

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 Sanctuary Place Addition
- 2. Location of Project North of Southpark Dr & South of Tanner Rd, adjacent to Sanctuary Place.
- 3. Total Acreage of Site 3.51 ac.
- 4. Current Zoning of Site SR-1
- 5. Proposed Zoning (Classification being requested) UR-1
- 6. Proposed Uses (please specify each use) 42 apartment units with related service utilities and parking, including 5 garage units
- 7. Names of Applicant(s) HAD Enterprises CONTACT - Mike Schoettelkotte @ DREES Co
Phone Number (859) 578-4261 Fax No. (859) 578-4284
- 8. Address of Applicant(s) 211 Grandview Dr
Ft Mitchell Ky 41017
City State Zip
- 9. Name of Property Owner(s) Robert W. Brown
Phone Number (859) 586-6588 Fax No. —
- 10. Address of Property Owner(s) 1860 Tanner Rd.
Hebron Ky 41048
City State Zip
- 11. Proposed Building Intensities (please specify) Total Sanctuary Place with 42 unit addition - 8.53 units/ac. Addition area only - 12 units/ac.
- 12. Are there any existing buildings on the site? No
How many? NA
- 13. Deed Book 354 Page No. 298 Group No. 2008
- 14. Are you also applying for:
 Conditional Use Permit
 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 **HAD Enterprises (applicant)** for **Robert W. Brown (owner)** to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 3.5 acre tract located approximately 1,600 feet east of North Bend Road, northeast of South Park Drive, and south of Tanner Road, Boone County, Kentucky. The request is for a zone change to allow apartments.

January 3, 2001

REQUEST

The request is for a zone change from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 3.51 acre site. The proposed parcel is to connect to the Sanctuary Place Apartment site and is to contain 42 apartment units.

The applicant's submitted Concept Development Plan shows that the 3.51 acre tract will be conveyed off of a 10.533 acre parcel that is owned by Robert Brown. The portion of Mr. Brown's property that abuts Tanner Road is not part of this request and will remain as a Rural Suburban Estates (RSE) zoning district. As a result, there is no proposed access to the apartment complex from Tanner Road. The Concept Development Plan also shows that there will be 4 apartment buildings, a 5 unit garage, and 84 parking stalls.

The development is proposed to have an overall density of 12 units per acre based on a total of 42 units on 3.51 acres. However, if the project is combined with the approved section of Sanctuary Place the overall density decreases to 8.53 units per acre. This figure is based on 250 units on 29.3 acres of land.

All roads in the development are proposed to be private driveways. The main driveway largely runs in a north/south manner and connects to South Park Drive. Public water and sanitary sewer are proposed for the development.

SITE CHARACTERISTICS

The majority of the site has rolling topography and is covered by mature deciduous trees. The western tip of the property drops off severely but there are no proposed improvements in this part of the site. Water and sanitary sewer service already exist along South Park Drive and within the first phase of Sanctuary Place.

SITE HISTORY

The subject site has been zoned Suburban Residential One (SR-1) since 1980.

In 1988, the adjoining 201.57 acre South Park site was part of a Zoning Map Amendment Request. This request was for a zone change from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1).

In August, 2000, a Site Plan was approved for the 25.79 acre site that was rezoned to Urban Residential One (UR-1). Construction has begun on the 208 units that were approved.

ADJACENT LAND USES AND ZONING

North: Single-Family Residential (RSE & SR-1)
South: Sanctuary Place Apartments (UR-1)
East: Single-Family Residential (SR-1)
West: Sanctuary Place Apartments (UR-1)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's 2020 Land Use Plan (the "Future Land Use Map") designates the majority of the site for "Suburban Residential" and "Developmentally Sensitive" uses. The "Suburban Residential" classification is described by the Land Use Element as "single family housing of up to 4 units per acre." The "Developmentally Sensitive" classification is described as "areas that have an existing slope of twenty percent or greater for a height of twenty meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or natural features that are important to a site's stability and visual character. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project."

The Land Use Element (Area C-2: Hebron Area) provides the following statements that relate to the general area and site.

- A. "Some business park development is appropriate adjacent to the SouthPark project and I-275, with access provided by the extension of SouthPark Boulevard. Again, this development must be carefully planned to avoid negative impacts to Developmentally Sensitive hillsides near Elijah Creek."

- B. "The SouthPark project should represent the northern-most of industrial uses on North Bend Road."
- C. "The Elijah's Creek valley should remain in its current state to serve as a greenbelt that visually separates industrial development from future residential uses east of the valley."

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 210).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate ("Buffering," pg. 210).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pp. 210 and 211).

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and traffic patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way ("Access Management," pg. 211).
- E. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network. Hierarchical system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should be connected by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pg. 211).
- F. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 211).

The Housing Element provides the following comments that relate to the proposal.

- A. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. These developments should be designed to offer the shortest trips to the most people ("Housing Types," p. 102).
- B. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing.

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. 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).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve 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).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. 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).
- G. 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).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- I. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- J. Housing opportunities in Boone County shall be balanced against present and planned commercial, industrial and primary and secondary bases ("Housing," Objective 4).

- K. 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).
- L. 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).
- M. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated ("Housing," Objective 9).
- N. Mixed use, higher density neighborhoods shall be encouraged to locate at proposed mass transit stations near commercial districts and public facilities (i.e. parks) and also have convenient access to major streets and highways ("Housing," Objective 10).
- O. Clustering (increasing net density while not altering overall gross usable density) shall be promoted by appropriate incentives in order to preserve green space, scenic views, other identified significant site features, and land for public facilities or recreation. The usability of green space must be carefully reviewed, and the provision of green space shall not in itself guarantee an increase of density. Clustered housing, or Open Space Subdivisions shall be permitted not only in planned developments, but in appropriately designed subdivisions under conventional zoning ("Housing," Objective 12).
- P. 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).
- Q. Mixed use, higher density neighborhoods shall be designed to accommodate safe pedestrian access to mass transit, access to major streets and highways, public facilities, and parks ("Transportation," 1st Goal, Objective 9).

- R. Transportation opportunities for pedestrians and bicyclists shall be provided by the development of a network of sidewalks, pathways and roadway lanes ("Transportation," 1st Goal, Objective 10).
- S. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial streets. Existing connector streets shall be improved where needed ("Transportation," 2nd Goal, Objective 2).
- T. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

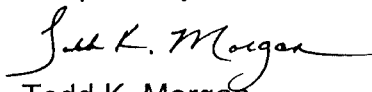
STAFF COMMENTS

1. Lisa Gatwood, Manager of Planning for TANK, has indicated that there is limited bus service to South Park. This service could be enhanced if ridership increases.
2. Since the application was submitted, the Kentucky Transportation Cabinet has started construction on a traffic signal at the KY 237/South Park Drive intersection.
3. Staff is concerned that there is only one access point into the proposed development. However, Staff is not in favor of any connection to Tanner Road.
4. The Planning Services Division has begun to draft the 2000 Boone County Comprehensive Plan. The draft Future Land Use Map designates the parcel in question for "Urban Density" uses. The "Urban Density" classification is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre." The Planning Services Division has recommended this designation due to the existence of the Sanctuary Place Apartments. The undeveloped piece of the parcel, which is in closer proximity to Elijah Creek, is still shown as "Developmentally Sensitive" due to the hillsides and abundant number of trees.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

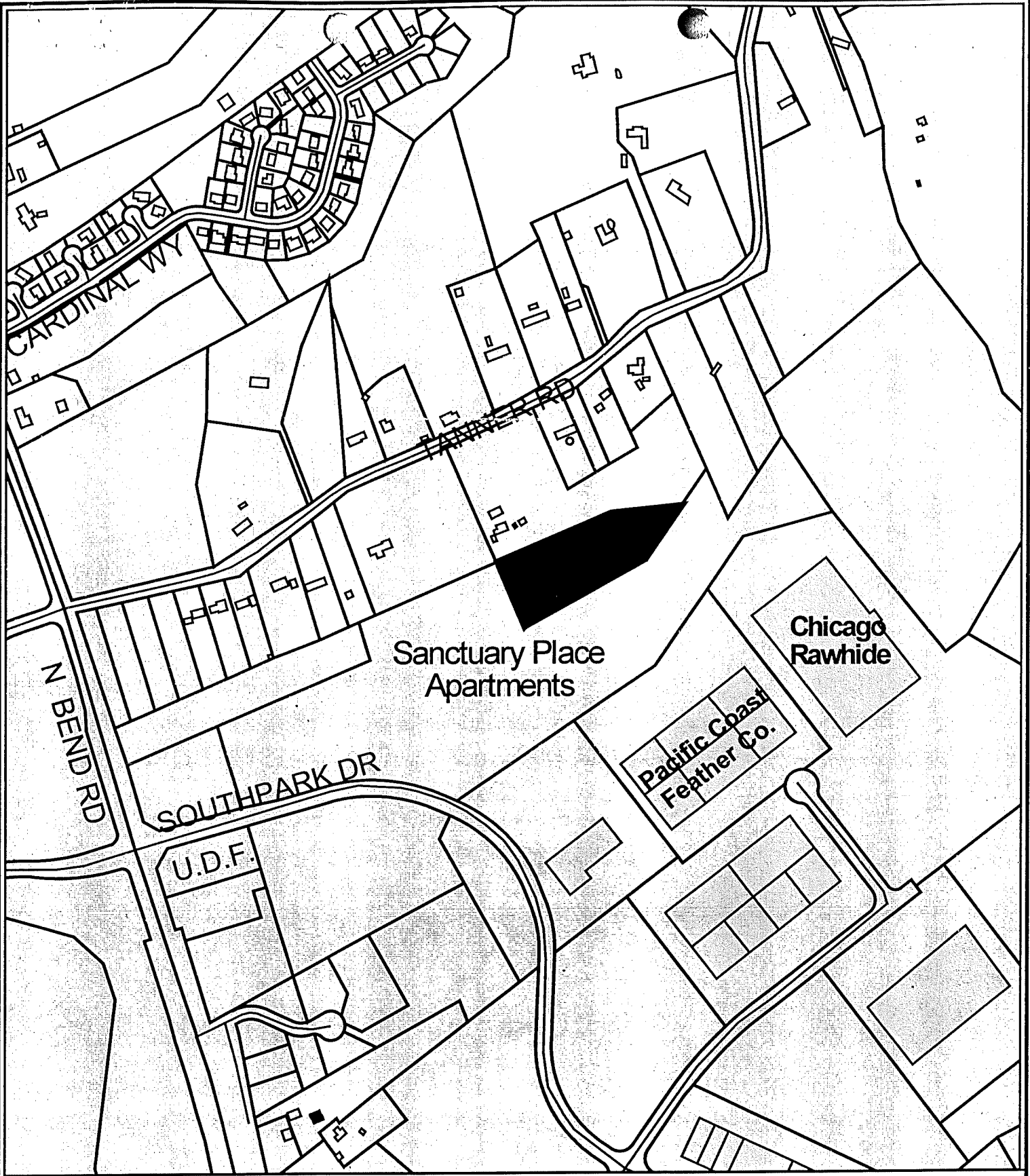
Respectfully submitted,



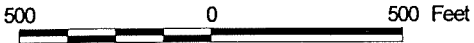
Todd K. Morgan
Planner, Zoning Services

attachments:

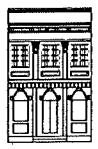
- Site Vicinity Map
- Concept Plans
- Topographical Map
- Zoning Map
- Future Land Use Map
- Draft Future Land Use Map
- 1988 Committee Report
- Letter From the Applicant



