

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.

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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."

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