

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A SINGLE FAMILY RESIDENTIAL (R-1D) ZONE, FOR 0.53 NET (0.64 GROSS) ACRE, FOR PROPERTY LOCATED AT 4907 TATES CREEK ROAD. (CHRIS AND JENNA WALKER; COUNCIL DISTRICT 12).

WHEREAS, at a Public Hearing held on October 26, 2017, a petition for a zoning ordinance map amendment for property located at 4907 Tates Creek Road from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone for 0.53 net (0.64 gross) acre, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 4907 Tates Creek Road from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone for 0.53 net (0.64 gross) acre, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: December 7, 2017

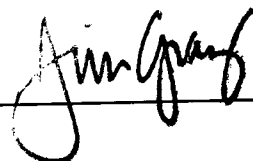
ATTEST


CLERK OF URBAN COUNTY COUNCIL

Published: December 14, 2017-1t

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MAYOR



LEGAL DESCRIPTION
4951 and 4907 Tates Creek Rd
From AU to R1D

A tract of land in Lexington, Kentucky, beginning at a point in the centerline of Saron Drive approximately 440 feet west of the intersection with Tates Creek Road as further described as follows:

Thence with the center of Saron Drive S80°33'02" W a distance of 90.07' to a point;

Thence N41°46'31" E a distance of 50.36' to a point in the north right-of-way of Saron Drive;

Thence N41°46'31" E a distance of 439.57' to a point in the west right-of-way of Tates Creek Road

Thence N41°46'31" E a distance of 27.96' to a point at the old centerline of Tates Creek Road

Thence with Tates Creek Road old centerline S17°43'03" E a distance of 68.57' to a point;

Thence S41°47'04" W a distance of 31.30' to a point in the west right-of-way of Tates Creek Road;

Thence S41°47'04" W a distance of 330.74' to a point in the north right-of-way of Saron Drive;

Thence S41°47'04" W a distance of 47.70' to the beginning.

Having a gross area of 28,003 square feet (0.642 acres), and a net area of 23,230 square feet (0.535 acres).

This description prepared by Abbie Jones, PLS on September 24, 2017.

Rec'd by TW
Date: 11/10/17

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

IN RE: **PLN-MAR-17-00034: CHRIS AND JENNA WALKER** – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone, for 0.53 net (0.64 gross) acres, for property located at 4907 Tates Creek Road. (Council District 12)

Having considered the above matter on **October 26, 2017**, at a Public Hearing, and having voted **9-0** 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 Single Family Residential (R-1D) zone is appropriate and the existing Agricultural Urban (A-U) zone is inappropriate for the subject property, for the following reasons:
 - a. The proposed R-1D zone is consistent with the adjoining lot that is intended to be consolidated and reconfigured in conjunction with the subject property, and single family residential is compatible in this location. Two single-family residences also constitutes context-sensitive infill development.
 - b. The existing A-U zone is intended to be a holding zone until public facilities and services are adequate. Generally, urban services have been available to serve this portion of the Urban Service Area since the mid-1980s, and the final roadway improvements to Saron Drive were completed approximately 10 years ago. In addition, the subject property is too small to accommodate any agricultural use of the property.
2. This recommendation is made subject to the approval and certification of **PLN-MJSUB-17-00054: Urban County Government/The Gardens of Hartland, Unit 1 (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 10th day of November, 2017.


Secretary/Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJSUB-17-00054: URBAN COUNTY GOVERNMENT/THE GARDENS OF HARTLAND, UNIT 1 (AMD) was approved by the Planning Commission on October 26, 2017 and certified on November 9, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by January 24, 2018.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Abbie Jones, engineer.**

OBJECTORS

- Ray Depa, president of Woodfield Homes Association
- William Madden, 1004 Red Rain Circle

OBJECTIONS

- Stormwater drainage in the area and the increased traffic.
- Stormwater drainage and the stacking in the turn lane on Tates Creek Road turning onto Saron Drive.

