

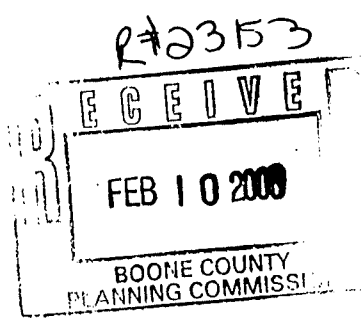
APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)  
SECTION A (To be completed by applicant)

1. Name of Project DENNIS DEATON
2. Location of Project 11174 BIG BONE CHURCH RD. UNION, KY 41091
3. Total Acreage of Site 11.2 ACRES
4. Current Zoning of Site A-1
5. Proposed Zoning (Classification being requested) A-2
6. Proposed Uses (please specify each use) SELL TWO ACRES TO DAUGHTER + SON FOR RESIDENCES
7. Names of Applicant(s) DENNIS AND MARGERY DEATON
8. Phone Number 606-384-1791 Fax No. 606-384-3856
8. Address of Applicant(s) 11174 BIG BONE CHURCH RD.  
UNION Ky 41091  
City State Zip
9. Name of Property Owner(s) DENNIS AND MARGERY DEATON
10. Phone Number 606-384-1791 Fax No. 606-384-3856
10. Address of Property Owner(s) 11174 BIG BONE CHURCH RD.  
UNION Ky 41091  
City State Zip
11. Proposed Building Intensities (please specify) TWO RESIDENCES ON TWO ACRE PARCELS
12. Are there any existing buildings on the site? YES - PROPERTY OWNERS HOME  
How many? 1 Dwelling
13. Deed Book 680 Page No. 127 Group No. 2062
14. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
16. Have you had a pre-application meeting with BCPC Staff? NO
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department



**EXHIBIT**

**“A”**

## STAFF REPORT

Request of Dennis Deaton and Margery Deaton (owners) to consider a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for an approximate 11.2 acre tract located at 11174 Big Bone Church Road, Boone County, Kentucky.

March 22, 2000

### REQUEST

This request is for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2). The property owners have informed Staff that they are interested in subdividing the parcel. At the minimum, they want to create 2 more parcels so they can convey them to their children. A Zoning Map Amendment is necessary to create two more lots because the minimum lot size in the A-1 zoning district is 5 acres and the property owners parcel is only 11.2 acres. The minimum lot size in the A-2 zoning district is slightly less than 2 acres (80,000 square feet). The property owners have not submitted a Concept Development Plan with their request.

### SITE CHARACTERISTICS

The site contains a single-family residential dwelling and two curb cuts along Big Bone Church Road. The second of these curb cuts is located on the northwest corner of the property and was used as an ingress and egress point for a mobile home. The property owners informed Staff that the mobile home burned down a couple of years ago. For the most part, the topography on the site is rolling. However, there are portions of the property with extremely steep hills and drop-offs. The majority of the site contains mature deciduous and evergreen trees.

### ADJACENT LAND USES AND ZONING

North: Single-family residential and farm uses (A-2)

South: The Adair Wildlife Preserve (A-1).

East: The Adair Wildlife Preserve (A-1)

West: Single-family residential and farm uses (A-1).

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site in question as a mixture of "Rural Land" and a "Developmentally Sensitive" area. The "Rural Land" designation is described as "wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres..." The "Developmentally Sensitive" designation is described as "areas that have an existing slope of twenty percent or greater for a height of 20 meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the project."

The Land Use Element (Area B-6: Big Bone Area, pp. 216-217) states the following regarding this area:

- A. "Due to the major creeks and tributaries, much of the land in this section is Developmentally Sensitive, and should be protected from development. Most of the growth in this area should be of Rural Density residential nature, located primarily along Beaver Road."

The "Future Land Use Development Guidelines" found in the Land Use Element make the following statements which relate to this proposal:

- A. "Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet pre-conceived project design. Development plans should identify such areas, any delineate disturb limits to protect those areas that have been defined."

The Housing Element makes the following statements about this area (Rabbit Hash-Beaverlick) of the county:

- A. "The Big Bone and Beaverlick areas contain older, agriculturally-related housing that do not make the area initially attractive to estate lot developers. Water and sanitary sewer service are not present throughout the area to support the level of development being experienced in the Union-West Florence area."

The 1995 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Safe, decent, environmentally sound, and sanitary housing exists for all Boone County residents ("Housing", Goal).
- B. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on the progression of densities, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit ("Housing", Objective 5).
- C. New development or redevelopment within Boone County is designed, constructed, and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life while allowing a reasonable economic return ("Environment", Goal).
- D. Developmentally Sensitive areas and scenic areas shall be identified and mapped and minimum standards shall be established for the preservation and restoration of these areas. Developments that are proposed in any of these areas shall be carefully reviewed according to the standards to assure negative environmental impacts ("Environment", Physical Objective 3).
- E. Developmentally Sensitive hillsides in Boone County must be given special consideration. The preservation of these hillsides is a primary objective, and any proposed development on hillsides designated Developmentally Sensitive shall be carefully reviewed to insure potential impacts are minimal and the environmental integrity of the hillsides is maintained ("Environment", Physical Objective 5).

#### STAFF COMMENTS

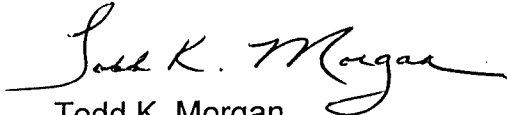
1. Staff has asked the owners to consider how many lots they are proposing. The parent tract could be subdivided into a maximum of 6 lots, if the Zoning Map Amendment is approved without any conditions.
2. The Planning Commission needs to determine whether Big Bone Church Road is intended to serve as a boundary between the A-1 and A-2 zoning districts. In some sense, the adjacent wildlife preserve will act as a defacto boundary for future expansion of A-2 should the change be approved.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations.

