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July 3, 2023

Mr. Larry Forester, Chairman
and Members of the Lexington-Fayette
Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: Proposed zone change for 1617 Clays Mill Road

Dear Chairman Forester and Members of the Planning Commission:

This letter is written on behalf of Clear Optiks, LLC, which is filing a zone change application and development plan for property at 1617 Clays Mill Road. This property is located in the triangle created by Harrodsburg Road, Clays Mill Road and McCubbing Drive. It consists of approximately 0.61 net acre and is currently zoned Professional Office (P-1). We are requesting a zone change to the Neighborhood Business (B-1) zone in order to convert the existing building into a restaurant/coffee shop with indoor and outdoor seating and a drive-thru facility.

INTRODUCTION

This property is located near the intersection of Clays Mill Road and Harrodsburg Road. It is bordered by three streets: Clays Mill Road on the east, McCubbing Drive on the south, and Harrodsburg Road to the west. It is the former site of a Chase Bank branch and has been more recently used as a COVID testing center.

DESCRIPTION OF PROJECT

The applicant, Clear Optiks, LLC, purchased the property from Chase Bank in 2021. Clear Optiks consists of local residents Jeremy Corbett and Chad Voelkert. When Chase Bank abandons

a branch bank site, it imposes deed restrictions on the property to prohibit the use of the property as another bank, credit union or any kind of financial institution for at least 10 years. The restrictions also prohibit ATM machines and check cashing services. Coupled with the local and nationwide downturn in the office market, these restrictions put a serious limitation on the types of P-1 uses that can be made of the property. As mentioned above, the building has been used as a COVID testing facility, but that use has run its course.

The current building is very solidly built as a bank, and the applicant would like to re-use the existing building, but make it more inviting and friendly to neighboring residents. We are proposing a breakfast restaurant/coffee shop with indoor and outdoor seating and a drive-thru facility. We will add a patio area in a portion of the old parking lot near the front door in order to activate the Clays Mill and McCubbing frontages and attract diners. In addition, there will be indoor dining to attract local residents. Bike racks will be provided, and the property is on a LexTran route. There are existing sidewalks on all three road frontages. There will be no vehicular access to Harrodsburg Road. We will retain the existing one-story building, so the scale and massing on the property will remain the same and will be appropriate in this mixed commercial and residential area.

CURRENT AND PROPOSED ZONING

As mentioned above, the property is currently zoned P-1 (Professional Office). We are requesting Neighborhood Business (B-1) zoning.

B-1 zoning is appropriate for this property. The two properties to the north, in the triangle formed by the intersection of Clays Mill Road and Harrodsburg Road, are both zoned B-1. They are a dry cleaner and a physical therapy facility. Directly to the south is the Vocational and Technical School operated by the Fayette County Schools. B-1 zoning is appropriate between the businesses and the school campus.

GOALS AND OBJECTIVES OF THE 2018 COMPREHENSIVE PLAN

This proposal is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. It will re-use an existing building and thus retain the scale and streetscape of the area. The Clays Mill and McCubbing frontages will be activated to attract local residents.

Our proposal complies with Theme A, growing successful neighborhoods, and Goal A.2., supporting infill and redevelopment. Objective A.2.a. calls for identification of opportunities for infill, redevelopment and adaptive re-use. This proposal will adaptively re-use an existing building which has long been part of the neighborhood. Re-using the existing building also respects the context and design features of the area surrounding the project, as called for in Objective A.2.b. It

meets Goal A.3, providing well-designed neighborhoods and communities. Adaptive re-use is an opportunity for neighborhood character preservation, as called for in Objective A.3.b.

The breakfast restaurant/coffee shop will provide a place for positive and safe social interactions in the neighborhood (Objective A.3.b.). Re-using the same building will minimize disruption of natural features (Objective A.3.c.) and will address community facilities at a neighborhood scale (Goal A.4). The project will support Goal B.2. (which calls for reducing Lexington's carbon footprint) and Objective B.2.d. in two ways: first, by re-using the existing building, it avoids the carbon footprint of new construction; second, the business will be walkable, bikeable and it is on public transit.

This project complies with Theme D, improving a desirable community. Despite the presence of major highways, it accommodates pedestrian and bicycle use, as well as transit and automobile traffic (Objective D.1.a.). It accommodates bicycles and walkways as called for in Objective D.1.b. Finally, the proposal complies with Theme E., urban and rural balance. By utilizing redevelopment of underutilized corridors, it supports Objective E.1.c. and Goal E.3.

