

6/6/00

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

JUN - 6 2000

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

BOONE COUNTY
PLANNING COMMISSION

1. Name of Project James and Phyllis (Houston Property)
2. Location of Project U. S. 25 (Dixie Highway), Walton
3. Total Acreage of Site 130 Acres +/-
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single Family Residential

7. Names of Applicant(s) Mavericks, Inc.
- Phone Number 331-9191 Fax No. 344-7422
8. Address of Applicant(s) 1671 Park Road, Suite One
- Ft. Wright, Kentucky 41011
- City State Zip
9. Name of Property Owner(s) James and Phyllis Houston
- Phone Number 485-4902 Fax No. N/A
10. Address of Property Owner(s) 12781 Dixie Highway
- Walton, Kentucky 41094
- City State Zip
11. Proposed Building Intensities (please specify) _____

12. Are there any existing buildings on the site? Yes
- How many? 9
13. Deed Book 302 Page No. 163 Group No. 2078
14. Are you also applying for: and Will Book 27 at Page 103
- 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? Yes
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 **Mavericks, Inc. (applicant)** for **James Houston and Phyllis Houston (owners)** to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 130 acre tract located on the west side of Dixie Highway, north of Sunset Ridge Subdivision, unincorporated Boone County, Kentucky. The request is for a zone change to allow single family residences.

June 28, 2000

Request

The proposal is to change the existing zoning classification from Agricultural Estate (A-2) to Suburban Residential One (SR-1) "to allow single family residences". The Suburban Residential One (SR-1) zoning classification allows a maximum intensity of 4 dwelling units per acre. Therefore, a maximum of 520 dwelling units could be constructed on the approximate 130 acres. If this Zoning Map Amendment is approved by the Boone County Planning Commission and Fiscal Court and the State of Kentucky approves their sanitary sewer request, the applicant has expressed interest in annexing this property into the City of Walton for water and sewer services.

Site Characteristics

The site has and is being used as a farm. The southern portion of the project closest to the Sunset Ridge Subdivision has a natural channel that the applicant has indicated leaving undisturbed to act as a natural buffer. The remainder of the site has rolling topography with the highest elevation at 931 and the lowest at 845. Structures on the property consist of numerous barns and out buildings and a residence that the applicant has indicated incorporating into the proposed subdivision.

Surrounding Zoning and Land Uses

- North: Maddox property zoned Suburban Residential One (SR-1) and the Wilson and Tuemler properties zoned Agricultural Estate (A-2).
- East: Across North Main Street (Dixie Highway) residences and businesses along Old Walton-Nicholson Road with Suburban Residential One (SR-1) and Commercial Two (C-2).
- South: The Sunset Ridge Subdivision zoned Suburban Residential One (SR-1) and residences along North Main Street (Dixie Highway) zoned Suburban Residential One (SR-1).
- West: Ramps from northbound I-75 to southbound I-71 and northbound I-71 to northbound I-75.

Relationship to the Boone County Comprehensive Plan

The Future Land Use Map shows the subject property as Suburban Residential (SR) with a portion of Rural Lands (RL) defined in the adopted Comprehensive Plan as:

- | | |
|----------------------------|---|
| Suburban Residential (SR): | "Single family housing of up to four units per acre. This classification also includes any low density or estate residential development as a formal subdivision." |
| Rural Lands (RL): | "Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision." |

The Land Use Element within the 1995 Boone County Comprehensive Plan only refers to this general area by stating:

"The Walton area should experience gradual commercial, residential, and industrial growth. This growth should result primarily from the Walton Interchange, its location near the intersection of I-71 and I-75, and a possible extension of I-71."

The recently adopted 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper future growth management for Boone County is implemented ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- D. Proper design principles shall be applied in development ("Overall," Objective 3).
- E. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- F. ***Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public ("Overall," Objective 6).***

- G. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- H. Boone County's development policies shall provide equal opportunity for the establishment of a balanced population regardless of age, race, or socio-economic status ("Population," Objective).
- I. ***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 maintained and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).***
- J. ***New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular shall minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).***
- K. Safe, environmentally sound, and sanitary housing exists for all Boone County residents ("Housing," Goal).
- L. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- M. No housing policy shall have the effect of causing discrimination against any person on the basis of age, race, color, religion, sex, familial status, disability, or national origin ("Housing," Objective 2).
- N. The maintenance of sound existing housing, as well as, the rehabilitation of deteriorating housing shall be encouraged ("Housing," Objective 3).
- O. ***Housing supply in Boone County shall be balanced against present and planned commercial, industrial and primary and secondary education bases ("Housing," Objective 4).***
- P. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on density, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit ("Housing," Objective 5).

- Q. Residential development shall be regulated as to basic health and safety considerations, including: a) proper connections to appropriate public water and sanitary sewer service, sewage disposal units, and telephone and electric lines, and b) properly designed and constructed storm water drainage according to location and use ("Housing," Objective 6).
- R. The interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighborhood interaction. Based on certified traffic analysis, collector and sub-collector streets shall be evaluated to determine design without individual lot or driveway access. Lot and home buyers shall have access to approved plans regarding future connections. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops). ("Housing," Objective 8).
- S. Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features ("Housing," Objective 13).

Staff Concerns/Comments

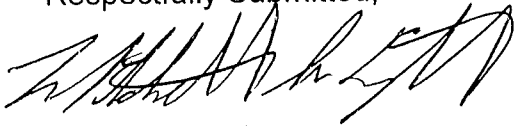
1. A Concept Development Plan was not formally submitted as part of the application. However, a plan was sent to the State for the sanitary sewer request and the City of Walton has a copy of this plan for informational purposes.
2. The applicant has advised Staff that the project has been granted verbal approval for the sanitary sewers from the State of Kentucky. If the sewers are not officially approved, this project cannot happen regardless of the Zoning Map Amendment request. Although public water is available, the project hinges on approvals from the Boone County Planning Commission, Boone County Fiscal Court and State of Kentucky.
3. If this Zoning Map Amendment is approved, a Preliminary Plat must be submitted and will be reviewed and critiqued for its compliance with the Boone County Zoning and Subdivision Regulations. Proper access management and street connections to adjacent property is a necessity since 520 homes may be developed on this property. The applicant has indicated to Staff that they are agreeable to making several street connections to adjoining properties.
4. If approved, the Future Land Use Map would not need to be altered.

Conclusion

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the areas character.

Respectfully Submitted,



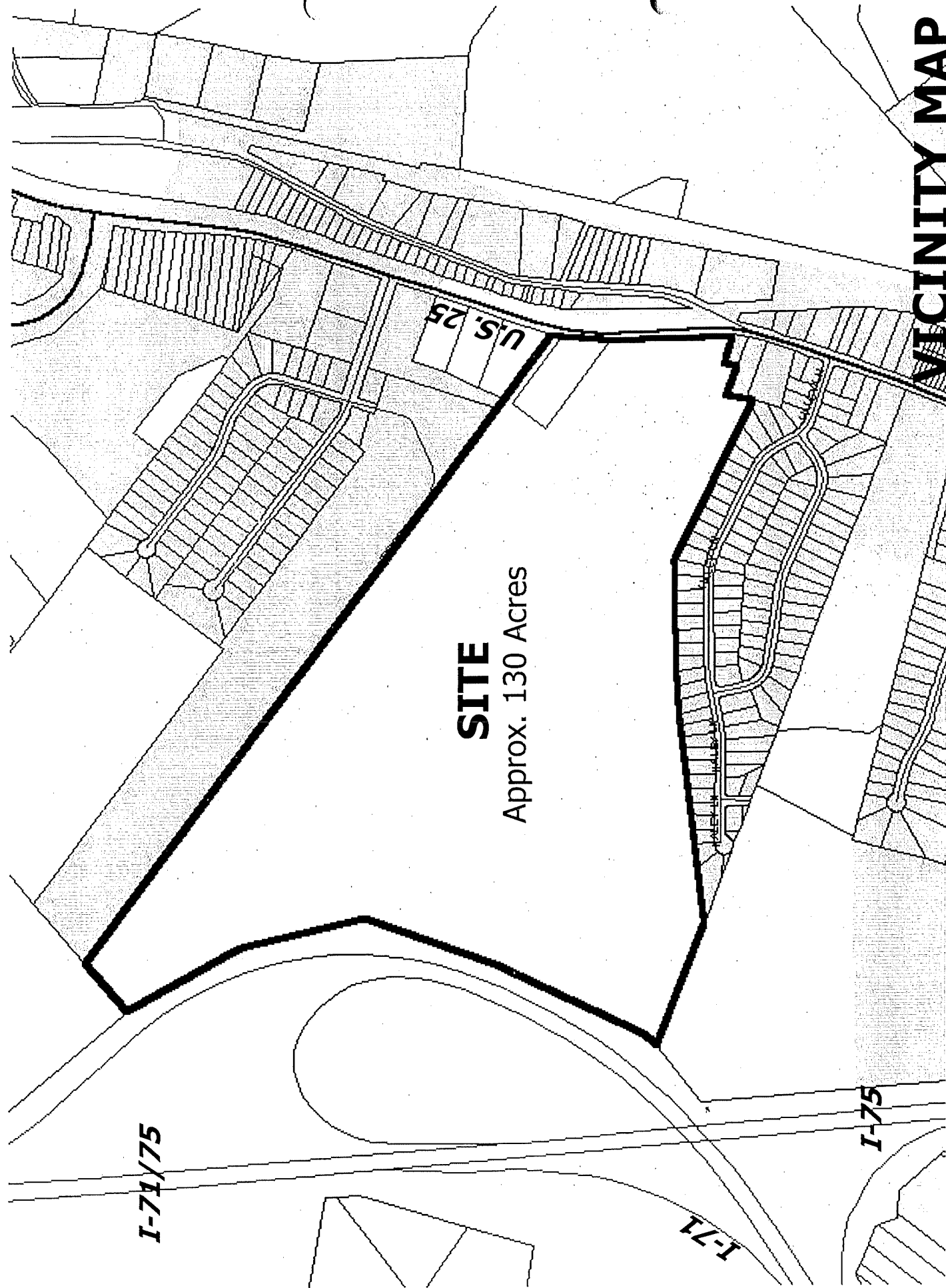
Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL/pr