The Future Land Use Map will not need to be amended if the Planning Commission and Boone County Fiscal Court approve the Zoning Map amendment request.

Respectfully submitted,



Todd K. Morgan  
Planner

TKM/pr

Attachments:

- \*Site Vicinity Map
- \*Topographical Map
- \*Zoning Map
- \*Future Land Use Map
- \*A-1 & A-2 Zoning Regulations

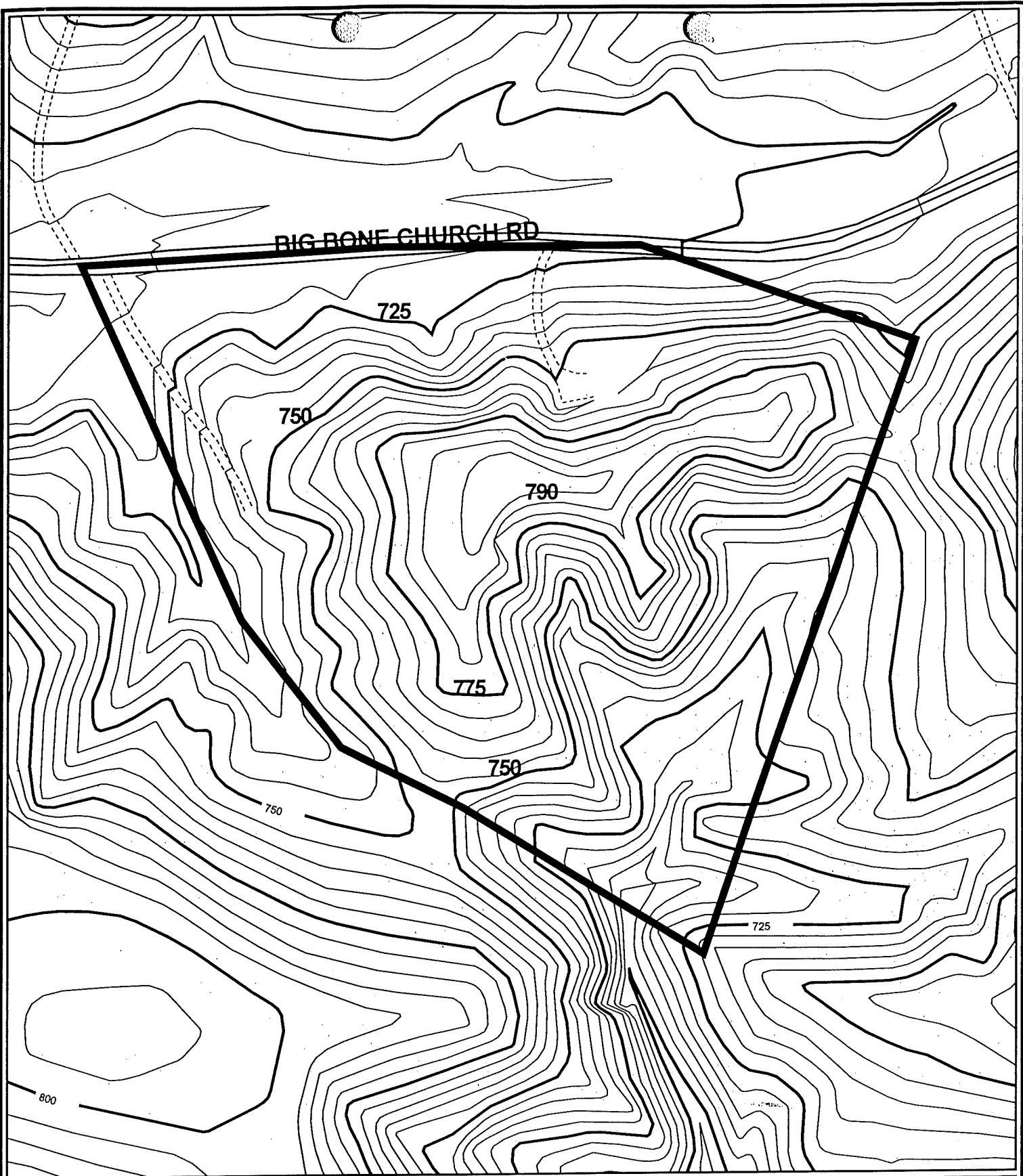


# Deaton Property Site Vicinity Map

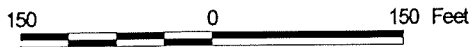
700 0 700 Feet

1 inch equals 700 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
March 14, 2000



