

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 Burley Lakes Subdivision
2. Location of Project 3213 Burlington Pike
3. Total Acreage of Site 46.35
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single Family Residential

7. Names of Applicant(s) CDS Associates, Inc.
Phone Number 606-525-0544 Fax No. 606-525-0561
8. Address of Applicant(s) 240 Main Street
Florence KY 41042
City State Zip
9. Name of Property Owner(s) Robert L. & Joy Lee Walton
Phone Number 586-6851 Fax No. _____
10. Address of Property Owner(s) 3213 Burlington Pike
Burlington KY 41005
City State Zip
11. Proposed Building Intensities (please specify) Single Family Residences at <3 Units per acre

12. Are there any existing buildings on the site? Yes.
How many? 4
13. Deed Book 281 Page No. 184 Group No. 2029
14. Are you also applying for:
no Conditional Use Permit
no Dimensional Variance
15. Have you submitted a Concept Development Plan? yes
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 **CDS Associates, Inc. (applicant)** for **Robert L. Walton and Joy Lee Walton (owners)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 46.35 acre tract located 3213 Burlington Pike, Boone County, Kentucky. The request is for a subdivision to permit detached, single family residences.

July 26, 2000

Request

The proposal is to change the existing zoning classification from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for detached 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 185 dwelling units could be constructed on the approximate 46.35 acre tract. However, the applicant has indicated by the submitted Concept Development Plan that a maximum of 130 units (3.5 units per acre) would be constructed. The Concept Development Plan indicates access from the extension of Allen's Fork Drive as well as access from Burlington Pike (KY 18). The applicant is also showing that the Allen's Fork Drive extension be stubbed to the west for future connection. In 1994 the Arborwood Subdivision provided a street connection to the Walton farm as part of their approved Concept Development Plan. The connection provided is further south than the Allen's Fork Drive extension and Staff would like to have that stub removed and relocated to connect with Arborwood. Staff would also like to have a street connection into the Smith property to the south.

The sanitary sewer capacity is available in the Dry Creek Treatment Plant (see attached letter) and water is available from the existing waterlines along Burlington Pike (KY 18) and Allen's Fork Drive.

Site Characteristics

This 46.35 acre site has been actively farmed by the Walton family. The existing single-family residence sits approximately 650 feet from Burlington Pike (KY 20) along the ridge line off a gravel driveway that winds around the existing farm pond. With the rolling topography, the majority of vegetation lies in the valleys along the creeks and streams.

Surrounding Zoning and Land Uses

- North: Archambault, Blackburn and Dorger properties zoned Rural Suburban Estates (RSE).
- East: Hafer property zoned Rural Suburban Estates (RSE) and the existing Burlington Meadows Subdivision zoned Suburban Residential One (SR-1).
- South: Smith property zoned Rural Suburban Estates (RSE).

West: Stubbs and Poston zoned Rural Suburban Estates (RSE) and KP Development zoned Rural Suburban/Planned Development/Concept Development (RS/PD/CD).

Relationship to the Boone County Comprehensive Plan

The Future Land Use Map shows the subject property as Suburban Residential (SR) 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."

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

"Burlington proper should continue to experience growth-related pressures. The influence of residential subdivisions in the surrounding areas, and the associated traffic, will necessitate improved traffic controls and management, particularly at KY 18 and KY 338. As Boone County grows, there will be a greater need for public facilities and services."

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

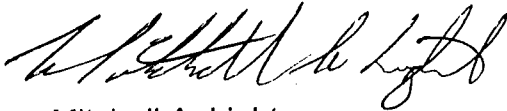
1. The Concept Development Plan shows the extension of Allen's Fork Drive from the Burlington Meadows Subdivision. Staff would like to see the connection made to the Arborwood Subdivision as per their approved concept plan from 1994.
2. Staff would also like to see a connection to the south between lots 99 and 100. This would open up the Smith property for another connection to the Arborwood Subdivision and possibly East Bend Road.
3. 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 area's character.