PUBLIC ENGAGEMENT

The applicant is contacting the Picadome Neighborhood Association to solicit feedback on the proposal. The Skycrest Association is listed on maps, but there is no contact information available.

PLACE-TYPE, DEVELOPMENT TYPE AND REQUESTED ZONE

This proposal fits within the Enhanced Neighborhood place-type, and within the Low Density Non-Residential/Mixed-Use (LNR-MU) development type. We are requesting the Neighborhood Business (B-1) zone, which is a recommended zone.

DEVELOPMENT CRITERIA

Here is a discussion of the criteria that were not specifically addressed on the development plan, or which need further discussion:

- **A-DS5-3, A-DS7-1 and A-DN3-1.** Although the property has frontages on three roads, sidewalks are available on all three frontages, and bike racks are provided. In addition, the property is located on a LexTran route. The orientation to Clays Mill and McCubbing will be activated by a new outdoor seating area in front. It is anticipated that greater pedestrian traffic will come from the Clays Mill Road side and from the school to the south, because of the lesser traffic on Clays Mill and McCubbing, compared to Harrodsburg Road. Parking will be screened.

- **C-LI7-1.** This development will enhance the small commercial area to the north which includes a dry cleaner and a physical therapy facility.
- **C-PS9-2 and C-PL2-1.** This proposal modifies the current office use with a use which is complimentary to the commercial area to the north, the vocational school to the south, and the residential areas to the east and west.
- **D-PL7-1.** Please see the section on public engagement above.
- **B-PR2-1.** There are no environmentally sensitive areas on the property. Re-use of the existing building will minimize the environmental impact of the project.

CONCLUSION

This proposal will make use of an existing building to provide a more activated, pedestrian and bicycle-friendly use which is complementary to the adjacent businesses, school, and the nearby residential areas. It will make a positive contribution to the area.

Thank you for your consideration of this zone change request.

Sincerely,



Richard V. Murphy
Attorney for Applicant

ENHANCED NEIGHBORHOOD

DEVELOPMENT CRITERIA

On Plan

Written

Not Applicable



LOW DENSITY NON-RESIDENTIAL / MIXED-USE

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DS12-1** Medium-high density development should be located nearest to neighborhood-serving commercial areas.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-1** Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-DI1-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1** In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)

- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS9-2** Modify current office space to include complementary uses.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL2-1** Developments should aim to provide a neighborhood-serving use that does not already exist in the vicinity, or that fills a specific need.
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-PL10-1** Activate the streetscape by designating public art easements in prominent locations.
- D-SP1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7)
- D-SP1-2** An open and inviting school campus/locale should utilize frontage on single-loaded streets (also true for other support facilities, like parks, community centers, social services, healthcare).
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1** Live/work units should be incorporated into residential developments.
- E-GR9-2** Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods.
- E-GR9-3** Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.

ENHANCED NEIGHBORHOOD

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number
 Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ##

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

LOW DENSITY NON-RESIDENTIAL / MIXED-USE

SITE DESIGN, BUILDING FORM, & LOCATION (CONT.)

- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-2** Developments should provide walkable service and amenity-oriented commercial spaces.
- E-GR10-3** Shared common space in commercial developments should be provided to encourage experiential retail programming.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7)
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multimodal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-L17, E-AC5)
- A-DS5-1** Adequate multimodal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multimodal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.

D-CO4-3

Street pattern and design should consider site topography and minimize grading where possible.

D-CO5-1

Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

D-SP1-3

Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.

D-SP6-1

Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. (A-EQ7)

GREENSPACE & ENVIRONMENTAL HEALTH

A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features.

A-EQ7-3

Community open spaces should be easily accessible and clearly delineated from private open spaces.

B-PR2-1

Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.

B-PR2-2

Dividing floodplains into privately owned parcels with flood insurance should be avoided.

B-PR2-3

Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.

B-PR7-1

Connections to greenways, tree stands, and stream corridors should be provided.

B-PR7-2

Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.

B-PR7-3

Developments should improve the tree canopy

B-RE1-1

Developments should incorporate street trees to create a walkable streetscape.

B-RE2-1

Green infrastructure should be used to connect the greenspace network.

D-SP2-1

Visible, usable greenspace and other natural components should be incorporated into school sites.

D-SP2-2

Active and passive recreation opportunities should be provided on school sites.

E-GR3-1

Physical and visual connections should be provided to existing greenway networks.

E-GR3-2

New focal points should emphasize geographic features unique to the site.

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number
 Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1. Full decoder on page ###

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