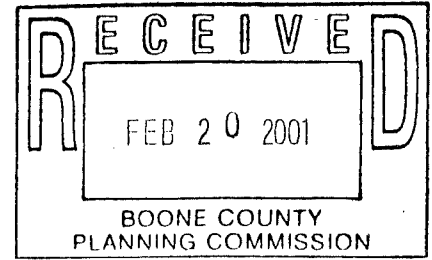


01-ZMA-014-A

ZONING MAP AMENDMENT APPLICATION FORM



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Project Jurisdiction/Location

BOONE <input checked="" type="checkbox"/>	FLORENCE	WALTON	UNION
---	----------	--------	-------

2. Names of Applicant(s)

Applicant	CENTER LINE DEVELOPMENT LLC		
Phone Number	859-578-8050		
Fax No.	859-578-6631		
Applicant's Address	519 ENTERPRISE DRIVE		
City CRESCENT SPRINGS	State KY	Zip 41017	

3. Name of Property Owner(s)

Owner of Property	JAY SCHELL		
Owner's Address	508 FARRELL DRIVE		
Phone Number	331-4888		
City FT. WRIGHT	State KY	Zip 41011	

4. Name of Project

--

5. Location of Project

1386 BEEMON ROAD

6. Acreage

Acreage Under Review 7.2	Acreage of Site 10.7
--------------------------	----------------------

7. Current Zoning of Site

RS + SR-1 PD

8. Proposed Zoning (Classification being requested)

SR-1

9. Proposed Uses (please specify each use)

SINGLE - FAMILY DETACHED HOUSING.

10. Proposed Building Intensities (please specify)

2.3 du / Ac.

11. Are there any existing buildings on the site?

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	How many? 2
---	-----------------------------	-------------

12. Parcel Information

Deed Book 794	Page No. 475	Group No 2032
---------------	--------------	---------------

13. Are you also applying for:

Conditional Use Permit <input type="checkbox"/> NO	Dimensional Variance <input type="checkbox"/> NO
--	--

14. Have you submitted a Concept Development Plan?

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
---	-----------------------------

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

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
---	-----------------------------

16. 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 Department
	City of Florence, Public Services Department
	Boone County Building Department
	Northern Kentucky Health Department
	U.S. Soil Conservation Service
	Local School District

EXHIBIT

“A”

STAFF REPORT

Request of Center Line Development LLC (applicant) for Jay Schell (owner) to consider a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) for a 9.2 acre site located at 1386 Beemon Lane and at the eastern terminus of Woodside Drive, Boone County, Kentucky. The request is for a zone change to allow single family residences.

March 28, 2001

REQUEST

This application is for a zone change from Rural Suburban (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) for a 9.2 acre tract. The site is located on the north side of Beemon Lane at 1386 Beemon (at the 90 degree curve just east of Tall Oaks Subdivision) and along the east side of Tall Oaks Subdivision at the current, temporary dead end of Woodside Drive. The zone change area includes the flag lot "panhandle" (an old County road right-of-way) to the residence at 1386 Beemon Lane, but does not include any of the other frontage area along Beemon. Rather, the area for actual building lots is located approximately 210 feet from Beemon Lane, leaving a strip between the proposed subdivision and the north side of the road that would remain within the RS zone.

A Concept Development Plan has been included with this request. It illustrates a total of twenty one (21) building lots (for a density of 2.28 dwelling units per acre) which are located along a cul-de-sac street which connects to the current dead end of Woodside Drive to the west. The cul-de-sac is proposed to be built according to the "local" street standards, but with sidewalks on both sides of the street. The existing single family residence and swimming pool at 1386 Beemon are proposed to remain and still be accessed from the existing driveway from Beemon Lane (this driveway would be reconfigured somewhat within the interior of the zone change area to accommodate a neighboring, proposed lot). The existing single family residence is considering in the total lot count and overall density. Public water and sanitary sewer will be used by the development. A retention lake is proposed in the northeast corner of the site.

SITE HISTORY

The current RS and SR-1/PD zoning for the site was created through the adoption of the original 1980 zoning map that was compiled by KZF, Inc. A similar zone change was granted for the adjoining Tall Oaks Subdivision in 1994. This was a zone change from RS and SR-1/PD to SR-1 to allow forty one (41) lots on 15.33 acres (density of 2.67 dwelling units per acre; the Concept Development Plan, Committee Report, and minutes from Fiscal Court actions are attached).

SITE CHARACTERISTICS

As noted above, the zone change area contains 9.2 acres. The entire parcel, including the remaining area not part of this zone change request, contains 10.7 acres. The topography of the site slopes gently in the southern part of the site near Beemon Lane, and is steeper at the north end of the site adjoining Boone Links golf course; the elevation difference between the highest and lowest points on the site is approximately 70 feet (elevation is 896 at the southeast corner of the site at Beemon Lane and 826 in the northeast corner of the site). Structures on the site include a single family residence, swimming pool, a barn, and a shed. Two ponds exist on the site. Treed fence lines exist along the east and west property lines, and the northeast corner of the site has tree cover. Public water is located at the current dead end of Woodside Drive and along Beemon Lane, and sanitary sewer is located at the Woodside/Tall Oaks intersection.

ADJACENT USES AND ZONING

The uses adjoining the subject site include the following:

- A. Tall Oaks Subdivision is located immediately to the west (SR-1) and Fox Run Subdivision is located further to the west (SR-1/PD).
- B. Boone Links golf course is located immediately to the north and east (R) and The Links Subdivision is located further to the north and east (SR-1).
- C. A single family residence on an estate lot is located to the southeast at the 90 degree bend in Beemon Lane (RS) and Belle Meadows Subdivision is located further to the southeast along the east side of Beemon Lane (SR-1).

- D. The remaining road frontage area outside of the zone change is located to the south, along the north side of Beemon Lane (RS); this area currently contains one single family residence. Additional residential lots are located further to the south, along the south side of Beemon Lane (RS).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the southern and middle sections of the site as "Suburban Density Residential" and the northern section of the site (along with the adjoining golf course) as "Recreational." The Suburban Density Residential classification is described as "single family housing of up to four units per acre. This classification also includes any low density of estate residential developed as a formal subdivision." The Recreational classification is described as "public and commercial outdoor recreation including golf courses, parks, race tracks, etc."

The Land Use Element provides the following comments regarding the general area.

- A. The large area between Hopeful Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road, should develop in a Suburban Residential fashion. The area must develop with local access and limited access collector road connections as a high priority. These should include the connection of Oakbrook Road to Pebble Creek Drive; Beemon Lane to Pleasant Valley Road; Cayton Road to Pleasant Valley Road; and, an east-west connector between Pleasant Valley Road and Hopeful Church Road, south of Stonegate Meadows. These collector road extensions should not allow parking or driveway access in order to facilitate the movement of traffic through the area, and should include multi-modal elements such as pedestrian paths and bike lanes, and bus stop areas ("Pleasant Valley-West Florence Area," pp. 163 and 164).

The Land Use Element's Future Land Use Development Guidelines provide the following pertinent comments.

- 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. 158).

