

# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00011: CLEAR OPTIKS, LLC

## DESCRIPTION OF ZONE CHANGE

Zone Change: From a Professional Office (P-1) zone  
To a Neighborhood Business (B-1) zone

Acreage: 0.6130 (1.0418 gross) acres

Location: 1617 Clays Mill Road

## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	P-1	Vacant Bank
To North	B-1	Medical Office
To East	R-1C	Single Family Residential
To South	R-1C	Fayette County Public School
To West	R-1C	Single Family Residential



## URBAN SERVICE REPORT

**Roads** - The subject property has frontage on Harrodsburg Road (US 68), Clays Mill Road, and McCubbing Drive. Harrodsburg Road is a major arterial roadway with five lanes in the vicinity of the subject property, and is identified as one of Lexington’s urban corridors. Clays Mill Road is an arterial roadway that was recently widened to four lanes in the vicinity, and contains an existing access point. McCubbing drive is a two lane local road that serves as the secondary access to the site.

**Curb/Gutter/Sidewalks** - Clays Mill Road, McCubbing Drive, and Harrodsburg Road have curb, gutters, and sidewalks at this location.

**Utilities** - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the site.

**Storm Sewers** - The subject property is located within the Wolf Run watershed. Storm sewers are available to serve the property. There are no special flood hazard areas in this location.

**Sanitary Sewers** - The subject properties are located within the Wolf Run sewershed, which is served by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial, east of New Circle Road. Sanitary sewer capacity will need to be verified prior to certification of the final development plan for the proposed redevelopment.

**Refuse** - The Urban County Government serves this area with refuse collection on Mondays. However, supplemental service by private refuse haulers is commonly utilized for commercial and multi-family land uses, such as those proposed.

**Police** - The nearest police station is the main headquarters, approximately two miles to the northeast on East Main Street.

**Fire/Ambulance** - Fire Station #11 is the nearest station to this site. It is located approximately 900 feet to the northeast on Harrodsburg Road between St. Joseph Hospital and Picadome Elementary School.

**Transit** - LexTran service is available within the immediate area, with inbound and outbound routes for South Broadway Route #13. Two bus stops are present in the near vicinity, one at the intersection of Harrodsburg and Clays Mill, and the other at Harrodsburg Road and Cheryl Lane.

**Parks** - Picadome Golf Course is located one third (1/3) mile north of the subject property on Parkway Drive.

## SUMMARY OF REQUEST

The applicant is seeking a zone change from the Professional Office (P-1) zone to the Neighborhood Business (B-1) zone in order to establish a restaurant/ coffee shop use with an accessory drive-through at this location.

## PLACE-TYPE

**ENHANCED NEIGHBORHOOD**  
The Enhanced Neighborhood Place-Type is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood serving retail, services, and employment options. Development should be context sensitive to surrounding areas and should add to the sense of place. Incorporating multi-modal connections is crucial to neighborhood success and viability.

## DEVELOPMENT TYPE

**LOW DENSITY NON-RESIDENTIAL/ MIXED-USE**  
Primary Land Use, Building Form, & Design  
Primarily neighborhood serving commercial uses, services, or places of employment and/or a mix of uses within low to mid-rise structures appropriately scaled to the surrounding neighborhood.  
  
Mixed-use structures can include a mix of residential, commercial, services, and or employment uses, and an activated and pedestrian-scale ground level should be provided.  
  
Transit Infrastructure & Connectivity  
Bicycle and pedestrian connections to adjoining neighborhoods, and buildings oriented towards the street are required to ensure the non-residential enhances nearby neighborhoods by creating a truly walkable environment.  
  
Parking  
Parking should be minimized, and where necessary, located internally.

## PROPOSED ZONING



The intent of this zone is to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be oriented to support and enhance a residential neighborhood. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

## PROPOSED USE



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.

## APPLICANT & COMMUNITY ENGAGEMENT



The applicant has indicated that they intend to reach out to the Picadome Neighborhood Association to discuss the project, but have not provided any further information about their outreach efforts at this time.