Respectfully Submitted,

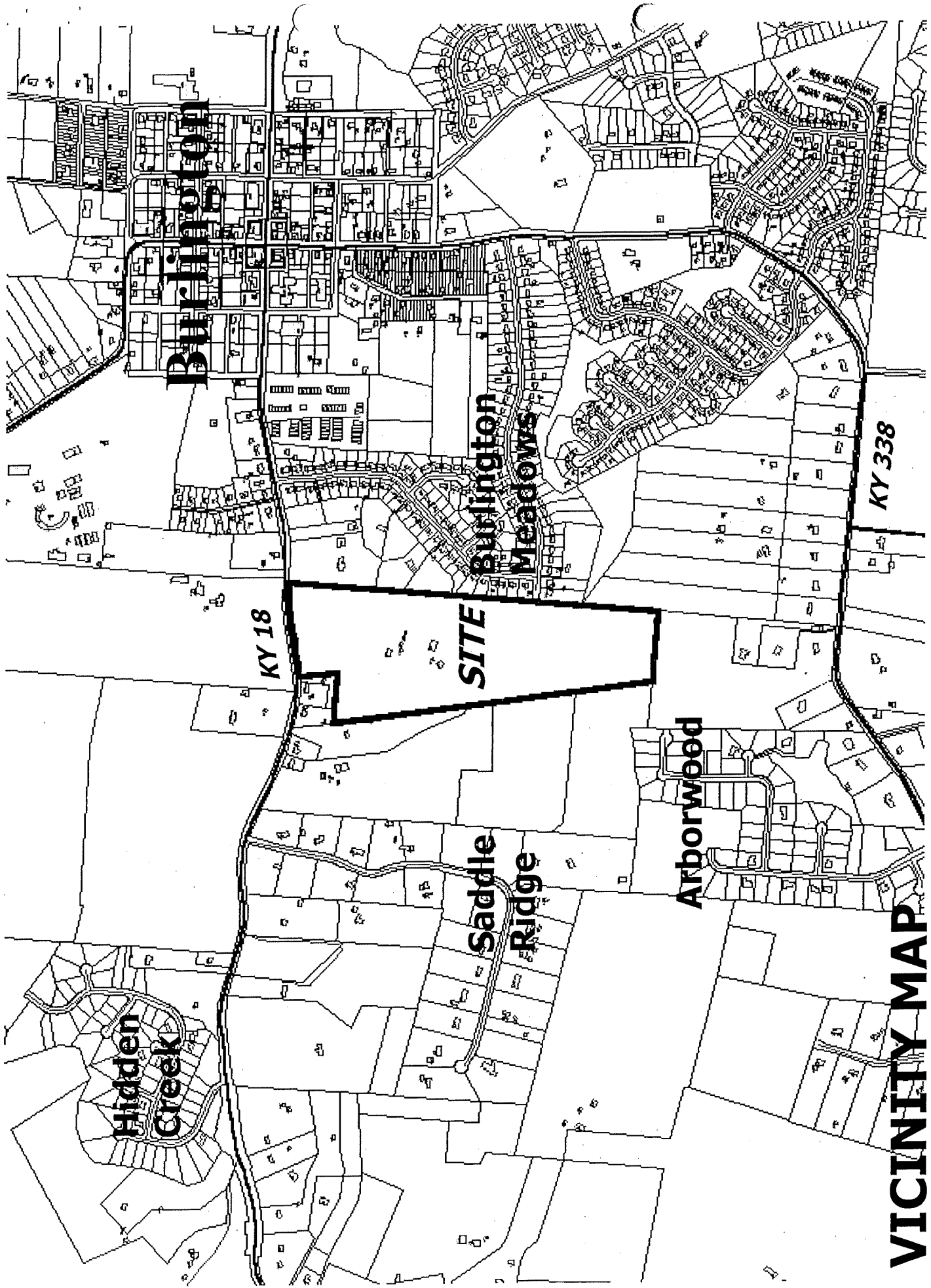


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

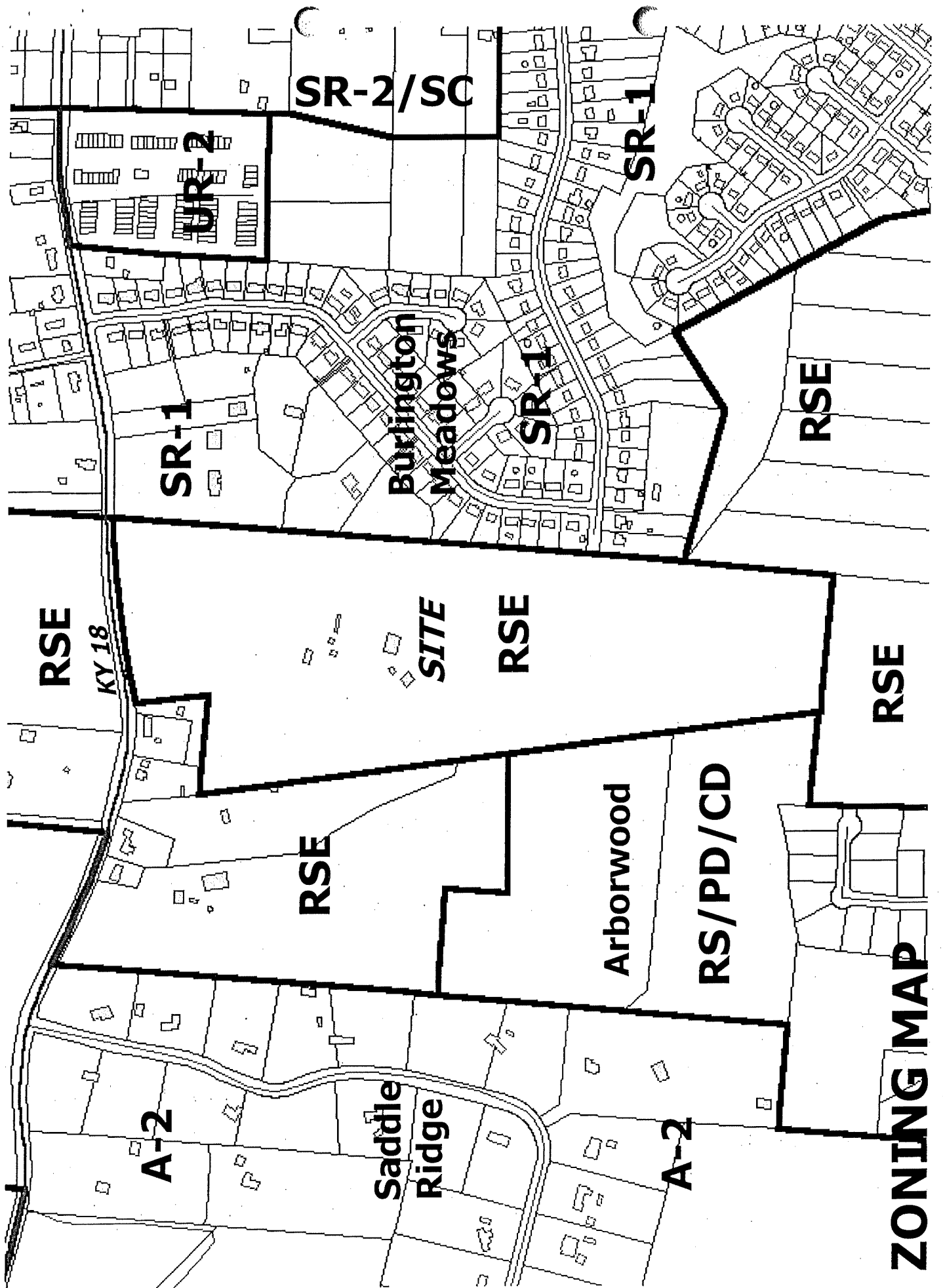
MAL/pr

Attachments:

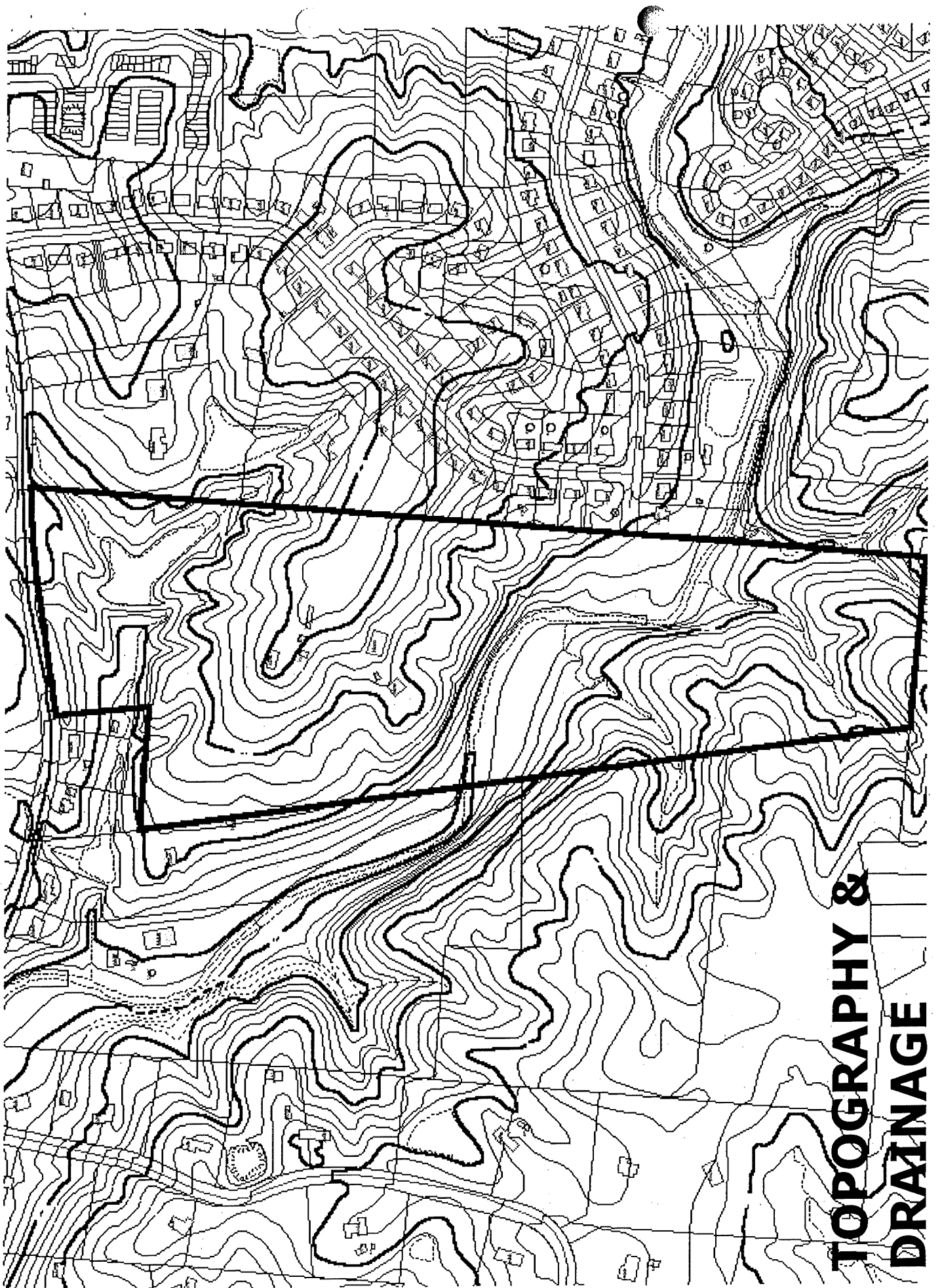
- Vicinity Map
- Zoning Map
- Topography & Drainage
- Burley Lakes Concept Development Plan
- Arborwood and Burley Lakes Street Connection
- Letter from Gary Aman, Project Manager, Sanitation District #1
- Application



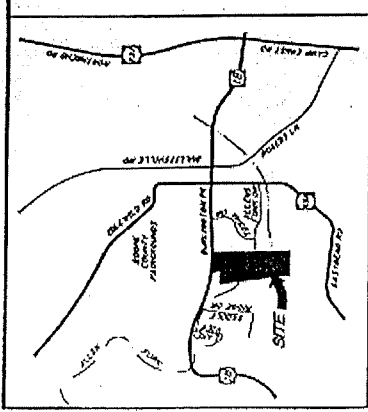
VICINITY MAP



ZONING MAP



**TOPOGRAPHY &
DRAINAGE**



VICINITY MAP

- NOTES:**
1. SUBJECT SITE IS NOT LOCATED IN A FLOOD ZONE.
 2. ZONE "E" PARK, AND ZONES "D", "B" AND "C" ARE IN THE VICINITY.
 3. TOTAL AREA OF SITE IS 127.16 AC.
 4. AREA IN OPEN SPACE IS 40.00 AC.
 5. AREA IN SINGLE FAMILY RESIDENTIAL ZONE IS 42.28 AC.
 6. AREA IN MEDIUM DENSITY RESIDENTIAL ZONE IS 44.88 AC.
 7. TOTAL SITE DENSITY IS 2.8 UNITS/ACRE.
 8. THE BOONE COUNTY COMPREHENSIVE PLAN INDICATES THIS AREA IS SUITABLE FOR RESIDENTIAL DEVELOPMENT.
 9. CURRENT ZONING OF SITE IS "R-1".
 10. PROPOSED ZONING OF SITE IS "R-2".
 11. TELEPHONE, ELECTRIC AND CABLE TO BE INSTALLED UNDERGROUND.
 12. PROPOSED DEVELOPMENT WILL BE SINGLE FAMILY RESIDENTIAL.
 13. ALL STREETS SHOWN AND LARGEST PORTION WILL BE PAVED.
 14. SOIL TYPE, PROPOSED DESIGN ASSOCIATION, MOISTURE LEVEL, TO BE DETERMINED BY SURVEY, ON ROADSIDE AND BENEATH SURFACE OF THE PROPOSED OPENINGS.
 15. DEVELOPER: BOONE COUNTY, MISSOURI, ON 10/1/00.
 16. ENGINEER: ROBERT L. B. JEFFREY, F.A.S.T.M., INC., 1000 W. WASHINGTON ST., WASHINGTON, MO 64783.
 17. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS TAKEN FROM BOONE COUNTY RECORDS AND IS NOT BASED ON AN ACTUAL FIELD SURVEY.
 18. SUBJECT SITE DOES NOT INCLUDE ANY SHOWN OBSTACLES.
 19. PROPOSED SANITARY AND STORM SEWERS SUBJECT TO 30' CLEARANCE, TO THE EAST SIDE OF THE PROPOSED STRUCTURES.