- 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. 159).
- C. Developments in Boone County must recognize the potential impacts of stormwater run off. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion associated with developments must be provided ("Stormwater Management and Erosion Control," pg. 159).
- 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 travel 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. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 159).
- E. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use ("Designs, Signs, and Historic Preservation," pg. 160).

The Housing Element provides the following comments that relate to the general area.

- A. The areas of greatest projected population growth are in the Florence-Richwood-Union-Burlington area, south along I-75, and in the Hebron-North River area. The western and southern sections of Boone County are projected to experience less population growth, thus, less of a housing need. As noted previously, there is a desire of the population to live in rural areas that are convenient to the centers of commercial activity. This suggests a continuation of the outward movement of housing construction from the Florence area. This movement is accelerated directionally by major thoroughfares such as KY 18, KY 237, and interstate interchanges. Residential development should occur near established urban or suburban areas, as opposed to leapfrogging to isolated areas, such as the western portion of the county. For residential development to occur in these outlying areas, adequate and proper infrastructure must be provided, and impact on the natural environment must be minimized.

Development in established areas takes advantage of existing services and minimizes future strain on the transportation network ("Residential Areas," pp. 86 and 87).

- B. New subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safe and easy transportation access ("Florence-Burlington Area," pg. 87).

The 2000 Boone County Comprehensive Plan Goals and Objectives outline the following applicable policies.

- 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. 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).
- F. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- G. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- H. Housing supply in Boone County shall be balanced against present and planned commercial, industrial and primary and secondary education bases ("Housing," Objective 4).
- I. 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).
- J. 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).
- K. 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).

- L. 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).
- M. 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).
- N. 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).
- O. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Housing," 2nd Goal, Objective 3).

STAFF COMMENTS

- 1. The Planning Commission and Fiscal Court will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues dealing with the Comprehensive Plan include:
 - A. The southern part of the site is designated for Suburban Density Residential uses. The northern part of the site is designated for Recreational uses; this is the same Recreational area that is applied to the neighboring Boone Links golf course and which overlaps onto the subject property on the Future Land Use Map.
 - B. The Land Use Element text notes that "the large area between Hopeful Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road, should develop in a Suburban Residential fashion. The area must develop with local access and limited access collector road connections as a high priority."

- C. The Housing Element notes that "the areas of greatest projected population growth are in the Florence-Richwood-Union-Burlington area, south along I-75, and in the Hebron-North River area." It also states that "residential development should occur near established urban or suburban areas, as opposed to leapfrogging to isolated areas, such as the western portion of the county" and "development in established areas takes advantage of existing services and minimizes future strain on the transportation network."

The Planning Commission and Fiscal Court will also need to determine whether the proposal fulfills either of the alternate statutory findings. In this regard, the applicant should explain the appropriateness and inappropriateness of the existing and proposed zones and/or any major changes of an economic, physical, or social nature not anticipated by the Comprehensive Plan that substantially alter the area's character.

2. The Comprehensive Plan advocates the use of cluster design as well as the retention of existing topography and vegetation. The cluster option may be useful to help retain the natural features of this site, notably the existing vegetation in the east/northeast part of the site near the golf course. When considering the cluster option, the Planning Commission and Fiscal Court will also need to consider that both the site and the proposed development are small, and the proposed development is basically compatible with the other subdivisions in the area. The small size of the site and the development limit the ability to provide open space which meets the objectives of the cluster regulations outlined in both the Zoning Regulations and Subdivision Regulations. Regardless, every effort should be made to retain the existing tree lines along the side boundaries (east and west) and the bulk of the tree cover in the east/northeast part of the site. This latter objective would in all likelihood require moving the proposed retention area. The loss of trees in the area adjoining the golf course is also noted in the memorandum from Jerry Coldiron, Grounds Superintendent at Boone Links, referenced below.
3. Several parts of the Comprehensive Plan (Goals and Objectives, Land Use Element, and Housing Element) note the need for access management and the creation of street connections between adjoining developments. Based on the location of the project, the neighboring uses, and the site's topography, Staff has not identified any realistic street connections to adjoining areas (one planned connection from The Links southward was even abandoned as a result of the zone change approval for the neighboring Tall Oaks Subdivision in 1994).

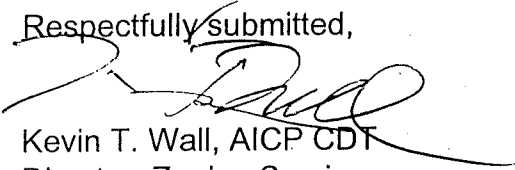
The one possible exception would be the creation of a road through an existing County right-of-way that runs through the property and that intersects with Beemon Lane at the ninety-degree bend (runs within the "panhandle" area of the lot for the existing house on the property). Greg Sketch, Boone County Engineer, has advised that this right-of-way has never been vacated and that a vacation request was denied by the Fiscal Court in 1994. In short, this right-of-way must be vacated for the Concept Development Plan to be approved as submitted (memorandum and attachments dated 3/21/01 from Greg Sketch, Boone County Engineer, is attached).

4. A memorandum dated March 5, 2001 from Jerry Coldiron, Grounds Superintendent for Boone Links, is attached.

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 not need to be amended if this request is approved.

