

1. **CLEAR OPTIKS, LLC ZONING MAP AMENDMENT AND FIRST SECURITY NATIONAL BANK (AMD) DEVELOPMENT PLAN**

- a. **PLN-MAR-23-00011: CLEAR OPTIKS, LLC** (12/14/23)*– a petition for a zone map amendment from a Professional Office (P-1) zone to Neighborhood Business (B-1), for 0.6130 net (1.04 gross) acres, for property located at 1617 Clays Mill Road.

Note: The Planning Commission voted to continue the public hearing on August 24, 2023 and October 26, 2023.

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 utilize the existing 2,322 square-foot vacant bank structure on the property as a restaurant/ coffee shop. The applicant proposes to continue to utilize the existing accessory drive-through facilities present on the site in order to serve the proposed use. The change in use will be accompanied by a minor change in the parking lot configuration to support a 16-seat outdoor dining area and a total of 18 parking spaces.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning addresses the goal of growing successful neighborhoods by supporting infill and redevelopment throughout the Urban Service Area (Theme A, Goal #2.b), while also re-activating a site on one of Lexington's most significant corridors (Theme E, Goal #1.d).
 - b. The proposed project includes a neighborhood-oriented restaurant use that features extensive connections to several pedestrian networks and neighborhoods (Theme A, Goal #3.b)
 - c. By utilizing an already developed site, the proposed development minimizes the disruption of natural features of the site (Theme E, Goal #3.c)
 - d. At the proposed scale, the development provides an accessible, neighborhood level commercial area (Theme A, Design Policy #12).
 - e. The request introduces a neighborhood restaurant use into an area that lacks walkable dining options (Theme A, Density Policy #3).
 - f. The request will maintain the existing sidewalk networks and provide bicycle facilities on-site in order to promote connectivity (Theme B, Sustainability Policy #2).
2. The justification and corollary development plan are in agreement with the development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the use remains at an appropriate scale for the low density residential and commercial development in this area, provides for a neighborhood scale restaurant use that is not present in the vicinity, and utilizes outdoor dining areas to activate the frontage for pedestrians.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity as it maintains an extensive pedestrian network that served the previous bank use, and provides for direct and accessible linkages to transit along a major corridor.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, and limits the impacts on the surrounding environment.

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3. This recommendation is made subject to approval and certification of PLN-MJDP-23-00049: FIRST SECURITY NATIONAL BANK (AMD), 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-23-00043: FIRST SECURITY NATIONAL BANK (AMD)** (12/14/2023)* - located at 1617 CLAYS MILL ROAD, LEXINGTON, KY
Council District: 10
Project Contact: Barrett Partners, Inc.

Note: The purpose of this development plan is to convert a bank to a restaurant, in support of the requested zone change from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone.

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

1. Provided the Urban County Council approves the zone change to B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscaping buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote area for bicycle parking.
14. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum provided a brief overview of the application, and the events that took place at the Planning Commission on August 24, 2023, when the item was first presented. Mr. Crum reminded the Planning Commission that the applicant was seeking a zone map amendment from a Professional Office (P-1) zone to Neighborhood Business (B-1) zone, for 0.6130 net (1.04 gross) acres, for property located at 1617 Clays Mill Road. Mr. Crum indicated that the applicant is seeking to rezone the property to establish a restaurant/coffee shop with an accessory drive-through facility. Mr. Crum indicated that the property was rezoned to P-1 in the 1970s, and surrounding properties were reopened to B-1 later in the 1980s.

Mr. Crum highlighted the changes the applicant would be making on the site, including adding an outdoor patio space, and converting several drive-through lanes to parking. Mr. Crum stated that Staff recommended approval at the time of the August 24, 2023 meeting and that the neighborhood concerns at that time stemmed from pedestrian accessibility and the impact it would have on the traffic in the area.

Mr. Crum concluded his presentation by stating that the applicant had not supplied any new information to Planning Staff and that Staff was still recommending approval.

Applicant Representation – Mr. Dick Murphy, attorney for the applicant reiterated what Mr. Crum stated, and stated that all Comprehensive Plans until 2007 designated this site for a commercial use, like a restaurant. Mr. Murphy reminded the Planning Commission that there was a deed restriction on the property that dictated that this property could not be a bank for 10 years. Mr. Murphy noted the addition of bike racks, and an outdoor dining area to make the property more inviting for residents. Additionally, Mr. Murphy stated that this was an adaptive reuse of an existing property and will greatly reduce the carbon footprint and will remain at a neighborhood scale.

Mr. Murphy noted the neighborhood opposition due to lack of pedestrian connectivity and traffic and highlighted the pedestrian connections to the site. Mr. Murphy indicated that they have improved pedestrian connections as much as they could, and indicated that the applicant had met with those opposed and the Division of Traffic Engineering to come to a solution.