VOTES WERE AS FOLLOWS:

AYES: (9) Bell, Berkley, Brewer, Cravens, Mundy, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (2) Forester and Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-17-00034** carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: CHRIS AND JENNA WALKER, 400 REDDING RD, NO 6, LEXINGTON, KY 40517
Owner(s): CHRIS AND JENNA WALKER, 400 REDDING RD, NO 6, LEXINGTON, KY 40517
Attorney:

2. ADDRESS OF APPLICANT'S PROPERTY

4907 TATES CREEK RD, LEXINGTON, KY

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
A-U	Vacant	R-1D	Single Family Residential	0.53	0.60

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



Justification for Rezoning 4951 and 4907 Tates Creek Rd

1) This property was assigned current zoning prior to the extension of Saron Drive. At that point in time the AU was the driveway to the existing farm. This remnant zoning is now inappropriate and the adjoining R-1D is more appropriate.

2) Also the applicant is pursuing a new lot configuration to work with the reality that the two new single family residences to be built can only have one driveway from Tates Creek (at the existing location). The second home must address from Saron. The owner desires to have the property lines and zoning lines to match (which eliminates the former driveway from being a separate AU zone). The client has spoken with both Traffic and KYTC to confirm this driveway situation and the application is in line with staff guidance. The feasible driveway locations dictate the general proposed lot lines and changes to the zoning lines.

3) This project will result in infill and redevelopment of a currently unbuildable area due to setbacks and lot lines

The many easements on the properties limit development and the general knowledge of the subdivision HOA is that single family is what is most desired. The zoning was selected to match existing property zones, even though other residential zones would have also been applicable.

LEGAL DESCRIPTION
4951 and 4907 Bates Creek
Rd From AU to R-1D

A tract of land in Lexington, Kentucky, beginning at a point in the centerline of Saron Drive approximately 440 feet west of the intersection with Bates Creek Road as further described as follows:

Thence with the center of Saron Drive S80°33'02" W a distance of 90.07' to a point;

Thence N41°46'31" E a distance of 50.36' to a point in the north right-of-way of Saron Drive;

Thence N41°46'31" E a distance of 439.57' to a point in the west right-of-way of Bates Creek Road

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Thence S41°47'04" W a distance of 31.30' to a point in the west right-of-way of Bates Creek Road;

Thence S41°47'04" W a distance of 330.74' to a point in the north right-of-way of Saron Drive;

Thence S41°47'04" W a distance of 47.70' to the beginning.