Respectfully submitted,

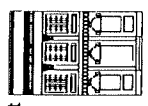
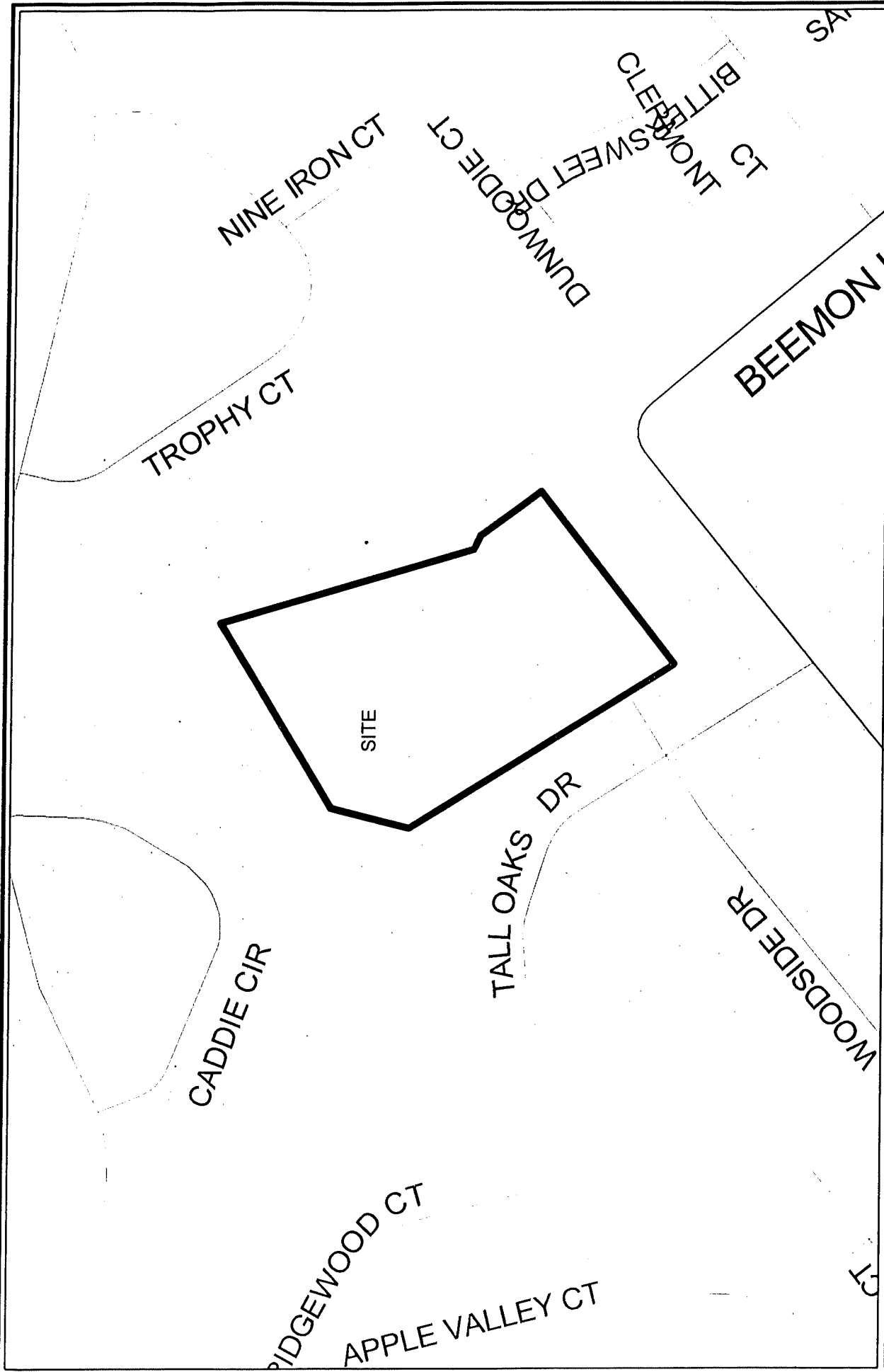


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/pr

attachments:

- Location map
- Concept Development Plan, Committee Report, and minutes from Fiscal Court actions for Tall Oaks Subdivision
- Aerial photo w/ zoning info
- Future Land Use Map excerpt
- Topographic map
- Memorandum dated March 21, 2001 from Greg Sketch, P.E., L.S., Boone County Engineer
- Memorandum dated March 5, 2001 from Jerry Coldiron, Grounds Superintendent for Boone Links
- Application materials including Concept Development Plan



1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
March 6, 2001

Location

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Thurman Owens, Chairman

DATE: July 6, 1994

RE: Request of Thomas W. Breidenstein (applicant) for Arlinghaus Builders, Inc. (owners) to change the zone on a 15.33 acre parcel located on the northwest side of Beemon Lane, adjacent to Fox Run Subdivision, Boone County, Kentucky. The request is to change the zone from Rural Suburban (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) to allow a single-family residential subdivision.

Remarks:

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

Findings of Fact


1. This request is in conformance with the Future Land Use Map of the 1990 Boone County Comprehensive Plan. The map indicates the area of the requested Zoning Map Amendment to develop as Suburban Density Residential (SD).
2. The Committee believes that the conditions contained in this report address the Transportation Element of the Comprehensive Plan which stresses designing subdivisions with "several alternate routes connecting local streets to arterial streets."
3. The Committee feels that the conditions also address the Housing Element of the Comprehensive Plan which calls for subdivisions between KY 18 and Pleasant Valley Road to be interconnected.
4. Furthermore, the Committee believes that the conditions contained in this report will help reduce negative traffic impact on Beemon Lane, Cayton Road, and Hopeful Road by requiring that connections be made to adjoining subdivisions. The applicant has signed a condition letter demonstrating agreement with the conditions.

Conditions

1. The proposed subdivision street system shall connect with Woodside Drive of Fox Run subdivision.

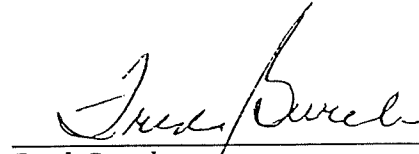
2. The proposed subdivision street system shall connect with Putting Green Drive of The Links subdivision.

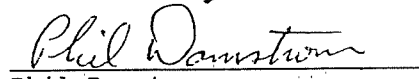
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

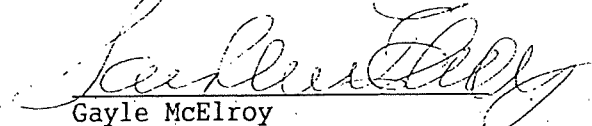

Thurman Owens, Chairman


Barry Neltner


William Bailey


Fred Burch


Phil Damstrom


Gayle McElroy

MINUTES
BOONE COUNTY FISCAL COURT
August 30, 1994
5:30 P.M.

All residents expressed concerns about the increased traffic and the potential for more accidents and vandalism.

After a lengthy discussion, Judge Lucas declared the Public Hearing closed at 6:40 p.m.

The commissioners were in agreement that it would not be feasible to put additional traffic on Boone Aire.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve Second Reading Ordinance No. 920.283, an ordinance of the Boone County Fiscal Court recommending approval for a request of Thomas W. Breidenstein (Applicant) for Arlinghaus Builders, Inc. (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Rural Suburban (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) for a 15.33 acre site generally located on the northwest side of Beemon Lane, adjacent to Fox Run Subdivision, Boone County, Kentucky, as recommended 12-1 by the Boone County Planning Commission via Resolution No. R-94-022-A, with the following conditions:

- 1) No more than 41 homes be built on the site.
- 2) Commit to roadway shown on Lot 37 of the plat.
- 3) Extension of Putting Green Drive be deleted.
- 4) Putting Green Drive to be removed by Arlinghaus.

Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

ORDINANCE NO. 920.284 - TIRE DISCOUNTERS/DURR/CRIST

Judge Lucas read a summary of Ordinance No. 920.284, and declared a Public Hearing open at 6:53. Hearing no opposition, Judge Lucas declared the Public Hearing closed at 6:56 p.m.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve on Second Reading Ordinance No. 920.284, an ordinance of the Boone County Fiscal Court recommending approval for a request of Tire Discounters (Applicant) for R.C. Durr and Richard Crist (Owners) for a change in an approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone on an approximate one (1) acre site generally located at Fuller Street and KY 18, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution No. R-94-024-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "E"

ORDINANCE NO. 920.285 - BAYER BECKER ENGINEERS/SFR PROPERTIES

Judge Lucas read a summary of Ordinance No. 920.285 and declared a Public Hearing open at 6:59 p.m. Hearing no opposition, Judge Lucas declared the Public Hearing closed at 7:00 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.285, an ordinance of the Boone County Fiscal Court recommending approval for a request of Bayer Becker Engineers (Applicant) for SFR Properties (Owner) for a change in an approved Concept Development Plan in a Commercial Services (C-3) zone on a 1.12 acre site generally located at the corner of Greenview Drive and KY 18, Boone County, Kentucky, as recommended by the Boone County Planning Commission 10-3, via Resolution No. R-94-025-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "F"

ORDINANCE NO. 920.286 - BERLING/WACO OIL COMPANY

Judge Lucas read a summary of Ordinance No. 920.286 and declared a Public Hearing open at 7:02 p.m.