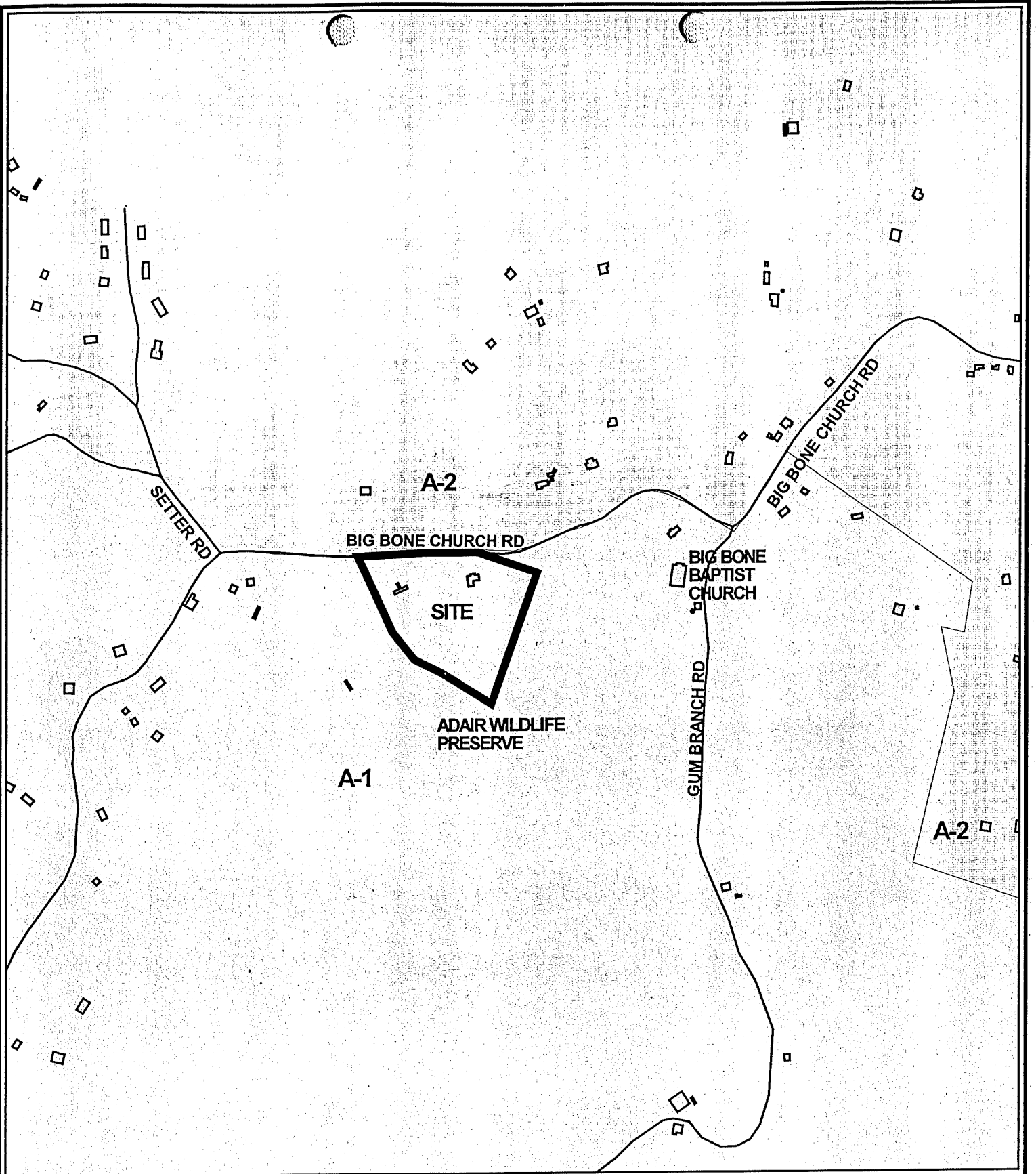


# Deaton Property Topographical Map

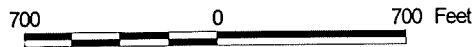


1 inch equals 150 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
March 21, 2000