Attachments:

- Vicinity Map
- Zoning Map
- Existing Topography
- Letter from Mayor Phillip W. Trzop
- Application

VICINITY MAP



SITE

Approx. 130 Acres

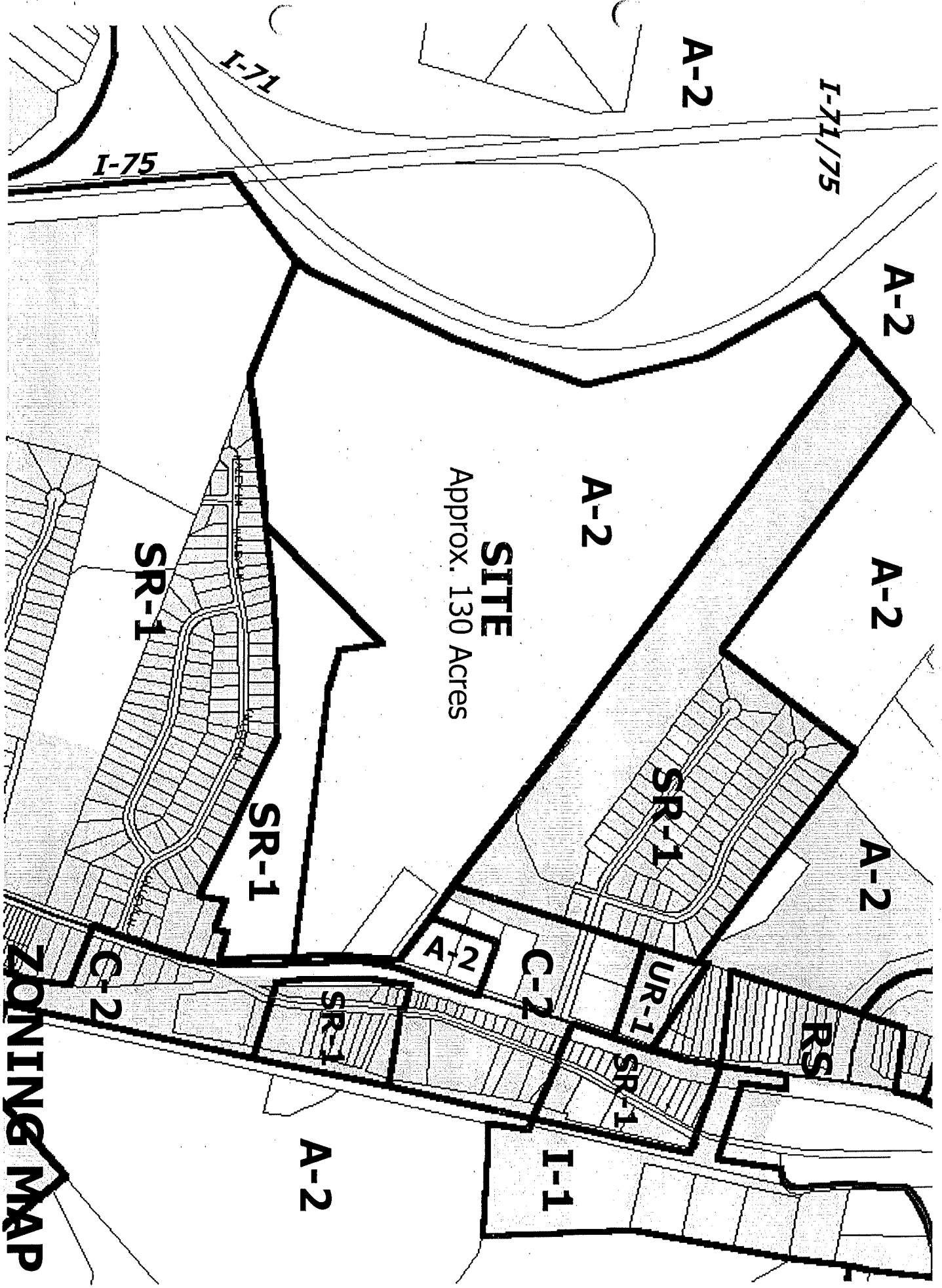
I-71/75

I-71

I-75

U.S. 25

MELVIN HALLS BL



A-2

I-71/75

A-2

A-2

A-2

A-2

SR-1

SR-1

SR-1

A-2

C-2

UR-1

RS

C-2

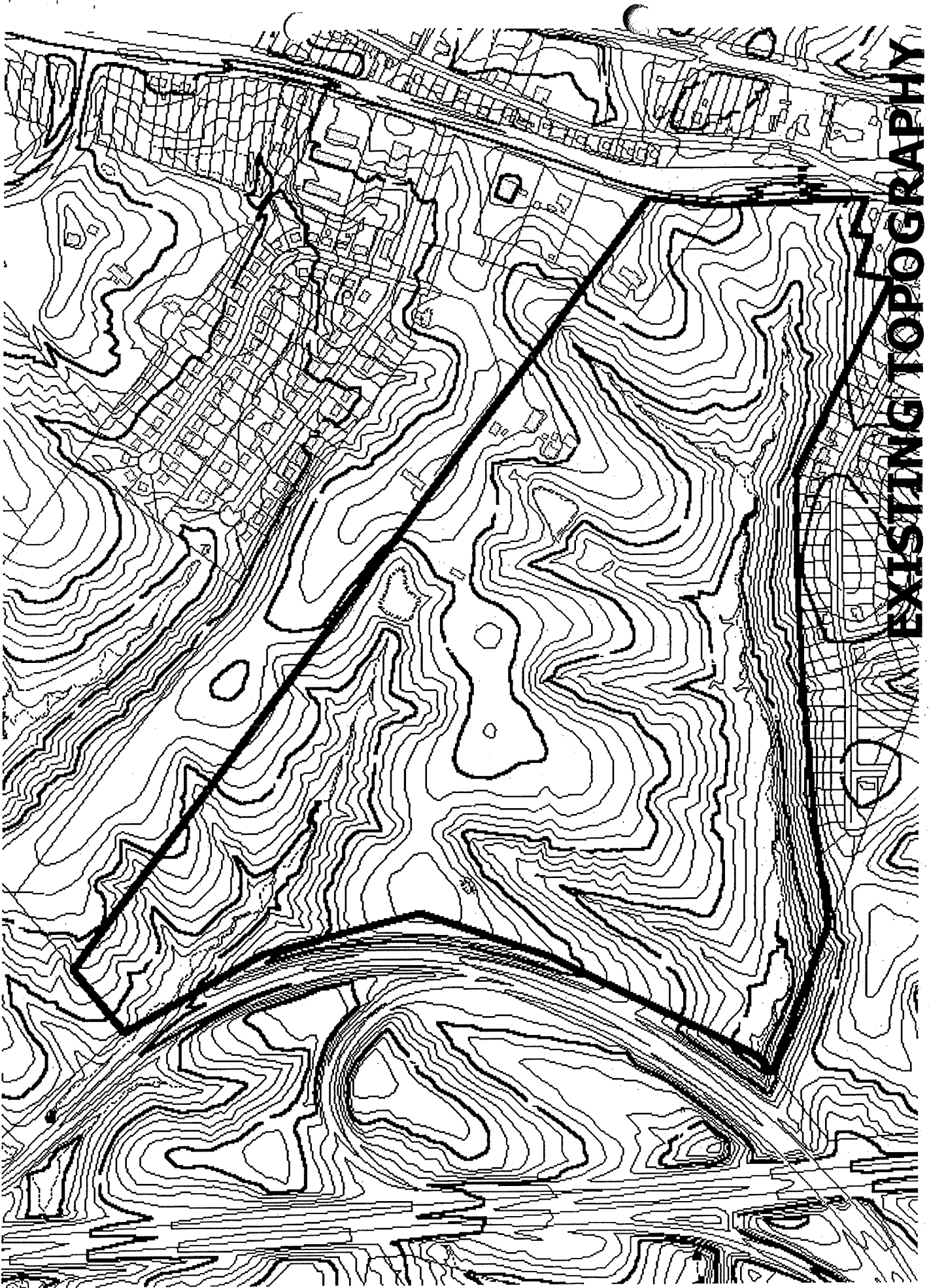
SR-1

SR-1

A-2

I-1

ZONING MAP



EXISTING TOPOGRAPHY

City of Walton

"The Place to Be"

*Phillip W. Trzop
Mayor*

June 21, 2000

Boone County Planning Commission
Mr. Mitch Light
Washington Street
Burlington, Kentucky 41005

Dear Mitch;

Re: Houston Property (Wildcat Run), Dixie Highway, Walton.