Sanctuary Place Addition
Site Vicinity Map



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 19, 2000



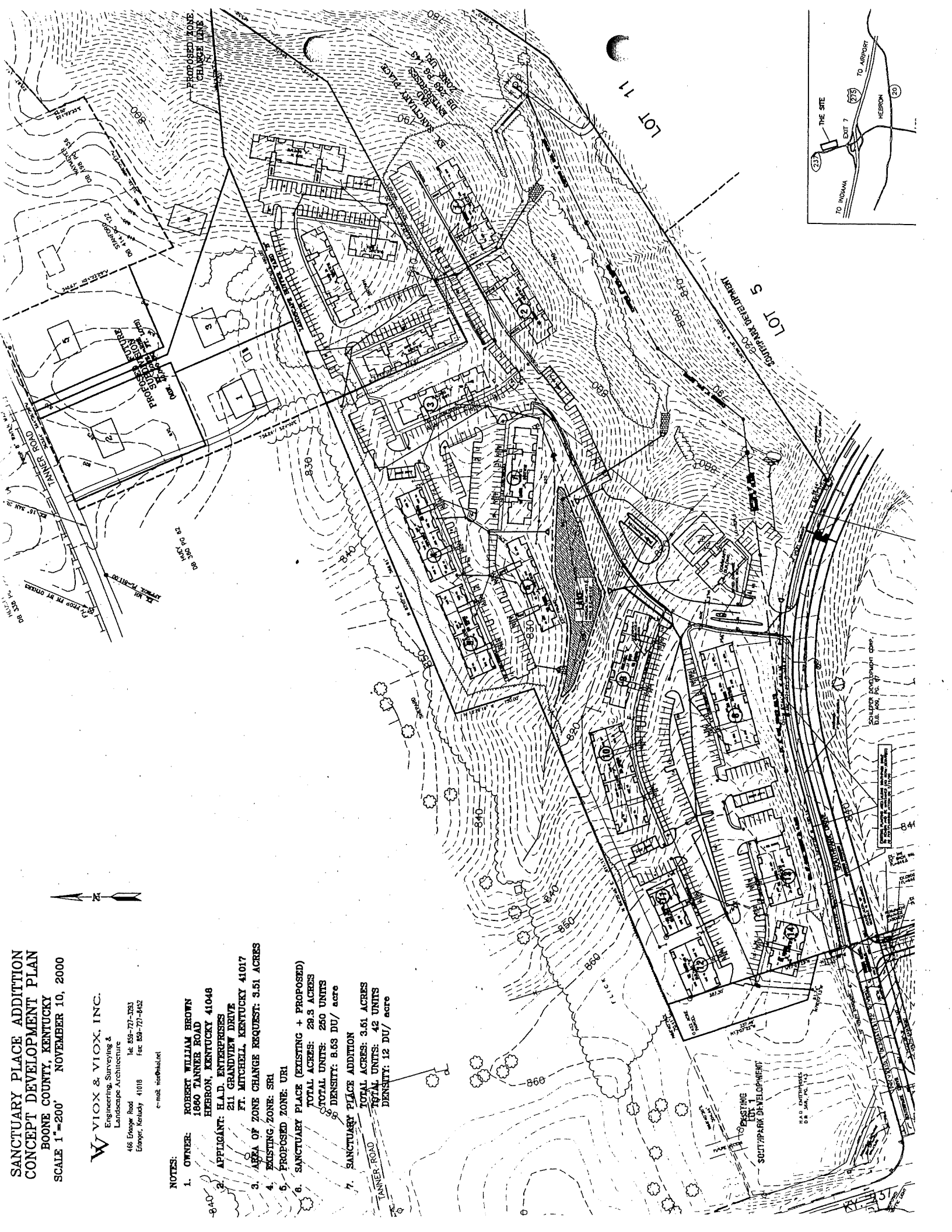
**SANCTUARY PLACE ADDITION
CONCEPT DEVELOPMENT PLAN**
BOONE COUNTY, KENTUCKY
SCALE 1"=200' NOVEMBER 10, 2000

W VIOX & VIOX, INC.

Engineering, Surveying &
Landscape Architecture
466 Engers Road Tel. 558-777-3383
Engers, Kentucky 41018 Fax 558-777-4462
e-mail: wviox@aol.net

NOTES:

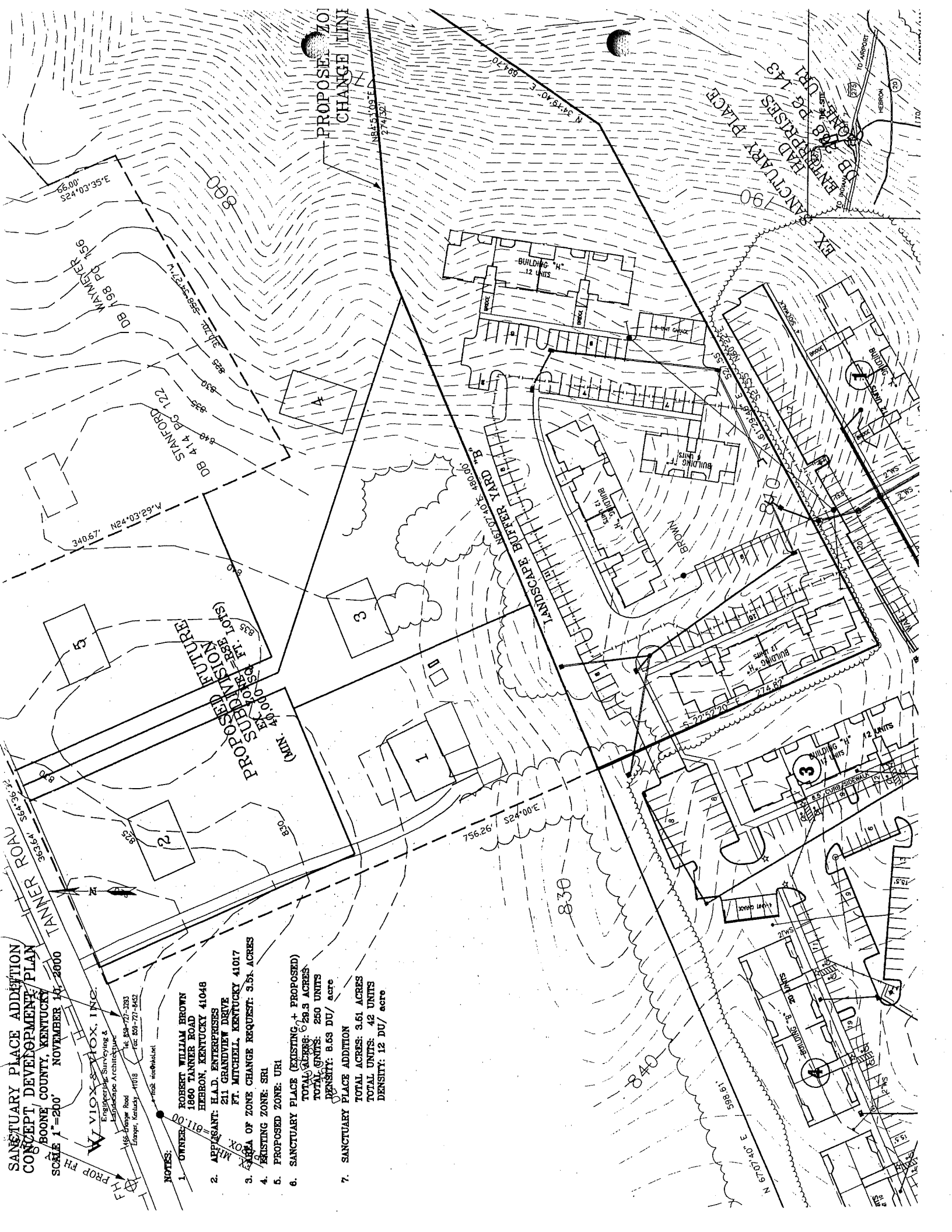
1. OWNER: ROBERT WILLIAM BROWN
1860 TANNER ROAD
HEBRON, KENTUCKY 41048
2. APPLICANT: H.A.D. ENTERPRISES
211 GRANDVIEW DRIVE
FT. MITCHELL, KENTUCKY 41017
3. AREA OF ZONE CHANGE REQUEST: 3.51 ACRES
4. EXISTING ZONE: SRI
5. PROPOSED ZONE: URI
6. SANCTUARY PLACE (EXISTING + PROPOSED)
TOTAL ACRES: 28.8 ACRES
TOTAL UNITS: 250 UNITS
DENSITY: 8.63 DU/ acre
7. SANCTUARY PLACE ADDITION
TOTAL ACRES: 3.51 ACRES
TOTAL UNITS: 42 UNITS
DENSITY: 12 DU/ acre

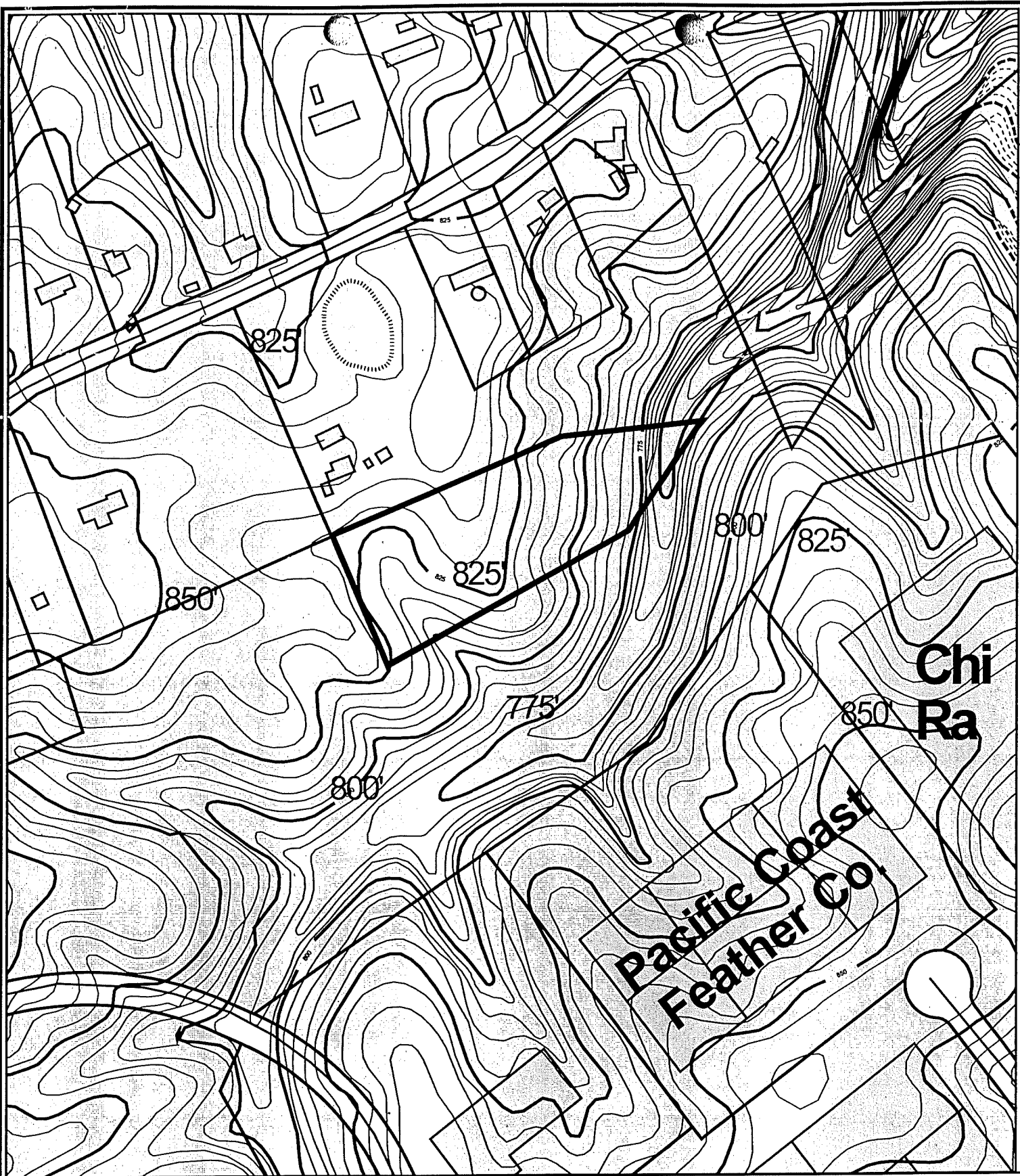


**SANCTUARY PLACE ADDITION
CONCEPT DEVELOPMENT PLAN**
BOONE COUNTY, KENTUCKY
NOVEMBER 14, 2000

W VLOX & MOX, INC.
Engineering, Surveying &
Landscape Architecture
1565 Change Road
Ellettsville, Kentucky 40118
Tel: 834-777-2323
Fax: 834-727-8452
www.vlox.com