LEGEND

- PROPOSED CEMENT PAVING AND STORM SEWER
- PROPOSED FINE ASPHALT
- PROPOSED SANITARY MAINLINE
- PROPOSED STORM MAINLINE
- PROPOSED 8" PVC WATERLINE
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- EXISTING SANITARY SEWER
- EXISTING WATER



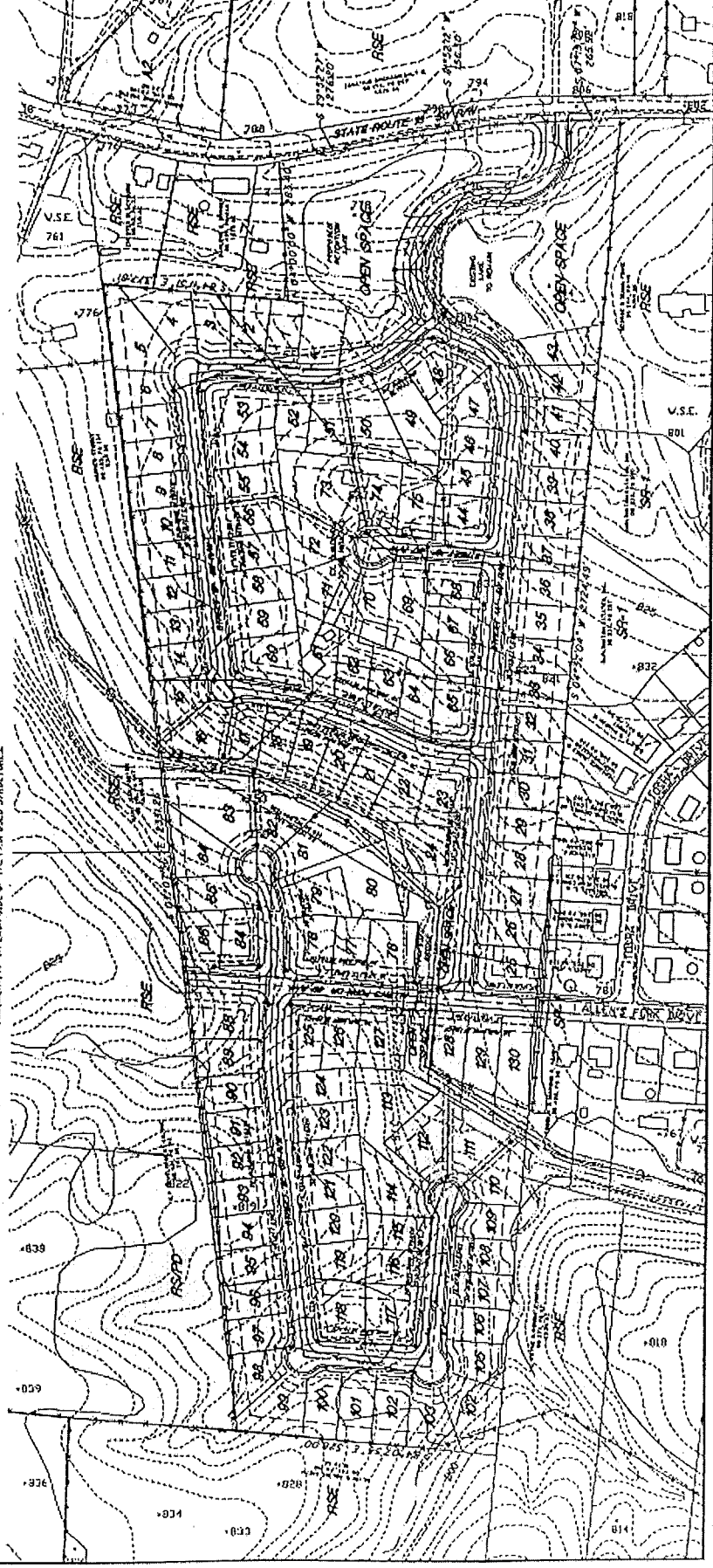
CDS
 CONSULTING DESIGN SERVICES
 11111 W. WASHINGTON ST.
 WASHINGTON, MO 64783
 TEL: 660-221-1111
 FAX: 660-221-1112

BOONE COUNTY, MISSOURI
 STATE ROUTE 78
 BURLEY LAKES
 CONCEPT DEVELOPMENT PLAN

STATE ROUTE 78
 BURLEY LAKES
 CONCEPT DEVELOPMENT PLAN
 BOONE COUNTY, KENTUCKY

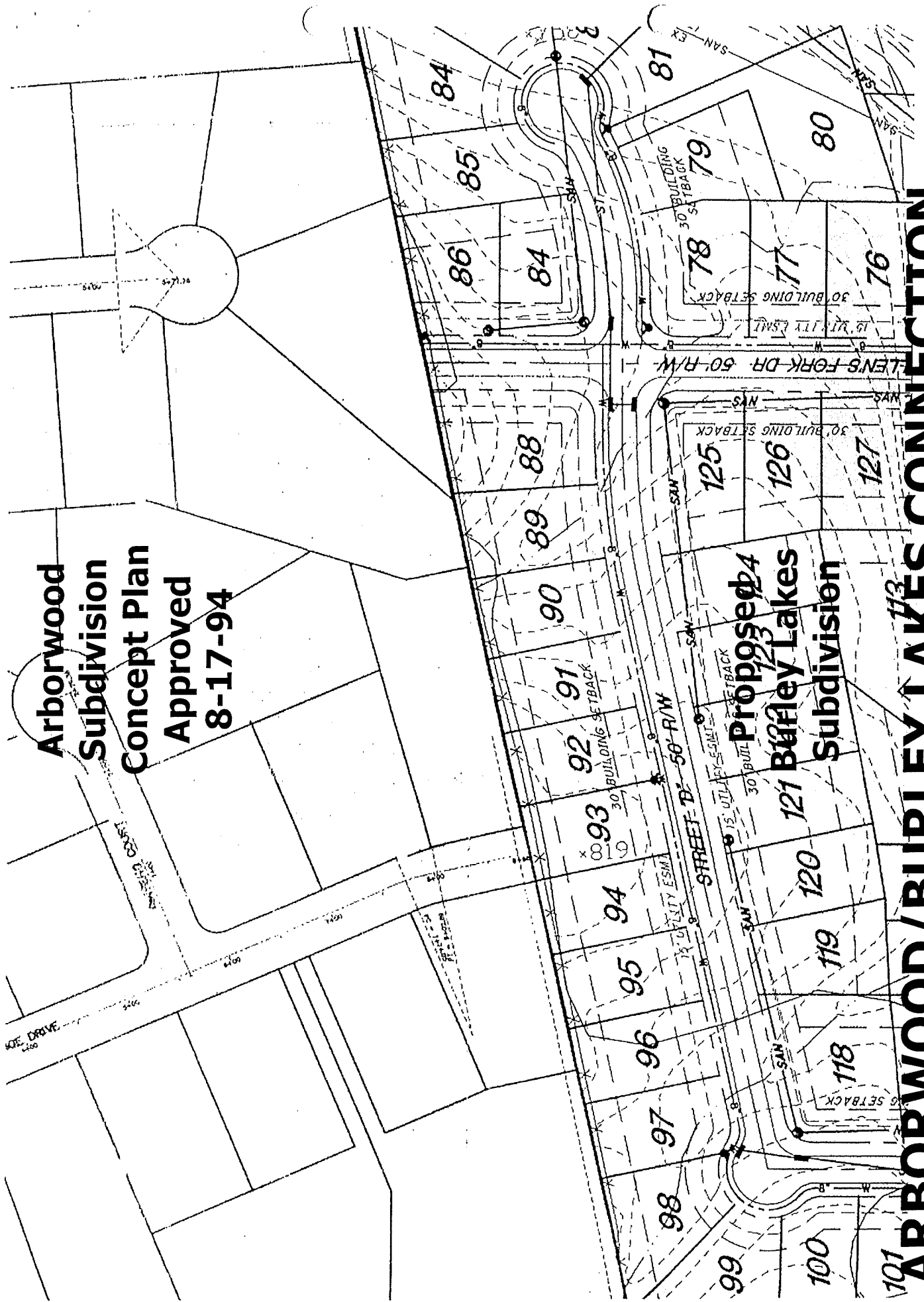
DATE	17 JULY 2000
SCALE	1" = 100'
DIST.	1850'
ZONING	R-2

PLAN



CONCEPT DEVELOPMENT PLAN

**Arborwood
Subdivision
Concept Plan
Approved
8-17-94**



**Proposed
Burley Lakes
Subdivision**

ARBORWOOD / BURLEY LAKES CONNECTION



June 13, 2000

Darren Eyre, Project Manager
CDS Associates
240 Main Street
Florence, KY

Re: Burley Lake Project

Dear Mr. Erye:

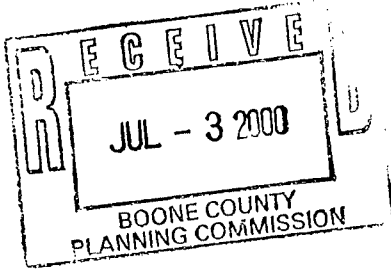
This letter will confirm that sewer service capacity is available to serve the above referenced project. Treatment will be provided at the Dry Creek Treatment Plant. The developer is responsible for the cost of connecting to the existing sanitary sewer and extending the on site sewer.

