

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 12-21-89
2. Fee Received \$185.00 (7325)
3. Is application complete? _____ Yes _____ No
4. Staff Reviewer T. BREIDENSTEIN
5. Scheduled Board Action Date 1/10/90
6. Board Action:
 Approval
 Approved With Conditions (See #7)
 Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

BCPC:7/11/88

STAFF REPORT

#3

DEVELOPMENT: boarding stable
APPLICANT: Henry C. Warden, Jr.
LOCATION: 10845 Big Bone Road
ZONING: Agricultural Estates (A-2)
DATE: January 10, 1990

REMARKS:

The applicant is requesting a Conditional Use Permit to allow the construction and operation of a commercial boarding stable. The 13.77 acre site, located on the west side of Big Bone Road south of Rice Pike is zoned Agricultural Estates (A-2) and is owned by Henry C. Warden, Jr.

Currently on the site there exists a single family residence and a private barn/stable for the horses of the property owner. The applicant is requesting a Conditional Use Permit to allow the construction of a 14,256 square foot stable to commercially board horses. This barn is proposed to be built south of the house and approximately 125 feet from Big Bone Road (see attached plot plan). All surrounding properties are zoned A-2 and are used for agricultural purposes.

The following reviews the seven general criteria which apply to conditional uses in the county:

1. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future of this property to be Low Density Residential (LDR) which is described as "up to three dwelling units per acre." The text of the Plan describes the future of this area of the county as follows:

C-6 New Haven School

Development in this area will occur along US 42, KY 338, and Hicks Pike. This is also an area of prime agricultural land. Development within the area just described should be in subdivision form. The rate of growth in this area is largely dependent on the Richwood Interchange and the impact the Mt. Zion Interchange will have on Union. It is important that new residential development occur well off the major thoroughfare. Otherwise, growth potential in the area will be severely minimized. The residential development will add to the already crowded New Haven Elementary and will necessitate expansion of the facility.

Growth in the western section will be minimal and residential in character. It will follow the established road system.

=====
The Agricultural Element of the Plan reads in part:

It is apparent that future development of the county's rural areas will occur both in residential and commercial terms. This plan calls for controlling this infiltration through logical urban expansion. The farmland will probably continue to undulate in a negative fashion causing acreage to drop below 50 acres per farm for nearly 70 percent of the farms in the year 2010.

In order to protect the agricultural land, this plan further suggests that specific farmlands continue to be designated solely for agricultural purposes. Those areas of the county not particularly suitable for urbanization should be kept as agricultural land and not be isolated by sporadic urbanization. Land facing the growth of urbanization yet in farmland use should either be preserved through the Conservation District program or carefully developed so as to conserve the agricultural use as long as economically viable. These areas should be protected from rapid urbanization through estate type development which both acts as a buffer to the agricultural land and permits early stage urban growth.

In summary, as long as agricultural land is productive in terms of crops and economics for the property owner, it should be encouraged to remain. Any large developments in prime agricultural areas should be of clustered nature to make more efficient use of the land and to permit adjacent agricultural land uses to continue. (p. A-7)

2. The stable will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change this essential character of the area.
3. Commercially boarded horses will not be hazardous to existing in future neighboring uses.
4. The site is adequately served by essential public facilities.
5. Excessive additional requirements for public facilities at public cost will not be created.
6. A stable does not involve uses, activities, processes, material, equipment or conditions of operation which will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, flare, or odors.

=====

7. Vehicular approaches to the property have already been established.

The specific criteria which apply to Conditional Uses in the A-2:

- a. a boarding stable for horses is an integral part of the agricultural use of the land and will not be of a scale, nature or other character which will detract or conflict with the principle purposes of the district.
- b. the arrangement of the barns and house is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

At this writing, Staff has no suggested conditions should the Board grant this request for a Conditional Use Permit.