- NOTES:
1. OWNER: ROBERT WILLIAM BROWN
1860 TANNER ROAD
HEBRON, KENTUCKY 41048
 2. APPLICANT: H.A.D. ENTERPRISES
211 GRANDVIEW DRIVE
FT. MITCHELL, KENTUCKY 41017
 3. AREA OF ZONE CHANGE REQUEST: 3.81 ACRES
 4. EXISTING ZONE: SRI
 5. PROPOSED ZONE: UR1
 6. SANCTUARY PLACE (EXISTING + PROPOSED)
TOTAL ACRES: 629.8 ACRES
TOTAL UNITS: 250 UNITS
DENSITY: 8.63 DU/ acre
 7. SANCTUARY PLACE ADDITION
TOTAL ACRES: 3.61 ACRES
TOTAL UNITS: 42 UNITS
DENSITY: 12 DU/ acre





Sanctuary Place Addition Topographical Map

250 0 250 Feet

1 inch equals 250 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 19, 2000



GENERAL NOTES

- ALL TRIM AT CORNERS OF BUILDINGS TO BE PAINTED.
- ALL TRIM AT BEAR OF BUILDING TO BE ALUMINUM WRAPPED EXCEPT FOR VMC CORNERS
- PROVIDE OUTLETS AND DOWNSPOUTS TO DRAIN TO STORM WATER DRAIN SYSTEM OR NATURAL SLOPE.
- PROVIDE MULAR FLASHING AT BRICK LEDGES AND KEEP HOLES AT 4" O.C.
- PROVIDE BRICK WALLS (10.0x47/8) CALUMINIZED EVERY 6th COURSE (1/4")
- PROVIDE BRICK FLASHING ABOVE ALL WINDOWS, DOORS, PROJECTIONS, AND AT ALL PENETRATIONS AND INTERSECTIONS AS REQUIRED.
- PROVIDE 1/4" BUILDING PAPER ON EXTERIOR SIDE OF EXTERIOR SHEATHING, INCLUDING BRICK VENEER AREAS.
- SEE SHEET #4 FOR ADDITIONAL ROOF VENT REQUIREMENTS

MATERIAL KEYING LEGEND

XXXXXX -

04210A	- BRICK VENEER
04202A	- STONE VENEER
05110A	- 1/4"
05110B	- 1/2"
05110C	- 3/4"
05110D	- 1x10
05110E	- 1x12
05110F	- 1x12 UNFINISHED
07310A	- FIBERGLASS SHINGLES
07460B	- VENT SODING
07460C	- VERTICAL HARBORBOARD SIDING
07510B	- VENT CORNER TRIM
07510C	- F HARBORBOARD LAP SIDING
07510D	- 2" ROUND VENT VENTILATING LAYER

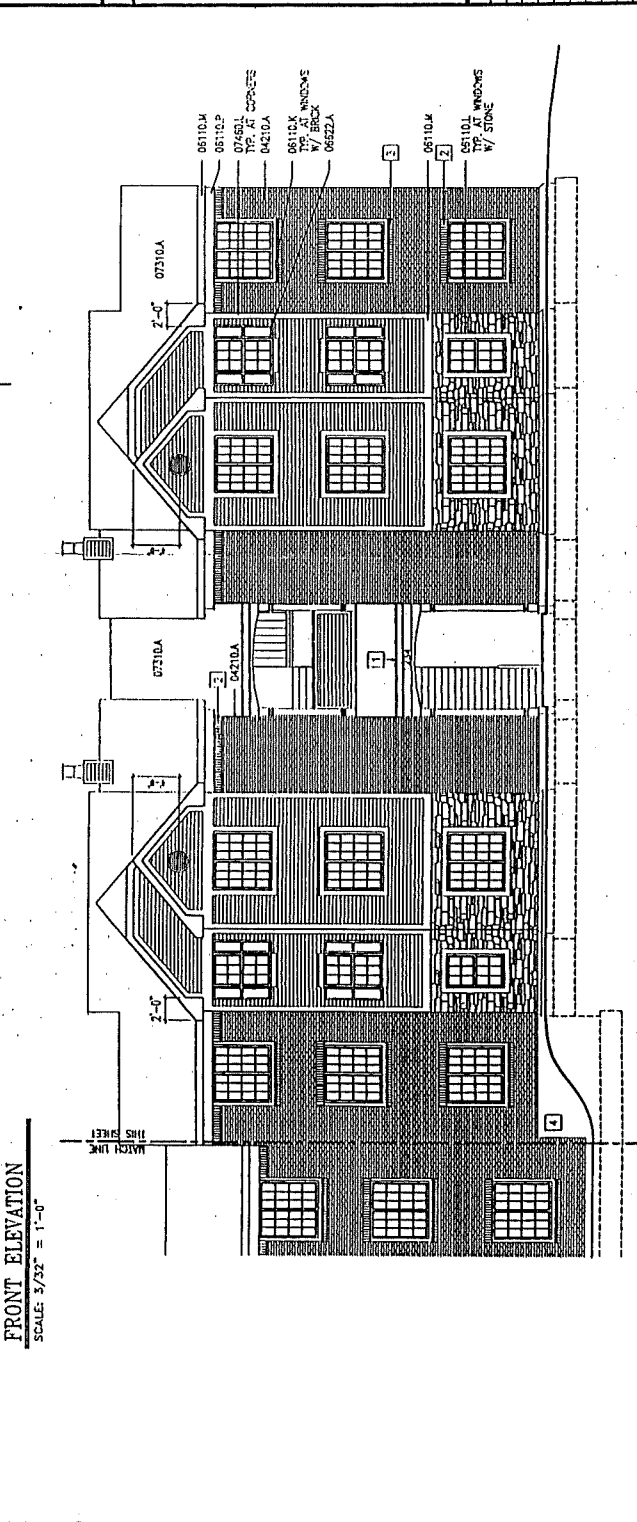
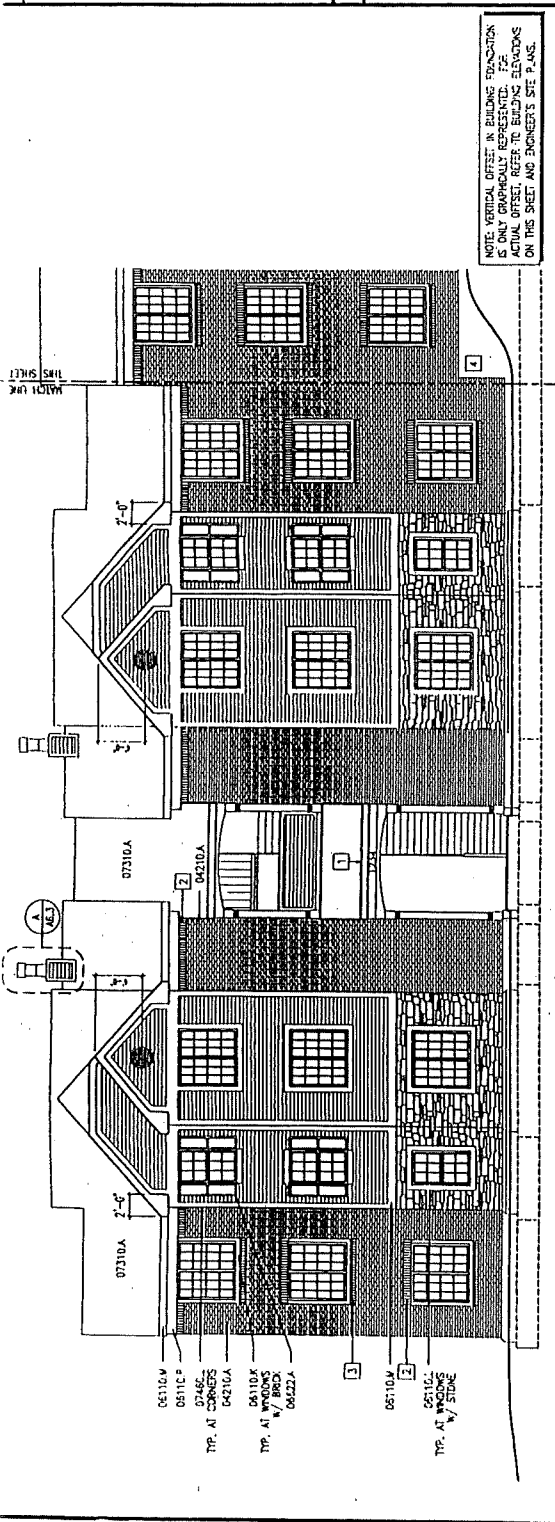
KEY NOTES

1	BUILDING ADDRESS NUMBER
2	BRICK SOLIDER COURSE
3	BRICK SILL
4	FOUNDATION STEP
5	
6	
7	
8	
9	
10	
11	
12	

DATE:	REVISION:	DATE:	REVISION:

DRAWN BY: BRON CLAYPOOL
 DRAWN FOR: DREES
 PHONE F: 572-4374
 JOB F: SPA-107
 DATE: 07/14/00
 Blg-43-SPA107-108.dwg 09/29/00 49x452 mm ST

SHEET NO: A6.1



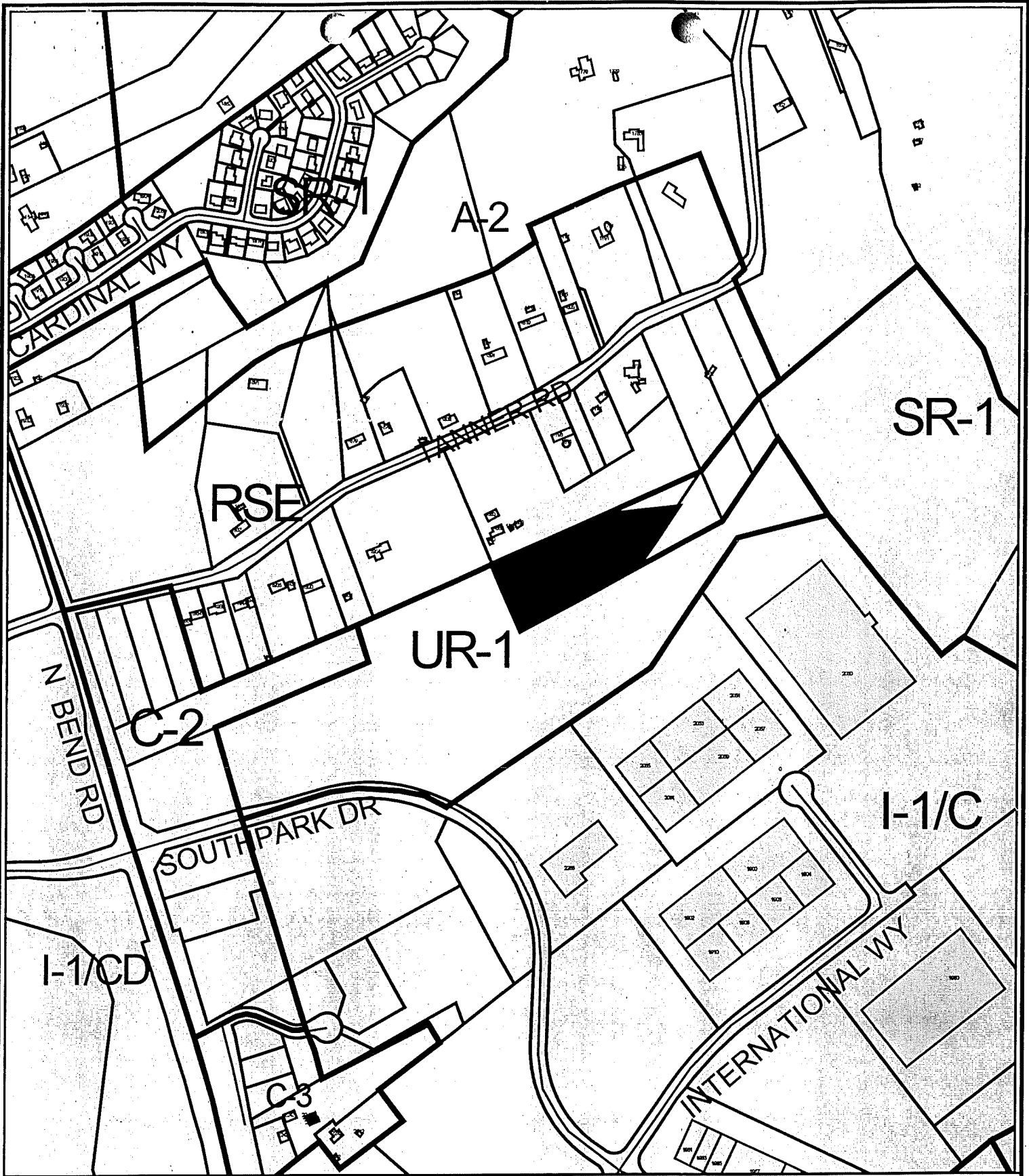
FRONT ELEVATION
 SCALE: 3/32" = 1'-0"