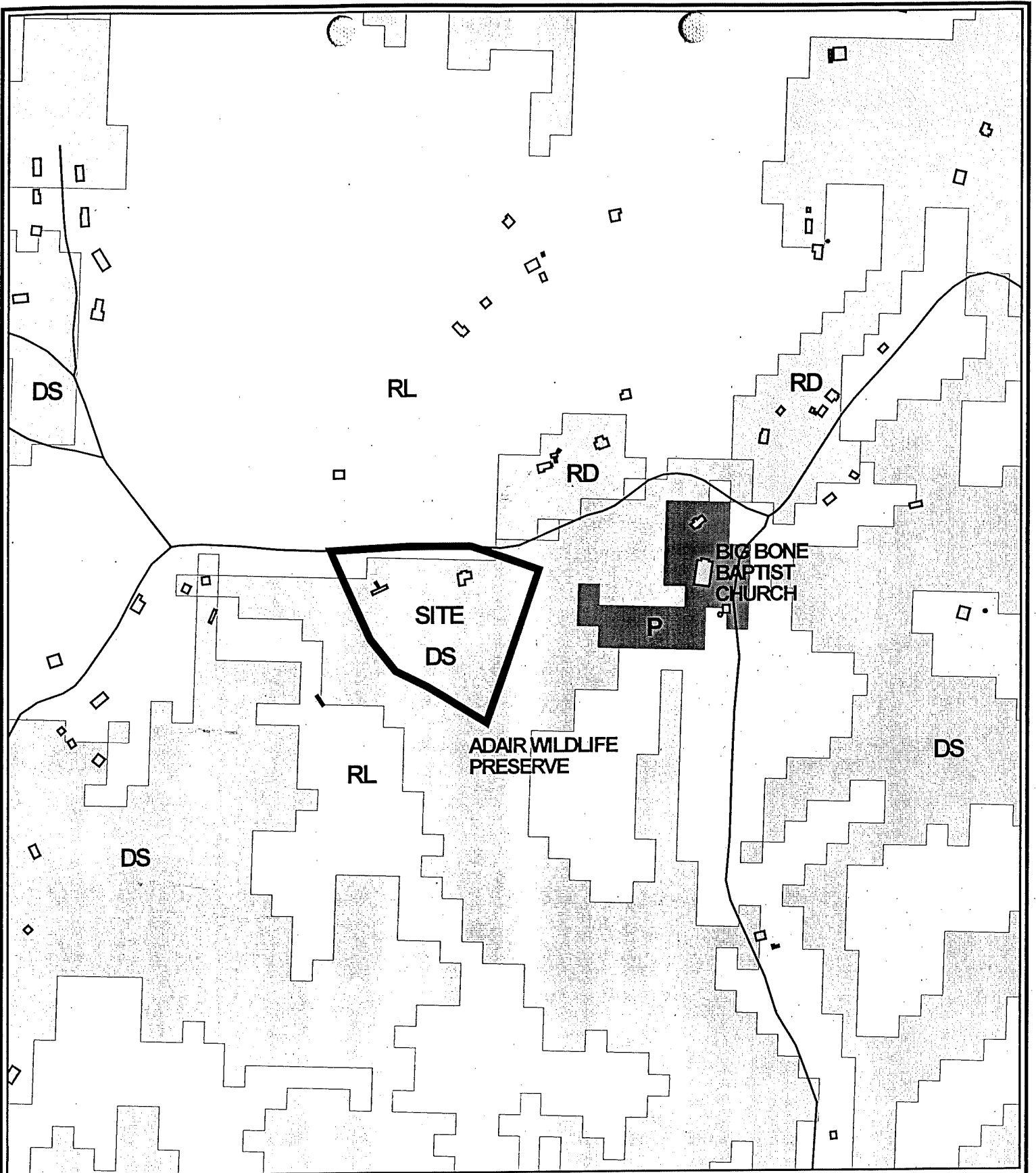


# Deaton Property Zoning Map

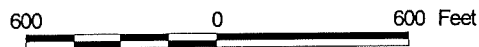


1 inch equals 700 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 March 14, 2000





# Deaton Property Future Land Use Map



1 inch equals 600 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 March 14, 2000



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ARTICLE

6

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AGRICULTURAL DISTRICTS

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SECTION 600

Intent

The intent of this article is to specifically identify and protect the present and future viability and character of agricultural and rural lands.

SECTION 610

AGRICULTURE (A-1)

The purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses.

SECTION 611

Principal Permitted Uses

The following uses are permitted:

1. Single Family dwelling units;
2. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;
3. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;
4. Farms and ranches of dairy production, livestock including cattle, hogs, sheep, goats, horses or similar, poultry or other fowls;
5. Animal Husbandry services including veterinarian, animal hospital, poultry hatching and other services;
6. Fish hatcheries, and other fish culture activities and related services;
7. Wildlife preserve sanctuaries, habitats, cultures and related activities;
8. Forestry activities including timber production, tree products production, commercial forestry production, forest nurseries and other forestry activities and related services;

9. Horticultural, floricultural, viticultural, and other agricultural related uses and services;
10. Agriculture related activities including grist milling services, corn shelling, hay baling, threshing, contract sorting, grading and packaging services and other agricultural processing services;
11. Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture related equipment excluding vehicles (Site Plan Review required);
12. Roadside stands, farmers marts and similar sales uses of agricultural and related products including specialty crafts and foods (Site Plan Review required);
13. Garden plots and other similar forms of communal or organizational farming practices;
14. Mobile homes;
15. Bed and Breakfast Inns (Site Plan Review required).
16. Historic sites and structures, monuments and other exhibits available for public viewing (Site Plan Review required);
17. Play lots or tot lots, playgrounds (Site Plan Review required);
18. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses (Site Plan Review required);

#### SECTION 612

##### Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Dwelling units of the family of the farm owner-operator, resident manager or farm laborer including:
  - a. private garages and parking;
  - b. structures such as fences, satellite dishes, and walls;
  - c. buildings such as storage sheds, private greenhouses and gazebos;
  - d. storage of a recreational vehicle or unit;
  - e. private swimming pool, sauna, bathhouse and like accessories;
  - f. private recreational court, complex or similar recreational activity;
  - g. private stables or other keeping and use of pets and animals;
2. Temporary buildings incidental to construction;
3. Offices for farm management and administration of agricultural services offered on the farm premises;

4. Accessory dwelling units;
5. Family day care.

## SECTION 613

### Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral part of the agricultural use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or b) the activity is necessary to provide the specified public service for the character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and c) provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

1. Dwellings or rooming houses for persons employed on the premises other than the family of the farm owner/operator and/or resident manager;
2. Garden store, nursery and similar landscape sales of products produced on the premises (Site Plan Review required);
3. Commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) (Site Plan Review required);
4. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
5. Cemeteries and mausoleums (Site Plan Review required);
6. Duplex dwelling units;
7. Commercial stockyards and feed lots (Site Plan Review required);
8. Dumps and landfills for non-combustible materials including sanitary landfills (Site Plan Review required);
9. Production, processing and sales of fertilizer (Site Plan Review required).
10. Botanical gardens and arboretums, nature preserves, wildlife habitats and other natural exhibitions (Site Plan Review required);
11. Riding stables, skiing and tobogganing and other similar outdoor sporting activities (Site Plan Review required);
12. Swimming beaches and swimming pools (Site Plan Review required);
13. Camping, picnicking, hiking areas, trails and other recreational uses (Site Plan Review required);
14. Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts (Site Plan Review required);

15. Recreational vehicle and trailer camps provided such living arrangements are of transient or seasonal use and such facility meets the requirements of K.R.S. Section 219.310 through Section 219.410. Permits as required under K.R.S. 219.310 through 219.410 shall be included with an application for Site Plan Review (Site Plan Review required);
16. Day care centers or nursery schools (Site Plan Review required).
17. Taxidermy.

#### SECTION 614

##### Intensity

The maximum intensity of use shall not be greater than one lot per five (5) gross acres of land.

#### SECTION 615

##### Minimum Standards

The minimum size and extent of an A-1 district, including all the contiguous private property so designated, shall not be less than thirty (30) acres.