Per our conversation, the City of Walton has been in discussion with the developer of the above listed project. The City has been working on several issues with the developer, which we hope to be resolved before the Annexation of this property into the City Limits.

Since the zone change process is timely, we had no problem with them filing for the zone change in unincorporated Boone County. When the Annexation process starts the City will accept the property with the current approved zoning.

If you have any questions or we can be of assistance, please do not hesitate to contact us.

Sincerely,



Phillip W. Trzop

File

6/6/00

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BOONE COUNTY PLANNING COMMISSION

JUN - 6 2000

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SECTION A (To be completed by applicant)

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- No Dimensional Variance

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- 16. Have you had a pre-application meeting with BCPC Staff? Yes

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A**

**June 28, 2000
7 P.M.**

PUBLIC HEARINGS

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

Staff Members Present: Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:04 P.M. and announced that Agenda Item #3 has been withdrawn.

Chairman introduced the first item on the Agenda:

1. **Applicant:** Mavericks, Inc. for James Houston and Phyllis Houston (owners)

Request: Zoning Map Amendment

The request of Mavericks, Inc. (applicant) for James Houston and Phyllis Houston (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 130-acre tract on the east side of Dixie Highway, north of Sunset Ridge Subdivision, Walton and unincorporated Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Mr. Jim Berling, one of the owners and the engineer for the development, stated that they did Sunset Ridge on the south side about four years ago and it has been very successful. He stated that people like to live in Walton because of the good school district. He stated that they want to extend the original development. The only good access point is on U. S. 25 and they will pick the exact location based on the best sight distance, and it will be shown on the Preliminary Plat. The layout of the subdivision will work with the ridges. They will try to keep the existing vegetation in the creek and swale and will keep as many of the natural drainage areas as possible. They have met with Staff in regard to possible connections to adjacent properties and they do not have a problem with the connections. The property on the northeast side is owned by the nursery group and they are glad to provide a couple of entrances into that property. They will do whatever is necessary when they submit the Preliminary Plat. He stated that they have a contract with Mr. Houston to purchase the property, pending the zone change. He offered to answer any questions.

The Chairman stated that a Concept Development Plan is not required, but he is concerned that there is not one for the Commissioners to review. He questioned the potential number of lots and the density. Mr. Light responded that 401 lots were shown on the plan the applicant sent to the state. Mr. Berling stated that his understanding was that a Concept Development Plan was not required. The Chairman agreed, but explained that it would be helpful to see what is planned. Mr. Berling responded that he did not bring one, because he thought it would be in the packets. Mr. Light gave his copy to the Chairman.

Counselor Wilson stated that Staff has indicated that with the zoning request, there could be four units per acre and 520 homes. What has been tendered as a plan, shows 401 homes. He asked if the plan is tendered as an offer to restrict the density as shown on the plan. Mr. Berling responded that there probably will not be any more lots than what is shown on the plan.

The Chairman stated that even though it is not required, it would be helpful to see a Concept Development Plan at this stage. Mr. Berling responded that they believe it is better to work with the ground and the topography, but what is shown is probably what they are going to do.

At this time, the Chairman asked for comments from those in favor of the request.

Mr. Berling stated that the property owner, Jim Houston, is present. Mr. Houston indicated that he did not wish to speak at this time. There being no further responses, the Chairman asked for comments from those in opposition or having questions.

Maureen Riehemann, a resident of Walton for ten years, stated that in 1993 the citizens of Walton defeated a proposed mobile home development off Church

Road. A major concern was the negative impact on the independent Walton-Verona School system, and also that Church Road could not stand the increased traffic. The current plan proposes up to 520 homes – the prices have increased dramatically, but the concerns are the same. Walton-Verona Schools are among the top twenty school districts in Kentucky. The schools are small with a low teacher to student ratio. A development of this size and scope would destroy the low student/teacher ratio and would require more teachers, more buses, more bus drivers, and possibly modular classrooms – which would not be covered by the taxes from this development. The proposed number of homes will cause traffic jams on U.S. 25. She would like to see a traffic impact analysis. She questioned if U. S. 25 will have to be widened in the future because of this development. She would like to see a water study plan showing detention ponds and sewage. She would like to see an ecological impact study. She stated that Walton is an agricultural community. She questioned what this development would do to the eco-system, and how many trees will be lost.

Andrew Palmer, 172 Haley Lane, questioned the buffer zone. Where will it start and where will it stop? Who will maintain it? Is it legally binding that they will put in the buffer zone? Is it binding on a future owner? What is a buffer zone?

Counselor Wilson explained that Staff can explain the features of a buffer zone. He stated that a buffer zone is used to minimize the adverse impacts of a development on nearby properties. He explained that when conditions are agreed to for a zone change -- when they are written and signed off on by the applicant and owner -- they are binding and are recorded in the Clerk's Office. They are binding on a subsequent owner. Conditions can be removed or changed over time through the Public Hearing process. It is the obligation of the enforcement staff to see that the conditions are completed as agreed to by the applicant.

Angela Cochran, 152 Haley Lane in Sunset Ridge, stated that they are not necessarily opposed, but they want more information. She stated that when she called Mr. Light, she was told that it could be up to four houses per acre, but that they were looking at two houses per acre and that there would probably be 260 homes – but now it is 401 homes. She asked if the neighbors would be notified of the Committee Meeting.

The chairman advised that the time and location of the Zone Change Committee Meeting will be announced and anyone is welcome to attend.

Mrs. Cochran stated that their subdivision is a community and they want to be in a country-type of atmosphere. She stated that a lady who was going to purchase a lot on the tip of their subdivision was told that she could not buy the lot because a right-of-way was going to be there. Mrs. Cochran stated that Sunset Ridge has about a hundred homes, and questioned how their subdivision would be affected if it is connected to this large subdivision.

The Chairman asked Staff to explain why street connections between developments is generally good planning. Mr. Light explained that generally we like to see connections to the north, south, east, and west so that people can get through using back roads and not going out onto roads like U.S. 25. He gave examples of the connections through Hempstead and through Cedarwood. He stated that some subdivisions grow over time – they start out as a small development that could have only one way in and out, but years later people want another way in and out. He stated that access points are needed for emergencies. If there is an accident at the entrance to a subdivision and there is a need for emergency help at the rear, the emergency vehicles cannot get through. He noted that the applicant has stated that they would not be opposed to giving connections to the north. Coming south, they would not go through Sunset Ridge and would have to go around due to the topography. There should not be any more traffic going through Sunset Ridge.

Leonard Lucas, a resident of Haley Lane, has the same concerns as his neighbors. He stated that the population of Walton is about 2400 people and 401 houses would be a huge increase in the population. He questioned when they will see a plan for the subdivision.

Counselor Wilson responded that a plan showing the subdivision divided into lots could not be submitted until the zoning is established. He gave Mr. Lucas the copy of the preliminary plan provided by Mr. Light and advised that additional copies are available in the Staff Office.

The Chairman asked if there was anyone else present in opposition to the request. There was no response. Mr. Houston asked to speak at this time.

Mr. Jim Houston stated that he and his wife are the current property owners. He has talked with the Superintendent and was told that there are currently 900 students and if they get 300 more, they can have the middle school they want. He stated that Mayor Trzop is in favor of this development and he called Mr. Berling and told him the property was for sale.

Mr. McMillian stated that the neighbors are saying the same things that the neighbors said when Sunset Ridge was built. Those neighbors did not want Sunset Ridge either. He stated that schools will be built if they are needed. He asked if there will be access to all the properties from this site, even to the west?

Mr. Berling responded that they will get with Staff when they do the Preliminary Plat. When they talked with Staff previously, there was discussion about two connections on the long property line to the north. He reviewed the slide in regard to the topography and the potential streets and cul-de-sacs. He stated that they will do whatever makes sense. They will work with Staff. Mr. McMillian asked again if there will be access to all of the properties.

Mr. Berling responded "Where possible". He explained that in regard to the lot at the end of the street, the right-of-way is for the sewer – the people can buy the lot, but they have to buy it with the sewer easement on it. He stated that Sunset Ridge will not be connected to this development because the topography is too severe. He does not want to develop on the 20% slope and it may be offered to the people in Sunset Ridge as an extension of their properties, or it may be part of an association. They do not intend to divide it into lots. He stated that he has never seen a plan with 260 homes. The plan showing 401 homes is the plan they intend to build.

Mr. Ries stated that this looks like an intense development and this is a sensitive area. He would like to see a nice development with recreation, a lot of green space, lakes, bike paths, pools and clubhouses. He prefers to see information up front about the size of the lots, the price ranges, and types of houses. Mr. Berling responded that lakes are proposed.

Mr. Zimmer asked if a traffic study has been done regarding the impact on U.S. 25. Mr. Berling responded "no". Mr. Zimmer asked if one is planned, and Mr. Berling responded "no". Mr. Zimmer stated that the slides show some exposure on U. S. 25 and a turn lane needs to be looked at. Mr. Berling responded that there will be a decel and taper, and sight distance will have to be demonstrated. Mr. Zimmer stated that a Concept Development Plan helps the Planning Commission with the review. It is not required, but it would be helpful on a project of this magnitude. He is concerned about access on U.S. 25. He asked if the applicant can get a letter from the Superintendent reflecting that he feels there is no impact on the schools because of their growth plans. Mr. Berling responded that Mr. Houston will do that.