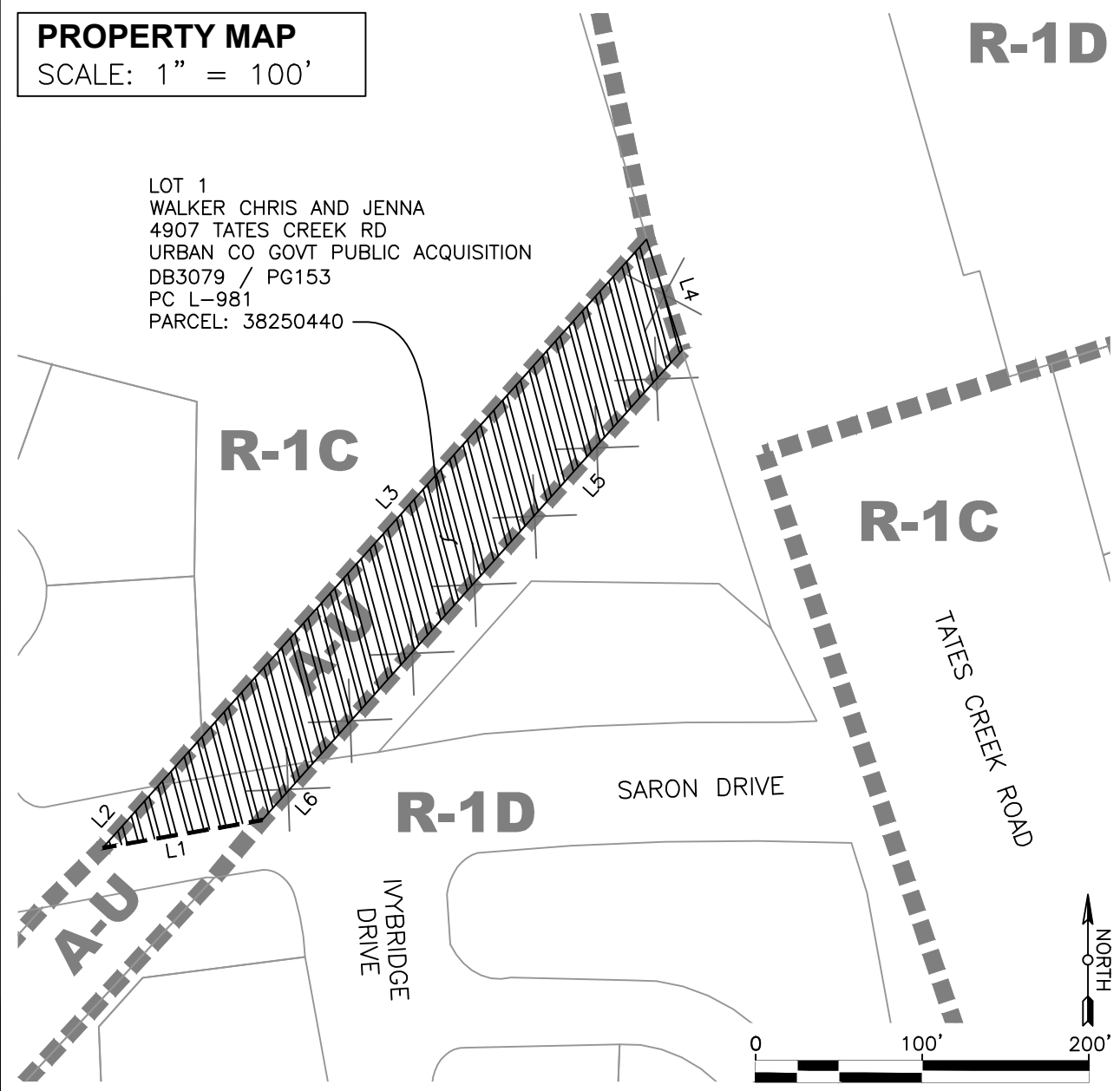
Having a gross area of 28,003 square feet (0.642 acres), and a net area of 23,230 square feet (0.535 acres).

This description prepared by Abbie Jones, PLS on September 24, 2017.

PROPERTY MAP

SCALE: 1" = 100'