Respectfully submitted,

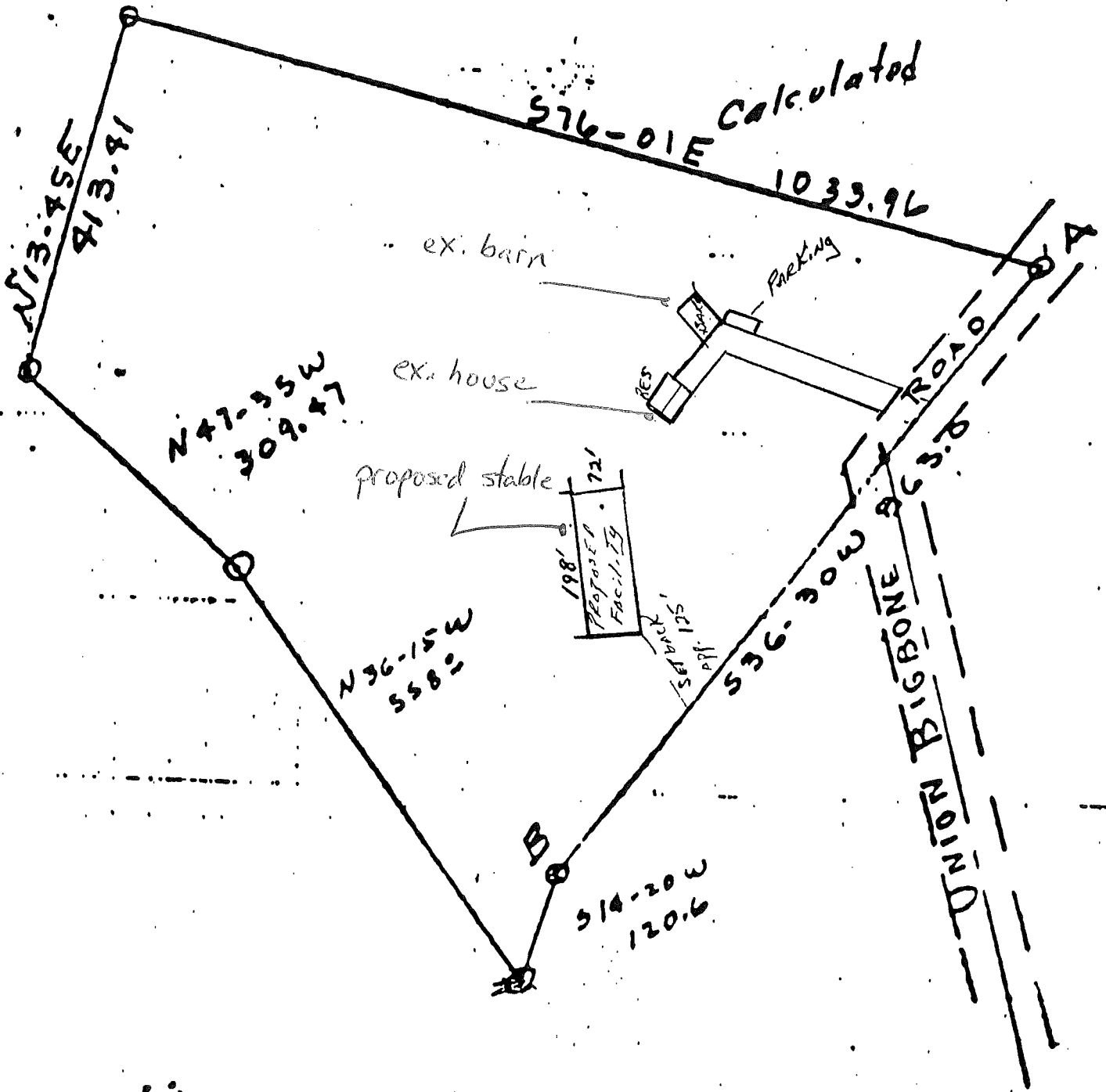


Thomas W. Breidenstein
Zoning Enforcement Officer

Warden

1-10-90

10845 Big Bone Rd.



Revised Plat

BOONE COUNTY
BOARD OF ADJUSTMENT

January 10, 1990 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Walt Ryan
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Mr. Archambault at 6:30 P.M..

Approval of the Minutes:

Mr. Archambault noted that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of December 13, 1989 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Ryan moved that they be approved as mailed. Mr. Houston seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Kenneth S. Heil and Michael Macke for a Conditional Use Permit to allow the construction of an 18-hole golf course. The 409.59-acre site, located on the southwest side of Williams Road, north of I-275, is zoned Agriculture (A-1) and is owned by Kenneth S. Heil and Michael Macke.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton arrived at this time. He asked if there was anyone present in behalf of the request.

Mr. Willie Mathis, representing the developers, stated that the Staff Report touched on all points of the ordinance in regard to this matter. He introduced Mr. Heil and Mr. Macke, as well as their architect. He stated that this request does not include any residential development. The golf course takes up the space and does not leave areas for residential development.