#### SECTION 616

##### Minimum Standards

The following standards shall apply to any permitted, accessory or conditional use and structure in this district:

1. No use shall include the operation or maintenance of a commercial stockyard or feedyard, except as permitted as a conditional use.
2. See Article 31 for dimensional standards and for developing clustered and conventional residential subdivisions.

#### SECTION 620

##### **AGRICULTURAL ESTATE (A-2)**

The purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.

#### SECTION 621

##### Principal Permitted Uses

Permitted uses in the A-1 district numbered 1- 13, inclusive, are permitted in the A-2 district.

#### SECTION 622

##### Accessory Uses

All accessory uses permitted in the A-1 district are permitted in the A-2 district.

## SECTION 623

### Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral part of the agricultural or residential use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or b) the activity is necessary to provide the specified public service for the residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district; and c) provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

1. Roadside stands, farmers mart and similar sales uses of agricultural and related products including specialty crafts and foods (Site Plan Review required);
2. Garden store, nursery and similar landscape sales of products produced on the premises (Site Plan Review required);
3. Garden plots and other similar forms of communal or organization farming practices;
4. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
5. Cemeteries and mausoleums (Site Plan Review required);
6. Duplex dwelling units;
7. Commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) (Site Plan Review required);
8. Bed and Breakfast Inns (Site Plan Review required);
9. Botanical gardens and arboretums, nature preserves, wildlife habitats and other natural exhibitions (Site Plan Review required);
10. Riding stables, skiing and tobogganing and other similar outdoor sporting activities (Site Plan Review required);
11. Swimming beaches and swimming pools (Site Plan Review required);
12. Camping, picnicking, hiking areas, trails and other recreational uses (Site Plan Review required);
13. Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts (Site Plan Review required);
14. Recreational vehicle and trailer camps provided such living arrangements are of transient or seasonal use and such facility meets the requirements of K.R.S. Section 219.310 through Section 219.410. Permits as required under K.R.S. 219.310 through 219.410 shall be included with an application for Site Plan Review (Site Plan Review required);
15. Day care centers or nursery schools (Site Plan Review required).

**SECTION 624**

**Intensity**

The maximum intensity of use shall not be greater than one (1) lot per 80,000 square feet of land.

**SECTION 625**

**Minimum Size**

The minimum size and extent of an A-2 district shall not be less than twenty (20) acres of land.

**SECTION 626**

**Minimum Standards**

The following standards shall apply to any permitted, accessory or conditional use and structure in this district:

1. No use shall include the operation or maintenance of a commercial stockyard or feedyard.
2. See Article 31 for dimensional standards and for developing clustered and conventional residential subdivisions.

**Public Hearing Item No. 2:**

**Commission Members Present:** Mr. Barlow, Mr. Chaney – Vice Chairman, Mr. Hicks, Mr. McMillian, Mr. Newman, Mrs. Poston, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mr. White, and Mr. Zimmer.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mike Homer, Planner; and Mr. Todd Morgan, Planner.

**Legal Counsel Present:** Mr. Dale Wilson

Mr. Chaney introduced the last item on the Agenda:

1. **Applicant:** **Dennis Deaton and Margery Deaton (owners)**

**Request:** **Zoning Map Amendment**

The request of **Dennis Deaton and Margery Deaton (owners)** to consider a **Zoning Map Amendment from Agriculture (A-2) to Agricultural Estate (A-2)** for an approximate 11.2 acre tract at 11174 Big Bone Church Road, Boone County, Kentucky.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Chaney asked for the applicant's presentation.

Mr. Dennis Deaton, 11174 Bullittsburg Church Road, stated that they wanted to sell the two acres in the corner where the trailer was to their daughter, but they also have a son and later on they will want to sell some land to him. They do not intend to sell twelve lots around their house. They like the hills the way they are now. They basically want to get pieces of land for their children.

Mr. Chaney asked if there was anyone else present who wished to speak either for or against this request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Hicks stated that they basically want three houses on the property. Mr. Deaton responded "in addition to ours". Mr. Hicks asked if they have enough frontage to do this. Mr. Deaton responded that the 11.2 acres does not include their house. They have more than 11.2 acres.

Mr. Hicks asked if there is a way to limit this to three houses. Mr. Morgan responded that the applicant could run a private street and have five lots off of it. Counselor Wilson stated that the Planning Commission could impose a condition limiting the number of lots as long as the applicant agrees -- but, in the future, another owner could ask that the condition be removed. Absent an agreed condition, with the zone change granted, they could have as many lots as meet the minimum lot size.

Mr. Hicks stated that he would be agreeable to the zone change, if the applicant will agree to only three houses. Mr. Deaton responded "we will agree to that".


Mr. McMillian asked if they are building into the middle of the wildlife preserve. Mr. Morgan responded that this is one of the most beautiful areas in the county. It is public property and is designated as public land on the Future Land Use Map. He explained that the applicant's property adjoins the wildlife preserve and all the property on this side of the road is zoned A-1. Mr. McMillian questioned how people would know when they were no on the wildlife preserve and were on the applicant's property. Mr. Deaton responded that there are signs.

Mr. Schwenke commented that he is familiar with the property from his work with the fire department and it would be almost impossible to get six houses on there.


There being no further comments, Mr. Chaney stated that the Committee Meeting for this item will be on March 30, 2000 at 5 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on April 5, 2000 at 7:30 P.M..

Mr. Chaney closed this Public Hearing at 8:45 P.M..

**APPROVED:**

  
\_\_\_\_\_  
W. Thomas Chaney, Vice Chairman

**Attest:**

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
April 5, 2000  
7:30 P.M.**

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Mr. Robert Ries, Temporary Presiding Officer, called the meeting to order at 7:35 P.M..