Commissioner Meihaus expressed concerns about the high visibility of the mini-warehouses from KY 18 and recommended that bricks be used on the front of the buildings. Mr. Jim Berling, Developer, said the plan will have to go before the Site Plan Review Committee.

MINUTES
BOONE COUNTY FISCAL COURT
September 26, 1995
5:30 P.M.

determined that more time was needed to research this matter. Judge Lucas closed the Public hearing at 7:20 p.m.

Commissioner Meihaus then moved, seconded by Commissioner Patrick, to defer Second Reading of Ordinance No. 920.320, an ordinance of the Boone County Fiscal Court to consider the request of Smith, Stevens, & Young, Inc. (Applicant) for Industrial Developments International (Owner) for a change in an approved Concept Development Plan, with conditions, in an Industrial One/Office Two/Commercial Services/Planned Development (I-1/O-2/C-3/PD) zone for an approximate 11 acre site known as Lots 2 and 3, Airport Exchange Business Park, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-032-A, to Tuesday, October 17, 5:30 p.m., and to direct the Fiscal Court Clerk to readvertise Second Reading for that time. Judge Lucas called for a vote of the motion, Commissioner Campbell voted NO, ALL OTHER PRESENT VOTING AYE.

Judge Lucas asked that each party limit their presentation to fifteen minutes at Second Reading on October 17th.

ORDINANCE NO. 920.321 - JERRY JACOBS/CONRAD BROTHERS INVESTORS

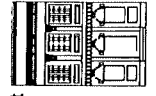
Judge Lucas read a summary of Ordinance No. 920.321 and declared a Public Hearing open at 7:22 p.m. Subsequent to a very brief discussion, Judge Lucas closed the Public Hearing at 7:24 p. m.

Commissioner Patrick moved, seconded by Commissioner Campbell, to approve on Second Reading Ordinance No. 920.321, an ordinance of the Boone County Fiscal Court to consider the request of Jerry Jacobs (Applicant) for Conrad Brothers Investors (Owner) for a change in an approved Concept Development Plan, with conditions, in an Agricultural Estate/Suburban Residential One/Recreation/Planned Development (A-2/SR-1/R/PD) zone for an approximate 118 acre site, Rivershore Recreation Facility, located on the north side of KY 8 near KY 237, Boone County, Kentucky, as recommended by the Boone County Planning Commission (10-2) via Resolution No. R-95-033-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING. Exhibit "B"

ORDINANCE NO. 920.283A - ARLINGHAUS

Judge Lucas read a summary of Ordinance No. 920.283A and declared a Public Hearing open at 7:27 p.m. Hearing no discussion, Judge Lucas closed the Public Hearing at 7:28 p. m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.283A, an ordinance of the Boone County Fiscal Court amending Ordinance No. 920.283, to approve the recommendation, to remove Condition #4 previously required by the Fiscal Court when adopting Ordinance No. 920.283 (Boone County Planning Commission Resolution No. R-94-022-A) on September 7, 1994. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "C"

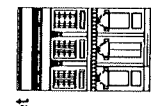
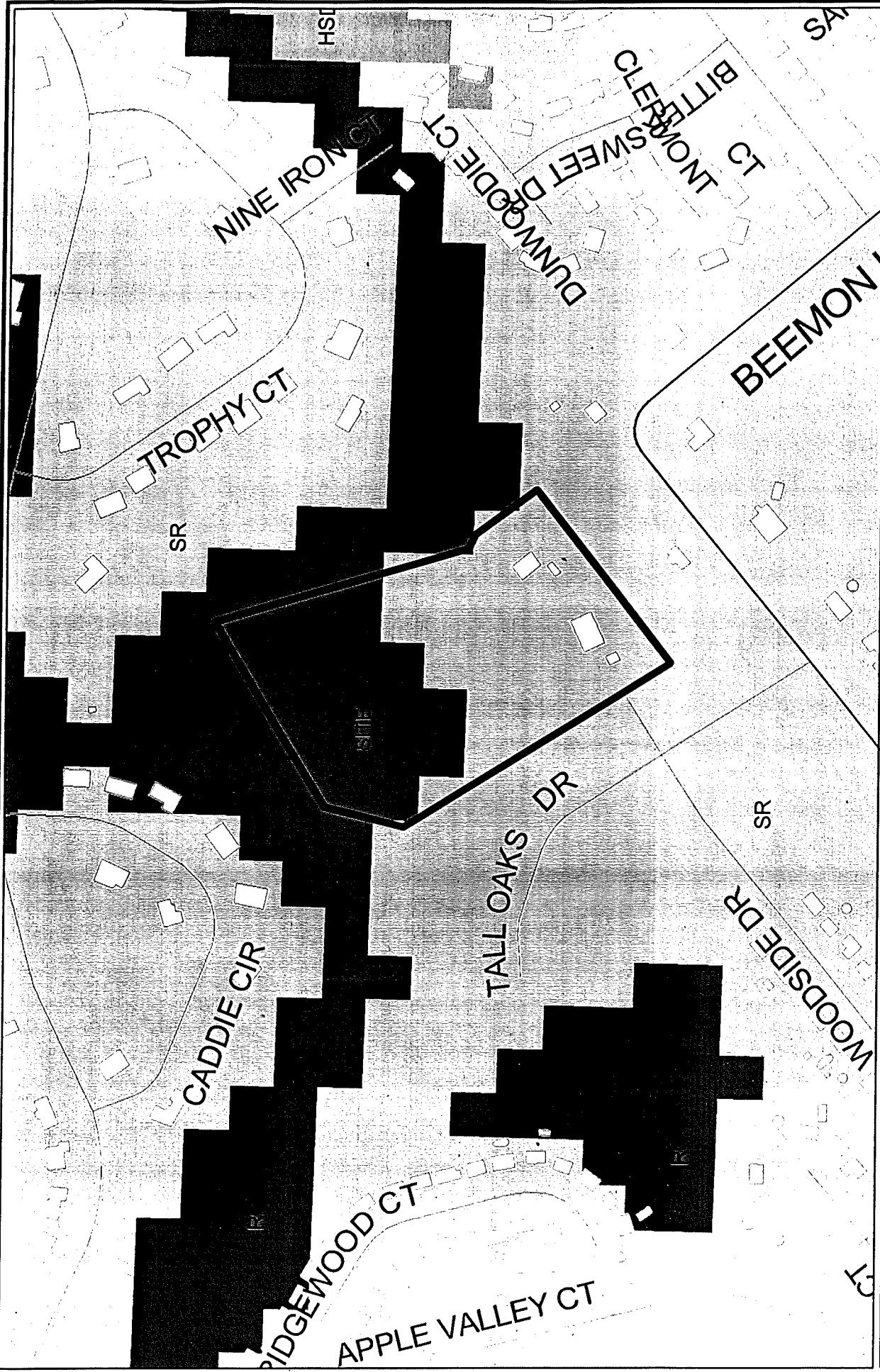