If you need additional information or have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Aman'. The signature is written in dark ink and is positioned above the typed name and title.

Gary W. Aman
Project Manager



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
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- Boone County Building Department

Public Hearing Item No. 2:

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

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

2. **Applicant:** **CDS Associates, Inc. for**
 Robert L. Walton and Joy Lee Walton (owners)
- Request:** **Zoning Map Amendment**

The request of CDS Associates, Inc. (applicant) for Robert L. Walton and Joy Lee Walton (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 46.35 acre tract at 3213 Burlington Pike, Boone County, Kentucky. The request is for a subdivision to permit detached, single-family homes.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report). He commented that Mayor Phil Trzop is in favor of connecting water lines and streets.

The Chairman asked for the applicant's presentation.

Mr. Mark Brueggeman with CDS Associates, stated that he was representing the developer, Mr. Friesz, and the property owners, the Waltons. He stated that they looked at how the surrounding properties are being used and the Future Land Use designation for the property, and feel it is appropriate to rezone the property SR-1. He stated that they have submitted a Concept Development Plan. They looked at the existing features of the site, including the lake on the north end of the property adjacent to KY 18 and Allen Fork Creek that bisects the property. The lake became the major design criteria. They want to utilize the existing lake and provide another lake below it, which will allow for almost six acres of open space along KY 18, and cluster the residential development to the rear of the property. This design will provide a nice entrance to the site. The first house will be about

340 feet back from KY 18 and there will be a meandering drive and a short boulevard. They are proposing 130 single-family lots with the smallest being 9,100 square feet. SR-1 zoning requires 8,000 square feet. Minimum lot frontage will be 70 feet and the minimum requirement in SR-1 is 65 feet. The proposed density is 2.77 units per acre versus a maximum in SR-1 of 4 units per acre. They will extend Allen's Fork Drive to provide access to the adjacent subdivision. They have moved the proposed access point on KY 18 to the high point to improve sight distance. The access meets or exceeds the required sight distances and lines up better with the access across the street. He stated that both of the lakes will be used for stormwater detention. Storm sewer is available to serve the site and water main service is also available. Mr. Brueggeman stated that the proposed zone change is justified because the proposed Concept Plan is in conformance with the Future Land Use Plan for the area, which is Suburban Residential. Adjacent property to the east is zoned SR-1 and, as part of that development, there was a plan to extend Allen's Fork Road to the west to this property, and the intent was for the SR-1 zone to continue to the west. Adjacent properties to the west and to the south are zoned RS/PD, which requires three units per acre. He stated that under the RS zoning, the minimum frontage is 75 feet and they are at 70 feet. Water and sanitary sewer are available to serve the site, which is another indication that the area should be Suburban Residential.

The Chairman asked if there was anyone else present who wished to speak in favor of the request.

Mr. Light noted a letter received from Bob Kirby, Jr. with KP Development, Inc.. Mr. Kirby could not be present this evening, but met with Staff briefly yesterday. Mr. Light read the letter from Mr. Kirby (see Exhibit 1) requesting that the street connection be made according to their already approved plan. Mr. Kirby would like to discuss this further at the Committee Meeting.

Mr. Robert Walton, owner of 3213 Burlington Pike, stated that they no longer run livestock because of the residential areas around them and he does not want to keep farming. They want to sell the property and get on with their lives. He feels that the proposed plan is good and will be very attractive along KY 18. He asked for approval of the application.

There being no further comments in favor of the request, the Chairman asked if there was anyone present in opposition to the request or having questions.

Mr. Steve Dickman, 6135 Tasha Drive, Burlington, is not opposed to the development, but feels that something has to be done about the traffic on Burlington Pike. He believes there will be accidents at the entrance to this development on KY 18.

Mr. Allan Blackford, who lives to the west of the site on KY 18, questioned where the sewer will go when they develop the front part of this property – will it go through his back yard?

Sue Archambault, who lives across the street from the site, stated that the plan says 135 units and 3.5 units per acre, but then it says 2.7 units per acre. She would like to know which is correct and for it to be in writing. She questioned how binding the plan is and how many times it could be changed.

The Chairman asked if there was anyone else present who wished to speak in opposition. There being no response, he asked for comments and questions from the Commissioners.

Mr. McMillian questioned the required buffer if this site is rezoned, the one next to it is RSE, and the next property is Agricultural. Mr. Light reviewed the zoning in the area. Mr. McMillian commented that there are no regulations between the zones. Mr. Light agreed.

Mr. Zimmer asked if a traffic study was done. Mr. Jeff Friesz, 6117 West Fork Road in Cincinnati, responded that they did not do a traffic study. Mr. Zimmer questioned the build-out time. Mr. Friesz responded “probably four years”. Mr. Zimmer questioned the density. Mr. Brueggeman responded that it is 2.77 units per acre. Mr. Costello stated that they did not include the open space.

Mr. Zimmer asked if the lakes in front are retention or detention. Mr. Brueggeman responded that they are retention. Mr. Zimmer reviewed the plan and stated that the lake has “open space” written on it. Mr. Brueggeman stated that they will utilize the existing lake and construct an additional lake to the west and the access drive will go between the two. Mr. Zimmer questioned the use of the terminology “open space” and “cluster”. He stated that clustering can be used for the purpose of gaining open space, but he does not see that here. He sees a required detention facility built in the front labeled “open space” and two little open spaces in the back where the creek crossing is, and a lot of development. He questioned how the site is clustered to gain open space.

Mr. Brueggeman responded that they tried to provide a large area of open space in the front. They want a nice lake for good visual effect and are providing a second lake, which is why they labeled it “open space”. Their road is substantially back from KY 18 to provide an open area when driving in. They chose smaller lots and moved them to the rear to provide a larger area of open space up front. Mr. Zimmer questioned if they met with Staff in regard to the design. Mr. Brueggeman stated that they met with Staff in early June and brought a penciled in Concept Plan. He stated that Staff was pleased with the concept, but they did not talk about going to a cluster development where they build smaller houses and reduce lot width. Mr. Zimmer stated that this is a new concept of open space

development design. Mr. Costello and Mr. Zimmer discussed the potential for Staff to take a more pro-active position in promoting the open space design concept and meeting with developers to explain the concept. Mr. Zimmer questioned if there is an opportunity to work with this Concept Plan, if approved, to go to 2.7 units per acre and make that type of open space design scenario work out. Mr. Costello responded that if Mr. Zimmer is asking if we can work with the applicant to make a design that fits in better with the area, that is something the Committee can discuss. Mr. Zimmer stated that the property is rolling vistas of pasture land, but there are some tree lines and he is not sure how they fit in with the Concept Plan. He asked that this be explored in Committee.

Mr. Brueggeman stated that they have tried to take advantage of the vistas with their lot layout. Mr. Zimmer responded that the advantage of the vistas would be to the entire neighborhood, not just the lots almost up against it. He stated that there will be additional discussion about this in Committee.

The Chairman asked the applicant to respond to the question about the sewer line. Mr. Brueggeman stated that the sanitary sewer follows Allen's Fork Creek. They will tap into the sanitary sewer and come down the street and down an easement between the lots. The Chairman commented that they will not be near KY 18. Mr. Brueggeman responded "not at all".

The Chairman noted Ms. Archambault's question as to how "final" the final plan is. Counselor Wilson responded that conditions of the zone change agreed to in writing by the applicant are subject to the right of the applicant to come back and ask for a modification. That would involve another public hearing with notice and there would have to be justification for a modification.

Mr. White questioned Allen's Fork Creek. Mr. Brueggeman responded that it is a running creek that goes from northwest to southeast. Mr. White questioned how the water will flow to the detention lakes. Mr. Brueggeman indicated the existing lake and stated that they will design the water structures and detention basins to outlet to the existing swale. Detention in the two lakes will be sufficient for the entire site. All the water goes to Allen's Fork Creek. The storm sewer will be piped to Allen's Fork Creek. He stated that they will restrict the allowable release rate to accommodate the direct runoff. Mr. White stated that the southern part of the property does not look to be higher than the north side. Mr. Brueggeman indicated the portion of the property that will go directly to Allen's Fork Creek and stated that they will restrict the flow from the detention basins to account for the direct runoff into the creek. Mr. White asked if he was saying that the north portion of the property will go to the detention pond. Mr. Brueggeman responded "that is correct".