**COMMISSION MEMBERS PRESENT:**

Mrs. Judy Arnett, Secretary/Treasurer  
Mr. Randy Barlow  
Mr. Mark Hicks  
Mr. Richard Knock  
Mr. Don McMillian  
Mr. Robert Newman  
Mrs. Susan Poston  
Mr. Charlie Reynolds  
Mr. Robert Ries, Temporary Presiding Officer  
Mr. Bob Schwenke  
Mr. Earl White  
Mrs. Lisa Wilson

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Arnold Caddell, Chairman  
Mr. W. Thomas Chaney, Vice Chairman  
Mr. David Zimmer

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Jan Hancock, Secretary  
Mr. Mike Homer, Planner  
Mr. Todd Morgan, Planner

**3. Zoning Map Amendment**

**The request of Dennis Deaton and Margery Deaton (owners) to consider a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for an approximate 11.2 acre tract at 11174 Big Bone Church Road, Boone County, Kentucky.**

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to a condition (see Committee Report). The property owner has signed the letter agreeing to the condition.

There being no discussion, Mr. White moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Hicks seconded the motion and it carried unanimously.

**4. Zoning Map Amendment**

**The request of Hilltop Basic Resources, Inc. (applicant) for Hilltop Basic Resources, Inc., Addison G. Stevens, Myrna Stevens, Rodney Woods, Sandra Woods, Donald Gene Hodges, Niki Carol Hodges, Robert G. Kippler, William E. Kippler, Carl Taabar, and Cynthia Taabar (owners) to consider a Zoning Map Amendment from Agriculture (A-1) to Agriculture/Recreation/Industrial Four/Planned Development (A-1/R/I-4/PD) for an approximate 534 acre area located north of I-275 and the I-275/Petersburg (KY 8) interchange at the terminus of Garrison Creek Road, and along the south side of the Ohio River, Boone County, Kentucky. The request is for a zone change to allow underground extraction, processing, river barging of materials, and other activities pertaining to subsurface mining operations, and outdoor park/recreation and agricultural uses.**

Mr. Ries stated that Agenda Item #4 is recommended for deferral to the May 3, 2000 Business Meeting at 7:30 P.M.. The Committee Meeting will be on April 20, 2000 at 5 P.M.. Mrs. Poston so moved. Mrs. Wilson seconded the motion and it carried unanimously.

**5. Technical/Design Review – Home Depot  
99 Spiral Drive**

Staff Member Todd Morgan presented the Technical/Design Review request for a 2,081 square foot addition to Home Depot at 99 Spiral Drive. The proposal also includes a sign to put be up in place of the old one. Mr. Morgan passed around the elevations of the site. The proposed addition is in the front façade of the store and will be used as a tool rental center. The proposed addition measures 101' x

EXHIBIT  
"B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Mark Hicks, Chairman

DATE: April 5, 2000

RE: Request of Dennis Deaton and Margery Deaton (owners) to consider a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for an approximate 11.2 acre tract located at 11174 Big Bone Church Road, Boone County, Kentucky.

### REMARKS:

We, the Committee, recommend conditional approval of the above referenced Zoning Map Amendment application based on the following findings of fact and with the following conditions.

### FINDINGS OF FACT:

1. The Committee has concluded that the request is in general agreement with the 1995 Boone County Comprehensive Plan. The Land Use Element (Area B-6: Big Bone Area, pp. 216-217) states that "due to the major creeks and tributaries, much of the land in this section is developmentally sensitive, and should be protected from development. Most of the growth in this area should be of a Rural Density residential nature, located primarily along Beaver Road."
2. The 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site in question as a mixture of "Rural Land" and a "Developmentally Sensitive" area. The "Rural Land" designation is described as "wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres..." The "Developmentally Sensitive" designation is described as "areas that have an existing slope of twenty percent or greater for a height of 20 meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the project."
3. The Committee has concluded that the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of the 1995 Boone County Comprehensive Plan. The Committee has also concluded that the attached condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with this condition.

CONDITION:

1. The two parcels totaling 11.2 acres cannot have more than three buildable lots. The property owners existing residence, which is located on a 1.01 acre tract, is the first of the three buildable lots.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

*Mark Hicks*  
\_\_\_\_\_  
**Mark Hicks, Chairman**  
For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Robert Newman*  
\_\_\_\_\_  
**Robert Newman**  
For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Earl White*  
\_\_\_\_\_  
**Earl White**  
For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Lisa Wilson*  
\_\_\_\_\_  
**Lisa Wilson**  
For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

\_\_\_\_\_  
**Dave Zimmer**  
For \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent

**TOTAL:    4 FOR    0 AGAINST    0 ABSTAIN    1 ABSENT**

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Chaney – Vice Chairman, Mr. Hicks, Mr. McMillian, Mr. Newman, Mrs. Poston, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mr. White, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mike Homer, Planner; and Mr. Todd Morgan, Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Chaney introduced the last item on the Agenda:

1. Applicant: Dennis Deaton and Margery Deaton (owners)

Request: Zoning Map Amendment

The request of Dennis Deaton and Margery Deaton (owners) to consider a Zoning Map Amendment from Agriculture (A-2) to Agricultural Estate (A-2) for an approximate 11.2 acre tract at 11174 Big Bone Church Road, Boone County, Kentucky.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Chaney asked for the applicant's presentation.

Mr. Dennis Deaton, 11174 Bullittsburg Church Road, stated that they wanted to sell the two acres in the corner where the trailer was to their daughter, but they also have a son and later on they will want to sell some land to him. They do not intend to sell twelve lots around their house. They like the hills the way they are now. They basically want to get pieces of land for their children.