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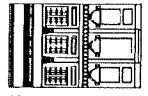
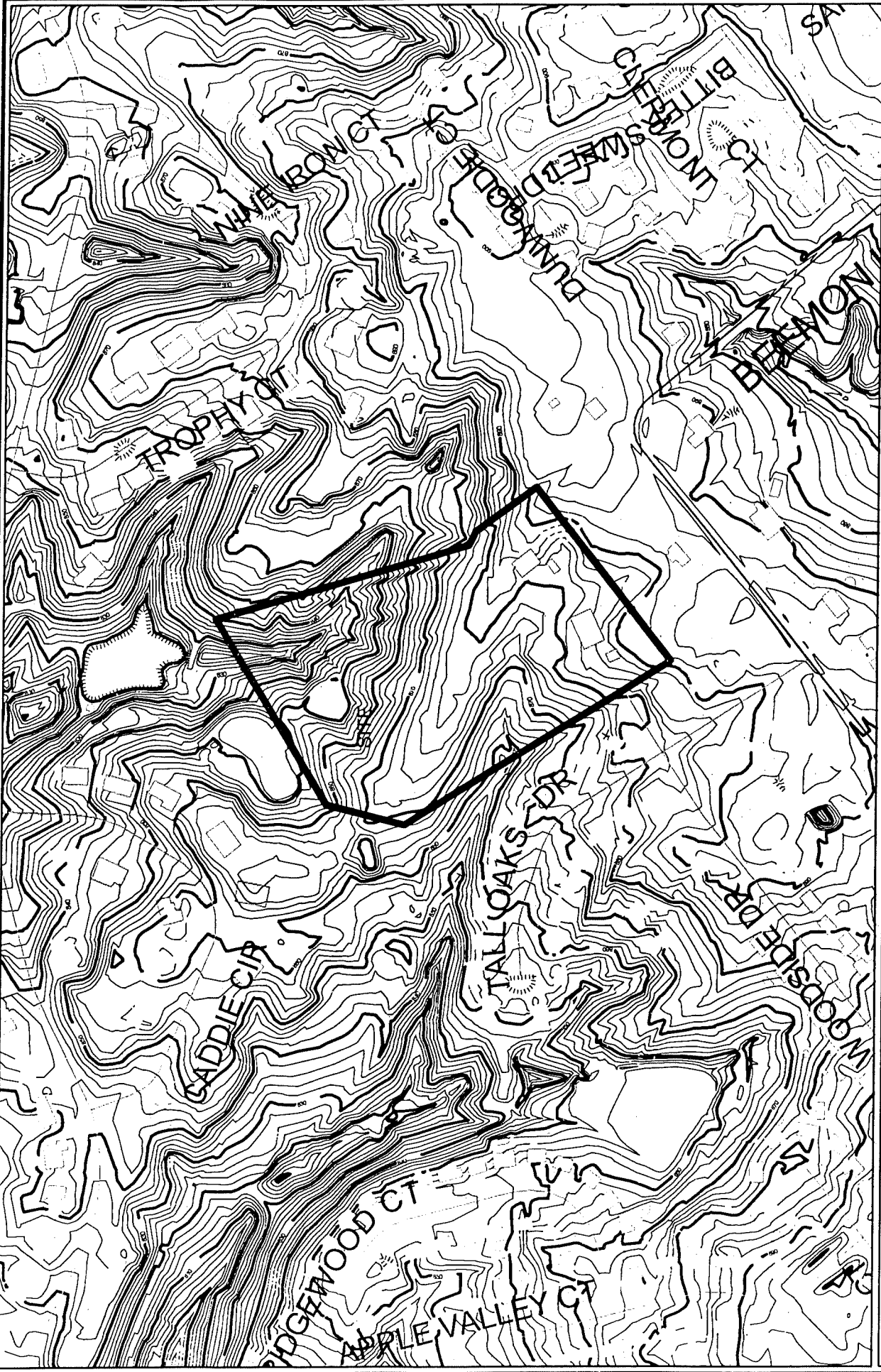
1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
March 6, 2001

Zoning



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 March 6, 2001

Future Land Use



300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
March 6, 2001

Topography



Boone County Public Works Department

5645 Idlewild Rd.
Burlington, KY 41005

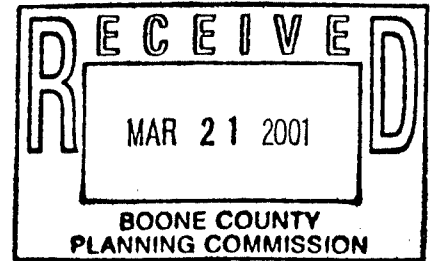
Gary W. Moore
County Judge-Executive

Gregory V. Sketch, PE, PLS
County Engineer

Phone: (859) 334-3600
Fax: (859) 334-3598
www.boonecountyky.org

James E. Parsons
County Administrator

MEMORANDUM



TO: Kevin Wall, Director, Zoning Services
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: **Proposed Zone Change – Beemon Subdivision**

DATE: March 21, 2001

This is in response to your request for input concerning the request for a zone change for the Beemon Subdivision, off Beemon Lane. The proposed development would connect into Tall Oaks Subdivision with an extension of Woodside Drive.

In addition to the concerns presented by the staff of Boone Links Golf Course, my concern is there is an existing County right-of-way (Old North Bend Road) that traverses the subject property from the ninety-degree turn of Beemon Lane to the Golf Course property (copy of 1883 Atlas attached). In 1994 the Boone County Fiscal Court was requested to vacate this right-of-way. A Viewers Committee was appointed and the committee forwarded a report recommending denial of the request (copy of report attached). The Court voted to deny the request on October 25, 1994 (copy of minutes attached).

For this concept plan to be approved as submitted for the requested zone change, the right-of-way must be vacated. This would require action by the Fiscal Court.

Thank you for the opportunity for input in this matter.

c: Jim Parsons, Boone County Administrator



HARVEY F. PELLEY
Director of Public Services

GREGORY SKETCH
Director of Engineering

BOOK 163 PAGE 70

Exhibit "C"

KENNETH R. LUCAS
County Judge - Executive

COMMISSIONERS:

IRENE PATRICK
District 1

SHIRLEY MEIHAUS
District 2

HAROLD L. CAMPBELL
District 3

DEPARTMENT OF PUBLIC WORKS

5645 IDLEWILD ROAD
BURLINGTON, KY 41005

Phone: 606 586-5445
Fax: 606 586-5487

MEMORANDUM

DATE: OCTOBER 5, 1994

TO: KENNETH LUCAS, COUNTY JUDGE/EXECUTIVE
IRENE PATRICK, COMMISSIONER, DISTRICT #1
SHIRLEY MEIHAUS, COMMISSIONER, DISTRICT #2
HAROLD CAMPBELL, COMMISSIONER, DISTRICT #3

FROM: VIEWING COMMITTEE

RE: ROAD CLOSING OF PORTION OF OLD NORTH BEND ROAD,
OFF BEEMON LANE

It is the recommendation of the Viewing Committee that the proposal for the closing of a portion of Old North Bend Road, off Beemon Lane, be denied based on the following findings:

1. Having the right-of-way of this portion of Old North Bend Road open does not create a disadvantage to the adjoining property owners. Because this portion of the road is gravel, to the general public the road appears as a drive for the residents; therefore, traffic is limited to those residents.
2. Closing of the right-of-way could affect future development. The Boone County Planning Commission recommends this right-of-way be open as a proposed subdivision adjoining the Beemon property to the west has been approved for a residential zone. (copy attached). This subdivision has a proposed street ending at the Beemon property line. The existing Old North Bend Road could be used for future development.
3. The right-of-way could give the County an access to the Boone Links Golf Course.