Mrs. Poston asked if the sidewalks will go all the way to KY 18. Mr. Brueggeman responded "yes". Mrs. Poston stated that she is concerned about

foot traffic being encouraged on KY 18. Mr. Brueggeman responded that if the Planning Commission does not want sidewalks going to KY 18, they will agree to that.

Mr. Zimmer asked if the applicant was saying that the southern portion of the property (south of the creek) will run off directly without inhibition. Mr. Brueggeman responded "correct". Mr. Zimmer asked if that was permitted. Mr. Light responded that it will have to be approved through the Preliminary and Improvement Plans. The Planning Commission's engineer, Greg Sketch, will look at it and will indicate how much they have to over detain to keep the property balanced at its current level. Mr. Zimmer asked if the flow rate is increased. Mr. Light responded that that would be part of Greg Sketch's review. Mr. Costello stated that post-development has to be equal to pre-development volume, but not rate. There is a formula for this and we will look at the entire site.

Mr. Zimmer stated that one of the issues of open space design is recreational opportunities, such as walking, hiking, biking, etc. and he does not see any of that. He will discuss this further in Committee.

Mr. McMillian questioned provisions for public transportation, such as a Park & Ride. Mr. Brueggeman responded that the subdivision is looped and there are several areas that could accommodate mass transit, but they have not provided any Park & Ride space. Most of the lots have two car garages. Mr. McMillian asked if their transportation system will be big enough to accommodate a bus turning around. Mr. Brueggeman responded that they will meet the Subdivision Regulations. Mr. Costello stated that there is a bus pull-off in the county parking lot but, with the Justice Center being built, there is a question as to whether it will be there in the future. Serving the area remains a concern. He stated that he has seen reciprocal agreements with the area churches and there are churches in Burlington where that could occur.

Mr. Hicks asked that the densities of Burlington Meadows, Arborwood, and Saddle Ridge be provided to the Committee.

Mr. Zimmer asked if the Subdivision Regulations take into account taking a school bus around a cul-de-sac. Mr. Light did not think so. Mr. Zimmer stated that we may need to look at the Subdivision Regulations and the applicant may want to talk about what cul-de-sac they want to have accommodate school buses in the development. Mr. Ries stated that in the City of Florence, there are fire regulations and school bus regulations for cul-de-sacs. Mr. Brueggeman believes the same regulations apply in the county. Mr. White stated that to accommodate a single bus, it has to be a 91-foot diameter. Mr. Zimmer stated that he does not think that matches the regulations.

Donna Bray, 330 Burlington Pike, is concerned about property values. She questioned the selling prices of the homes. Mr. Brueggeman responded "\$170,000 to \$190,000".

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on August 2, 2000 at 4 P.M. in the Fiscal Courtroom on the second floor. This item will be on the Agenda for the Business Meeting on August 16, 2000 at 7:30 P.M..

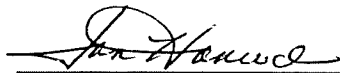
The Chairman closed this Public Hearing and called for a short recess.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibit 1 – Letter from Robert Kirby, Jr. dated July 26, 2000

EXHIBIT 1
7/26/00
PH#2

K P Development Company, Inc.
Arborwood Homeowners Association

8991 Carlton Drive PO Box 287 Burlington, Ky. 41005 1-889-586-7734

July 26, 2000

JUL 26 2000

Boone County Planning Commission
2995 Washington Street
Burlington, Ky 41005

ATTN: Mitchell A. Light

Dear Mr. Light:

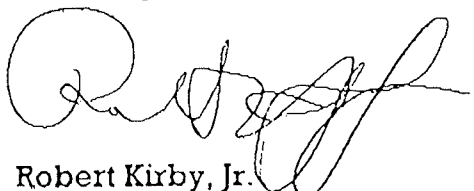
This letter is a followup of the conversation that we had yesterday concerning our position in regards to the proposed project of CDS Associates, Inc for Robert L. and Joy L. Walton. This proposed subdivision will be adjacent to the Arborwood Subdivision.

We believe the connection should be made according to our plan, which is already approved. We have no objection to Arborwood Subdivbision connecting with the proposed subdivision; however, because of the lot size and home prices required in Arborwood, we feel that special consideration should be given to the street connection.

If possible, we would like the opportunity to discuss this matter further at the committee meeting. I can be reached for further comments at 586-7734 or 466-7734

We appreciate the consideration and cooperation that has been shown in this matter.

Sincerely,



Robert Kirby, Jr.
KP Development Company, Inc.

RK Jr/pcw

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
August 16, 2000
7:30 P.M.**

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

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBER NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

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

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the July 26, 2000 Public Hearings. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mr. Ries seconded the motion and it carried unanimously.

Chairman Caddell stated that the Commissioners received copies of the Minutes of the August 2, 2000 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mr. McMillian seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. **Zoning Map Amendment**

The request of David L. Helmer and Dennis C. Helmer (owners) to consider a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for an approximate 0.8 acre tract on the southeast corner of the intersection of U.S. 42/Dilcrest Drive, Florence, Kentucky. The request is for a zone change to C-2 with uses limited to those permitted in the Office One (O-1) Zone.

The Chairman stated that Agenda Item #1 is recommended for deferral to the September 20, 2000 Business Meeting, with the Committee Meeting on September 6, 2000 at 4 P.M.. Mr. Chaney so moved. Mr. Reynolds seconded the motion and it carried unanimously.

2. **Zoning Map Amendment**

The request of CDS Associates, Inc. (applicant) for Robert L. Walton and Joy Lee Walton (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 46.35 acre tract at 3213 Burlington Pike, Boone County, Kentucky. The request is for a subdivision to permit detached, single-family homes.

Staff Member Mitch Light 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.

Mr. Chaney moved by resolution to Boone County Fiscal Court that the request be approved, with the conditions, based on the Committee Report. Mr. McMillian seconded the motion.

Mr. Knock referred to Condition #2 and stated that the discussion last week regarding a development in Walton was that there were no regulation standards for cul-de-sacs. Mr. Light responded that there is no standard for a residential cul-de-sac to be wide enough for a school bus to turn around, but commercial cul-de-sacs are large enough. Mr. Zimmer explained that the Concept Development Plan shows a long cul-de-sac and it would be difficult for students to be picked up at the end of the subdivision. The applicant agreed to a commercial cul-de-sac to facilitate picking up the students.

Mr. Schwenke questioned Condition #7 and water retention on the back of the parcel. Mr. Light responded that there is a creek that bisects the property. He explained that there are two retention ponds along KY 18 and there will be a detention pond south of the creek.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Chaney and it carried unanimously.

4. Concept Development Plan

The request of Vijay Patel (applicant) for Suzanne Lewis, Michelle True, Joe Beckman, and Louis Beckman (owners) to consider a Concept Development Plan for an approximate one acre tract at 812 and 822 Donaldson Road, Boone County, Kentucky. The request is for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow a hotel.

Staff Member Todd Morgan presented the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. White moved to deny the request based on the Committee Report. Mr. Schwenke seconded the motion and it carried unanimously.

3. Concept Development Plan

The request of A. William Erpenbeck, Jr. (applicant) for A. William Erpenbeck, Jr., Glenn D. Feagan and Fifth Third Bank c/o Matt Rowekamp (owners) to consider a Change in Concept Development Plan for an approximate two-acre site at 321 Mt. Zion Road and the adjoining vacant lot to the west on the southeast corner of the Mt. Zion Road/Sam Neace Drive

EXHIBIT
"B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Chairman

DATE: August 16, 2000

RE: Request of **CDS Associates, Inc. (applicant)** for **Robert L. Walton and Joy Lee Walton (owners)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 46.35 acre tract located 3213 Burlington Pike, Boone County, Kentucky. The request is for a subdivision to permit detached, single family residences.

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 Rural Suburban Estates (RSE) 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 130 dwelling units for this approximate 46.35 acre parcel (2.77 units per acre).
2. The property owner agrees to provide a commercial cul-de-sac, per Boone County Subdivision Regulation standards, for the southern terminus of Street "D" as shown on the submitted Concept Development Plan.
3. The property owner agrees to coordinate with KP Development on the relocation of the street connection between Burley Lakes and Arborwood (Fringe Drive).

4. The property owner agrees to orient the lots adjacent to the Burley Lakes/Arborwood connection (Fringe Drive) so that the homes within Burley Lakes will front on Street "D" and not the connector (Fringe Drive).
5. The property owner agrees to provide a utility easement south to the Smith Property.
6. The property owner agrees to provide 4 foot concrete sidewalks on all streets within the subdivision and a 6 foot concrete sidewalk along the east side of the entrance road from KY 18 to the first building lot.
7. In addition to the two (2) retention ponds at the entrance of the subdivision along KY 18, the property owner agrees to provide storm water detention in the southern section of the subdivision that will detain 100% of the runoff for the southern section of the subdivision.