## PROPERTY & ZONING HISTORY



The subject property was zoned Single Family Residential (R-1C) at the time of the 1969 comprehensive rezoning of the city and county. The site was rezoned to Professional Office (P-1) in 1975 in order to establish the First Security Bank (75-08).

The current bank structure and accessory drive-through facilities were constructed in 1996, and most recently were utilized by Chase Bank until the property was sold in 2021.

## 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.

The applicant opines that their proposed rezoning is in agreement with several goals and objectives of the 2018 Comprehensive Plan. In the following section the staff describes some of the elements that are in agreement with the Comprehensive Plan.

### GOALS & OBJECTIVES

Within their letter of justification, the applicant describes the goals and objectives of the Comprehensive Plan that they are seeking to comply with for the proposed rezoning. First, the applicant indicates that the proposed development will support infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal 2). The applicant indicates that the proposed development is an example of redevelopment of an existing parcel and features the adaptive reuse of an existing structure on an underutilized parcel on a major corridor (Theme A, Goal #2.b; Theme E, Goal #1.d).

Next, the applicant indicates that the proposed restaurant/ coffee shop will encourage social interaction (Theme A, Goal #3) by providing a new neighborhood-scale use in an area that lacks walkable commercial uses. This neighborhood commercial use will provide for safe connections for all users of the site, with pedestrian connections to all three adjoining roadways, and nearby transit service (Theme A, Goal #3.b).

Finally, the applicant opines that by re-purposing an already developed site, the applicant indicates that there will be a minimal disruption of natural features (Theme A, Goal #3.c).

The staff agrees with these aspects of the applicant's proposal and that these goals and objectives of the 2018 Comprehensive Plan can be met with the proposed development.

### POLICIES

While the letter of justification submitted by the applicant did not include a discussion of the policies of the 2018 Comprehensive Plan, Staff has identified several policies that are being met with this request. At the proposed scale, the request is meeting policies relating to providing support for neighborhood level commercial areas (Theme A, Design Policy #12), and are meeting a need of walkable restaurant uses for



the Picadome neighborhood (Theme A, Density Policy #3). Furthermore, the request will maintain the existing sidewalk networks and provide bicycle facilities on-site in order to promote connectivity (Theme B, Sustainability Policy #2).

### **PLACE TYPE, DEVELOPMENT TYPE, AND ZONE**

The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type, and is seeking to utilize the property as Low Density Non-Residential / Mixed-Use Development Type. While the subject property is located on a major arterial roadway, it is oriented towards the less intense local and collector streets, and the applicant anticipates most pedestrian traffic will come from the adjoining Picadome neighborhood. With the emphasis being placed on connectivity to the neighborhood rather than the corridor, staff finds the applicant's proposed place type to be appropriate. Within the Enhanced Neighborhood Place-Type, the Low Density Non-Residential/ Mixed-Use Development Type is a recommended Development Type, and is in keeping with the character of the detached single-family residential development in the area, as well as the existing low density commercial uses to the north. The applicant's proposed Neighborhood Business zone is a recommended zone for the chosen Place-Type and Development Type.

Staff concurs with the applicant's assessment of the Place-Type, and agrees that a low density commercial development can be appropriate for the subject property within a Neighborhood Business (B-1) zone.

### **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 for development 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 Place-Type and Development Type.

#### 1. Site Design, Building Form and Location

The request meets the criteria for Site Design, Building Form, and Location, as it 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.

#### 2. Transportation and Pedestrian Connectivity

Overall, agrees that the request meets the majority of the Transportation and Pedestrian Connectivity criteria, as it maintains an extensive pedestrian network, and provides for direct linkages to transit along a major corridor. The applicant should however address the following development criteria:

*D-CO2-1: Safe facilities for all users and modes of transportation should be provided.*

While the site has access to sidewalk networks along all of its road frontages, the pedestrian crossings from the sidewalk to the structure are limited to McCubbing Drive. The applicant should provide a direct pedestrian crossing from the restaurant to the Harrodsburg Road and Clays Mill Road sidewalk facilities.

#### 3. Greenspace and Environmental Health

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.

**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.
3. This recommendation is made subject to approval and certification of PLN-MJDP-23-00043: FIRST SECURITY NATIONAL BANK, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.