martin indicated that it would be a note on the development plan. He added that the plan shows this and the applicant has committed to keeping it open. Mr. Michler indicated that he wanted it on the record due to some experiences that he has had with entities closing access to different areas, which such closures would not serve the transportation needs of the community.

Applicant Presentation – Mr. Mike Ades, attorney for the applicant, introduced himself and the development team, which included the Mr. John Carman, Ms. Sarah Maas, and Ms. Allison Lankford. Mr. Ades discussed the historical development of the proposed park and the amount of public outreach and fundraising that went into this project. He indicated that it would be an iconic and landmark park that will benefit the community for decades. He stated that they were in agreement with the recommendation of the staff and indicated that the application was in support of the Goals and Objectives, Policies, and Development Criteria of the 2018 Comprehensive Plan. He added that the park is actually 25 feet below the level of W. Main Street and W. High Street. He reiterated that there were topographic and physical challenges to the development of the site, and that the applicant has sought to utilize those topographic changes to create the best possible landscape. He indicated that there have been numerous meetings with the Urban County Government and that they plan to continue those meetings in the future, leading to the final development plan. He stated that clearly the current industrial zoning is inappropriate and that the proposed zoning was more appropriate and utilized the land as a benefit to the community. He reiterated that the park would be programmed and would be open

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to everyone in the community, stressing that the park is a not-for-profit organization. He committed to the condition that the Town Branch Commons would remain open at all times. He also committed to continue discussions to reach a solution regarding the vehicular connection between Manchester Street and W. High Street.

Ms. Allison Lankford discussed the history of the project and the outreach that was conducted prior to the submission of the application for rezoning. Ms. Lankford stated that there were various aspects of the site that are difficult, including the environmental and the topography. By recognizing the difficulties early on in the process and working with a strong professional team, they believe that construction will begin this upcoming fall. She stressed the community influence in the development of the site, stating that approximately 16,000 people were engaged in the development of the project. She then showed some of the earliest designs of the site and stated that there has always been a strong emphasis on programmed space including the amphitheater, the playgrounds, and the dog park. She stated that the development is meant to be open to all and is designed for all abilities. Ms. Lankford finalized her comments by stating that the park would be an economic driver for the surrounding businesses and would be complementary to the other community and tourist destinations downtown.

Ms. Sarah Maas, Sasaki Associates Inc., the landscape architect for the project, reviewed the rendering of the proposed project and described some of the specific elements of the programmed space and the connectivity of the site. Ms. Maas described the High Street entrance and the need to provide safe pedestrian and bicycle connections to the site. She indicated that due to the changes in topography and the needed roadway systems for the Lexington Convention Center, the use of a tunnel and a bridge are necessary. This can be done in a safe way, by keeping the tunnel as short and open as possible, as well as activating the tunnel through proper signage and the incorporation of art. Ms. Maas then displayed graphic representations as to how the park might look from an on the ground perspective.

Mr. Ades completed the applicant's presentation by stating that they would continue to work with staff to resolve all issues that remain at the time of the final development plan, so to create the best project possible for Lexington.

Commission Questions – Mr. Michler stated that he appreciated the presentation and that the park was people-oriented and that there was little in the way of parking.

Mr. Pohl agreed with Mr. Michler and asked if anyone had dealt with the artwork panels under the Oliver Lewis Way. Mr. Ades indicated that he did not think so and that it was owned by the State. He described some of the complications with Cox Street, which acts as an access point to the railroad operations to the west. Ms. Lankford indicated that the University of Kentucky had done some work on how to better utilize the space under Oliver Lewis Way, but they have not finalized any changes to that area due to ongoing conversations with the State. Mr. Pohl stated that he knows that the area under the bridge was setup to have artwork in the area and wanted to have everyone thinking about what can be done in the area. Mr. Ades indicated that he would follow-up on this information.

Mr. Penn asked about what water would be used for the splash areas, and stated that he hoped that it was not from the Town Branch Creek. He also stated that he was concerned with the unintended consequences of the development, specifically the access into the area. He said that he will be looking at the final development plan to be more critical of the decisions made because of the importance of the project to the redevelopment of Manchester Street. Mr. Ades indicated that they would be working with staff on those potential issues.

Public Comment – Ms. Helene Steene, president of the Historic Woodward Heights Neighborhood Association, indicated that she was excited about the development, but was concerned with the potential impacts of traffic caused by the development. She discussed the current issues along W. High Street and would like the applicant to better review the impacts of traffic and parking.

Zoning Action – A motion was made by Ms. Worth, seconded by Mr. Pohl, and carried 9-0 (Nicol and Bell absent) to approve PLN-MAR-22-00001: TOWN BRANCH PARK, INC., for the reasons provided by the staff.

Development Plan Action – A motion was made by Ms. Worth, seconded by Mr. Penn, and carried 9-0 (Nicol and Bell absent) to approve PLN-MJDP-22-00007: TOWN BRANCH PARK with the revised 17 conditions, removing #18, modifying #17 to add "resolve at the time of Final Development Plan," and modifying Condition #14 to "Resolve the termination of Manchester Street and the connection with W. High Street at the time of the Final Development Plan."