Chairman Whitton asked if anyone else wished to speak either for or against the request or if there were any questions.

Mr. Gofton Ware stated that he wanted to register his name, but did not wish to speak at this time.

Mr. Archambault noted that the clubhouse was large and questioned this. Mr. Heil stated that the clubhouse will store the golf carts on the lower level. This is a high-ticket country club and the personnel will store the clubs there, which will take up about 50% of the space. Each person will also have a locker, which will take up 50% of the remaining space. The balance of the space will be a pro shop and dining facility.

Mr. Lawrence Pieper questioned if the building of homes or condos down the road would be precluded.

Mr. Heil stated that these uses would be precluded and stated that they are interested in a golf club and not a residential community. They have cut off the course so that there cannot be homesites there.

There being no further comments, Mr. Archambault moved that the Conditional Use Permit be granted. Mr. Houston seconded the motion and it carried unanimously.

2. The request of the Victory Baptist Church for a Conditional Use Permit to allow the conversion of a single-family residence into a church. The 4.3-acre site, located at 9066 Gunpowder Road, is zoned Suburban Residential One (SR-1) and is owned by Francis Chapman.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton noted that two cars could not pass in the driveway and asked if the Staff had concerns about the driveway.

Mr. Tulley advised that the driveway does not need to be upgraded for the amount of traffic. The traffic will be coming in at one time and going out at one time and there would not be a conflict.

Chairman Whitton asked if there was anyone present who wished to speak in regard to this request.

Mr. Rick Hagett stated that the establishment of a church would not be contradictory to the standards. He does not see a problem with maintaining the standards now or in the future. They intend to maintain the safety conditions that are needed. They understand that they would have to modify the driveway if they grow. They contacted the Northern Kentucky Health Department to reevaluate the situation in regard to sewage. The Health Department said that the present sewage system would be appropriate for their current needs; but when they expand and build another facility, they would have to get another permit.

Chairman Whitton requested a copy of the report from the Health Department. Following review of the report, Chairman Whitton indicated that the report stated that the area for the church must be flagged and there must be a 200,000 gallon tank. He stated that he will turn the form over to the Staff and they will work with the applicant in this regard.

In response to questions from Mr. Archambault, Mr. Newton advised that a Plot Plan would not be required at this time as there is one on file from when the house was constructed.

Chairman Whitton asked if anyone else wished to speak for or against the request, or if there were any questions or any comments from the Board.

There being no further comments, Mr. Houston moved that the Conditional Use Permit be granted subject to the conditions that the applicant understands that they must come back if they increase the size of the building or the congregation which will require additional parking and Site Plan Review, as well as sewage treatment. Also, subject to the condition that the letter from the Health Department satisfies Staff's concerns and meets the criteria; and indicates that the building "as is" is okay at this time. Mr. Ryan seconded the motion and it carried unanimously.

3. The request of Henry C. Warden, Jr. for a Conditional Use Permit to allow the construction and operation of a commercial boarding stable. The 13.77-acre site, located at 10845 Big Bone Road, is zoned Agricultural Estates (A-2) and is owned by Henry C. Warden, Jr.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present who wished to speak in regard to this request.

Mr. Warden, the applicant, stated that their plan is to board local residents' horses. He will provide a full-scale facility with riding ring.

Chairman Whitton asked if there was anyone present in opposition to the request or any comments from the Board.

There being no discussion, Mr. Ryan moved that the Conditional Use Permit be granted. Mr. Houston seconded the motion and it carried unanimously.

Election of Officers - 1990:

Mr. Ryan moved that the current officers remain in office, i.e., Mr. Whitton - Chairman, Mr. Archambault - Vice Chairman, Mr. Ryan - Secretary/Treasurer. Mr. Dan Houston seconded the motion and it carried unanimously.


Board Items:

Mr. Gerald Newton, Director, advised that the Bigg's request will go to the Fiscal Court in February. The line has not become an issue again.

Also, the Board is behind in anticipated revenue and there is a new fee schedule.

There being no further business to come before the Board, Mr. Archambault moved that the meeting be adjourned. Mr. Archambault seconded the motion. The meeting was adjourned by unanimous consent at 7:05 P.M..

APPROVED:



George D. Whitton, Chairman

Attest:



Jan Hancock, Recording Secretary