"WORKING TO KEEP BOONE COUNTY TOPS IN KENTUCKY"



printed on recycled paper

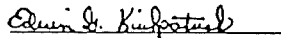
October 5, 1994

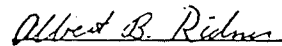
Re: Old North Bend Road Viewing Committee Recommendation


Page -2-

Based on these findings, it is the opinion of the Viewing Committee that this portion of Old North Bend Road remain open.

Respectfully,

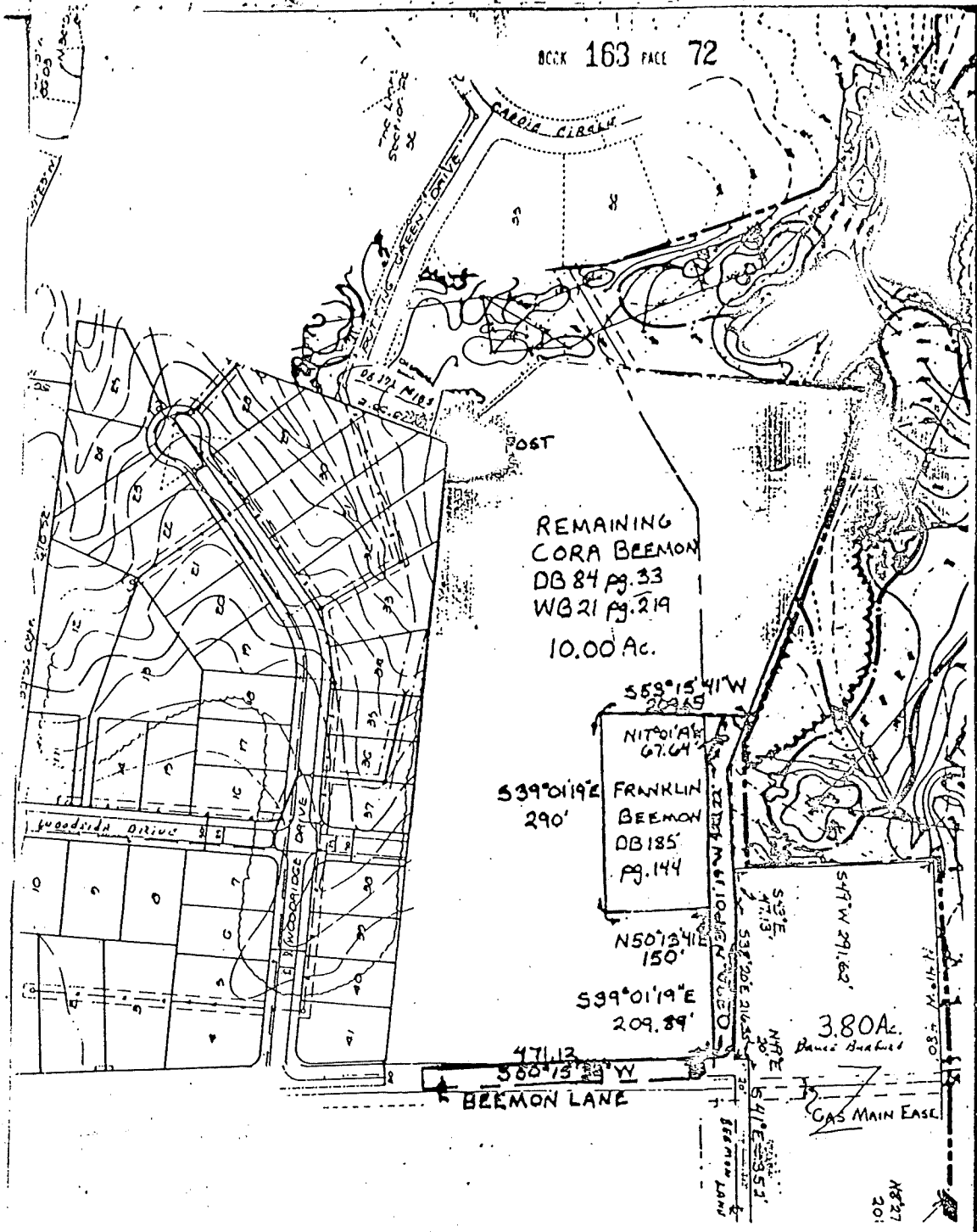

Edwin Kirkpatrick, L.S.
Viewing Committee Member


Albert B. Ridner
Codes Enforcement Officer


Gregory Sketch, P. E., L.S.
Director of Engineering Services

cc: Jim Collins, County Administrator

GS:esp



REMAINING
 CORA BREMON
 DB 84 Pg. 33
 WB 21 Pg. 219
 10.00 Ac.

S59°15'41"W
 209.89'

N17°01'48"
 67.64'

S39°01'19"E
 290'
 FRANKLIN
 BREMON
 DB 185
 Pg. 144

N50°13'41"E
 150'

S39°01'19"E
 209.89'

471.13
 S60°13'29"W

BREMEN LANE

3.80 Ac.
 Bruce H. H. H.

GAS MAIN EASE.

N 82° 27'
 20'

MINUTES
BOONE COUNTY FISCAL COURT
October 25, 1994
5:30 P.M.

ITEM I. CALL TO ORDER

Judge Ken Lucas called to order the meeting of the Boone County Fiscal Court.

Present: Kenneth R. Lucas, County Judge/Executive
Irene Patrick, Commissioner, District 1
Shirley Meihaus, Commissioner, District 2
Harold L. Campbell, Commissioner, District 3
Larry Crigler, County Attorney
Gwen Vice, Assistant County Attorney

Staff: Jim Collins, County Administrator
Ruth Shaffer, Deputy Judge/Executive
Robin D. Curry, Contracts Administrator
Harvey Pelley, Director of Public Works
Marilyn Kruempelman, Personnel Director
Lisa Buerkley, Finance Officer
Greg Sketch, Director of Engineering Services
Carol Rudicill, Fiscal Court Clerk

ITEM II. APPROVAL OF MINUTES

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the minutes of October 4, 1994. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve the minutes of October 18, 1994. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

ITEM III. BID AWARDS

UPPER GUNPOWDER WATERSHED

Commissioner Meihaus moved, seconded by Commissioner Campbell, to award the bid for the Upper Gunpowder Watershed study to GRW Engineers, Inc. in the amount of \$58,853.54. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "A"

TRUCK/PARKS DEPT.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to award the bid for a 14,500 #GMC truck to Haag Ford Sales in the amount of \$25,436.00. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "B"

ITEM IV. PERSONNEL MATTERS

Ms. Kruempelman presented for the court's acknowledgment the resignations of Connie Nolan and Eric Utley.