Drees
 211 Consider Bldg. For Mch'd. Security 4107 Ph(606) 278-4300
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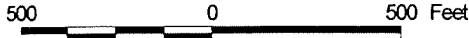
PERMIT SET
 DATE: 07/14/00
 BY: DREES

PROJECT/LOCATION:
 BUILDING "H"
 SANCTUARY PLACE APARTMENTS
 HERRON
 BOONE COUNTY, KENTUCKY

SHEET DESCRIPTION:
 FRONT ELEVATION
 (5) STORY APARTMENT BLDG.
 ENTRY LOWER LEVEL



Sanctuary Place Addition
Zoning Map



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 19, 2000



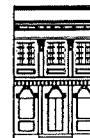


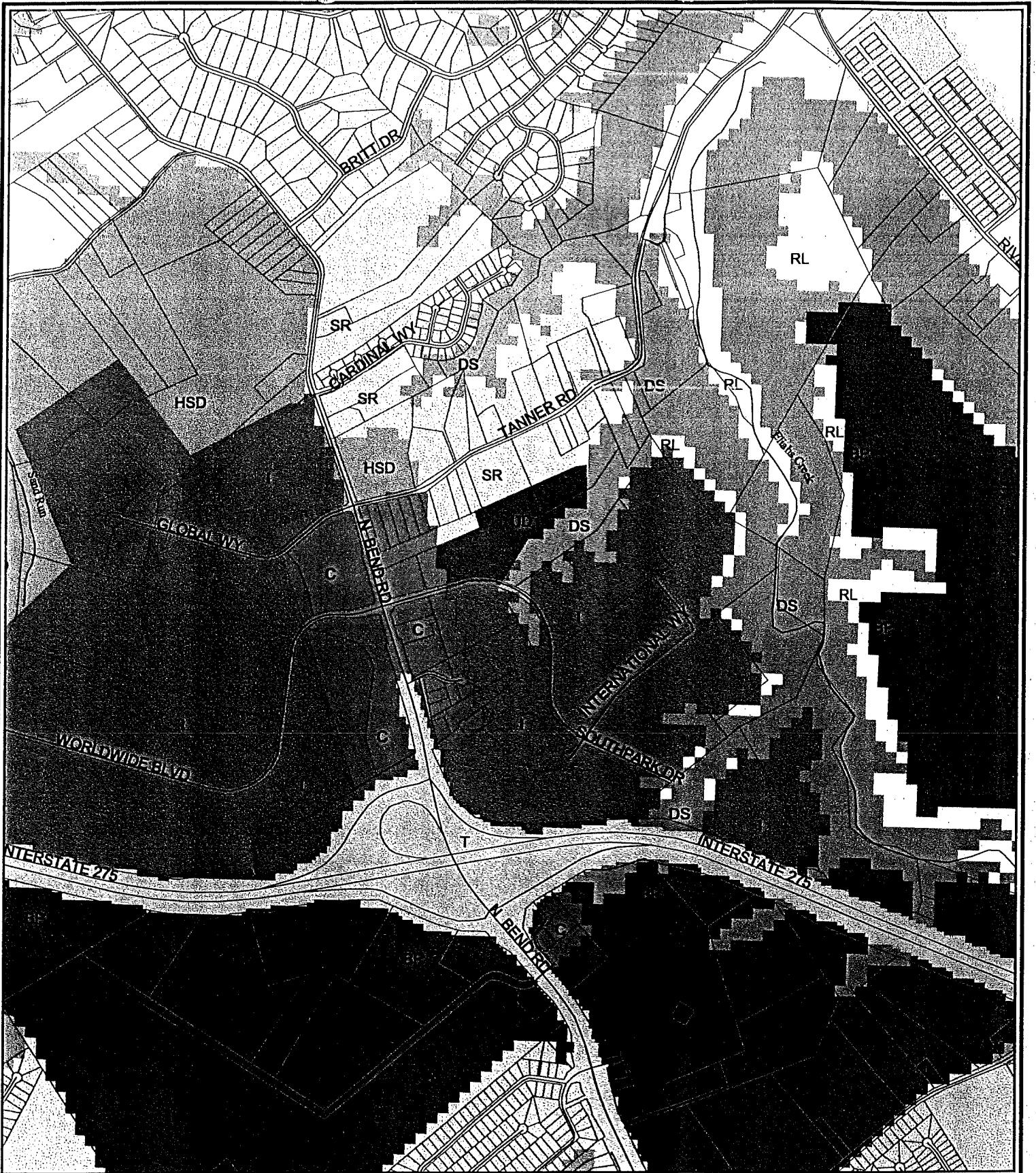
Sanctuary Place Addition
 Future Land Use Map

500 0 500 Feet



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 19, 2000





1200 0 1200 Feet

Draft 2025 Land Use

1 inch equals 1200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 20, 2000



COMMITTEE REPORT

1

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

DATE: August 17, 1988

RE: Request of GBBN Architects (applicant) for H. Gordon Martin and H.A.D. Enterprises (owner) for a Zoning Map Amendment for a 201.57 acre site located on the east side of North Bend Road and north of I-275, Boone County, Kentucky. The request is to rezone the site from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1).

REMARKS:

We, the Committee, recommend approval of the zoning map amendment request based upon the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. Although the Boone County Comprehensive Plan's Future Land Use Map depicts the site as future commercial, medium density residential, rural lands, and developmentally sensitive, the applicant has sufficiently shown that the request is consistent with several recommendations of the Plan. Specifically, the Business Activity Element recommends that high-tech industry and airport related services be encouraged at I-275 interchanges and the Land Use Element recommends that light industrial or highway commercial occur only within a few hundred feet north of I-275. The Committee believes that the submitted Concept Development Plan, as further clarified by conditions in this report, does respect the overall residential character with some commercial activity recommended by the Land Use Element for the area north of the I-275 and KY 237 interchange by locating industrial uses near the interstate and utilizing natural topography to provide a transition into existing and proposed residential uses.
2. The applicant has sufficiently demonstrated that the existing zoning classifications of Commercial Services (C-3) and Suburban Residential One (SR-1) are inappropriate to enable coordinated development of the two land parcels that comprise the site, because of road access and zoning boundary configurations. The applicant has shown that the proposed zoning classifications of Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1) are appropriate through the submitted Concept Development Plan because they

allow uses that have been arranged to accommodate the natural features and access considerations of the 201.57 acre site. The Committee believes that the request, as represented on the submitted Concept Development Plan, provides a framework for future coordinated development of the overall I-275 and KY 237 interchange area, and provides an industrial park location near the airport that respects the residential growth of northern Boone County by its topographical isolation and layout.

CONDITIONS

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the August 3, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. A 60 foot right-of-way shall be dedicated to Boone County Fiscal Court at Lot R, Final Plat review for the future road extension shown at the end of SouthPark Drive. The developer shall grade the future roadway and drainage features at Improvement Plan stage when SouthPark Drive and the cross street are constructed. The right-of-way shall be sufficiently seeded and maintained by the developer until any road construction occurs.
2. The re-alignment of SouthPark Drive through the Poston property in the future shall in itself constitute a minor change to the approved Concept Development Plan. Should this occur, however, the number of driveways directly entering SouthPark Drive from this 201.57 acre site shall not be increased.
3. The location of SouthPark Drive at KY 237 shall be approximately 30 feet north of the existing residential driveway and shall be designed at Improvement Plan stage to maximize sight distance. Full left-turn lanes and a northbound 100 foot deceleration lane with a 100 foot taper will be provided on KY 237 for the entrance, as well as a 60 foot turning radius entering the development from this lane. The developer shall construct an additional travel lane on KY 237 from the end of the divided roadway at I-275 northward to SouthPark Drive. All truck traffic shall be directed by signage to exit the development, toward I-275. The entrance of SouthPark Drive shall include a low-level landscaped median to coordinate with the left turn lanes.
4. Access to the norther commercial area and the apartment development shall include a left-turn lane on SouthPark Drive. Access to the apartment development and Lot A shall coordinate across from each other.

- =====
5. The proposed apartment development shall include a 6 foot landscaped berm within the required 15 foot buffer area to the north. Landscaped berms shall be provided along SouthPark Drive whenever industrial buildings or the apartment development adjoin SouthPark Drive in addition to landscaping or existing vegetation along the entire length of SouthPark Drive. Screening for Lots E, L, N, and Q along I-275 shall include landscaped berms, and shall have all utility equipment placed on the ground or screened from public view by roof parapets. The overall development shall preserve wherever possible natural features and vegetation of the site. At Improvement Plan and Site Plan stages, detailed existing and proposed topography is known, additional extent of the undisturbed developmentally sensitive area on Lots D and T may be required. This may include not only areas over 20 percent slope, but areas of significant vegetation or drainage features. The location of the proposed sanitary treatment plant shall be carefully reviewed when specific plans are submitted. Detailed erosion control shall be included with all plan submittals for the 201.57 acre site.
 6. The developer shall coordinate in the future with the Boone County Sanitary Sewer Master Plan now being prepared. The developer shall also work with the Hebron Fire District to ensure adequate fire protection.
 7. No pole-mounted signage shall be included within the development.

Carol Smith, Chairwoman

Larry Barnett

Fred Burch

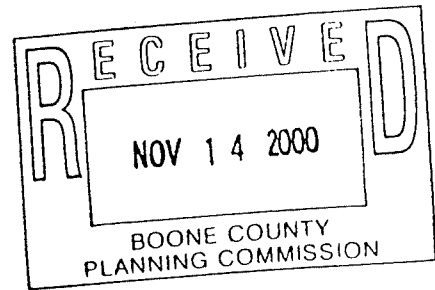
Rector Jones

Donald McMillian

CS:jdh



The way better homes are built.SM



November 14, 2000

Boone County Planning Commission
2995 Washington Street
Burlington KY 41005

Re: Zoning Map Amendment Addition to Sanctuary Place

Dear Planning Commissioners:

On behalf of HAD Enterprises, I am submitting this letter with the required Application, Concept Development Plan and fees for the processing, review and recommendation of a zone change for an addition to the Sanctuary Place Apartment Community.

HAD Enterprises has contracted to purchase approximately 10.5 acres of property owned by Mr. Robert Brown, which fronts Tanners Road on the north and abuts existing Sanctuary Place on the south. Our request is to rezone approximately 3.5 acres of the property from existing SR-1 to UR-1. The balance of the site (+ 7 acres) would remain zoned RSE and SR-1, with the future plan to subdivide said acreage into 5 single-family lots.

The submitted Concept Development Plan illustrates our intent for development of the 3.5 acres as an addition to Sanctuary Place, currently under construction. The plan shows the addition of 42 units in 4 buildings; a fifth building is proposed for use as residents' garages. Plan details include utility, parking and walkway layout, as well as required landscape buffer areas. All buildings are 3 story and of the same architectural design as the buildings currently under construction in existing Sanctuary Place.