Mr. Zimmer stated that in Committee he would like to discuss the long range plans for the buffer area and who will maintain it. He asked if there are existing lakes. Mr. Berling reviewed the slide and indicated a small pond on the northeast property line. He stated that they intend to put a large pond in both of the major drainage areas. He reviewed the topographical map and indicated where they will put a lake to act as stormwater detention and provide the potential for recreation. They are also looking at a detention basin to the north.

Mr. Zimmer stated that in Committee he would like to discuss the proposed number of units versus the density allowed.

Mr. McMillian questioned the two-acre lot. Mr. Berling responded that that is the existing Houston house. They want to block out an area for it. It is a nice house and he believes they will try to keep it.

Mr. Zimmer asked if 130 acres is the entire site, including the portion that is already SR-1. Mr. Light responded "yes". Mr. Zimmer asked if the application

for 130 acres includes changing SR-1 to SR-17. Mr. Light explained that the SR-1 portion is an odd-shaped piece, and the applicant made the assumption that all the property is zoned A-2 to the city boundary. He believes the SR-1 portion is in the 130-acre zone change. He explained the difficulties in adjusting lines from old parcel maps to the computer maps.

Counselor Wilson stated that between now and the Committee Meeting, Staff can clarify how much of the property is currently zoned SR-1, if any. Mr. Berling responded that they thought it best to advertise more than less.

The Chairman asked if there were any further comments.

Mrs. Cochran stated that there are houses planned for part of the marshy stream bed. Mr. Berling responded that the topography is not as steep at that end and there could be lots in that area.

Maureen Riehemann stated that the Planning Commission should check with the Mayor regarding the Walton water supply because in the past there have been high concentrations of E-Coli.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on July 5, 2000 at 4 P.M. in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on July 19, 2000 at 7:30 P.M. in this room. He explained that everyone is welcome to attend the Zone Change Committee Meeting, but it is a working meeting between the applicant and the Committee. The Committee Chairman may permit people to speak, but there cannot be any new testimony presented.

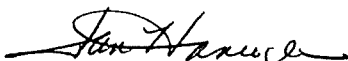
The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
August 2, 2000
7:30 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney, Vice Chairman
Mr. Mark Hicks
Mr. Richard Knock
Mr. Don McMillian
Mrs. Susan Poston
Mr. Charlie Reynolds
Mr. Robert Ries, Temporary Presiding Officer
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Robert Newman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO

Mr. McMillian moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mrs. Poston seconded the motion. A vote on the motion found all voting members in favor. Chairman Caddell abstained due to his relationship with Heritage Bank. Mr. Chaney was not yet present. The motion carried.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Mavericks, Inc. (applicant) for James Houston and Phyllis Houston (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 130 acre tract on the west side of Dixie Highway, north of Sunset Ridge Subdivision, unincorporated Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Mitch Light passed around the revised plan that was reviewed by the Committee. He presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions. The Committee was not unanimously in favor of the Committee Report with Mr. Zimmer voting in opposition.

Mr. Hicks moved by resolution to Boone County Fiscal Court to approve the request based on the Committee Report. Mr. White seconded the motion.

The Chairman asked if there was any discussion.

Mr. McMillian questioned access to the Cook property. He stated that there are two access points into the Maddox property and one into the Ryan property – but none into the Cook property. Mr. Light responded that access to the Cook property was not discussed. Mr. McMillian questioned why it was not discussed since it was brought up to be discussed and Staff knew about it. Mr. White stated that this was not an easy request and that is why it was deferred. The Committee discussed so many things, and this just got by. Chairman Caddell asked for clarification of the question. Mr. Zimmer indicated the last cul-de-sac at the top of the page. Mr. Hicks stated that the grade behind that cul-de-sac is severe – there is a swale behind the cul-de-sac and the land drops off quickly.

Mr. Light stated that Mr. Berling said at the Public Hearing and at the Committee Meeting that the idea was to go into the Maddox property and then into the rest of the property before it drops off. He noted that Mr. Berling said that if they get hold of the Maddox property, they can go north from there.

Mr. McMillian responded that we typically put access into each adjacent piece of property. He stated that there is not a ravine there that they cannot get through.

Chairman Caddell asked Mr. Berling if, having heard the discussion regarding access to the Cook property, he wants to present an option to the Planning Commission before a vote is taken. Mr. Berling responded that access to the Cook property was discussed in Committee. He stated that the issue was the topography and they negotiated how to make the connections to the adjacent properties. The ideal way would be through the Maddox property, but they are not ready to sell at this time. Chairman Caddell asked Mr. Berling if he wants to offer an alternative or if he wants the Commissioners to go ahead and vote.

Mr. Berling asked the Commissioners to consider the configuration if the cul-de-sac is made a thru street – it would be a high speed type of road that people could use to pass from Dixie Highway over to Chambers Road and he does not feel that a straight shot is a good plan. He wants to make it so that there are a few turns and intersections to slow the traffic. Mr. McMillian stated that there could be cul-de-sacs and curves when the other piece develops and it will not be a fast track through there. Mr. Berling responded that this development will take a long time and he will talk to Mr. Cook and see if he can work something out.

Mr. Knock commented that Staff is satisfied with the Committee Report without the additional ingress/egress. Chairman Caddell asked if any of the Committee members wished to speak. Mr. White stated that the Committee covered a lot of bases but, to his knowledge, they did not address the connection questioned by Mr. McMillian. They did talk about the ravine being there. Mr. Hicks stated that the connection was brought up, and the issue was the topography.

Mrs. Arnett stated that she did not attend the Public Hearing, but in the minutes it says several times that there would be 401 homes – but now it is 425 homes. She questioned where the green space and lakes would be. Mr. Berling responded that when they made their submission the first time, their interpretation of the regulations was that they were not required to provide a Concept Development Plan. They felt that this was a simple change from Agriculture to Residential, because that is the way the Comprehensive Plan reads. The plan the Commissioners have is the one submitted to the Division of Water, which Staff asked to see. As the discussion progressed, it was evident that the Commissioners wanted to see more details of the open space, circulation connections, access management, etc. and so they recessed the Committee meeting to expand the plan and come back again. The plan shows a brief look at the design and they hesitate to be limited to this plan. They are allowed four units to the acre in SR-1, or over 500 units, and they negotiated to 425 lots. They do not want to get into an association for the green space and lakes. There is a 3.5-acre parcel and a 1.5-acre parcel that will go to the City of Walton for them to do with as they choose. The city did not particularly want a lake, but they wanted some natural areas. He stated that the two detention areas will not have constant water in them.

Mr. Zimmer stated that he voted against the application because there are too many issues raised that were not adequately addressed. One of those issues was staging. There is a condition that says the school district will be notified when another phase will be done, but he did not feel there was any effort to stage this development. He was also concerned about the recreational and open space issues. He stated that the plan shows that every parcel has a lot line drawn on it. The lots that back up to Haley Lane were extended and he does not know what they will become now or in the future. He stated that he will vote against the request.

Mr. Berling explained that they were approached by several people on Haley Lane to purchase property behind their properties to extend their lots an additional 130 feet. Chairman Caddell questioned what happens if some property owners choose not to buy. Mr. Berling responded that that is not an issue as several people have said that whatever anyone else does not buy, they will buy.

In response to a question from Mr. McMillian, Mr. Costello stated that they appear to be lots, but the approved plans for the subdivision will show that they are non-buildable lots. Mr. Light stated that the only way to access them would be as flag lots from Haley Lane, but flag lots are not allowed in the City of Walton. He agreed that they are non-buildable lots.

Mr. McMillian asked Mr. Berling if they will deal with Mr. Cook when the time comes for access into that property. Mr. Berling responded that he will deal with Mr. Cook, but he does not want a highway going through there. It is too much of a straight route and it would not be safe. Mr. McMillian stated that the Cook property needs access. Mr. Berling responded that it is best to come through the Maddox property because of the topography. He stated that he will talk to Mr. Cook.

Mr. Zimmer asked if outbuildings and barns could be built on the non-buildable lots. Mr. Costello stated that it is his opinion that nothing could occur on them and they would be green space. Mr. Berling stated that they are extensions of the lots and are not eligible for primary structures, but he does not know that people could not put an outbuilding or utility building on them.

Mrs. Poston questioned what the Planning Commission is voting on if there is not a Concept Plan. Counselor Wilson explained that when an applicant comes in with a zone change request, they have the right to tender a Concept Development Plan, or not to. If they chose to tender a Concept Development Plan and, for example, ask for a change to I-1 and say that they intend to use the property for a certain allowed I-1 use – but there is not an agreed condition to that – then, if the zone change to I-1 is approved, all of the I-1 uses are approved. A Concept Development Plan allows an applicant to demonstrate how the proposed use they have agreed to as a condition fits in. He stated that in the current application, the issue was density. At the Public Hearing, Mr. Berling did not want to agree to a

figure, but said that the preliminary plan shows 401 units and that is about what it would be. Then, at the Committee Meeting, agreement was reached with Mr. Berling on a specific condition. Counselor Wilson explained that what is in front of the Commissioners is all of the uses allowed in SR-1, but the Development Plan limits them to 425 units and all of the other conditions. Mr. Costello stated that Condition #2 refers to the Concept Development Plan and he believes it is incorporated into the Committee Report.