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve the appointments of Kerri Richardson and Patty Turner to the position of Part-time On-call Child Care Worker at the Grade/Step of 4/A, \$7.16 per hour, contingent upon their satisfactory police background checks and psychological evaluations. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the appointment of John Bradley Schadler to the position of Full-time Child Care Worker at his current Grade/Step. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

ITEM V. OLD BUSINESS

MINUTES
BOONE COUNTY FISCAL COURT
October 25, 1994
5:30 P.M.

OLD NORTH BEND ROAD OFF BEEMON LANE

Mr. Collins presented for the court's acknowledgment the denial to close a portion of Old North Bend Road off Beemon Lane based on the findings outlined in Greg Sketch's to the Fiscal Court dated October 5, 1994. Exhibit "C"

ITEM VI

ADMINISTRATIVE UPDATES

O.K.I. LIGHT RAIL STUDY

Commissioner Meihaus moved, seconded by Commissioner Patrick, to authorize the County Judge/Executive to execute an agreement between O.K.I. and the Boone County Fiscal Court for our local match for a light rail study. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

ITEM VII

DEPARTMENTAL INFORMATION

ASSISTED HOUSING DEPARTMENT

Mr. Collins presented for the court's acknowledgment the audit of the Boone County Housing Department for the fiscal year ending June 30, 1994, as performed by Leila (Sidney) H. Lawson. Mr. Collins noted for the record there were no audit findings. Exhibit "E"

SURPLUS PROPERTY

Commissioner Campbell moved, seconded by Commissioner Patrick, to declare the property outlined and presented to the court as surplus for the auction to be held November 5th. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "F"

ITEM VIII

ORDINANCES & RESOLUTIONS

ORDINANCE NO. 410.6 - ALCOHOLIC BEVERAGES

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve on First Reading Ordinance No. 410.6, an ordinance of the Boone County Fiscal Court relating to regulation of the sale of alcoholic beverages and the times of day alcohol may be sold and repealing Ordinance Nos. 410.2, 410.3, 410.4 and 410.5. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

ORDINANCE NO. 710.4 - BOONE COUNTY PARKS

Commissioner Campbell moved, seconded by Commissioner Patrick, on First Reading Ordinance No. 710.4, an ordinance relating to the use of the Boone County Parks and repealing Ordinance Nos. 710.1, 710.2, 710.2A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

ORDINANCE NO. 1010.12 - GRASS AND/OR WEEDS

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on First Reading Ordinance No. 1010.12, an ordinance of the Boone County Fiscal Court relating to failure to mow grass and/or weeds and repealing Ordinance Nos. 1010.2 and 1010.2A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

ORDINANCE NO. 1010.13 - DISCARDED ITEMS

Judge Lucas read a summary of Ordinance 1010.13 and declared a Public Hearing open at 5:55 p.m. Attorney Crigler noted for the records that the ordinance had been advertised for second reading as #1010.6, however, another ordinance was already in existence under that number and, therefore, the number will be changed to 1010.13. Judge Lucas declared the Public Hearing closed at 5:58 p.m.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve on Second Reading Ordinance No. 1010.13, AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RELATING TO DISCARDED ITEMS AND RESCINDING ORDINANCE NUMBERS 1010.1, 1010.4, 1010.5 AND 1010.5A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "G"

BOONE COUNTY FISCAL COURT

October 25, 1994

5:30 P.M.

ORDINANCE NO. 920.293 - FLOYD AND BRENDA BROWN

Judge Lucas read a summary of ordinance No. 920.293 and declared a Public Hearing open at 6:00 p.m. Hearing no comments, Judge Lucas declared the Public Hearing closed at 6:01 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.293, an ordinance of the Boone County Fiscal Court recommending approval for a request of Floyd and Brenda Brown (Applicants and Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial One (C-1) for a 1.1 acre site located at 10679 Dixie Highway, Boone County, Kentucky, as recommended on a vote of 12-3 by the Boone County Planning Commission via Resolution No. R-94-038-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "H"

RESOLUTION NO. R-10-25-94-01-PZ - E. J. FOLTZ/BRADY & DANNY HOLT

Mr. E. J. Foltz, representing the engineering firm and the applicant for this project, provided the Court with a brief summary of the zoning of adjacent properties.

Mr. Harry Gauspohl, Sales Consultant with Century 21 Garner Properties, presented the court with a written request to overturn the Planning Commission's denial and reiterated reasons why he felt the denial should not be approved. Exhibit "I"

Discussion followed concerning the critical need for access to Kentucky 18, whether LDN should be a factor and compatibility of the development to the surrounding area.

Subsequently, Commissioner Meihaus moved, seconded by the Chair for purpose of discussion, to disapprove Resolution No. R-10-25-94-01-PZ, a resolution of the Boone County Fiscal Court recommending denial for a request of E. J. Foltz (Applicant) for Brady and Danny Holt (Owners) 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) for a 6.67 acre site generally located between KY 18 and Boone Aire Road, near Zig Zag Road, Boone County, Kentucky, as recommended on a vote of 6-5 by the Boone County Planning Commission via Resolution No. R-94-039-D. Judge Lucas called for a vote of the motion, Commissioner Patrick voted "NO", Commissioner Meihaus voted "YES", Commissioner Campbell voted "NO" and Judge Lucas voted "YES".

Attorney Crigler advised that a tie vote reverts to the decision of the Boone County Planning Commission, outlined in their Resolution R-94-039-D, unless one of the dissenting votes of the Fiscal Court brings the matter back to Fiscal Court for their reconsideration within the time constraints to allow for a first and second reading.

ORDINANCE NO. 100.2 - CODE OF ETHICS

Judge Lucas read a summary of Ordinance No. 100.2, and declared a Public Hearing open at 6:49 p.m. Hearing no comment, Judge Lucas declared the Public Hearing closed at 6:50 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 100.2, an ordinance of the Boone County Fiscal Court relating to the establishment of a Code of Ethics for County Officials, Employees and Agents in Boone County, Kentucky. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "J"

ORDINANCE NO. 110.3 - FIRE HYDRANTS

Judge Lucas read a summary of Ordinance No. 110.3 and declared a Public Hearing open at 6:51 p.m. Hearing no comment, Judge Lucas declared the Public Hearing closed at 6:52 p.m.

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 110.3, an ordinance of the Boone County Fiscal Court relating to the maintenance and access to fire hydrants. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "K"

ORDINANCE NO. 310.7 - ELECTRICIANS, ELECTRICAL CONTRACTORS AND ELECTRICAL INSPECTORS

Mr. Collins advised this matter will be deferred.

