

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.