Mr. Berling disagreed and stated that they said this was not a Concept Development Plan. Mr. Costello stated that the owner signed the letter agreeing to the conditions. Mr. Berling responded that at the Committee Meeting it was said that it was just an illustration.

Counselor Wilson stated that what was agreed to was the narrative condition, but not the Concept Plan. Mr. Costello stated that the property owner signed the condition that says "Concept Development Pan" and he feels that the intent was to include the drawing. Mr. Light stated that the revised drawing after the second Committee Meeting was the Concept Plan. Counselor Wilson stated that at the second Committee Meeting, Mr. Berling made it clear that the drawing was not a Concept Development Plan and he agreed to the narrative condition. Mr. White agreed. Mr. Hicks stated that the condition is misworded. Mr. White stated that Mr. Berling's parting words were that this is not a Concept Plan and even the streets might be totally different. He stated that Mr. Berling agreed to three 91-foot turning radiuses for the buses.

Chairman Caddell stated that the Planning Commission does not have the ability to look at this again. If it conforms to the regulations, the Planning Commission is done with it after this evening. Procedurally, it does not have to come back to the Planning Commission. Mr. Light stated that Staff would review the preliminary and improvement plans.

Chairman Caddell stated that there is a good deal of disagreement. He asked if the Committee Chairman, Mr. Hicks, and the applicant feel that it would be worthwhile to have another Committee Meeting to see if any of the issues can be resolved before a vote is taken. He commented that he is not sure another Committee Meeting would be productive.

Mr. Hicks stated that Condition #2 should just say "Plan", and "Concept Development" should be deleted. Mr. Chaney disagreed and stated that when he voted he was voting for what is on this plan.

Mr. Berling stated that it shows what they plan to do, but they do not want to be held to it as a Concept Plan. Mr. Costello questioned how this would be implemented. Mr. Berling responded that the owner signed conditions that go with the zone change. Mr. Costello stated that the conditions include the Concept Development Plan.

The Chairman asked Mr. Hicks if he wants to withdraw his motion and have another Committee meeting, or if he wants to proceed. Mr. Hicks responded that the Committee Report should not say "Concept Development Plan". The Chairman noted that the Vice Chairman does not agree. He stated that he would like to see a consensus.

Mr. Berling stated that this is becoming a hardship on Mr. Houston. They need to finish this so that he can go ahead and buy the property. The Chairman asked Mr. Berling if he wants the Planning Commission to go ahead and vote. Mr. Berling responded "yes".

Mr. Hicks asked if the Commissioners would be voting on it as a Concept Development Plan after the applicant has said that it is not.

Counselor Wilson stated that there appears to be no problem with Condition #1. In regard to Condition #2, he stated that if we do not want to call the plan a "Concept Development Plan", it could be referred to as "Exhibit A" so that it is an illustration of how the cul-de-sacs would line up. Conditions #3, #4, and #5 could remain as they are. Mr. Light stated that Mr. and Mrs. Houston signed the letter agreeing to the conditions. Counselor Wilson noted that Mr. and Mrs. Houston were present. He stated that if agreement has been reached with Mr. Berling as to what the Committee Report means, he would like the owners of the property to acknowledge the same thing.

Speaking directly to Mr. Houston, Counselor Wilson stated "You have seen the Committee Report and have signed the letter of conditions." Mr. Houston responded "Yes". Counselor Wilson, referring to Condition #2, asked Mr. Houston if he agrees that "what was indicated was not an actual Concept Development Plan but an illustration as to how the cul-de-sacs could appear". Mr. Houston responded that he does not know whether it is a Concept Development Plan or not, but it is what Mr. Berling agreed to. Counselor Wilson asked "Are you agreeable to it?". Mr. Houston responded "Yes".

Mr. Barlow stated that this property fits into the Comprehensive Plan as residential development with a density of approximately four units per acre. The original request was to change this property from Agricultural to Residential without any plan or concept. It was said that a Concept Plan would be nice – but it is not required. He stated that the decision is whether to change the property to Residential. Chairman Caddell agreed and stated that the law does not require them to submit a Concept Development Plan with a zone change request.

Counselor Wilson stated that if the request is approved with the five conditions, those conditions apply to any plan that would come in for the residential subdivision. He stated that the Concept Development Plan does not have to be a graphic drawing, it can be written narrative conditions. Mr. McMillian stated that the Planning Commission would be approving this zone change with these

conditions, but not necessarily this plan – but it will not come back before the Planning Commission. Mr. Knock stated that the control is that if the plot plan circumvents these conditions, Staff will say that it does not conform. He stated that it does not matter if it is a Concept Plan or not. The conditions have been set. If the plan does not conform to these conditions, Staff will tell them that they have to make it fit.

Mr. White stated that if the property is annexed into the City of Walton, it is not going to fly. He noted that there are many steps to go through.

Mr. Hicks questioned amending Condition #2. Chairman Caddell stated that the motion is amended to change Condition #2 to read (dashed words deleted, italicized words added) “**2. The property owner agrees to provide strategically located commercial cul-de-sacs, per Boone County Subdivision Regulation standards, as indicated on the ~~Concept Development Plan~~ *Exhibit A*. Approximately 1/3 of the cul-de-sacs within the development will be constructed to the commercial standards.**”. He asked if that is agreeable to the second. Mr. White responded “yes”. The Chairman asked for a roll call vote on the motion which found Mr. Barlow, Mr. Hicks, Mr. Knock, Mr. McMillian, Mrs. Poston, Mr. Reynolds, Mr. Schwenke, Mr. White, Mrs. Wilson, Mr. Ries and Chairman Caddell in favor. Mr. Zimmer, Mrs. Arnett, and Mr. Chaney were opposed. The motion carried by a vote of 11 to 3.

NEW BUSINESS:

Agenda Item
No.

- 2 **Zoning Map Amendment**
The request of Timothy M. Day and Chris Day (applicants) for Patricia Quast and David Quast (owners) to consider a Zoning Map Amendment from Commercial One (C-1) to Commercial Two (C-2) and a Conditional Use Permit for an approximate 0.36 acre lot at 7800 Dixie Highway, Florence, Kentucky. The request is to allow auto sales and the expansion of an automotive repair facility.

The Chairman recommended that Item #2 be rescheduled for Public Hearing on August 23, 2000 at 7 P.M.. Mr. Chaney so moved. Mr. Reynolds seconded the motion and it carried unanimously.

EXHIBIT
"B"

This Amended Committee Report reflects the change made at the August 2, 2000 Business Meeting.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Mark Hicks, Chairman

DATE: August 2, 2000

RE: Request of **Mavericks, Inc. (applicant)** for **James Houston and Phyllis Houston (owners)** to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 130 acre tract located on the west side of Dixie Highway, north of Sunset Ridge Subdivision, unincorporated Boone County, Kentucky.

REMARKS:

We, the Committee, recommend approval of this request based upon the following findings of fact and with the following conditions:

Findings of Fact

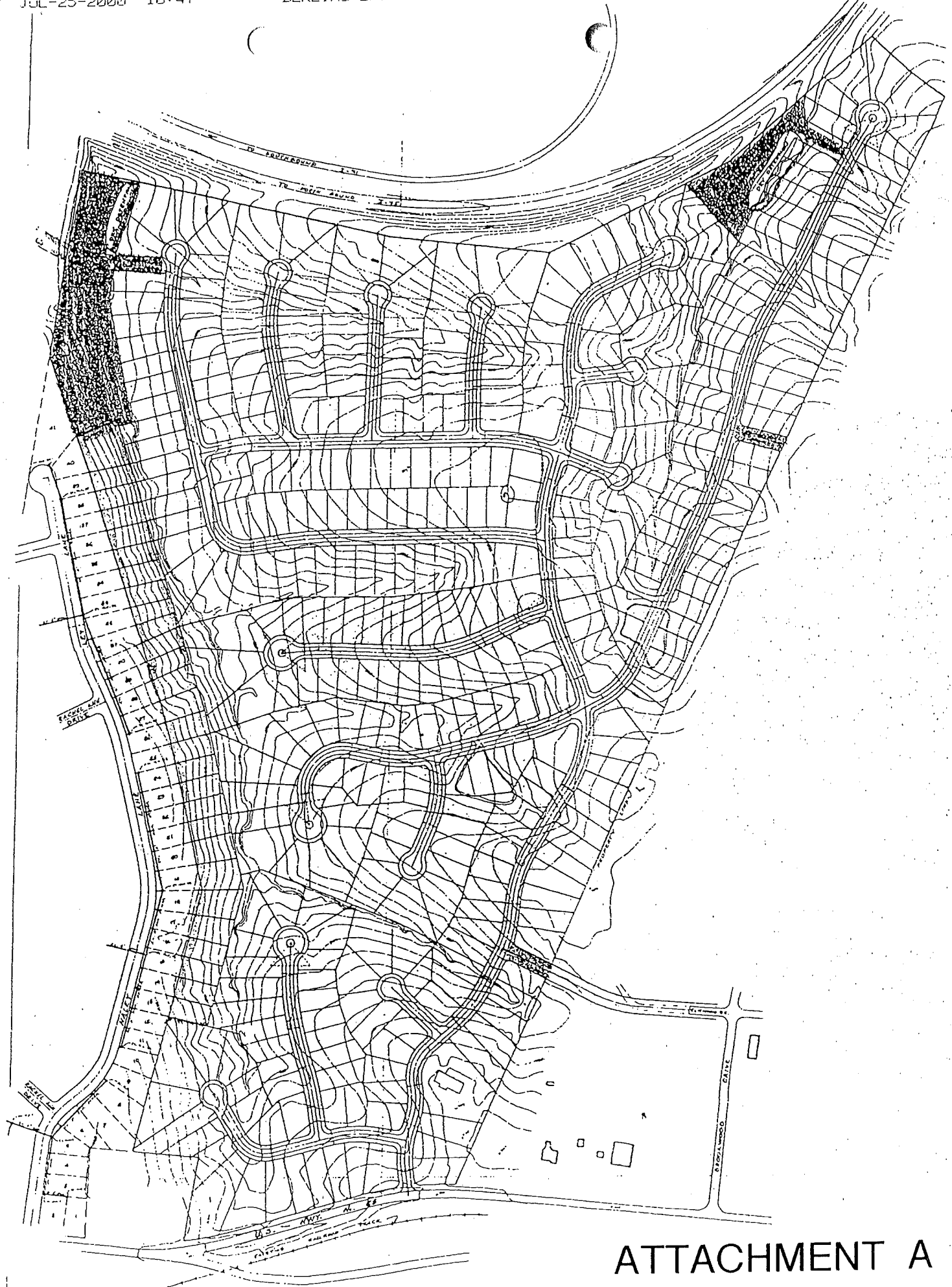
1. The Committee has concluded that the applicant has adequately demonstrated that the existing zoning classification of Agricultural Estate (A-2) is inappropriate and that the proposed zoning classification of Suburban Residential One (SR-1) is appropriate.
2. The Committee has concluded that the map amendment request is in agreement with the adopted Comprehensive Plan and its Future Land Use Map.
3. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