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.

Public Hearing Item No. 2:

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

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

2. Applicant: **CDS Associates, Inc. for
Robert L. Walton and Joy Lee Walton (owners)**

Request: **Zoning Map Amendment**

The request of CDS Associates, Inc. (applicant) for Robert L. Walton and Joy Lee Walton (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 46.35 acre tract at 3213 Burlington Pike, Boone County, Kentucky. The request is for a subdivision to permit detached, single-family homes.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report). He commented that Mayor Phil Trzop is in favor of connecting water lines and streets.

The Chairman asked for the applicant's presentation.

Mr. Mark Brueggeman with CDS Associates, stated that he was representing the developer, Mr. Friesz, and the property owners, the Waltons. He stated that they looked at how the surrounding properties are being used and the Future Land Use designation for the property, and feel it is appropriate to rezone the property SR-1. He stated that they have submitted a Concept Development Plan. They looked at the existing features of the site, including the lake on the north end of the property adjacent to KY 18 and Allen Fork Creek that bisects the property. The lake became the major design criteria. They want to utilize the existing lake and provide another lake below it, which will allow for almost six acres of open space along KY 18, and cluster the residential development to the rear of the property. This design will provide a nice entrance to the site. The first house will be about

340 feet back from KY 18 and there will be a meandering drive and a short boulevard. They are proposing 130 single-family lots with the smallest being 9,100 square feet. SR-1 zoning requires 8,000 square feet. Minimum lot frontage will be 70 feet and the minimum requirement in SR-1 is 65 feet. The proposed density is 2.77 units per acre versus a maximum in SR-1 of 4 units per acre. They will extend Allen's Fork Drive to provide access to the adjacent subdivision. They have moved the proposed access point on KY 18 to the high point to improve sight distance. The access meets or exceeds the required sight distances and lines up better with the access across the street. He stated that both of the lakes will be used for stormwater detention. Storm sewer is available to serve the site and water main service is also available. Mr. Brueggeman stated that the proposed zone change is justified because the proposed Concept Plan is in conformance with the Future Land Use Plan for the area, which is Suburban Residential. Adjacent property to the east is zoned SR-1 and, as part of that development, there was a plan to extend Allen's Fork Road to the west to this property, and the intent was for the SR-1 zone to continue to the west. Adjacent properties to the west and to the south are zoned RS/PD, which requires three units per acre. He stated that under the RS zoning, the minimum frontage is 75 feet and they are at 70 feet. Water and sanitary sewer are available to serve the site, which is another indication that the area should be Suburban Residential.

The Chairman asked if there was anyone else present who wished to speak in favor of the request.

Mr. Light noted a letter received from Bob Kirby, Jr. with KP Development, Inc.. Mr. Kirby could not be present this evening, but met with Staff briefly yesterday. Mr. Light read the letter from Mr. Kirby (see Exhibit 1) requesting that the street connection be made according to their already approved plan. Mr. Kirby would like to discuss this further at the Committee Meeting.

Mr. Robert Walton, owner of 3213 Burlington Pike, stated that they no longer run livestock because of the residential areas around them and he does not want to keep farming. They want to sell the property and get on with their lives. He feels that the proposed plan is good and will be very attractive along KY 18. He asked for approval of the application.

There being no further comments in favor of the request, the Chairman asked if there was anyone present in opposition to the request or having questions.

Mr. Steve Dickman, 6135 Tasha Drive, Burlington, is not opposed to the development, but feels that something has to be done about the traffic on Burlington Pike. He believes there will be accidents at the entrance to this development on KY 18.

Mr. Allan Blackford, who lives to the west of the site on KY 18, questioned where the sewer will go when they develop the front part of this property – will it go through his back yard?

Sue Archambault, who lives across the street from the site, stated that the plan says 135 units and 3.5 units per acre, but then it says 2.7 units per acre. She would like to know which is correct and for it to be in writing. She questioned how binding the plan is and how many times it could be changed.

The Chairman asked if there was anyone else present who wished to speak in opposition. There being no response, he asked for comments and questions from the Commissioners.

Mr. McMillian questioned the required buffer if this site is rezoned, the one next to it is RSE, and the next property is Agricultural. Mr. Light reviewed the zoning in the area. Mr. McMillian commented that there are no regulations between the zones. Mr. Light agreed.

Mr. Zimmer asked if a traffic study was done. Mr. Jeff Friesz, 6117 West Fork Road in Cincinnati, responded that they did not do a traffic study. Mr. Zimmer questioned the build-out time. Mr. Friesz responded “probably four years”. Mr. Zimmer questioned the density. Mr. Brueggeman responded that it is 2.77 units per acre. Mr. Costello stated that they did not include the open space.

Mr. Zimmer asked if the lakes in front are retention or detention. Mr. Brueggeman responded that they are retention. Mr. Zimmer reviewed the plan and stated that the lake has “open space” written on it. Mr. Brueggeman stated that they will utilize the existing lake and construct an additional lake to the west and the access drive will go between the two. Mr. Zimmer questioned the use of the terminology “open space” and “cluster”. He stated that clustering can be used for the purpose of gaining open space, but he does not see that here. He sees a required detention facility built in the front labeled “open space” and two little open spaces in the back where the creek crossing is, and a lot of development. He questioned how the site is clustered to gain open space.

Mr. Brueggeman responded that they tried to provide a large area of open space in the front. They want a nice lake for good visual effect and are providing a second lake, which is why they labeled it “open space”. Their road is substantially back from KY 18 to provide an open area when driving in. They chose smaller lots and moved them to the rear to provide a larger area of open space up front. Mr. Zimmer questioned if they met with Staff in regard to the design. Mr. Brueggeman stated that they met with Staff in early June and brought a penciled in Concept Plan. He stated that Staff was pleased with the concept, but they did not talk about going to a cluster development where they build smaller houses and reduce lot width. Mr. Zimmer stated that this is a new concept of open space

development design. Mr. Costello and Mr. Zimmer discussed the potential for Staff to take a more pro-active position in promoting the open space design concept and meeting with developers to explain the concept. Mr. Zimmer questioned if there is an opportunity to work with this Concept Plan, if approved, to go to 2.7 units per acre and make that type of open space design scenario work out. Mr. Costello responded that if Mr. Zimmer is asking if we can work with the applicant to make a design that fits in better with the area, that is something the Committee can discuss. Mr. Zimmer stated that the property is rolling vistas of pasture land, but there are some tree lines and he is not sure how they fit in with the Concept Plan. He asked that this be explored in Committee.

Mr. Brueggeman stated that they have tried to take advantage of the vistas with their lot layout. Mr. Zimmer responded that the advantage of the vistas would be to the entire neighborhood, not just the lots almost up against it. He stated that there will be additional discussion about this in Committee.

The Chairman asked the applicant to respond to the question about the sewer line. Mr. Brueggeman stated that the sanitary sewer follows Allen's Fork Creek. They will tap into the sanitary sewer and come down the street and down an easement between the lots. The Chairman commented that they will not be near KY 18. Mr. Brueggeman responded "not at all".

The Chairman noted Ms. Archambault's question as to how "final" the final plan is. Counselor Wilson responded that conditions of the zone change agreed to in writing by the applicant are subject to the right of the applicant to come back and ask for a modification. That would involve another public hearing with notice and there would have to be justification for a modification.

Mr. White questioned Allen's Fork Creek. Mr. Brueggeman responded that it is a running creek that goes from northwest to southeast. Mr. White questioned how the water will flow to the detention lakes. Mr. Brueggeman indicated the existing lake and stated that they will design the water structures and detention basins to outlet to the existing swale. Detention in the two lakes will be sufficient for the entire site. All the water goes to Allen's Fork Creek. The storm sewer will be piped to Allen's Fork Creek. He stated that they will restrict the allowable release rate to accommodate the direct runoff. Mr. White stated that the southern part of the property does not look to be higher than the north side. Mr. Brueggeman indicated the portion of the property that will go directly to Allen's Fork Creek and stated that they will restrict the flow from the detention basins to account for the direct runoff into the creek. Mr. White asked if he was saying that the north portion of the property will go to the detention pond. Mr. Brueggeman responded "that is correct".

Mrs. Poston asked if the sidewalks will go all the way to KY 18. Mr. Brueggeman responded "yes". Mrs. Poston stated that she is concerned about

foot traffic being encouraged on KY 18. Mr. Brueggeman responded that if the Planning Commission does not want sidewalks going to KY 18, they will agree to that.

Mr. Zimmer asked if the applicant was saying that the southern portion of the property (south of the creek) will run off directly without inhibition. Mr. Brueggeman responded "correct". Mr. Zimmer asked if that was permitted. Mr. Light responded that it will have to be approved through the Preliminary and Improvement Plans. The Planning Commission's engineer, Greg Sketch, will look at it and will indicate how much they have to over detain to keep the property balanced at its current level. Mr. Zimmer asked if the flow rate is increased. Mr. Light responded that that would be part of Greg Sketch's review. Mr. Costello stated that post-development has to be equal to pre-development volume, but not rate. There is a formula for this and we will look at the entire site.