The estimated monthly rental of the additional 42 units will be within the same range as existing Sanctuary Place, \$775.00 to \$970.00. These residential units will have between 1228 and 1380 square feet of living area. Enclosed garages will be available for an additional monthly fee.

This addition of the 42 units on 3.5 acres to existing Sanctuary Place will increase the total units to 250 on a site of 29.3 acres, resulting in a density of use of 8.53 units/acre, well within the requirements of the UR-1 zone. The Concept Plan identifies that all proposed new development, including utilities and road access, will be internal extensions from the existing Sanctuary Place.

The text of the 1995 Boone County Comprehensive Plan identifies various commercial and industrial uses in the Hebron area near the I-275/SR237 interchange, specifically mentioning the South Park project adjacent to existing Sanctuary Place. The land use concept discussion in the Comprehensive Plan for the area north of the interchange recommends the selective use of "High Suburban Residential" as a transitional use between business park activities and the nearby "Suburban Residential" densities. The 1995 Land Use Plan element, however, failed to recognize the reality of such a concept on the HAD Enterprises property where a zone change to UR-1 for development of Sanctuary Place Apartments was approved in 1988. The 1995 Land Use Plan indicates proposed use of the site as a combination of "Commercial", "Industrial", "Suburban Residential" and "Developmentally Sensitive" categories.


The bases for our request for zone change for the 3.5 acre site from SR-1 to UR-1 are as follows:

1. The proposed zone change provides for the transitional use of higher density residential separating industrial and lower density residential uses, consistent with the land use concept recommendations of the Comprehensive Plan (Pg. 218).
2. The proposed zoning classification of UR-1 is appropriate since it represents an extension of an existing zone and use consistent with the concept recommendation of the Comprehensive Plan as stated in #1 above.
3. The development of existing Sanctuary Place Apartment Community represents a major change of a physical nature not anticipated in the 1995 Comprehensive Plan, the nature of which has substantially altered the land use character of the area under consideration.

On behalf of HAD Enterprises, I thank the Commission and staff for their thoughtful review and consideration of our proposal.

Sincerely,

HAD Enterprises



Ralph A. Drees, Partner

cc: Viox & Viox Engineers
Jim Huff, HAD Enterprises
Mark Arnzen, HAD Enterprises

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
January 3, 2001
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Caddell – Chairman, Mr. Chaney - Vice Chairman, Mr. Hicks, Mr. Knock, Mr. McMillian, Mr. Newman, 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; and Mr. Todd Morgan, Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:40 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the item on the Agenda:

1. **Applicant:** HAD Enterprises for
 Robert W. Brown (owner)

Request: Zoning Map Amendment

The request of HAD Enterprises (applicant) for Robert W. Brown (owner) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 3.5 acre area located approximately 1,600 feet east of North Bend Road and northeast of South Park Drive and south of Tanner Road, Boone County, Kentucky. The request is for a zone change to allow apartments.

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

 The Chairman asked for the applicant's presentation.

 Mr. Mike Schottelkotte with The Drees Company, representing HAD Enterprises (a partnership of Jim Huff, Mark Aaronson, and Ralph Drees), stated

that The Drees Company is the project manager for the site development of the HAD Enterprises property and will be the property manager for the apartments. He stated that Jim Viox is the design engineer for the existing Sanctuary Place and for the addition to the apartment community. Mr. Schottelkotte stated that the Staff presentation was thorough. He stated that the zone change was granted in 1988 and since then HAD Enterprises has developed the Peoples' Bank, Wendy's, and UDF sites. The apartment community is a small portion of the acreage rezoned in 1988. He stated that HAD Enterprises has a contract to purchase 10.5 acres of the Brown property and only 3.5 acres is the subject of this zone change. The balance of the acreage will be divided into five single-family lots that will comply with the RSE zoning. This request is to rezone 3.5 acres from SR-1 to UR-1 for forty-two additional units. The units would be the same architectural design, size, and rental rates as the existing community under construction now. The units would be from over 1,200 square feet to almost 1,400 square feet and rents would be from \$775 to \$970 per month.

Mr. Jim Viox, Viox & Viox Engineering, the engineers for the project, reviewed the slide and stated that the ingress/egress for the site already exists. There is no resistance to emergency vehicles being able to pass one and other at the intersection. He stated that they will not impact the vegetation or topography down the hillside as severely as by the previous development. He reviewed the contours and stated that the buildings will be higher than the existing buildings. He indicated the zoning line of the previous development and stated that projecting it would create the identical line of the current zone change. He stated that the environmentally sensitive area is beyond the building area. Sanitary sewer and water are available for the existing development and will not require any additional extensions other than projection of the water from the current end of the system. They will be able to manage stormwater runoff from this area with the lake for stormwater detention in the previous development. Reviewing the slide, he stated that they will install some garages due to demand for garage space from some of the tenants. He noted the areas of green that break up the parking area. He stated that some trees will be removed when the grading occurs, but not the trees on the slope. He indicated the five remaining lots that do not require a zone change. Those lots (three flag lots and two frontage lots) will access from Tanner Road. There will be no vehicular access from the subject area to Tanner Road.

Mr. Schottelkotte stated that the zone change area is an extension of an existing UR-1 zone. Although the Land Use portion of the current Comprehensive Plan does not identify this area for multi-family use, there are comments in discussion about the KY 237 interchange that recommend a transition of uses between the industrial and lower density uses, and they are fulfilling that concept with this proposal. Sanctuary Place is a transition from the industrial South Park community. The development of the existing Sanctuary Place represents a major change of a physical nature that has occurred in the area which was not anticipated in the Comprehensive Plan. The development of the

existing Sanctuary Place has substantially altered the land use characteristics shown on the Land Use Plan. He stated that the Land Use Plan Committee has looked at this specific area and has recommended in the upcoming Comprehensive Plan that it be shown for higher density use such as the type of use developing at Sanctuary Place. Mr. Schottelkotte offered to answer any questions. This completed the applicant's presentation.

Chairman Caddell asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition or having questions.

Mr. Stan Trinkle who lives on Tanner Road in the adjoining property, stated that he is concerned about the traffic. The traffic coming out of South Park is horrendous and the semi truck traffic is continuous. A light is now being installed at the intersection, which will help. He stated that there have been numerous accidents at the intersection. He stated that this will add another 250 units and before making a decision the Commissioners should visit the area and look at the traffic situation. He questioned the cost range of the houses that will go up there. He feels that this is low-income housing that will not enhance the area.

Chairman Caddell advised that the five remaining lots (three flag lots and two frontage lots on Tanner Road) are not before the Planning Commission at this time.

Mr. Trinkle questioned what guarantee there is that there will not be access to this development from Tanner Road.

Ms. Barbara Terrell, 1765 Tanner Road (a resident for thirteen years), is concerned that the green space continues to be taken away. She noted that the Staff Report says that there will be greenery to soften the impact. She stated that at the end of Tanner Road is a huge building with no greenery, so she does not feel that the Planning Commission can be trusted to provide greenery. She is against more apartments. She stated that coming up Tanner Road from the river it is a nice road with houses on one- and two-acre lots, and her home is on three acres. This development will take away from the existing homes, it will not enhance the area, and will not keep the property values. She stated that there is a lot of crime in the apartments on KY 237 and when putting that many people into this area, it is important to look at what has happened at those apartments.

The Chairman asked if there was anyone else present who wished to speak. There being no response, he asked Mr. Schottelkotte to respond to the question regarding low-income housing.

Mr. Schottelkotte stated that the apartments that are there are not subsidized apartments and are market-rate apartments. They are toward the upper end of

the rental spectrum in the area with rents of \$775 to \$970. Those rates compare favorably to the mortgage cost to live in a home. The rates are consistent with the apartment communities The Drees Company has built in Boone County, which are well kept and have a good reputation. They are not high crime areas and the clientele is typically young professionals and empty nesters. They have very few children in their communities. He stated that the development on KY 237 has children there and are tax credit units, and there have been some problems there.

Chairman Caddell noted the question regarding access to Tanner Road. He stated that if this request is approved, it would be approved based on the Concept Plan submitted and would not permit the applicant to put in a connection to Tanner Road on his own.

Mr. Schottelkotte noted Mr. Trinkle's comment that they were putting in 250 units and stated that this additional request is for 42 units. The other units have already been approved.

Chairman Caddell asked if the applicant owns the commercial lot on the corner. Mr. Schottelkotte responded that the north side of the corner of South Park Drive and KY 237 is owned by HAD Enterprises.

Chairman Caddell asked if the UDF exit is on North Bend Road or South Park Drive. Mr. Schottelkotte responded that an access drive serves the bank building and UDF off KY 237 and there is an access drive that comes out onto South Park. UDF has access to both roads, but one access is restricted to right-in/right-out. Chairman Caddell stated that this is an item for discussion with this lot being owned by the same parties. He asked if the access road provides any opportunity for a connection to this multi-family development on that lot. Mr. Schottelkotte responded that there is a grade difference between the commercial lot and the apartment community. Mr. Viox stated that the grade difference is significant.

Mr. Knock questioned Mr. Trinkle's concerns about the traffic – is he more concerned about North Bend and South Park as opposed to Tanner Road? Mr. Trinkle asked the Commissioners to visit the area. He stated that his comments were in regard to the units at Sanctuary place plus these units – with most apartments having two automobiles that will be 500 more automobiles along with the semi trucks and traffic from the other development going on at South Park. He stated that it is a very dangerous situation and there are school buses traveling through that area. He believes the Commissioners need to look at the access area to the school.

Mr. Knock stated that this is the area of North Bend Road that the state has upgraded in their Six-Year Plan. Mr. Costello agreed and stated that the state has hired a firm to do the preliminary design for widening North Bend Road and

it is partially funded. A million dollars has been committed to the project. The developer of South Park made some improvements working with the county. Currently, it is three-lanes with no traffic signal. The design may look at the area as five lanes with wide turning radii for industrial trucks. Mr. Knock questioned a traffic analysis on South Park and North Bend Roads. Mr. Costello responded that this addition is 42 units. Mr. Morgan stated that a traffic analysis was done for the request in 1988. Mr. Knock questioned what that analysis showed. Mr. Costello responded that it was more of an issue of traffic safety with the two lanes, taking out the bumps, and some sight problems at the intersection of South Park and KY 237. Some initial improvements were made just beyond that entrance and there were additional improvements when Park West was built, but it is not complete yet. Mr. Trinkle stated that there is still a traffic problem even with the expansion of the road.

Ms. Terrell questioned why a huge building would be set so close to the highway if there were plans for more lanes. There is no place to put two more lanes there.

Mr. McMillian asked if the apartments are for-sale or for-rental units. Mr. Schottelkotte responded that Sanctuary Place is all rental units.

Mr. McMillian stated that he would like to see another access into the site. Mr. Schottelkotte responded that from a physical and topographical standpoint, another connection is not possible or practical. Mr. Viox stated that another access would have to come from Tanner Road and he does not think that anyone wants that connection to be made. He stated that they do not want another curb cut on KY 237. Mr. McMillian questioned another access out of the new section. Mr. Viox responded that there is a tremendous valley between the industrial area and the access shown is the only way to get in and out of the site.

Mr. Zimmer asked if this is a gated complex. Mr. Schottelkotte responded that there are plans to install gates at the entrance.

Mr. Zimmer stated that HAD owns the parcel on the north side of KY 237 and South Park Drive and owns the parcel on the south side as well. Mr. Schottelkotte disagreed and stated that the UDF, Wendy's, and Peoples' Bank sites have been sold.