Conditions

1. The property owner agrees to a maximum of 425 dwelling units for this approximate 130 acre parcel.
2. The property owner agrees to provide strategically located commercial cul-de-sacs, per Boone County Subdivision Regulation standards, as indicated on Attachment "A". Approximately 1/3 of the cul-de-sacs within the development will be constructed to the commercial standards.
3. The property owner agrees to provide two (2) access points to the Maddox property to the north.

4. The property owner agrees to provide a 50 foot access for a possible future connection to the Ryan property to the south.
5. The property owner agrees to notify the Walton-Verona School Board as each phase is submitted for Improvement Plan review.

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. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.



ATTACHMENT A

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Mark Hicks, Committee Chairman

DATE: July 19, 2000

RE: Request of **Mavericks, Inc. (applicant)** for **James Houston and Phyllis Houston (owners)** to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a an approximate 130 acre tract located on the west side of Dixie Highway, north of Sunset Ridge Subdivision, unincorporated Boone County, Kentucky. The request is for a zone change to allow single family residences.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE
July 19, 2000

Mavericks Inc./Houston

Mark Hicks
Mark Hicks, Chairman

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

W. Thomas Chaney
W. Thomas Chaney

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

Bob Newman
Bob Newman

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

Earl White
Earl White

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

David Zimmer
David Zimmer

For	<input type="checkbox"/>	Against	<input checked="" type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

Bob Schwenke (Alternate)*

For	<input type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

Lisa Wilson
Lisa Wilson (Alternate)*

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

Don McMillian (Alternate)*

For	<input type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

TOTAL: 0 DEFERRED 5 FOR 1 AGAINST 0 ABSTAIN
0 ABSENT

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Mark Hicks, Committee Chairman

DATE: July 5, 2000

RE: Request of **Mavericks, Inc. (applicant)** for **James Houston and Phyllis Houston (owners)** to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a an approximate 130 acre tract located on the west side of Dixie Highway, north of Sunset Ridge Subdivision, unincorporated Boone County, Kentucky. The request is for a zone change to allow single family residences.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE
July 5, 2000

Mavericks Inc./Houston

M.H.H.
Mark Hicks, Chairman

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

W.T.C.
W. Thomas Chaney

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

B.N.
Bob Newman

For	<input checked="" type="checkbox"/>	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

E.W.
Earl White

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

D.Z.
David Zimmer

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

Bob Schwenke (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

L.W.
Lisa Wilson (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

Don McMillian (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

TOTAL: 6 DEFERRED 0 FOR 0 AGAINST 0 ABSTAIN
0 ABSENT

First Vote to approved with conditions was devised. Hicks + Newman voted for and Zimmer, Wilson, Chaney + White for against the motion

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
June 28, 2000
7 P.M.**

PUBLIC HEARINGS

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

Staff Members Present: Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:04 P.M. and announced that Agenda Item #3 has been withdrawn.

Chairman introduced the first item on the Agenda:

1. **Applicant:** Mavericks, Inc. for
 James Houston and Phyllis Houston (owners)

Request: Zoning Map Amendment

The request of Mavericks, Inc. (applicant) for James Houston and Phyllis Houston (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 130-acre tract on the east side of Dixie Highway, north of Sunset Ridge Subdivision, Walton and unincorporated Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Mr. Jim Berling, one of the owners and the engineer for the development, stated that they did Sunset Ridge on the south side about four years ago and it has been very successful. He stated that people like to live in Walton because of the good school district. He stated that they want to extend the original development. The only good access point is on U. S. 25 and they will pick the exact location based on the best sight distance, and it will be shown on the Preliminary Plat. The layout of the subdivision will work with the ridges. They will try to keep the existing vegetation in the creek and swale and will keep as many of the natural drainage areas as possible. They have met with Staff in regard to possible connections to adjacent properties and they do not have a problem with the connections. The property on the northeast side is owned by the nursery group and they are glad to provide a couple of entrances into that property. They will do whatever is necessary when they submit the Preliminary Plat. He stated that they have a contract with Mr. Houston to purchase the property, pending the zone change. He offered to answer any questions.

The Chairman stated that a Concept Development Plan is not required, but he is concerned that there is not one for the Commissioners to review. He questioned the potential number of lots and the density. Mr. Light responded that 401 lots were shown on the plan the applicant sent to the state. Mr. Berling stated that his understanding was that a Concept Development Plan was not required. The Chairman agreed, but explained that it would be helpful to see what is planned. Mr. Berling responded that he did not bring one, because he thought it would be in the packets. Mr. Light gave his copy to the Chairman.

Counselor Wilson stated that Staff has indicated that with the zoning request, there could be four units per acre and 520 homes. What has been tendered as a plan, shows 401 homes. He asked if the plan is tendered as an offer to restrict the density as shown on the plan. Mr. Berling responded that there probably will not be any more lots than what is shown on the plan.

The Chairman stated that even though it is not required, it would be helpful to see a Concept Development Plan at this stage. Mr. Berling responded that they believe it is better to work with the ground and the topography, but what is shown is probably what they are going to do.

At this time, the Chairman asked for comments from those in favor of the request.

Mr. Berling stated that the property owner, Jim Houston, is present. Mr. Houston indicated that he did not wish to speak at this time. There being no further responses, the Chairman asked for comments from those in opposition or having questions.

Maureen Riehemann, a resident of Walton for ten years, stated that in 1993 the citizens of Walton defeated a proposed mobile home development off Church

Road. A major concern was the negative impact on the independent Walton-Verona School system, and also that Church Road could not stand the increased traffic. The current plan proposes up to 520 homes – the prices have increased dramatically, but the concerns are the same. Walton-Verona Schools are among the top twenty school districts in Kentucky. The schools are small with a low teacher to student ratio. A development of this size and scope would destroy the low student/teacher ratio and would require more teachers, more buses, more bus drivers, and possibly modular classrooms – which would not be covered by the taxes from this development. The proposed number of homes will cause traffic jams on U.S. 25. She would like to see a traffic impact analysis. She questioned if U. S. 25 will have to be widened in the future because of this development. She would like to see a water study plan showing detention ponds and sewage. She would like to see an ecological impact study. She stated that Walton is an agricultural community. She questioned what this development would do to the eco-system, and how many trees will be lost.

Andrew Palmer, 172 Haley Lane, questioned the buffer zone. Where will it start and where will it stop? Who will maintain it? Is it legally binding that they will put in the buffer zone? Is it binding on a future owner? What is a buffer zone?

Counselor Wilson explained that Staff can explain the features of a buffer zone. He stated that a buffer zone is used to minimize the adverse impacts of a development on nearby properties. He explained that when conditions are agreed to for a zone change -- when they are written and signed off on by the applicant and owner -- they are binding and are recorded in the Clerk's Office. They are binding on a subsequent owner. Conditions can be removed or changed over time through the Public Hearing process. It is the obligation of the enforcement staff to see that the conditions are completed as agreed to by the applicant.

Angela Cochran, 152 Haley Lane in Sunset Ridge, stated that they are not necessarily opposed, but they want more information. She stated that when she called Mr. Light, she was told that it could be up to four houses per acre, but that they were looking at two houses per acre and that there would probably be 260 homes – but now it is 401 homes. She asked if the neighbors would be notified of the Committee Meeting.

The chairman advised that the time and location of the Zone Change Committee Meeting will be announced and anyone is welcome to attend.