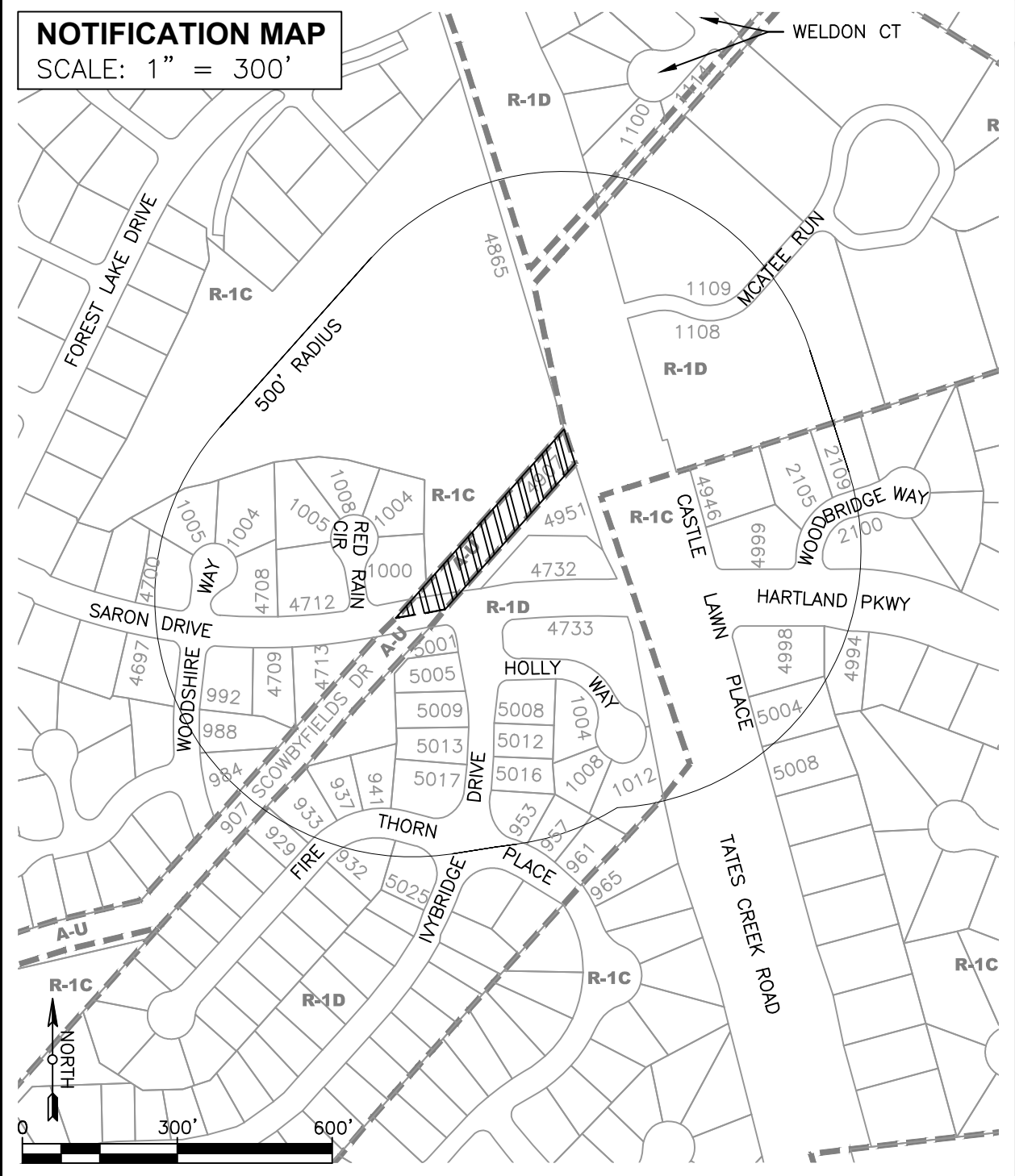
LOT 1
WALKER CHRIS AND JENNA
4907 TATES CREEK RD
URBAN CO GOVT PUBLIC ACQUISITION
DB3079 / PG153
PC L-981
PARCEL: 38250440



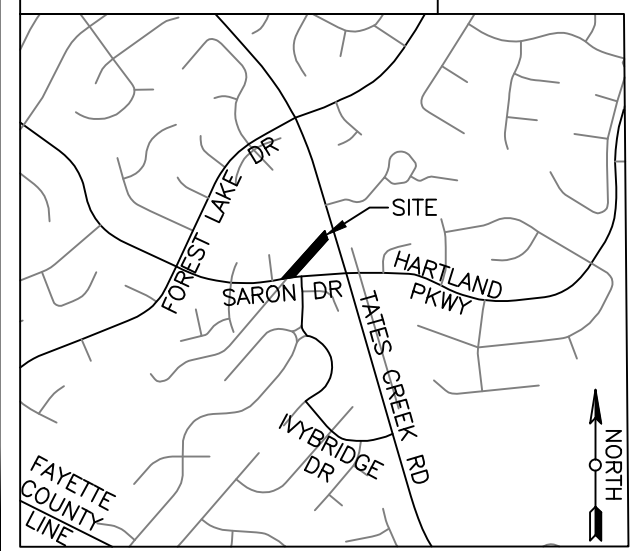
R-1D

NOTIFICATION MAP

SCALE: 1" = 300'



VICINITY MAP N.T.S.