Mr. Zimmer stated that the traffic problem is not going to be at KY 237, it is going to be at the stacking lane coming out of UDF – and you cannot get out of UDF now. He would like to explore taking part of the piece on the north side of South Park in preparation for a five-lane road on KY 237 making two left-turn lanes out of South Park Road. Mr. Schottelkotte asked if he was referring to adding additional right-of-way on the north side of South Park. Mr. Zimmer responded “yes”. Mr. Schottelkotte stated that there may be existing right-of-way available. Mr. Zimmer asked the applicant to look at this and be prepared

to discuss it at Committee. He stated that he believes the stacking problem will go all the way back to the apartment entrance and there will be no way to get out of UDF. This is a current problem even before the apartments are rented. He stated that KY 237 is not three lanes, it is two lanes because the third lane goes to Indiana. It is a two-lane road from Park West to the interstate. He would like to see what can be done, if anything, on the South Park entrance to KY 237. He stated that most of the traffic coming out of there will be going to the south.

Mr. Knock asked what a gated community is. Mr. Schottelkotte responded that there are gates beyond the community center area and to enter you have to be let in by a resident or have a pass card or code.

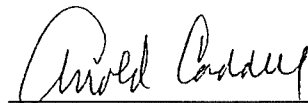
Mr. Hicks asked if the minutes of the Public Hearing and Business Meeting from the 1988 application can be considered. Counselor Wilson stated that as long as it is noted that those items are part of the record of this hearing, that can be done.

Mr. Newman asked for a better visual of the actual roads in the area at the Committee meeting. Staff will provide this. He would also like a larger copy of the plat. Mr. Schottelkotte presented an exhibit of the plat for his review. The Chairman asked that GIS provide the Committee with an aerial showing the intersection back to I-275 and Tanner Road. Staff will provide this to the Committee. The Chairman asked Mr. Schottelkotte to bring the exhibit of the plat to the Committee Meeting. Mr. Zimmer asked Staff to check with KDOT on the disposition of the engineering on KY 237. The Chairman stated that Staff will ask KDOT to provide anything they have available at this point.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on January 17, 2001 at 4 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on February 7, 2001 at 7:30 P.M..

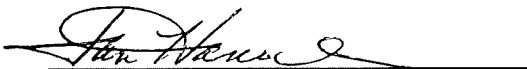
The Chairman closed this Public Hearing at 8:50 P.M..

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
February 7, 2001
7:30 P.M.**

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

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. W. Thomas Chaney, Vice Chairman
Mr. Robert Ries
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. David Geohegan, AICP, Director of Planning Services
Ms. Jan Hancock, Secretary
Mr. Todd Morgan, Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

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. Mr. White seconded the motion. A vote on the motion found all voting members in favor. Chairman Caddell abstained due to his relationship with Heritage Bank. The motion carried.

ACTION ON PLAN REVIEWS:

1. Change in Concept Development Plan

The request of James W. Berling (applicant) for Ed Peter (owner) to consider a **Change in an Approved Concept Development Plan for a one-acre area on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky. The request is for a change in Concept Development Plan to allow a pizza restaurant in a Commercial Services/Planned Development (C-3/PD) zone.**

The Chairman stated that this item is recommended for deferral to the February 21, 2001 Business Meeting. Mr. Zimmer so moved. Mr. McMillian seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of HAD Enterprises (applicant) for Robert W. Brown (owner) to consider a **Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 3.5 acre area located approximately 1,600 feet east of North Bend Road and northeast of South Park Drive and south of Tanner Road, Boone County, Kentucky. The request is for a zone change to allow apartments.**

Staff member Todd Morgan presented the Committee Report which recommended approval of the request based on the findings of fact but subject to one condition (see Committee Report). The applicant and property owner have signed the letter agreeing to the condition.

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

Mr. Zimmer stated that there was discussion at the Committee Meeting as to whether there was enough right-of-way coming out of SouthPark Drive to accommodate another lane. He stated that there are three lanes coming out of there now and it is his understanding that there is right-of-way and curb and gutter, but the right-of-way is not paved completely. Mr. Mike Schottelkotte stated that it is a 70-foot right-of-way. Chairman Caddell stated that he did not see a condition that there will be more pavement. Mr. Morgan explained that when North Bend Road is expanded, that determination will be made. Mr. Jim Viox explained that they wanted to make sure that when the Highway Department does the project they will not have to acquire additional right-of-way there.

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

3. Concept Development Plan

The request of Meijer, Inc. (owner) for a Change in Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone at 4990 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to permit a freestanding convenience store with retail fuel sales.

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

Mr. White moved by resolution to the City of Florence that the request be denied based on the Committee Report. Mr. Zimmer seconded the motion.

In response to a question from Mr. Knock, Mr. Wall explained that they have three outlot uses approved (a bank and two restaurants) and want the convenience store with fuel sales in lieu of the other approved uses.

Mr. Knock stated that Finding of Fact 2.C. states that the proposal is not in agreement with the Comprehensive Plan. He questioned if that is by reference to the Houston-Donaldson Study but not specifically stated in the Comprehensive Plan. Mr. Wall responded "yes" and stated that the 1995 Comprehensive Plan references the Houston-Donaldson Study. Mr. Knock asked that the record show that it is just by reference in the adopted Comprehensive Plan.

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

4. Technical/Design Review: Sugarcamp Development – KY 237

Staff Member Todd Morgan presented the Design Review request for Sugarcamp Development. This Design Review request is a result of a condition of the July 19, 2000 zone change. He stated that site drawings and elevations are available. The site is adjacent to Rightway Nursery. The elevations show all brick and stone construction. They have not addressed free-standing signage and will have to come back in that regard. There is no equipment on the roof and it is all on the ground. The Committee recommends approval of the request.

In response to a question from the Chairman, Mr. Morgan explained that a condition of the zone change from SR-2 to C-2 was that they had to come before the Design Review Committee and show the elevations for the entire building.

Mr. McMillian moved to approve the request as presented. Mrs. Poston seconded the motion.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: David Zimmer, Chairman

DATE: February 7, 2001

RE: Request of **HAD Enterprises (applicant)** for **Robert W. Brown (owner)** to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 3.5 acre tract located approximately 1,600 feet east of North Bend Road, northeast of South Park Drive, and south of Tanner Road, Boone County, Kentucky. The request is for a zone change to allow apartments.

REMARKS:

We, the Committee, recommend approval of the above referenced Zoning Map Amendment application based on the following finding of facts and with the following condition.

FINDINGS OF FACTS:

1. The Committee has concluded that there has been a major physical change in the "Hebron Area" that has substantially altered the area's character. Although 25.79 acres of land, within South Park Subdivision, was rezoned to Urban Residential One (UR-1) in 1988, this area was never designated as "Urban Density Residential" on the Future Land Use Plan. The "Urban Density Residential" designation is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."
2. The Committee has also determined that the proposed zone change is appropriate when considering that 208 apartment units, within South Park, are now under construction and that the additional 42 units proposed are an incidental expansion of this development.
3. The Committee has concluded that the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of the 1995 Boone County Comprehensive Plan. The Committee has also concluded that the attached condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant and property owner have signed letters demonstrating agreement with this condition.

CONDITION:

1. The apartment complex will not be permitted to have access to Tanner Road.

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 Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
January 3, 2001
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Caddell – Chairman, Mr. Chaney - Vice Chairman, Mr. Hicks, Mr. Knock, Mr. McMillian, Mr. Newman, 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; and Mr. Todd Morgan, Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:40 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the item on the Agenda:

1. **Applicant:** **HAD Enterprises for
Robert W. Brown (owner)**

Request: **Zoning Map Amendment**

The request of HAD Enterprises (applicant) for Robert W. Brown (owner) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 3.5 acre area located approximately 1,600 feet east of North Bend Road and northeast of South Park Drive and south of Tanner Road, Boone County, Kentucky. The request is for a zone change to allow apartments.

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The Chairman asked for the applicant's presentation.

Mr. Mike Schottelkotte with The Drees Company, representing HAD Enterprises (a partnership of Jim Huff, Mark Aaronson, and Ralph Drees), stated

that The Drees Company is the project manager for the site development of the HAD Enterprises property and will be the property manager for the apartments. He stated that Jim Viox is the design engineer for the existing Sanctuary Place and for the addition to the apartment community. Mr. Schottelkotte stated that the Staff presentation was thorough. He stated that the zone change was granted in 1988 and since then HAD Enterprises has developed the Peoples' Bank, Wendy's, and UDF sites. The apartment community is a small portion of the acreage rezoned in 1988. He stated that HAD Enterprises has a contract to purchase 10.5 acres of the Brown property and only 3.5 acres is the subject of this zone change. The balance of the acreage will be divided into five single-family lots that will comply with the RSE zoning. This request is to rezone 3.5 acres from SR-1 to UR-1 for forty-two additional units. The units would be the same architectural design, size, and rental rates as the existing community under construction now. The units would be from over 1,200 square feet to almost 1,400 square feet and rents would be from \$775 to \$970 per month.

Mr. Jim Viox, Viox & Viox Engineering, the engineers for the project, reviewed the slide and stated that the ingress/egress for the site already exists. There is no resistance to emergency vehicles being able to pass one and other at the intersection. He stated that they will not impact the vegetation or topography down the hillside as severely as by the previous development. He reviewed the contours and stated that the buildings will be higher than the existing buildings. He indicated the zoning line of the previous development and stated that projecting it would create the identical line of the current zone change. He stated that the environmentally sensitive area is beyond the building area. Sanitary sewer and water are available for the existing development and will not require any additional extensions other than projection of the water from the current end of the system. They will be able to manage stormwater runoff from this area with the lake for stormwater detention in the previous development. Reviewing the slide, he stated that they will install some garages due to demand for garage space from some of the tenants. He noted the areas of green that break up the parking area. He stated that some trees will be removed when the grading occurs, but not the trees on the slope. He indicated the five remaining lots that do not require a zone change. Those lots (three flag lots and two frontage lots) will access from Tanner Road. There will be no vehicular access from the subject area to Tanner Road.

Mr. Schottelkotte stated that the zone change area is an extension of an existing UR-1 zone. Although the Land Use portion of the current Comprehensive Plan does not identify this area for multi-family use, there are comments in discussion about the KY 237 interchange that recommend a transition of uses between the industrial and lower density uses, and they are fulfilling that concept with this proposal. Sanctuary Place is a transition from the industrial South Park community. The development of the existing Sanctuary Place represents a major change of a physical nature that has occurred in the area which was not anticipated in the Comprehensive Plan. The development of the

existing Sanctuary Place has substantially altered the land use characteristics shown on the Land Use Plan. He stated that the Land Use Plan Committee has looked at this specific area and has recommended in the upcoming Comprehensive Plan that it be shown for higher density use such as the type of use developing at Sanctuary Place. Mr. Schottelkotte offered to answer any questions. This completed the applicant's presentation.

Chairman Caddell asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition or having questions.

Mr. Stan Trinkle who lives on Tanner Road in the adjoining property, stated that he is concerned about the traffic. The traffic coming out of South Park is horrendous and the semi truck traffic is continuous. A light is now being installed at the intersection, which will help. He stated that there have been numerous accidents at the intersection. He stated that this will add another 250 units and before making a decision the Commissioners should visit the area and look at the traffic situation. He questioned the cost range of the houses that will go up there. He feels that this is low-income housing that will not enhance the area.

Chairman Caddell advised that the five remaining lots (three flag lots and two frontage lots on Tanner Road) are not before the Planning Commission at this time.

Mr. Trinkle questioned what guarantee there is that there will not be access to this development from Tanner Road.

Ms. Barbara Terrell, 1765 Tanner Road (a resident for thirteen years), is concerned that the green space continues to be taken away. She noted that the Staff Report says that there will be greenery to soften the impact. She stated that at the end of Tanner Road is a huge building with no greenery, so she does not feel that the Planning Commission can be trusted to provide greenery. She is against more apartments. She stated that coming up Tanner Road from the river it is a nice road with houses on one- and two-acre lots, and her home is on three acres. This development will take away from the existing homes, it will not enhance the area, and will not keep the property values. She stated that there is a lot of crime in the apartments on KY 237 and when putting that many people into this area, it is important to look at what has happened at those apartments.

The Chairman asked if there was anyone else present who wished to speak. There being no response, he asked Mr. Schottelkotte to respond to the question regarding low-income housing.