Mrs. Cochran stated that their subdivision is a community and they want to be in a country-type of atmosphere. She stated that a lady who was going to purchase a lot on the tip of their subdivision was told that she could not buy the lot because a right-of-way was going to be there. Mrs. Cochran stated that Sunset Ridge has about a hundred homes, and questioned how their subdivision would be affected if it is connected to this large subdivision.

The Chairman asked Staff to explain why street connections between developments is generally good planning. Mr. Light explained that generally we like to see connections to the north, south, east, and west so that people can get through using back roads and not going out onto roads like U.S. 25. He gave examples of the connections through Hempstead and through Cedarwood. He stated that some subdivisions grow over time – they start out as a small development that could have only one way in and out, but years later people want another way in and out. He stated that access points are needed for emergencies. If there is an accident at the entrance to a subdivision and there is a need for emergency help at the rear, the emergency vehicles cannot get through. He noted that the applicant has stated that they would not be opposed to giving connections to the north. Coming south, they would not go through Sunset Ridge and would have to go around due to the topography. There should not be any more traffic going through Sunset Ridge.

Leonard Lucas, a resident of Haley Lane, has the same concerns as his neighbors. He stated that the population of Walton is about 2400 people and 401 houses would be a huge increase in the population. He questioned when they will see a plan for the subdivision.

Counselor Wilson responded that a plan showing the subdivision divided into lots could not be submitted until the zoning is established. He gave Mr. Lucas the copy of the preliminary plan provided by Mr. Light and advised that additional copies are available in the Staff Office.

The Chairman asked if there was anyone else present in opposition to the request. There was no response. Mr. Houston asked to speak at this time.

Mr. Jim Houston stated that he and his wife are the current property owners. He has talked with the Superintendent and was told that there are currently 900 students and if they get 300 more, they can have the middle school they want. He stated that Mayor Trzop is in favor of this development and he called Mr. Berling and told him the property was for sale.

Mr. McMillian stated that the neighbors are saying the same things that the neighbors said when Sunset Ridge was built. Those neighbors did not want Sunset Ridge either. He stated that schools will be built if they are needed. He asked if there will be access to all the properties from this site, even to the west?

Mr. Berling responded that they will get with Staff when they do the Preliminary Plat. When they talked with Staff previously, there was discussion about two connections on the long property line to the north. He reviewed the slide in regard to the topography and the potential streets and cul-de-sacs. He stated that they will do whatever makes sense. They will work with Staff. Mr. McMillian asked again if there will be access to all of the properties.

Mr. Berling responded "Where possible". He explained that in regard to the lot at the end of the street, the right-of-way is for the sewer – the people can buy the lot, but they have to buy it with the sewer easement on it. He stated that Sunset Ridge will not be connected to this development because the topography is too severe. He does not want to develop on the 20% slope and it may be offered to the people in Sunset Ridge as an extension of their properties, or it may be part of an association. They do not intend to divide it into lots. He stated that he has never seen a plan with 260 homes. The plan showing 401 homes is the plan they intend to build.

Mr. Ries stated that this looks like an intense development and this is a sensitive area. He would like to see a nice development with recreation, a lot of green space, lakes, bike paths, pools and clubhouses. He prefers to see information up front about the size of the lots, the price ranges, and types of houses. Mr. Berling responded that lakes are proposed.

Mr. Zimmer asked if a traffic study has been done regarding the impact on U.S. 25. Mr. Berling responded "no". Mr. Zimmer asked if one is planned, and Mr. Berling responded "no". Mr. Zimmer stated that the slides show some exposure on U. S. 25 and a turn lane needs to be looked at. Mr. Berling responded that there will be a decel and taper, and sight distance will have to be demonstrated. Mr. Zimmer stated that a Concept Development Plan helps the Planning Commission with the review. It is not required, but it would be helpful on a project of this magnitude. He is concerned about access on U.S. 25. He asked if the applicant can get a letter from the Superintendent reflecting that he feels there is no impact on the schools because of their growth plans. Mr. Berling responded that Mr. Houston will do that.

Mr. Zimmer stated that in Committee he would like to discuss the long range plans for the buffer area and who will maintain it. He asked if there are existing lakes. Mr. Berling reviewed the slide and indicated a small pond on the northeast property line. He stated that they intend to put a large pond in both of the major drainage areas. He reviewed the topographical map and indicated where they will put a lake to act as stormwater detention and provide the potential for recreation. They are also looking at a detention basin to the north.

Mr. Zimmer stated that in Committee he would like to discuss the proposed number of units versus the density allowed.

Mr. McMillian questioned the two-acre lot. Mr. Berling responded that that is the existing Houston house. They want to block out an area for it. It is a nice house and he believes they will try to keep it.

Mr. Zimmer asked if 130 acres is the entire site, including the portion that is already SR-1. Mr. Light responded "yes". Mr. Zimmer asked if the application

for 130 acres includes changing SR-1 to SR-1? Mr. Light explained that the SR-1 portion is an odd-shaped piece, and the applicant made the assumption that all the property is zoned A-2 to the city boundary. He believes the SR-1 portion is in the 130-acre zone change. He explained the difficulties in adjusting lines from old parcel maps to the computer maps.

Counselor Wilson stated that between now and the Committee Meeting, Staff can clarify how much of the property is currently zoned SR-1, if any. Mr. Berling responded that they thought it best to advertise more than less.

The Chairman asked if there were any further comments.

Mrs. Cochran stated that there are houses planned for part of the marshy stream bed. Mr. Berling responded that the topography is not as steep at that end and there could be lots in that area.

Maureen Riehemann stated that the Planning Commission should check with the Mayor regarding the Walton water supply because in the past there have been high concentrations of E-Coli.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on July 5, 2000 at 4 P.M. in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on July 19, 2000 at 7:30 P.M. in this room. He explained that everyone is welcome to attend the Zone Change Committee Meeting, but it is a working meeting between the applicant and the Committee. The Committee Chairman may permit people to speak, but there cannot be any new testimony presented.

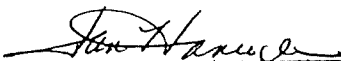
The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

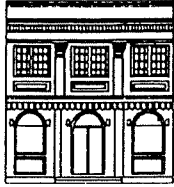
Attest:



Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

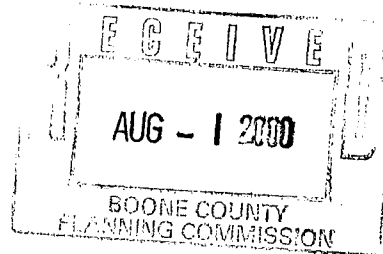
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

July 20, 2000



Mr. James W. Berling
1671 Park Road
Suite One
Ft. Wright, KY 41011

RE: Conditions of Approval for the request of **Mavericks, Inc. (applicant)** for **James Houston and Phyllis Houston (owners)** to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 130 acre tract located on the west side of Dixie Highway, north of Sunset Ridge Subdivision, unincorporated Boone County, Kentucky.

Dear Mr. Berling:

The following represents the conditions of approval for the above referenced application as agreed by the Boone County Planning Commission's Zone Change/Concept Plan Committee. If you agree to these conditions, please indicate so by providing the signature of the property owners on the agreement stated at the end of this letter.

Conditions

1. The property owner agrees to a maximum of 425 dwelling units for this approximate 130 acre parcel.
2. The property owner agrees to provide strategically located commercial cul-de-sacs, per Boone County Subdivision Regulation standards, as indicated on the Concept Development Plan. Approximately 1/3 of the cul-de-sacs within the development will be constructed to the commercial standards.
3. The property owner agrees to provide two (2) access points to the Maddox property to the north.

Exhibit A

Mr. James W. Berling
July 20, 2000
Page 2

4. The property owner agrees to provide a 50 foot access for a possible future connection to the Ryan property to the south.
5. The property owner agrees to notify the Walton-Verona School Board as each phase is submitted for Improvement Plan review.

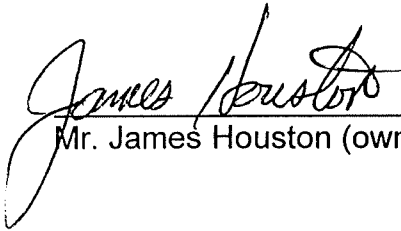
Sincerely,

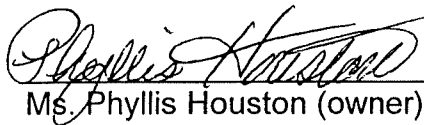
Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

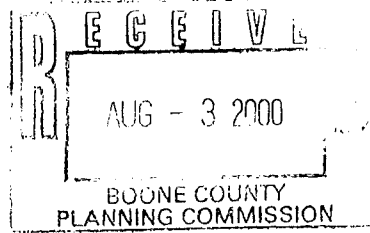
MAL\pr

Agreement

We, James Houston and Phyllis Houston, do hereby agree to the conditions of approval stated above for the Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 130 acre tract located on the west side of Dixie Highway, north of Sunset Ridge Subdivision, unincorporated Boone County, Kentucky.