PROPOSED AREA TO BE REZONED

LINE	BEARING	DISTANCE
L1	S 80d10'26" W	96.94'
L2	N 41d46'31" E	50.36'
L3	N 41D46'31" E	439.57'
L4	S 17'43'03" E	69.96'
L5	S 41'47'04" W	330.74'
L6	S 41'47'04" W	47.70'

ADDRESS	4907 TATES CREEK	FROM	TO	NET AC	GROSS AC
		A-U	R-1D		
DATE FILED	SEPTEMBER 1, 2017			0.53	0.60

LEGEND:

- R-1D EXISTING ZONE LINE
- EXISTING ZONE LINE (PROPOSED TO BE REMOVED)
- PROPOSED ZONE LINE
- PROPOSED ZONE CHANGE A-U TO R-1D



ABBIE JONES CONSULTING
1022 FONTAINE RD.
LEXINGTON, KY 40502
859.559.3443
www.abbie-jones.com

PROJECT SCALE DATE
2017-062 AS SHOWN 09/14/17

PROPERTY INFORMATION MAP

LOCATED AT:
4907 TATES CREEK ROAD
LEXINGTON, KY 40515
FAYETTE COUNTY

OWNER/APPLICANT:
CHRIS AND JENNA WALKER,
400 REDDING RD NO 6,
LEXINGTON, KY 40517

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00034: CHRIS AND JENNA WALKER

DESCRIPTION

Zone Change: From an Agricultural Urban (A-U) zone
To a Single Family Residential (R-1D) zone

Acreeage: 0.53 net (0.64 gross) acres

Location: 4907 Tates Creek Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U	Vacant
To North	R-1E	Single Family Residential
To East	R-1T & R-3	Duplexes & Multi-Family Residential
To South	R-4	Single Family Residential
To West	A-U & R-1E	Church & Single Family Residential

URBAN SERVICES REPORT

Roads – Tates Creek Road (KY 1974) is a major arterial roadway that connects Jessamine County to downtown Lexington. At its intersection with Saron Drive and Hartland Parkway, the cross-section is six-lanes wide, with four through lanes and two turn lanes. The current traffic volume is about 9,500 daily vehicle trips in this portion of the Urban Service Area. Saron Drive is a major collector street that runs between Man o’ War Boulevard (to the north) and Tates Creek Road (to the east). The subject property is located in the northwestern corner of the intersection of Tates Creek, Saron Drive and Hartland Parkway, with frontage along both Tates Creek Road and Saron Drive. It was formerly occupied by a driveway to an agricultural tract further to the southwest (Scowby Property), which was removed when the Urban County Government completed a small section of Saron Drive in the late 2000s. Several local streets intersect with Saron Drive near the subject property, including Woodshire Way, Scowbyfields Drive, Red Rain Circle, and Nybridge Drive. Access for the single-family residences is proposed to be split between the two frontages.

Curb/Gutter/Sidewalks – Along Saron Drive, the curb, gutters and sidewalks have been constructed with the roadway. However, such improvement have not been made along Tates Creek Road, which is typical of many state roadways.

Storm Sewers – The subject property is located within the West Hickman watershed. No floodplain or stormwater issues have been identified in the immediate area, although the site does have approximately 16 feet of topographic relief from the adjacent roadways to the existing stormwater drainage structure along the western property line of the subject property. The applicant plans to modify the stormwater management infrastructure and easement that exist near Saron Drive. All modifications must be constructed in compliance with the Stormwater Manual.

Sanitary Sewers – The subject property is located in the West Hickman sewershed, which is served by the West Hickman Wastewater Treatment Plant, located in northern Jessamine County. A sanitary sewer line crosses the property in its northern corner, as well as Tates Creek Road, to serve the nearby neighborhoods. According to the Capacity Assurance Program, capacity is currently available to serve the proposed residences.

Refuse – The Urban County Government serves this portion of the Urban Service Area with collection on Mondays.

Police – The nearest police station is located approximately 2¼ miles to the northeast of the subject property, at the East Sector Roll Call Center (Police Sector 3) on Centre Parkway.

Fire/Ambulance – The nearest fire station to the subject property is Station #22, slightly less than one mile to the northwest on Clearwater Drive, between Saron Drive and Tates Creek Road.

Utilities – Natural gas, telephone service, electric, water, cable television, and street lights are all available to serve the subject property.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that 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 petitioner proposes to develop two detached single-family dwelling units on a larger tract of land, which would yield a residential density of 2.25 dwelling units per acre.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone for 0.53 net acres of property, located at 4907 Tates Creek Road.