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Mr. Murphy stated that a safety audit was done by the Division of Traffic Engineering and indicated that the major recommendation from the audit was raised pedestrian refuge in the middle of Clays Mill Road. Additionally, Mr. Murphy indicated that the applicant would help fund adjustments to the intersection of McCubbing Drive.

Mr. Murphy indicated that since this was a breakfast/brunch restaurant, there would be no traffic generated during the afternoon and evening and there would not be an appreciable change in traffic from the applicant. Mr. Murphy concluded his presentation stating that the applicant has gone above and beyond to accommodate the neighborhoods concerns, and asked for the Planning Commission to approve this application.

Commission Questions – Mr. Wilson asked Mr. Murphy what the proposed operating hours would be at this site and Mr. Murphy indicated it would be from 7 AM to 4 PM.

Mr. Pohl asked Mr. Murphy if the pedestrian refuge proposed in the safety audit was likely to happen and what would be the timeline for it. Mr. Murphy stated that he did anticipate the crosswalk would be done and indicated that Mr. Filiatreau could better answer questions on the timeline.

Citizen Comments – Lynn Flynn, 518 Springhill Drive, spoke on behalf of Picadome Neighborhood Association. While she spoke, she displayed short videos and pictures of the various intersections surrounding the subject property. She said that there was information that was provided to the Commission by Mr. Murphy that they had not seen regarding a traffic study done by the Division of Traffic Engineering. She stated that the traffic was their main concern with the proposal. She also mentioned the pedestrian crossings, proposed drive-through, and hours of operation as challenges to traffic safety in the area. She said that she does not support this development.

Laurie Fields, 411 Picadome Park, stated that the proposal is not neighborhood friendly, especially with the drive-through. She was also concerned with what the property could become if the restaurant was not successful.

Mary Cheney Ringo, 525 McCubbing Drive, shared her concerns about pedestrians crossing the road to the restaurant.

Steve Davis, 511 Woodbine Drive, said that he does not want this business or access to it, because he believed the new traffic would cause too many accidents.

Applicant Rebuttal – Mr. Murphy reiterated that this application would not make a big difference when it comes to the amount of traffic and that the applicant has gone above and beyond when it comes to the pedestrian connections and improvements.

Mr. Chad Voelkert, owner of the property, stated that he met personally with those in the neighborhood who were concerned and promised to advocate for their concerns regarding the crosswalk and traffic calming devices. Mr. Voelkert stated that he believed that this restaurant would only add 2 to 20 trips an hour on a daily basis, of around 40,000 cars on the road a day. He thanked the Planning Commission for their time, and asked for their approval.

Citizen Rebuttal – Steve Davis, 511 Woodbine Drive, stated that in his conversations with neighbors no one is in support of this application, and adding any amount of additional trips will exacerbate an already dangerous road.

Staff Rebuttal – Mr. Crum stated even though there are much larger traffic problems in this area, Staff is still recommending approval because it is in agreement with the Comprehensive Plans goals and objectives.

Commission Questions – Mr. Wilson asked if the new ZOTA would prohibit drive-throughs in the B-1 zone and Mr. Crum indicated that this application would have to be in compliance with the current ordinance requirements, not the future one yet to be approved.

Ms. Worth asked to hear from Mr. Filiatreau about everything that has been proposed. Mr. Filiatreau stated that they did come up with a select amount of recommendations for improvements here and in the surrounding

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neighborhood. Mr. Filitreau emphasized that none of these improvements are set in stone, but the Division of Traffic Engineering came up with a good start.

Mr. Michler asked if the improvements were contingent on the zone changing and Mr. Filiatreau stated that they would work on these improvements regardless of the zone change.

Mr. Michler also asked what the process would be given the applicant is willing to give funding for these improvements. Mr. Filiatreau stated that it would be on a note in the development plan, then the funds would go into an account, and the improvements would be scheduled.

Mr. Nicol read an excerpt from staff report when the property became a P-1 that said the limited hours of operation would not adversely affect the traffic in the area. For that reason Mr. Nicol stated he was inclined to approve this application.

Mr. Michler stated that those in opposition have made their point well and that this area is not pedestrian friendly, but they have started a dialogue with the city and it appears that the pedestrian crossings are going to happen to make this a better neighborhood business and would save those in the community a car trip.

Citizen Comment – Myron Thompson, Fayette County School Board, shared a letter of opposition with the Planning Commission, and stated that this restaurant is targeted to the morning hours, where traffic, particularly that of Picadome Elementary is already backed up.

Action – A motion was made by Mr. Nicol, seconded by Mr. Owens and carried 7-2 (Meyer and Worth opposed) (Davis absent) to approve PLN-MAR-23-00011: CLEAR OPTIKS, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Nicol, seconded by Mr. Owens and carried 7-2 (Meyer and Worth opposed) (Davis absent) to approve PLN-MJDP-23-00043: FIRST SECURITY NATIONAL BANK (AMD) with the conditions proposed by Staff.