Mr. Zimmer stated that one of the issues of open space design is recreational opportunities, such as walking, hiking, biking, etc. and he does not see any of that. He will discuss this further in Committee.

Mr. McMillian questioned provisions for public transportation, such as a Park & Ride. Mr. Brueggeman responded that the subdivision is looped and there are several areas that could accommodate mass transit, but they have not provided any Park & Ride space. Most of the lots have two car garages. Mr. McMillian asked if their transportation system will be big enough to accommodate a bus turning around. Mr. Brueggeman responded that they will meet the Subdivision Regulations. Mr. Costello stated that there is a bus pull-off in the county parking lot but, with the Justice Center being built, there is a question as to whether it will be there in the future. Serving the area remains a concern. He stated that he has seen reciprocal agreements with the area churches and there are churches in Burlington where that could occur.

Mr. Hicks asked that the densities of Burlington Meadows, Arborwood, and Saddle Ridge be provided to the Committee.


Mr. Zimmer asked if the Subdivision Regulations take into account taking a school bus around a cul-de-sac. Mr. Light did not think so. Mr. Zimmer stated that we may need to look at the Subdivision Regulations and the applicant may want to talk about what cul-de-sac they want to have accommodate school buses in the development. Mr. Ries stated that in the City of Florence, there are fire regulations and school bus regulations for cul-de-sacs. Mr. Brueggeman believes the same regulations apply in the county. Mr. White stated that to accommodate a single bus, it has to be a 91-foot diameter. Mr. Zimmer stated that he does not think that matches the regulations.

Donna Bray, 330 Burlington Pike, is concerned about property values. She questioned the selling prices of the homes. Mr. Brueggeman responded "\$170,000 to \$190,000".

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on August 2, 2000 at 4 P.M. in the Fiscal Courtroom on the second floor. This item will be on the Agenda for the Business Meeting on August 16, 2000 at 7:30 P.M..

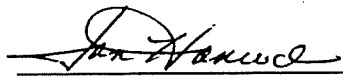
The Chairman closed this Public Hearing and called for a short recess.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibit 1 – Letter from Robert Kirby, Jr. dated July 26, 2000

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Committee Chairman

DATE: August 2, 2000

RE: Request of **CDS Associates, Inc. (applicant)** for **Robert L. Walton and Joy Lee Walton (owners)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 46.35 acre tract located 3213 Burlington Pike, Boone County, Kentucky. The request is for a subdivision to permit detached, 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.

W. Thomas Chaney, Chairman

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

Mark Hicks

Mark Hicks

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

Bob Newman

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

Earl White

Earl White

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

David Zimmer

David Zimmer

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

Bob Schwenke (Alternate)*

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

Lisa Wilson

Lisa Wilson (Alternate)*

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

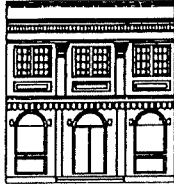
Don McMillian (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

TOTAL: - DEFERRED 4 FOR - AGAINST - ABSTAIN
 3 ABSENT

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

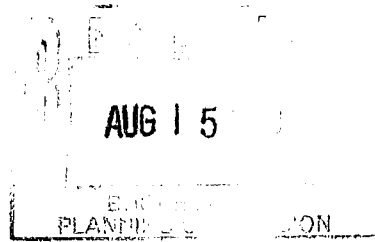
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

August 11, 2000



Mr. Mark Brueggemann
CDS Associates
240 Main Street
Florence, KY 41042

RE: Conditions of Approval for the request of **CDS Associates, Inc. (applicant)** for **Robert L. Walton and Joy Lee Walton (owners)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 46.35 acre tract located 3213 Burlington Pike, Boone County, Kentucky. The request is for a subdivision to permit detached, single family residences.

Dear Mr. Brueggemann:

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.

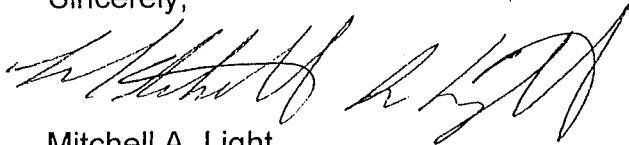
Conditions

1. The property owner agrees to a maximum of 130 dwelling units for this approximate 46.35 acre parcel (2.77 units per acre).
2. The property owner agrees to provide a commercial cul-de-sac, per Boone County Subdivision Regulation standards, for the southern terminus of Street "D" as shown on the submitted Concept Development Plan.
3. The property owner agrees to coordinate with KP Development on the location of the street connection between Burley Lakes and Arborwood (Fringe Drive).
4. The property owner agrees to orient the lots adjacent to the Burley Lakes/Arborwood connection (Fringe Drive) so that the homes within Burley Lakes will front on Street "D" and not the connector (Fringe Drive).

Mr. Mark Brueggemann
August 11, 2000
Page 2

5. The property owner agrees to provide a utility easement south to the Smith Property.
6. The property owner agrees to provide 4 foot concrete sidewalks on all streets within the subdivision and a 6 foot concrete sidewalk along the east side of the entrance road from KY 18 to the first building lot.
7. In addition to the two (2) retention ponds at the entrance of the subdivision along KY 18, the property owner agrees to provide storm water detention in the southern section of the subdivision that will detain 100% of the runoff from the southern section of the subdivision.

Sincerely,



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

MAL\pr

Agreement

We, Robert L. Walton and Joy Lee Walton, do hereby agree to the conditions of approval stated above for the Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 46.35 acre tract located 3213 Burlington Pike, Boone County, Kentucky.

Robert L. Walton 8/15/00
Mr. Robert L. Walton (owner) (date)

Joy Lee Walton 8/15/00
Ms. Joy Lee Walton (owner) (date)

DEED

Property Transfer Tax Paid Exempt
JERRY W. ROUSE, Clerk D.C. J.W.

BOOK 281 PAGE 184

KNOW ALL MEN BY THESE PRESENTS: That

Frank Maurer and Londa Lee Maurer, his wife,

for and in consideration of \$1.00 and other good and valuable considerations to them paid by Robert L. Walton and Joy Lee Walton, his wife,

(This transfer is exempt from transfer tax under K.R.S. 142.050 because it is a transfer between parent and child with only nominal considerations.)

the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said

Robert L. Walton and Joy Lee Walton, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky to-wit:

Grantee Mailing Address Belleview Road, Burlington, Kentucky Group No. 2029

Present Street Address Belleview Road, Burlington, Kentucky Plat No. _____

Lying and being in Boone County, Kentucky, about 1/4 mile West of Burlington, on the Burlington and Bellevue Turnpike Road and bounded thus: BEGINNING at Asa Cason's North West corner in said Turnpike road, thence with said Cason's line and a line of Noah Clore, S 2 1/2 W 41.73 chains to a stone, a corner with _____ Hughes, thence N 86 1/2 W 8 chains to a stone, thence N 9 1/2 W 40.65 chains to a stone in the old road, thence with the old road S 79 E 5.84 chains, N 70 1/2 E 5 chains, N 85-3/4 E 6 chains to the place of beginning, containing 49 acres and 25 poles of land.

THERE IS EXCEPTED OUT OF THE ABOVE DESCRIBED PROPERTY THE FOLLOWING PARCELS:

- ✓ A. A 1 acre tract conveyed to Ralph G. Maurer and Corinne Maurer by deed dated April 1, 1950, and recorded in Deed Book 95, Page 195 of the Boone County Court Clerk's records, at Burlington, Kentucky.
- ✓ B. A .75 acre tract conveyed to Robert L. Walton and Joy Lee Walton by deed dated April 4, 1961, and recorded in Deed Book 148, Page 102 of the Boone County Court Clerk's records, at Burlington, Kentucky.
- ✓ C. A .723 acre tract conveyed to Robert L. Walton and Joy Lee Walton by deed dated May 16, 1979, and recorded in Deed Book 260, Page 48 of the Boone County Court Clerk's records, at Burlington, Kentucky.