The subject property is located on the west side of Tates Creek Road, just north of its intersection with Saron Drive and Hartland Parkway. The property is a remnant parcel that was created when the Urban County Government purchased the driveway and Tates Creek Road access to the Scowby Property (small farm) in order to construct the final portion of Saron Drive, a collector street that runs parallel to Tates Creek Road in this portion of the Urban Service Area. The Tates Creek Road corridor, outside of Man o' War Boulevard, is characterized primarily by single family residential neighborhoods, including Hartland, The Gardens of Hartland, McAtee Run, Cumberland Hills, Pinnacle and Veterans Park (R-1C and R-1D zoning).

The petitioner proposes the rezoning in order to consolidate the subject property with the adjoining lot at 4951 Tates Creek Road. The petitioner wishes to reconfigure the two lots to create one lot with frontage along Saron Drive, and a second lot with frontage along Tates Creek Road. The subject property and the adjoining lot are both vacant, but are encumbered with storm and sanitary sewer improvements.

The petitioner contends that the requested Single Family Residential (R-1D) zone is appropriate and the existing Agricultural Urban (A-U) zone is inappropriate for the subject property. They provided no justification for the zone change in relation to the 2013 Comprehensive Plan; thus, the staff cannot find that the request is in agreement with the Plan.

The staff is favorable about the requested zone change, because (1) the residential zone is consistent with the adjoining lot that is intended to be consolidated and reconfigured in conjunction with the subject property, and (2) single family residential is compatible in this location. In addition, the A-U zone is intended to be a holding zone until public facilities and services are adequate to serve urban uses. Urban services have been available to serve this portion of the Urban Service Area for many years (generally dating back to the mid-1980s), and the final roadway improvements to Saron Drive were completed about 10 years ago. In addition, the site is too small to accommodate any agricultural use of the property.

The Staff Recommends: **Approval**, for the following reason:

1. The Single Family Residential (R-1D) zone is appropriate and the existing Agricultural Urban (A-U) zone is inappropriate for the subject property, for the following reasons:
 - a. The proposed R-1D zone is consistent with the adjoining lot that is intended to be consolidated and reconfigured in conjunction with the subject property, and single family residential is compatible in this location. Two single-family residences also constitutes context-sensitive infill development.
 - b. The existing A-U zone is intended to be a holding zone until public facilities and services are adequate. Generally, urban services have been available to serve this portion of the Urban Service Area since the mid-1980s, and the final roadway improvements to Saron Drive were completed approximately 10 years ago. In addition, the subject property is too small to accommodate any agricultural use of the property.
2. This recommendation is made subject to the approval and certification of PLN-MJSUB-17-00054: Urban County Government/The Gardens of Hartland, Unit 1 (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.

TLW/dw
10/3/2017
Planning Services\Staff Reports\MAR\2017\PLN-MAR-17-00034.doc

1. **CHRIS AND JENNA WALKER ZONING MAP AMENDMENT & URBAN COUNTY GOVERNMENT/THE GARDENS OF HARTLAND, UNIT 1 (AMD) PRELIMINARY SUBDIVISION PLAN**

- a. **PLN-MAR-17-00034: CHRIS AND JENNA WALKER (11/30/17)***- petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone, for 0.53 net (0.64 gross) acres, for property located at 4907 Tates Creek Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that 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 petitioner proposes to develop two detached single-family dwelling units on a larger tract of land, which would yield a residential density of 2.25 dwelling units per acre.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reason:

1. The Single Family Residential (R-1D) zone is appropriate and the existing Agricultural Urban (A-U) zone is inappropriate for the subject property, for the following reasons:
 - a. The proposed R-1D zone is consistent with the adjoining lot that is intended to be consolidated and reconfigured in conjunction with the subject property, and single family residential is compatible in this location. Two single-family residences also constitutes context-sensitive infill development.
 - b. The existing A-U zone is intended to be a holding zone until public facilities and services are adequate. Generally, urban services have been available to serve this portion of the Urban Service Area since the mid-1980s, and the final roadway improvements to Saron Drive were completed approximately 10 years ago. In addition, the subject property is too small to accommodate any agricultural use of the property.
 2. This recommendation is made subject to the approval and certification of **PLN-MJSUB-17-00054: Urban County Government/The Gardens of Hartland, Unit 1 (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-MJSUB-17-00054: URBAN COUNTY GOVERNMENT/THE GARDENS OF HARTLAND, UNIT 1 (AMD) (11/30/17)*** - located at 4907 and 4951 Tates Creek Road.