Mr. Schottelkotte stated that the apartments that are there are not subsidized apartments and are market-rate apartments. They are toward the upper end of

the rental spectrum in the area with rents of \$775 to \$970. Those rates compare favorably to the mortgage cost to live in a home. The rates are consistent with the apartment communities The Drees Company has built in Boone County, which are well kept and have a good reputation. They are not high crime areas and the clientele is typically young professionals and empty nesters. They have very few children in their communities. He stated that the development on KY 237 has children there and are tax credit units, and there have been some problems there.

Chairman Caddell noted the question regarding access to Tanner Road. He stated that if this request is approved, it would be approved based on the Concept Plan submitted and would not permit the applicant to put in a connection to Tanner Road on his own.

Mr. Schottelkotte noted Mr. Trinkle's comment that they were putting in 250 units and stated that this additional request is for 42 units. The other units have already been approved.

Chairman Caddell asked if the applicant owns the commercial lot on the corner. Mr. Schottelkotte responded that the north side of the corner of South Park Drive and KY 237 is owned by HAD Enterprises.

Chairman Caddell asked if the UDF exit is on North Bend Road or South Park Drive. Mr. Schottelkotte responded that an access drive serves the bank building and UDF off KY 237 and there is an access drive that comes out onto South Park. UDF has access to both roads, but one access is restricted to right-in/right-out. Chairman Caddell stated that this is an item for discussion with this lot being owned by the same parties. He asked if the access road provides any opportunity for a connection to this multi-family development on that lot. Mr. Schottelkotte responded that there is a grade difference between the commercial lot and the apartment community. Mr. Viox stated that the grade difference is significant.

Mr. Knock questioned Mr. Trinkle's concerns about the traffic – is he more concerned about North Bend and South Park as opposed to Tanner Road? Mr. Trinkle asked the Commissioners to visit the area. He stated that his comments were in regard to the units at Sanctuary place plus these units – with most apartments having two automobiles that will be 500 more automobiles along with the semi trucks and traffic from the other development going on at South Park. He stated that it is a very dangerous situation and there are school buses traveling through that area. He believes the Commissioners need to look at the access area to the school.

Mr. Knock stated that this is the area of North Bend Road that the state has upgraded in their Six-Year Plan. Mr. Costello agreed and stated that the state has hired a firm to do the preliminary design for widening North Bend Road and

it is partially funded. A million dollars has been committed to the project. The developer of South Park made some improvements working with the county. Currently, it is three-lanes with no traffic signal. The design may look at the area as five lanes with wide turning radii for industrial trucks. Mr. Knock questioned a traffic analysis on South Park and North Bend Roads. Mr. Costello responded that this addition is 42 units. Mr. Morgan stated that a traffic analysis was done for the request in 1988. Mr. Knock questioned what that analysis showed. Mr. Costello responded that it was more of an issue of traffic safety with the two lanes, taking out the bumps, and some sight problems at the intersection of South Park and KY 237. Some initial improvements were made just beyond that entrance and there were additional improvements when Park West was built, but it is not complete yet. Mr. Trinkle stated that there is still a traffic problem even with the expansion of the road.

Ms. Terrell questioned why a huge building would be set so close to the highway if there were plans for more lanes. There is no place to put two more lanes there.

Mr. McMillian asked if the apartments are for-sale or for-rental units. Mr. Schottelkotte responded that Sanctuary Place is all rental units.

Mr. McMillian stated that he would like to see another access into the site. Mr. Schottelkotte responded that from a physical and topographical standpoint, another connection is not possible or practical. Mr. Viox stated that another access would have to come from Tanner Road and he does not think that anyone wants that connection to be made. He stated that they do not want another curb cut on KY 237. Mr. McMillian questioned another access out of the new section. Mr. Viox responded that there is a tremendous valley between the industrial area and the access shown is the only way to get in and out of the site.

Mr. Zimmer asked if this is a gated complex. Mr. Schottelkotte responded that there are plans to install gates at the entrance.

Mr. Zimmer stated that HAD owns the parcel on the north side of KY 237 and South Park Drive and owns the parcel on the south side as well. Mr. Schottelkotte disagreed and stated that the UDF, Wendy's, and Peoples' Bank sites have been sold.

Mr. Zimmer stated that the traffic problem is not going to be at KY 237, it is going to be at the stacking lane coming out of UDF – and you cannot get out of UDF now. He would like to explore taking part of the piece on the north side of South Park in preparation for a five-lane road on KY 237 making two left-turn lanes out of South Park Road. Mr. Schottelkotte asked if he was referring to adding additional right-of-way on the north side of South Park. Mr. Zimmer responded "yes". Mr. Schottelkotte stated that there may be existing right-of-way available. Mr. Zimmer asked the applicant to look at this and be prepared

to discuss it at Committee. He stated that he believes the stacking problem will go all the way back to the apartment entrance and there will be no way to get out of UDF. This is a current problem even before the apartments are rented. He stated that KY 237 is not three lanes, it is two lanes because the third lane goes to Indiana. It is a two-lane road from Park West to the interstate. He would like to see what can be done, if anything, on the South Park entrance to KY 237. He stated that most of the traffic coming out of there will be going to the south.

Mr. Knock asked what a gated community is. Mr. Schottelkotte responded that there are gates beyond the community center area and to enter you have to be let in by a resident or have a pass card or code.

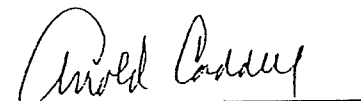
Mr. Hicks asked if the minutes of the Public Hearing and Business Meeting from the 1988 application can be considered. Counselor Wilson stated that as long as it is noted that those items are part of the record of this hearing, that can be done.

Mr. Newman asked for a better visual of the actual roads in the area at the Committee meeting. Staff will provide this. He would also like a larger copy of the plat. Mr. Schottelkotte presented an exhibit of the plat for his review. The Chairman asked that GIS provide the Committee with an aerial showing the intersection back to I-275 and Tanner Road. Staff will provide this to the Committee. The Chairman asked Mr. Schottelkotte to bring the exhibit of the plat to the Committee Meeting. Mr. Zimmer asked Staff to check with KDOT on the disposition of the engineering on KY 237. The Chairman stated that Staff will ask KDOT to provide anything they have available at this point.


There being no further comments, the Chairman stated that the Committee Meeting for this item will be on January 17, 2001 at 4 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on February 7, 2001 at 7:30 P.M..

The Chairman closed this Public Hearing at 8:50 P.M..

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: David Zimmer, Committee Chairman

DATE: January 17, 2001

RE: Request of HAD Enterprises (applicant) for Robert W. Brown (owner) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 3.5 acre area located approximately 1,600 feet east of North Bend Road and northeast of South Park Drive and south of Tanner Road, Boone County, Kentucky. The request is for a zone change to allow apartments.

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
 HAD Enterprises/Robert W. Brown
 January 17, 2001

[Signature]

David Zimmer, Chairman

For Against
 Abstain Absent
 Deferred

W. Thomas Chaney

For Against
 Abstain Absent
 Deferred

[Signature]

Mark Hicks

For Against
 Abstain Absent
 Deferred

[Signature]

Bob Newman

For Against
 Abstain Absent
 Deferred

[Signature]

Earl White

For Against
 Abstain Absent
 Deferred

Bob Schwenke (Alternate)*

For Against
 Abstain Absent
 Deferred

[Signature]

Lisa Wilson (Alternate)*

For Against
 Abstain Absent
 Deferred

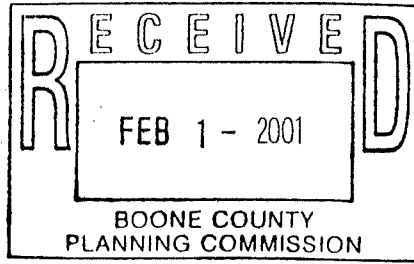
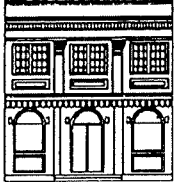
Don McMillian (Alternate)*

For Against
 Abstain Absent
 Deferred

TOTAL: DEFERRED 5 FOR AGAINST ABSTAIN
 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

January 23, 2001

Mr. Robert W. Brown
1860 Tanner Road
Hebron, KY 41048

RE: Request of **HAD Enterprises (applicant)** for **Robert W. Brown (owner)** to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 3.5 acre tract located approximately 1,600 feet east of North Bend Road, northeast of South Park Drive, and south of Tanner Road, Boone County, Kentucky. The request is for a zone change to allow apartments.

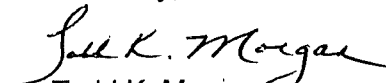
Dear Mr. Brown:

The following represents the condition of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. Please sign the space provided below if you are in agreement with the following condition. Please return this signed letter to the Boone County Planning Commission office by February 6, 2001.

Condition

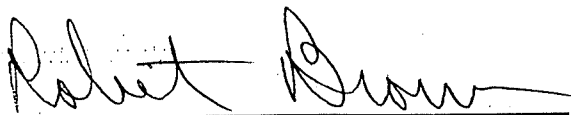
1. The apartment complex will not be permitted to have access to Tanner Road.

Sincerely,


Todd K. Morgan
Planner

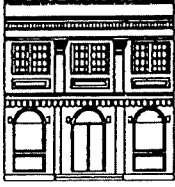
TKM\pr

I hereby certify that I am the current owner of the subject property. My signature indicates that I am in agreement with the listed condition of approval for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 3.5 acre tract located approximately 1,600 feet east of North Bend Road, northeast of South Park Drive, and south of Tanner Road, Boone County, Kentucky. The request is for a zone change to allow apartments.


Name

1-25-01
Date

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

January 23, 2001

HAD Enterprises
c/o Mike Schoettelkotte
211 Grandview Drive
Ft. Mitchell, KY 41017

RE: Request of **HAD Enterprises (applicant)** for **Robert W. Brown (owner)** to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 3.5 acre tract located approximately 1,600 feet east of North Bend Road, northeast of South Park Drive, and south of Tanner Road, Boone County, Kentucky. The request is for a zone change to allow apartments.

Dear Mr. Schoettelkotte:

The following represents the condition of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. Please have an officer of HAD Enterprises sign the space provided below if they are in agreement with the following condition. Please return this signed letter to the Boone County Planning Commission office by February 6, 2001.

Condition

1. The apartment complex will not be permitted to have access to Tanner Road.

Sincerely,

Todd K. Morgan
Planner

TKM\pr

I hereby certify that I am an officer of HAD Enterprises. My signature indicates that I am in agreement with the listed condition of approval for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 3.5 acre tract located approximately 1,600 feet east of North Bend Road, northeast of South Park Drive, and south of Tanner Road, Boone County, Kentucky. The request is for a zone change to allow apartments.

Paul P. Pines Partner
Name & Title

1/27/01
Date



VIOX & VIOX, INC.

Engineers · Surveyors · Landscape Architects

DESCRIPTION

Proposed zone change of a portion of the:
Robert William Brown Property
 (DB 354, PG 298)

•Planning

A parcel of land lying north of Southpark Drive and south of Tanner Road, in Boone County and being more particularly described as follows:

BEGINNING at a point, said point being the southeasterly corner of Robert D. Huey (deed book 360, page 62, Boone County Clerk's Records, Burlington) said point also being a corner of H.A.D. Enterprises (deed book 368, page 142, Boone County Clerk's records, Burlington), said point also being in the easterly line of Robert William Brown (deed book 354, page 298, Boone County clerk's records, Burlington) and running thence:

•Design

through said Brown, N67°07'40"E, a distance of 480 feet, to a point thence;

through said Brown N84°53'09"E, a distance of 274.32 feet, to a point in the common line of said Brown and said H.A.D. Enterprises thence; along said common line, S34°19'40"W, a distance of 257.27 feet, to a point thence;

along said common line, S61°29'40"W, a distance of 527.55 feet, to a point thence;

along said common line, N22°52'20"W, a distance of 274.82 feet to the point of beginning and containing 3.51 acres more or less.