Mr. Chaney asked if there was anyone else present who wished to speak either for or against this request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Hicks stated that they basically want three houses on the property. Mr. Deaton responded "in addition to ours". Mr. Hicks asked if they have enough frontage to do this. Mr. Deaton responded that the 11.2 acres does not include their house. They have more than 11.2 acres.

Mr. Hicks asked if there is a way to limit this to three houses. Mr. Morgan responded that the applicant could run a private street and have five lots off of it. Counselor Wilson stated that the Planning Commission could impose a condition limiting the number of lots as long as the applicant agrees -- but, in the future, another owner could ask that the condition be removed. Absent an agreed condition, with the zone change granted, they could have as many lots as meet the minimum lot size.

Mr. Hicks stated that he would be agreeable to the zone change, if the applicant will agree to only three houses. Mr. Deaton responded "we will agree to that".


Mr. McMillian asked if they are building into the middle of the wildlife preserve. Mr. Morgan responded that this is one of the most beautiful areas in the county. It is public property and is designated as public land on the Future Land Use Map. He explained that the applicant's property adjoins the wildlife preserve and all the property on this side of the road is zoned A-1. Mr. McMillian questioned how people would know when they were no on the wildlife preserve and were on the applicant's property. Mr. Deaton responded that there are signs.

Mr. Schwenke commented that he is familiar with the property from his work with the fire department and it would be almost impossible to get six houses on there.

There being no further comments, Mr. Chaney stated that the Committee Meeting for this item will be on March 30, 2000 at 5 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on April 5, 2000 at 7:30 P.M..

Mr. Chaney closed this Public Hearing at 8:45 P.M..

**APPROVED:**

  
\_\_\_\_\_  
W. Thomas Chaney, Vice Chairman

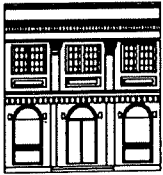
**Attest:**

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

# SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION

2995 Washington Street, Burlington, KY 41005



606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

March 31, 2000

Mr. Dennis Deaton  
Mrs. Margery Deaton  
11174 Big Bone Church Road  
Union, KY 41091

RE: Request of Dennis Deaton and Margery Deaton (owners) to consider a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for an approximate 11.2 acre tract located at 11174 Big Bone Church Road, Boone County, Kentucky.

Dear Mr. & Mrs. Deaton:

The following represents the condition of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the owners, agree to the following condition, please indicate so by signing the spaces provided below. Please bring this signed letter to the Boone County Planning Commission Business Meeting at 7:30 P.M., on April 5, 2000.

### Condition

1. The two parcels totaling 11.2 acres cannot have more than three buildable lots. The property owners existing residence, which is located on a 1.01 acre tract, is the first of the three buildable lots.

Sincerely,

Todd K. Morgan  
Planner

TKM\pr

I, Dennis Deaton, property owner, hereby agree to the listed condition of approval for the zone change request from A-1 to A-2, for the approximate 11.2 acre tract located at 11174 Big Bone Church Road, Boone County, Kentucky.

Dennis J. Deaton  
Mr. Dennis Deaton

4-5-00  
Date

I, Margery Deaton, property owner, hereby agree to the listed condition of approval for the zone change request from A-1 to A-2, for the approximate 11.2 acre tract located at 11174 Big Bone Church Road, Boone County, Kentucky.

Margery Deaton  
Mrs. Margery Deaton

4-5-00  
Date

ELIZABETH HAGERSTRAND, single;  
LUTHER BLEVINS, single;  
WILLIAM BLEVINS and KAREN BLEVINS, husband and wife;  
and  
MENIFEE ED BLEVINS, single,

for and in consideration of the sum of SIXTY-FIVE THOUSAND and NO/100 (\$65,000.00) DOLLARS, paid to them, the receipt of which is hereby acknowledged, do hereby bargain, sell and convey to

DENNIS DEATON and MARGERY DEATON,  
husband and wife,

jointly, with remainder in fee simple to the survivor of either of them, his or her heirs and assigns forever,

all of their right, title and interest in and to the following described real estate, lying and located in Boone County, Kentucky, to wit:

GRANTOR MAILING ADDRESS: P.O. Box 688 BURLINGTON, Ky. 41005  
GRANTEE MAILING ADDRESS: 11174 Big Bone Church Road, Union, Ky. 41091  
PRESENT STREET ADDRESS: Big Bone Church Road, Union, Kentucky 41091



GROUP NO. 2062

BEGINNING at a point the most North Westerly corner of the 150.5 acre tract of Mr. and Mrs. David Bevis, said point being a corner with Frank Allen Farm, thence N 72 W 341 feet to a point in the center of said Big Bone Church Road; thence along the center of said road S 88-45 W 296, 3 feet, S 85-40 W 353.2 feet to a point in the center of a concrete slab of a box culvert; thence passing a Walnut sapling at approximately 20 feet, S 25-30 E a total distance of 451 feet to a point and elm tree; thence continuing along a cross fence line S 39-30 E 189 feet, S 64-45 E 160 feet, S 59-45 E 325 feet to a point and Black Locust tree; thence with the West line of said 150.5 acre tract N 17-50 E 750

feet to the place of beginning, containing 11.2 acres.