(Abbie Jones Consulting)

The Subdivision Committee Recommended: Postponement There is still a need to revise the plan to meet the requirements for a Preliminary Subdivision Plan.

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Environmental Services' approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Delete all final record plat information and extraneous information.
10. Provide all required information for a preliminary subdivision plan per Article 5-1 of the Land Subdivision Regulations.
11. Department of Highway's approval of access on Tates Creek Road.
12. Discuss provision of sanitary sewer to proposed lots.
13. Denote access to Saron Drive to the approval of the Division of Traffic Engineering.

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations for the zone change, and displayed photographs of the subject property and aerial photographs of the general area. She said that there are two lots on the subdivision plan, but only one needed to be rezoned. She said the subject property was formerly the driveway to the Scoby farm from Saron Drive to the Jessamine County line, which was purchased by the city to complete Saron Drive. She said the subject property is currently vacant.

Ms. Wade said that the applicant is proposing to consolidate the two properties to reconfigure the lots. She said the applicant contends that the current zoning is inappropriate and the proposed zone is appropriate at this location, which the staff agrees with. She said the staff and the Zoning Committee both recommended approval.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Development Plan Presentation – Mr. Martin presented a rendering of the revised preliminary subdivision plan associated with the zone change, and he handed out an updated staff report to the Commission with revised conditions, as follows:

The Staff Recommended: Approval subject to the following conditions:

1. ~~Provided the Urban County Council rezones the property R-1D; 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. Environmental Services' approval of landscaping.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan and required street tree information.
7. ~~Department of Environmental Quality's approval of environmentally sensitive areas.~~
7. 8. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. 40. ~~Delete all final record plat information and extraneous information~~ Remove 6' and 25' zoning setback from plan.
11. 41. ~~Provide all required information for a preliminary subdivision plan per Article 5-1 of the Land Subdivision Regulations.~~
10. 42. Document Department of Highway's approval of access on Tates Creek Road.
11. 43. ~~Discuss provision of sanitary sewer to proposed lots~~ Denote construction entrance.
12. 14. Denote access to Saron Drive to the approval of the Division of Traffic Engineering.

He said that the subject property is an odd shaped configuration. He identified the lot that isn't included in the zone change. He said that staff has a few standard sign-off conditions, which include zoning setbacks that need to be removed, documenting the approval of the Department of Highway's approval of access on Tates Creek Road. He said the staff is now recommending approval, but the Subdivision Committee recommended postponement so the applicant could make revisions to meet the requirements for a preliminary plan.

Commission Questions – Mr. Owens asked about the lines on the plan. Mr. Martin said that those lines depict the area that is currently zoned Agricultural Urban (A-U) and proposed to be changed.

Applicant Presentation – Abbie Jones, representing the petitioner, said the applicant is in agreement with the staff's recommendations and is available for questions.

Commission Question – Mr. Penn about the traffic at the entrance on Tates Creek Road. Ms. Jones said that the exact location of the entrance will need to be approved by the Department of Highway.

Citizen Comment – Ray Depa, president of Woodfield Homes Association, said that he is concerned with the stormwater drainage in the area. He said that the retention pond and nearby creek can't handle any more water. He said that he is also concerned about the increase of traffic especially during peak times.

William Madden, 1004 Red Rain Circle, said that he is concerned about stormwater runoff. He is also concerned with the stacking lane on Tates Creek Road turning onto Saron Drive; anyone exiting from the proposed driveway will need to cross that lane. He also asked if there have been any drainage/stormwater studies and traffic impact studies that have been completed for this area.