 7/31/00
Mr. James Houston (owner) (date)

 7/31/00
Ms. Phyllis Houston (owner) (date)



August 02,2000

To whom it may concern,

I am writing in regards to the 425 homes to be built in Walton,ky. I say let them build. Why worry about the traffic and having to build more schools. No one must have taken into consideration about the hassle people goes thru when they are traveling down Rt. 16 passed the TRUCK stop. What about the HELL the people have to go thru there. Trucks pulling out in front of people with out even putting their breaks on. What about all the aggravation with that. Then the eyesore waffle house came in. what is wrong with Walton to allow a waffle house in this town? I think the 425 homes would be a plus to our town and maybe help lower our high tax bracket we are in. What about the 92 acres on Salem Creek Rd what do you think will be there one of these days ? A subdivision no doubt. So what is wrong with 425 homes in the other side of town? Nothing build, build away because walton needs this.....I am all for letting the 425 homes come in. Take out the Waffle House and Truck Stop. Let this be one plan that does not get screwed up, ok.

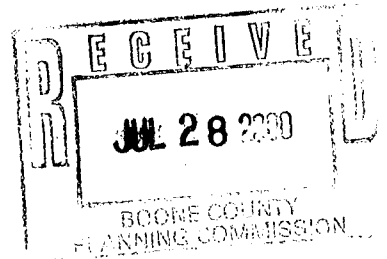
Sincerely,

A handwritten signature in cursive script that reads "Theresa M. Hodge".

Theresa M. Hodge
14630 SalemCreek Rd
Crittenden,Ky 41030

Pat Russ

From: Scott A. Meade [bound4tn@hotmail.com]
Sent: Friday, July 28, 2000 9:30 AM
To: plancom@one.net
Cc: smeade1@home.com; smeade2@home.com
Subject: 130 Acres zoned by Maverick, Inc.



Dear Planning Commission,

I'm a resident of Walton and live in the Sunset Ridge subdivision, just south of the 130 acres for which Maverick, Inc., has requested a zone change.

I'd like to express my concern and disapproval of any plan to grant Maverick, Inc., permission to build a subdivision in this area. My concerns extend from several factors:

- (1) My family, and others that live at the head of the subdivision, have children that now or will be playing in the neighborhood. Some will probably, at the appropriate age, be walking across US25 to "The Dairy" (not sure of the official name) that is right across US25 from our subdivision. With the introduction of another subdivision so close, and US25 being a small two-lane road, the increase in traffic could result in injuries (or worse) to children.
- (2) We moved to Walton because we love the small-town atmosphere the city provides. It's a country setting that we've longed for but haven't found anywhere else (unless we want to move to Grant or Gallatin counties). The addition of 400+ homes would effectively eliminate that atmosphere. Walton would lose it's "Place To Be" slogan and gain a "Place To Avoid" slogan. Is this what we want for our community?
- (3) Another reason we moved to Walton is the school system which is, from what I've read, one of the best in Northern Kentucky, if not the state. The injection of a potential 500+ more kids in the school system would degenerate the quality that has earned the Walton-Verona school system such a prestigious reputation.
- (4) The addition of the subdivision would inevitably lead to the rebuilding of US25, possibly making it 3 or more lanes, most likely merging right near our subdivision. This would be a bottleneck and a road hazard for the children and the elderly of the city that regularly walk the sidewalks of Walton for exercise and pleasure.
- (5) While I understand the boost in tax revenue that would be gained by the subdivision, I also understand the possibility of a wash-out due to several people -- myself included -- that would consider moving to another locale.

I feel that I'm not alone in this concern and hope that others from my neighborhood and community will be contacting you concerning this matter. I urge you to consider the concerns of Walton residents and small business owners.

Sincerely,

-Scott A. Meade

Get Your Private, Free E-mail from MSN Hotmail at <http://www.hotmail.com>



Walton-Verona Board of Education

16 School Road • Walton, Kentucky 41094
Phone: (606) 485-4181 • Fax: (606) 485-1810
E-Mail - username@w-v.k12.ky.us



Dr. Robert Storer, Superintendent
Bill Boyle, Asst. Superintendent
Dr. Marjorie Templeton,
Director of Special Education
Claudia B. Coleman, Treasurer
Bob Konerman, Professional Development
Dan Stenger, Technology Coordinator

Board Members:
William M. Wethington, Chairman
Shirley E. Cummins, Vice-Chairman
Walt Ryan
Randy Lawrence
Randy Antrobus

July 5, 2000

The Boone County Planning Commission
Attn: Zone Change Committee
2995 Washington Street
Burlington, Kentucky 41005

To Whom It Concerns:

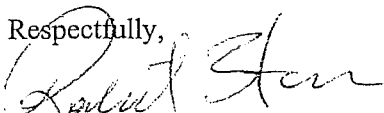
I am writing this letter at Jim Houston's request to confirm that the Walton-Verona Board of Education does not oppose the zone change and single family residential development of the property formerly owned by him on U.S. 25 in Walton. We have informally discussed the development several times at our School Board meetings after having been informed by Mr. Houston that he was selling the property. No formal action, however, has been taken. As a matter of practice, school boards rarely taken a position on such an issue.

After reviewing the preliminary plans for development, we welcome the opportunity to give input to the Zone Change Committee for their consideration. Below are several thoughts we have on the issue.

1. It is important that all cul-de-sacs are large enough to permit school bus egress.
2. We think there should be more than one right-of-way to and from U.S. 25.
3. A phased project is in our best interest. Explosive growth is a detriment to our school system. However, carefully planned growth in a phased development will enable our school district to serve our citizens in the most effective way.

Should your committee find it necessary to meet with representatives of our Board of Education, please do not hesitate to call.

Respectfully,



Robert Storer, Ed.D.

Cc: The Walton-Verona Board of Education, Jim Houston



JAMES W. BERLING ENGINEERING, PLLC

Land Surveying • Site Development • Civil Engineering Services • Land Planning

KY Registration No. 5745

1671 PARK ROAD, SUITE ONE • FT. WRIGHT, KENTUCKY 41011 • (606) 331-9191 • FAX (606) 344-7422

Land Surveyor Registration KY 206

June 6, 2000

JUN - 6 2000

LEGAL DESCRIPTION

PROPOSED ZONE CHANGE FROM A-2 TO SR-1

Situated along the north edge of the northerly boundary of the City of Walton, Kentucky, lying west of U. S. Highway 25, east of the I-75/I-71 Interchange and north of Sunset Ridge Subdivision, and being more particularly described as follows:

Beginning at a point in the south line of Houston's property and the north line of Ryan, said point being the west corner of Lot No. 41 of Section No. 5 of Sunset Ridge Subdivision; thence along the north line of Sunset Ridge Subdivision N-78°-15'-33"-E 271.03 feet, N-80°-34'-38"-E 188.80 feet, N-81°-41'-48"-E 755.00 feet, N-86°-03'-42"-E 582.38 feet, and S-66°-26'-26"-E 861.18 feet to the northeast corner of Lot No. 7 of Section No. 1 of Sunset Ridge Subdivision; thence N-14°-29'-02"-E 41.25 feet along the west line of John E. Bird's property to the northwest corner of same; thence in a northerly direction along the west line of Bobby G. Fish's property 100.00 feet to the northwest corner of same; thence in an easterly direction along the north line of Fish 150.00 feet more or less to the southwest corner of George Sparks; thence in a northerly direction along the west line of Sparks' property 50.00 feet to the northwest corner of same; thence in an easterly direction along the north line of Sparks 150.00 feet to the west line of U. S. Highway 25; thence in a northerly direction along the west right of way line of U. S. Highway 25 a distance of 930.00 feet more or less to the north line of James P. and Phyllis Houston's property; thence in a northwesterly direction along the north line of Houston's property 3,840.00 feet more or less to the north corner of same; thence in a southwesterly direction along the northwest line of Houston's property 310.00 feet more or less to a point in the easterly right of way line of I-75/I-71 Interchange; thence in a southerly direction and following along the easterly right of way line of the I-75/I-71 Interchange a distance of 2,830.00 feet more or less to the southwest corner of Houston; thence in an easterly direction along the south line of Houston and the north line of Ryan 650.00 feet more or less to the place of beginning.

Containing 130.00 Acres More Or Less

RECEIVED
OCT 5 1971
BOONE COUNTY
PLANNING COMMISSION

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-26

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH CONDITIONS FOR A REQUEST OF MAVERICKS, INC. (APPLICANT) FOR JAMES AND PHYLLIS HOUSTON (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) ON AN APPROXIMATE 130 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF DIXIE HIGHWAY, NORTH OF SUNSET RIDGE SUBDIVISION, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION, (11-2) VIA RESOLUTION NO. R-00-018-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 Agricultural Estate (A-2) to Suburban Residential One (SR-1) on an approximate 130 acre site generally located on the west side of Dixie Highway, north of Sunset Ridge Subdivision, 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 conditions, for the Zoning Map Amendment.

NOW, THEREFORE, BE IT ORDAINED 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 and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) on an approximate 130 acre site generally located on the west side of Dixie Highway, north of Sunset Ridge Subdivision, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) zone is more particularly described in DEED BOOK 302; PAGE NO. 163 (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 conditions of the Boone County Planning Commission as set forth in its minutes and official records

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-26

for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A".

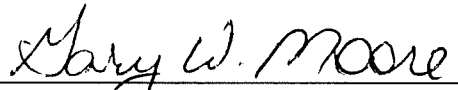
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B".

SECTION III

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

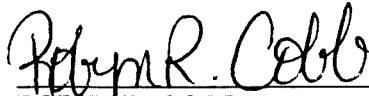
Introduced and given First Reading on the 19th day of Sept., 2000.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 26th day of Sept., 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

10-5-00

DATE PUBLISHED