PER DEED ~ 46.53 AC

PVA ~ 47.537 AC

Being part of the same property conveyed to the Grantors by Arthur B. Maurer et al. by deed dated 6th day of November 1956 and recorded in deed book 126 page 34 in the office of the Clerk of the Boone County Court, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said Robert L. Walton and Joy Lee Walton, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

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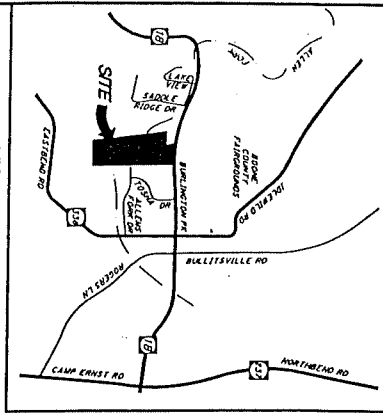
APPROVED

w/ Conditions - See Com mittee Report
 dated 8/16/2000

Staff *[Signature]*

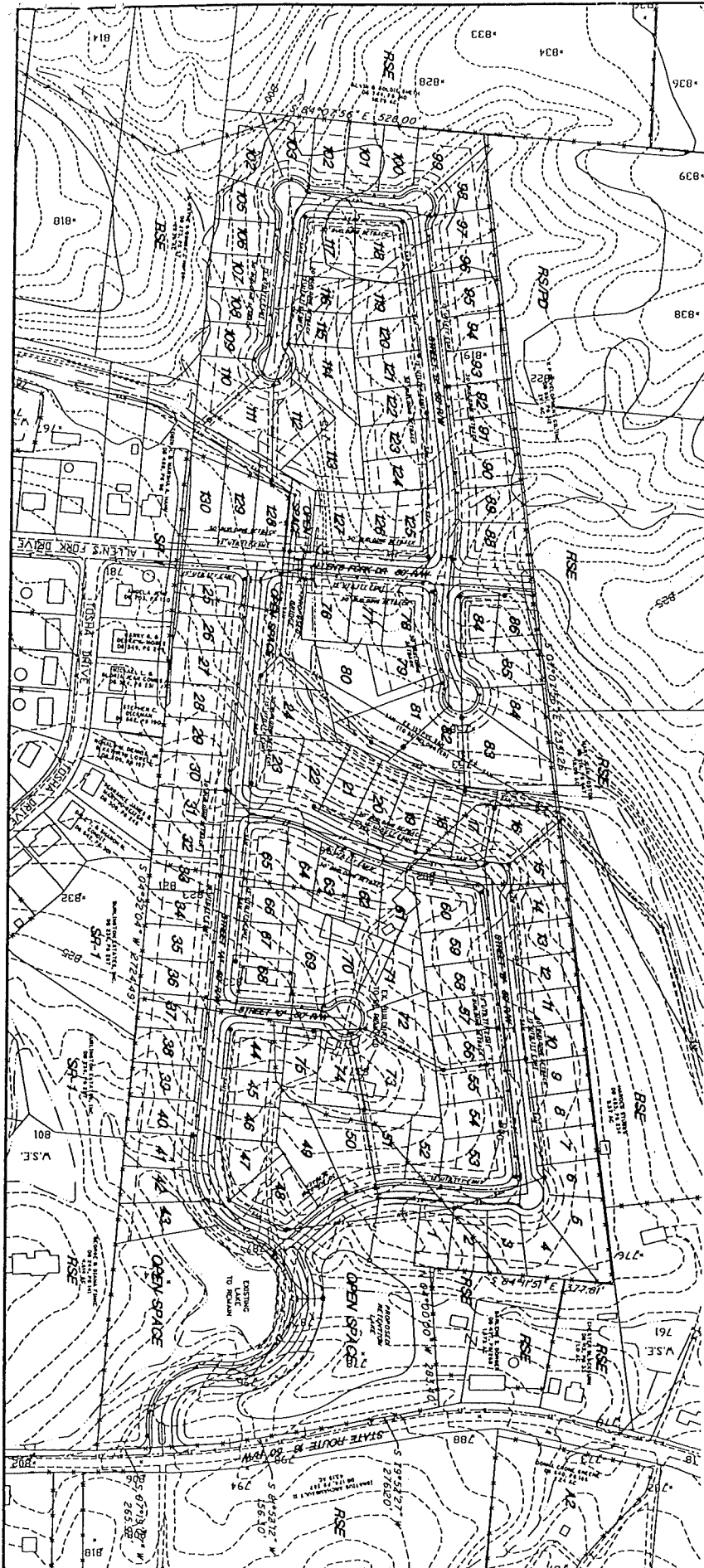
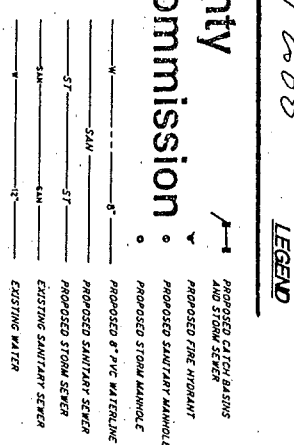
Date 8/16/2000

Boone County
 Planning Commission



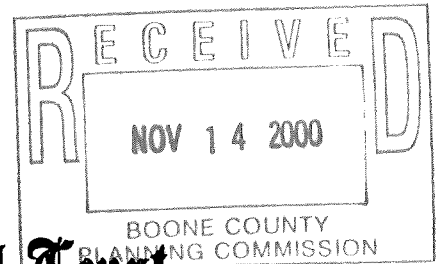
VICINITY MAP

- NOTES:**
- SUBJECT SITE IS NOT LOCATED IN A FLOOD ZONE. ZONE "C" PANEL NO. 20003 0040 & 9 20003 000 8
 - AREA TABULATION
 - AREA IN RIGHT OF WAY SHALL BE USED AS A SINGLE-FAMILY RESIDENTIAL LOT. TOTAL GROSS ACRES: 46.55 AC
 - TOTAL SITE GROSS DENSITY - 28 UNITS/ACROSS
 - THE BOONE COUNTY COMPREHENSIVE PLAN SHOULD BE SUBMITTED FOR REVIEW TO BE SUBMITTED RESIDENTIAL - 4 UNITS/ACROSS
 - CONCEPT ZONING OF SITE - RSE
 - PROPOSED ZONING OF SITE - SM-1
 - TELEPHONE ELECTRIC AND CABLE TO BE INSTALLED UNDERGROUND
 - ALL STREETS SHOWN AND LABELED HEREON WILL BE PUBLIC
 - SOIL TYPE: ROSSIGNOL-KESSUP ASSOCIATION, NEARLY LEVEL TO CLAYEY SUBSOIL, ON HIGHERS AND SLOPES OF THE OLIGATED UPLANDS
 - DEVELOPER: GET PRESSON ROAD CHINCINNATI, OH 45241
 - OWNER: ROBERT L. & JOY LEE WILTON 2323 BURLINGTON SHIP BURLINGTON, KY 41003
 - BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS FOR INFORMATION ONLY AND IS NOT BASED ON AN ACTUAL FIELD SURVEY.
 - SUBJECT SITE DOES NOT INCLUDE ANY KNOWN CONTAMINANTS.
 - PROPOSED SANITARY AND STORM SEWERS SUBJECT TO 20% CASHMENT, TO ON EACH SIDE OF THE PROPOSED STRUCTURES.



<p>CDPS CONSULTANTS 1000 COMMONWEALTH SUITE 100 CINCINNATI, OH 45202 (513) 763-1100</p>	<p>DATE: 7/10/00 DRAWN BY: J. H. HARRIS CHECKED BY: J. H. HARRIS</p>	<p>CONCEPT DEVELOPMENT PLAN BURLEY LAKES STATE ROUTE 18 BOONE COUNTY, KENTUCKY</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION			
	NO.	DATE	DESCRIPTION						
<p>PLAN</p>	<p>1" = 100' JULY 2000 DCR UBRU</p>	<p>20000293</p>	<p> </p>						

**Ordinance
Of
The Boone County Fiscal Court**



Ordinance No. 2000-27

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF CDS ASSOCIATES, INC. (APPLICANT) FOR ROBERT L. WALTON AND JOY LEE WALTON (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE (SR-1) ON AN APPROXIMATE 46.35 ACRE SITE LOCATED AT 3213 BURLINGTON PIKE, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-00-019.

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 Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) on an approximate 46.35 acre site located at 3213 Burlington Pike, 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 Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) on an approximate 46.35 acre site located at 3213 Burlington Pike, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates (RSE) zone is more particularly described in DEED BOOK 281; PAGE NO. 184 (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. 2000-27

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

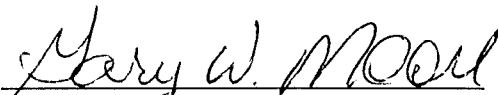
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B". In addition to the conditions set by the Boone County Planning Commission, the following conditions are also incorporated, as agreed to by the applicant: (1) a HomeOwners Association will be established to maintain the open space area; and (2) a pedestrian access, which shall be maintained by the HomeOwners Association, will be provided from the end of the cul-de-sac for Street D to the proposed extension of Allens Fork Drive.

SECTION III

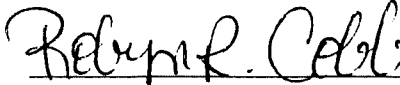
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

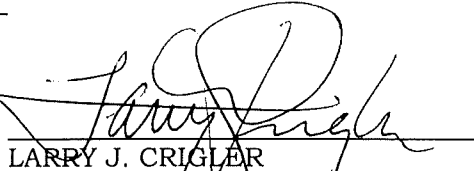
Introduced and given First Reading on the 19th day of September, 2000.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 24th day of October, 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 J. CRIGLER
BOONE COUNTY ATTORNEY

11-2-00
DATE PUBLISHED