Applicant Rebuttal - Ms. Jones said that the subject area is comprised of only two lots, which will be single family, custom homes. She said that a traffic study is not required for projects that will generate less than 100 trips. She stated that two households will likely generate less than 5-10 trips per day. She indicated the placement of the driveway on Saron Drive, at the request of the Technical Committee, and the location of the driveway on Tates Creek Road, which has not been approved at this time. She also said the stormwater drainage is less defined on a preliminary plan, but the easements have been depicted on the plan. She said there are requirements that are being met.

Citizen Rebuttal - Mr. Depa said that driveways and roadways cause more runoff than open areas. He said that the creek rises close to the homes during a hard rain storm.

Staff Rebuttal – Mr. Martin said that there are engineers on the staff and the conditions state that "Urban County Engineer's acceptance of drainage, and storm and sanitary sewers." He said that these plans will be reviewed and that the same entity that awarded the stormwater grants is part of that review committee, and there were no concerns of stormwater drainage at the time of the Technical Committee meeting. He also added that that Planning Commission has authority over this preliminary subdivision plan and have the ability to restrict access onto Tates Creek Road.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Commission Question – Mr. Owens asked what the size of the lot is. Mr. Martin replied that both lots are under one-half of an acre, which will be two single family lots.

Ms. Wade said that the zone change is one-half an acre and the other lot on the development plan is also one-half an acre an acre.

Ms. Jones said that the applicant does have email correspondence from the State Department of Highway that the single family driveway location is acceptable onto Tates Creeks Road, but the exact location has not yet been determined.

Mr. Madden asked for clarification of the portion on the map that is not within the boundary of the plan. Mr. Martin identified that section of land.

Mr. Wilson added that this is a preliminary subdivision plan and noted that there is more work and specificity to be completed. Ms. Wade said that next step is a final record plat, which under current regulations, would come back to the Planning Commission for approval.

Ms. Plumlee asked the Law Department if the driveway could still be restricted. Ms. Tracy Jones said that it could be restricted but that Ms. Abbie Jones stated that the state has approved the driveway, just not the exact location of it.

Zoning Action – A motion was made by Ms. Plumlee, seconded by Mr. Penn, and carried 9-0 (Forester and Richardson absent) to approve PLN-MAR-17-00034: CHRIS AND JENNA WALKER, for the reasons provided by the staff.

Development Plan Action – A motion was made by Ms. Plumlee, seconded by Mr. Owens, to approve PLN-MJSUB-17-00054: URBAN COUNTY GOVERNMENT/THE GARDENS OF HARTLAND, UNIT 1 (AMD), with the revised conditions provided by the staff, revising condition #10, as follows:

~~10.42. Document Department of Highway's approval of access on Tates Creek Road. Denote that will be no access onto Tates Creek Road.~~

Amended Motion – Mr. Cravens suggested it would be his preference to amend the motion to leave condition #10 as is.

Amended Motion - Mr. Penn suggested to amend the motion, which was seconded by Ms. Mundy, to approve PLN-MJSUB-17-00054: URBAN COUNTY GOVERNMENT/THE GARDENS OF HARTLAND, UNIT 1 (AMD), with the revised conditions provided by the staff, revising condition #10, as follows:

~~10. 42. Document Department of Highway's approval of access on Tates Creek Road. Denote that access onto Tates Creek Road will be right turn only.~~

Ms. Wade said that Traffic Engineering has stated that the Department of Highways will not approve a right-in, right-out for residential only on Tates Creek Road. Ms. Kaucher said a right-in access only will not be permitted at this location, and if the Commission wishes to restrict access, then both driveways should be onto the lower classified roadway, which is Saron Drive. Mr. Penn withdrew this amendment.

Amended Motion – A motion was made by Mr. Cravens, seconded by Mr. Berkley, and carried 7-2 (Owens and Plumlee opposed; Forester and Richardson absent) to modify the list of conditions of approval to the revised conditions provided by the staff only, with no changes to condition #10.

Development Plan Motion - A motion was made by Ms. Plumlee, seconded by Mr. Owens, and carried 7-2 (Owens and Plumlee opposed; Forester and Richardson absent) to approve PLN-MJSUB-17-00054: URBAN COUNTY GOVERNMENT/THE GARDENS OF HARTLAND, UNIT 1 (AMD), with the revised conditions provided by the staff.