•Surveying

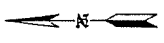
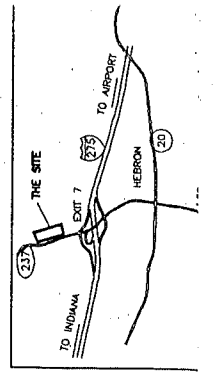
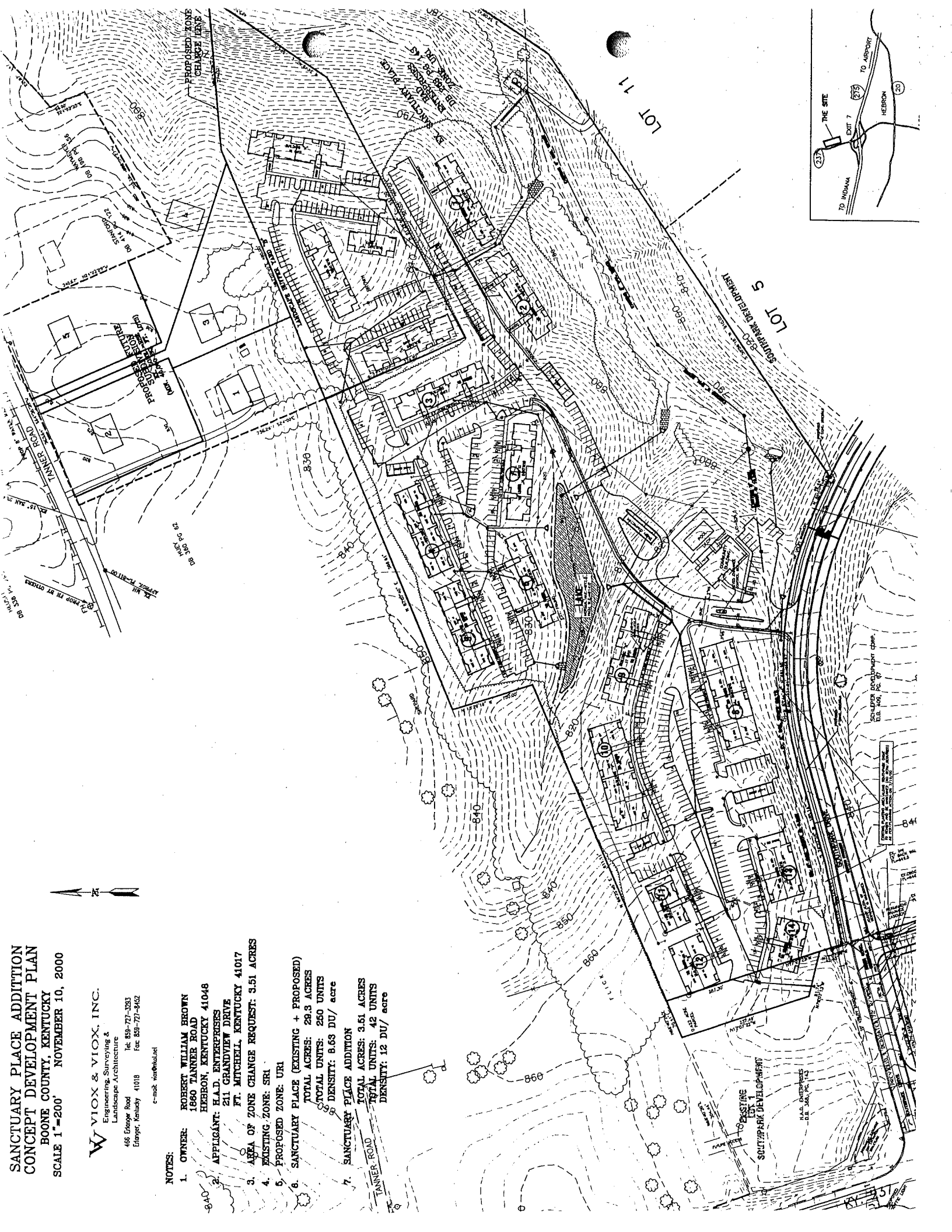
466 Erlanger Road
 Erlanger, Kentucky 41018

Tel: 859-727-3293
 Fax: 859-727-8452
 e-mail: viox@nkol.net

**SANCTUARY PLACE ADDITION
CONCEPT DEVELOPMENT PLAN**
BOONE COUNTY, KENTUCKY
SCALE 1"=200' NOVEMBER 10, 2000

W VIOX & VIOX, INC.
Engineering, Surveying &
Landscape Architecture
468 Edinger Road
Ellettsville, Kentucky 40108
Tel: 859-727-3233
Fax: 859-727-8452
e-mail: viox@iol.net

- NOTES:**
1. OWNER: ROBERT WILLIAM BROWN
1660 TANNER ROAD
HEBRON, KENTUCKY 41048
 2. APPLICANT: H.A.D. ENTERPRISES
21 GRANDVIEW DRIVE
FT. MITCHELL, KENTUCKY 41017
 3. AREA OF ZONE CHANGE REQUEST: 3.51 ACRES
 4. EXISTING ZONE: SRI
 5. PROPOSED ZONE: URI
 6. SANCTUARY PLACE (EXISTING + PROPOSED)
TOTAL ACRES: 29.3 ACRES
TOTAL UNITS: 250 UNITS
DENSITY: 8.63 DU/acre
 7. SANCTUARY PLACE ADDITION
TOTAL ACRES: 3.51 ACRES
TOTAL UNITS: 42 UNITS
DENSITY: 12 DU/acre

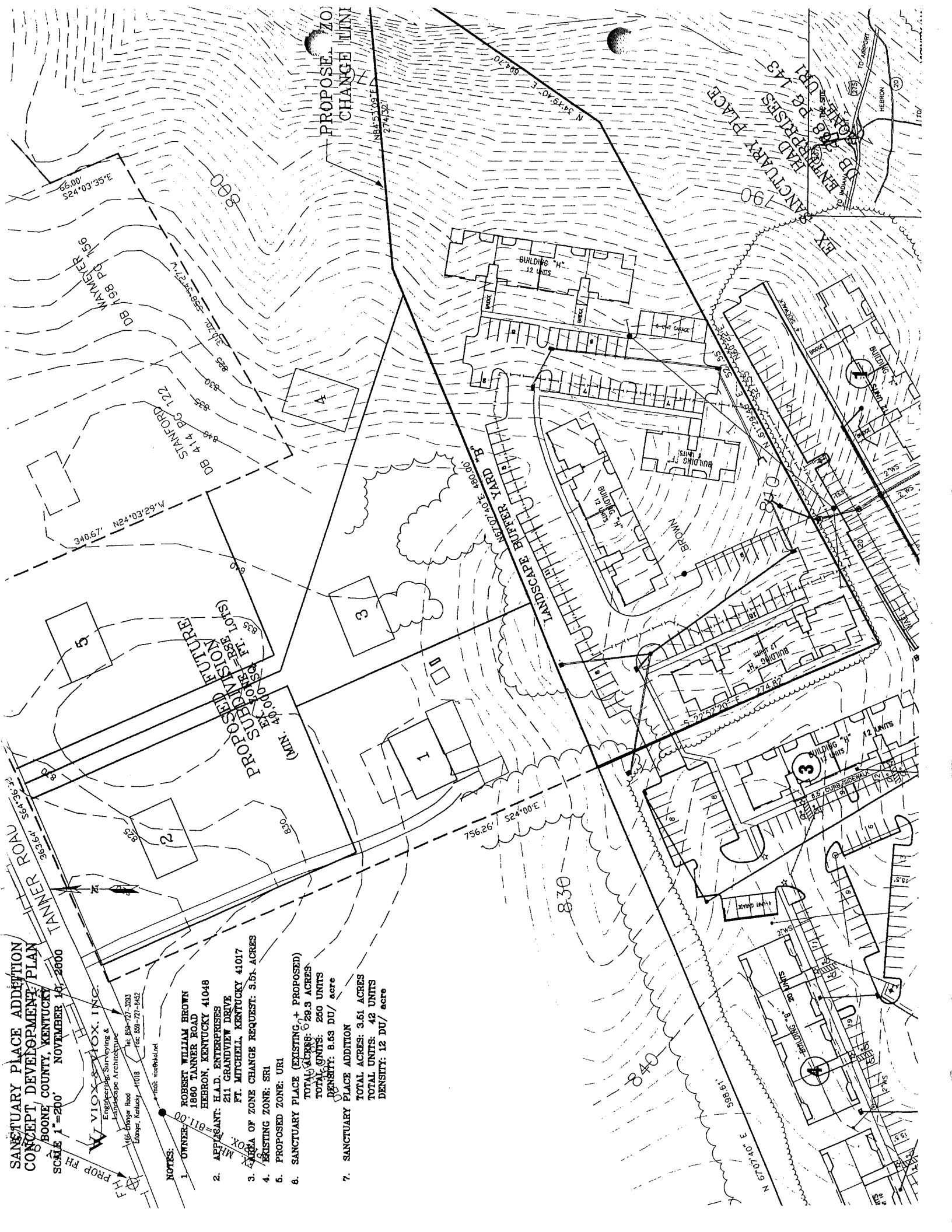


**SANCTUARY PLACE ADDITION
CONCEPT DEVELOPMENT PLAN**

BOONE COUNTY, KENTUCKY
NOVEMBER 14, 2000

SCALE 1"=200'
VIOXX & HOX, INC.
Engineering, Surveying &
Landscape Architecture
1656 Empire Road
Elmayer, Kentucky, 41018
tel. 854-727-3293
fax. 859-721-8442
www.vioxx.net

- NOTES:**
1. OWNER: ROBERT WILLIAM BROWN
1860 TANNER ROAD
HEBRON, KENTUCKY 41048
 2. AFFRAGANT: H.A.D. ENTERPRISES
211 GRANDVIEW DRIVE
FT. MITCHELL, KENTUCKY 41017
 3. AREA OF ZONE CHANGE REQUEST: 3.61 ACRES
 4. EXISTING ZONE: SRI
 5. PROPOSED ZONE: URI
 6. SANCTUARY PLACE (EXISTING + PROPOSED)
TOTAL ACRES: 6.29.3 ACRES
TOTAL UNITS: 200 UNITS
DENSITY: 8.63 DU/ acre
 7. SANCTUARY PLACE ADDITION
TOTAL ACRES: 3.61 ACRES
TOTAL UNITS: 42 UNITS
DENSITY: 12 DU/ acre



PROPOSED ZONE CHANGE LINE

LANCASHIRE PLACE

TANNER ROAD

PROPOSED FUTURE SUBDIVISION (LOTS)

LANDSCAPE BURRER YARD

BUILDING #12 UNITS

BUILDING #12 UNITS

BUILDING #12 UNITS

BUILDING #12 UNITS

BUILDING #12 UNITS

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Ordinance Of The Boone County Fiscal Court

Ordinance No. 01-05

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH ONE CONDITION, FOR A REQUEST OF HAD ENTERPRISES (APPLICANT) FOR ROBERT W. BROWN (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO URBAN RESIDENTIAL ONE (UR-1) ON AN APPROXIMATE 3.5 ACRE SITE GENERALLY LOCATED 1,600 FEET EAST OF NORTH BEND ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION, VIA RESOLUTION NO. R-01-005-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 Suburban Residential One (SR-1) to Urban Residential One (UR-1) on an approximate 3.5 acre site generally located 1,600 feet east of North Bend Road and northeast of South Park Drive and south of Tanner Road, Boone County, Kentucky, which is more particularly described below; and,

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

NOW, THEREFORE, BE IT 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 one condition, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Urban Residential One (UR-1) on an approximate 3.5 acre site generally located approximately 1,600 feet east of North Bend Road and northeast of South Park Drive and south of Tanner Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential One (SR-1) zone is more particularly described in DEED BOOK 354, PAGE NO. 298 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-05

SECTION II

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

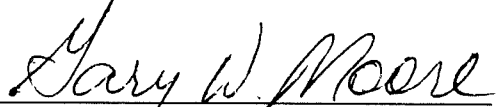
The Committee recommended approval for this request based on the findings of fact and one condition as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B".

SECTION III

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


Introduced and given First Reading on the 27th day of February, 2001.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 27th day of March, 2001, 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

4-5-01
DATE PUBLISHED