

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

IN RE: **PLN-MAR-23-00011: CLEAR OPTIKS, LLC** - 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. (Council District 10)

Having considered the above matter on **August 24, 2023 and December 14, 2023**, at a Public Hearing, and having voted **7-2** 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. 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.
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.

ATTEST: This 5th day of January, 2024.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by March 13, 2024

Note: The corollary development plan, PLN-MJDP-23-00043: FIRST SECURITY NATIONAL BANK (AMD) was approved by the Planning Commission on December 14th, 2023 and certified on December 27th, 2023.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Dick Murphy, attorney.**

OBJECTORS

- Lynn Flynn, 518 Springhill Drive.

- Laurie Fields, 411 Picadome Park.

- Mary Cheney Ringo, 525 McCubbing Drive.

- Steve Davis, 511 Woodbine Drive.

- Charles Thompson, 531 McCubbing Drive.

- Amy Clark, 628 Kastle Drive.

OBJECTIONS

- 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.
- 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.
- Shared her concerns about pedestrians crossing the road to the restaurant.

- Stated that he does not want this business or access to it, because he believed the new traffic would cause too many accidents.
- Stated that he had concerns about walkability, traffic safety, and that if you did want to walk safely you would have to walk a mile to find the safest crossing.
- Stated that there was no compelling need for a zone change and that the applicant could use one of the many uses already allowed in the P-1 zone.

VOTES WERE AS FOLLOWS:

AYES: (7) Forester, Wilson, Barksdale, Michler, Pohl, Owens and Nicol
NAYS: (2) Meyer and Worth
ABSENT: (1) Davis
ABSTAINED: (0)
DISQUALIFIED: (0)

Motion for APPROVAL of PLN-MAR-23-00011 carried.

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