**LESS THE FOLLOWING EXCEPTION:** Deed recorded at Deed Book 160, Page 15 of the Boone County Clerk's records.

**SOURCE OF TITLE:** Being all of the same property conveyed to Marcus Blevins and Edna Blevins, husband and wife, dated September 8, 1956, and recorded at Deed Book 125, Page 32 of the Boone County Clerk's records at Burlington, Kentucky. The said Marcus Blevins predeceased Edna Blevins and, by virtue of the survivorship clause contained in said Deed, Edna Blevins became the owner of the subject property in its entirety. The said Edna Blevins is now deceased, having died intestate. She was survived by 10 children, namely: Janet Edna Blevins Bartlett, Jorheta Mae Roach, an unremarried widow, James Thomas Blevins, Johnny Russell Blevins, Velma Dean Lindon, an unremarried widow, Roy Ed Blevins, Venice Marie Blevins Lay, Marcus Blevins, Jr., a single person, Donald Scott Blevins, and Vernon Albert Blevins.

The said Roy Ed Blevins is deceased, having died testate, survived by his widow, Delores Blevins, who was devised his interest in the subject property.

The said Venice Marie Blevins Lay is deceased, having died intestate. She was survived by her husband, James O. Lay, who is remarried to Betty Lay, and by Joseph O. Lay, Vivian M. Lay Auteri, William F. Lay, Dennis L. Lay, a single person, and Larry Robert Lay.

The said Marcus Blevins, Jr. is deceased, having died intestate, and was single at the time of his death. He was survived by Mark Blevins, Michael Blevins, Cynthia Blevins Gardner, Paul Blevins, a single person, and Sharion Blevins Hopkins.

The said Donald Scott Blevins is deceased, having died intestate. He was survived by his widow, Vivian Blevins, and by J. B. Blevins, Anthony Blevins, a single person, and James Scott Blevins.

The said Vernon Albert Blevins is deceased, having died intestate, survived by his widow, Mildred Blevins, and by Redenith Mill, Imojean Blevins, a single person, Elizabeth Hagerstrand, a single

# Know All Men by these Presents:

That the Grantor.... EDNA BLEVINS, an unmarried widow,

for and in consideration of One Dollar and other good and valuable considerations

to her paid by the Grantee...S herein the receipt whereof is hereby acknowledged, do~~S~~ hereby BARGAIN, SELL AND CONVEY to the Grantee..S, JAMES O. LAY and VENICE LAY, husband and wife, with the Right of Survivorship, his or her

heirs and assigns forever, the following described Real Estate, to wit:

Being on the south side of Big Bone Road, about three miles northwest of Normansville, Boone County, Kentucky, and described as follows:

Beginning at a point being the northeast corner of the dividing line between the real estate now owned by David Bevis and the grantor herein, thence from said point N. 72° W. 341 feet to a point in the center of the Big Bone Church Road, the real point of beginning for this description; thence along the center of said road S. 88° W. 210 feet to a point; thence leaving said road at right angles southwardly 210 feet to a point; thence eastwardly and parallel with the center line of the Big Bone Church Road 210 feet to a point; thence at right angles northwardly 210 feet to the point of beginning.

Being part of the same property conveyed to Marcus Blevins and Edna Blevins, with the Right of Survivorship, by deed from Shirley Williams and Lillie Williams, husband and wife, dated September 7, 1956, and recorded in Deed Book No. 125, page 32, of the Boone County Records at Burlington, Kentucky. The said Marcus Blevins died, intestate March 23, 1963, and by reason of the survivorship clause in said deed title then vested in his wife, Edna Blevins, the Grantor herein.

No title examination.

This instrument prepared by  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*[Handwritten Signature]*

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.  
 TO HAVE AND TO HOLD the same to the said JAMES O. LAY and VENICE LAY,  
 husband and wife, with the Right of Survivorship, his or her

heirs and assigns forever, with COVENANTS OF GENERAL WARRANTY

**Ordinance**  
**Of**  
**The Boone County Fiscal Court**

**Ordinance No. 2000-14**

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH ONE CONDITION, FOR A REQUEST OF DENNIS AND MARGERY DEATON (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1) TO AGRICULTURAL ESTATE (A-2) ON AN APPROXIMATE 11.2 ACRE SITE LOCATED AT 11174 BIG BONE CHURCH ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-00-008-A.**

**WHEREAS**, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agriculture (A-1) to Agricultural Estate (A-2) on an approximate 11.2 acre site located at 11174 Big Bone Church Road, Boone County, Kentucky, which is more particularly described below; and

**WHEREAS**, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with one condition, for the Zoning Map Amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:**

**SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be an is hereby recommended for approval, with one condition, this Zoning Map Amendment being a zone change from Agriculture (A-1) to Agricultural Estate (A-2) on an approximate 11.2 acre site located at 11174 Big Bone Church Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in and Agriculture (A-1) zone is more particularly described in DEED BOOK 680, PAGE NO. 127 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**SECTION II**

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact and one condition of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A".

**Ordinance**  
**Of**  
**The Boone County Fiscal Court**

**Ordinance No. 2000-14**

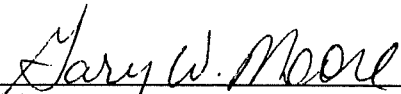
The Committee recommended approval for this request based on the findings of fact and one condition as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B".

**SECTION III**

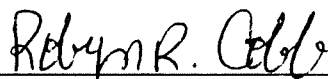
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

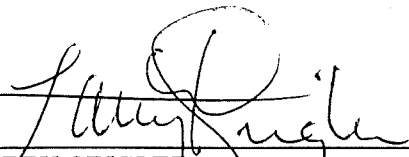
Introduced and given First Reading on the 2<sup>nd</sup> day of May, 2000.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 20<sup>th</sup> day of June, 2000, and on the same occasion signed in open session by the County Judge-Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

  
\_\_\_\_\_  
GARY W. MOORE  
BOONE COUNTY JUDGE-EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
ROBYN R. COBB  
FISCAL COURT CLERK

  
\_\_\_\_\_  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

6-29-2000  
\_\_\_\_\_  
DATE PUBLISHED