MINUTES
BOONE COUNTY FISCAL COURT
October 25, 1994
5:30 P.M.

ORDINANCE NO. 620.10 - MUD, SOIL AND/OR DEBRIS
COUNTY ROADS OR RIGHT OF WAY

Judge Lucas read a summary of Ordinance No. 620.10 and declared a Public Hearing open at 6:53 p.m. Commissioner Patrick inquired if this ordinance can be enforced on a state road and legal counsel advised the County cannot be enforce it on a state road. Judge Lucas then declared the Public Hearing closed at 6:55 p.m.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 620.10, an ordinance of the Boone County Fiscal Court relating to mud, soil and/or debris deposited on County roads or right of way and rescinding Ordinance Nos. 620.2, 620.2A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "L"

ORDINANCE NO. 930.10 - KENTUCKY BUILDING CODE

Judge Lucas read a summary of Ordinance No. 930.10 and declared a Public Hearing open at 6:56 p.m. Hearing no comment, Judge Lucas closed the Public Hearing at 6:57 p.m.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve on Second Reading Ordinance No. 930.10, an ordinance of the Boone County Fiscal Court adopting the Kentucky Building Code as promulgated in 815 K.A.R. 7:100, and adopting any subsequent editions of the Kentucky Building Code, and repealing 930.4. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "M"

ITEM XI FISCAL MATTERS

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve Fiscal Court Order #6. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "N"

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve the Invoice Report dated 10/21/94, Refunds dated 10/13/94, Prepays dated 10/13/94 and the additional invoices per the memo from Accounts Payable dated 10/25/94. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibits "O", "P", "Q" & "R"

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve payment of \$4,374.15 to the County Clerk for preparing tax bills for 1994. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "S"

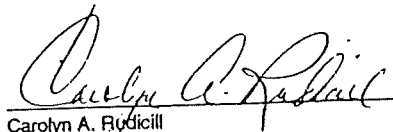
ITEM XII ADJOURNMENT

Commissioner Patrick moved, seconded by Commissioner Campbell, to adjourn the meeting, ALL PRESENT VOTING AYE.

CLERK CERTIFICATION

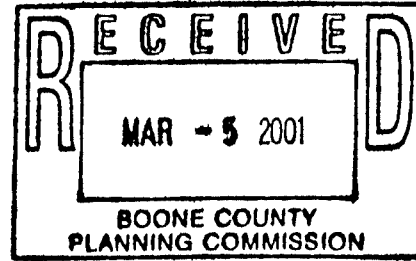
I, Carolyn A. Rudicill, having been duly appointed to the office of Fiscal Court Clerk, do hereby certify that this is a true and accurate record of the actions taken by the Boone County Fiscal Court at the meeting of October 25, 1994.

SIGNED:


Carolyn A. Rudicill
Fiscal Court Clerk

Date: 11-8-94

Memorandum



To: Kevin Wall
CC: Jim Parsons, Greg Sketch
From: Jerry Coldiron
Date: 03/05/01
Re: Schell/Center Line Project Adjacent Boone Links

Thanks for giving us the opportunity to comment on the plan.

After reviewing the site and concept plan with our golf management team, as well as Jim Parsons and Greg Sketch, we would like to voice several points and concerns.

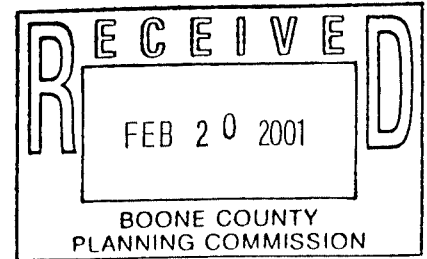
The loss of trees and buffer between the golf course and proposed homes is most certain to cause problems with encroachment of golfers and errant golf balls. It is imperative potential homeowners are warned in advance of purchase. Lots 9,10,11,12 are especially prone to damage and problems.

In the same general area, where a small retention pond (lot 11) is proposed, the overflow is adjacent to our irrigation lake, making erosion and silting a major concern.

The entire grading of the project looks to be major, and sediment and erosion are a general concern, as is tree and vegetative loss.

If the project goes forward, development of a homeowner covenant or document that is similar in nature to the recent Drees development located near the entrance to Boone Links would be imperative. It includes items such as a 25-ft. easement for golfers, uniform fencing code and such.

Thanks again for your attention and we will be glad to discuss our concerns, my office # is 371-0169. Feel free to contact me at your convenience.



ZONING MAP AMENDMENT APPLICATION FORM

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Project Jurisdiction/Location

BOONE <input checked="" type="checkbox"/>	FLORENCE	WALTON	UNION
---	----------	--------	-------

2. Names of Applicant(s)

Applicant	CENTER LINE DEVELOPMENT LLC		
Phone Number	859-578-8050		
Fax No.	859-578-6631		
Applicant's Address	519 ENTERPRISE DRIVE		
City	CRESCENT SPRINGS	State	KY
Zip	41017		

3. Name of Property Owner(s)

Owner of Property	JAY SCHELL		
Owner's Address	508 FARRELL DRIVE		
Phone Number	331-4888		
City	FT. WRIGHT	State	KY
Zip	41011		

4. Name of Project

--

5. Location of Project

1386 BEEMON ROAD.

6. Acreage

Acreage Under Review	9.2	Acreage of Site	10.7
----------------------	-----	-----------------	------

7. Current Zoning of Site

RS + SR-1 PD

8. Proposed Zoning (Classification being requested)

SR-1

9. Proposed Uses (please specify each use)

SINGLE - FAMILY DETACHED HOUSING.

10. Proposed Building Intensities (please specify)

2.3 du / Ac.

11. Are there any existing buildings on the site?

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	How many? 2
---	-----------------------------	-------------

12. Parcel Information

Deed Book 794	Page No. 475	Group No 2032
---------------	--------------	---------------

13. Are you also applying for:

Conditional Use Permit NO	Dimensional Variance NO
---------------------------	-------------------------

14. Have you submitted a Concept Development Plan?

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
---	-----------------------------

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

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
---	-----------------------------

16. 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 Department
	City of Florence, Public Services Department
	Boone County Building Department
	Northern Kentucky Health Department
	U.S. Soil Conservation Service
	Local School District

<input type="checkbox"/>	Local Fire District
<input checked="" type="checkbox"/>	Other AIRPORT.

17. Applicant's Signature *James Q Burton Jr.*
 Property Owner's Signature *Jay Q Schell*

SECTION B (To be completed by BCPC Staff)

1. Date Received

month <i>2-20-01</i>	day	year
----------------------	-----	------

2. Fee Received

#1184.00 R# 26817

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
---	-----------------------------

3. Check what has been submitted:

<input checked="" type="checkbox"/>	Application
<input checked="" type="checkbox"/>	Fee
<input checked="" type="checkbox"/>	Legal Discription
<input type="checkbox"/>	Concept Development Plan
<input type="checkbox"/>	Address of Adjoining Property Owners
<input type="checkbox"/>	Number of copies of plan received**

4. Is application complete?

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
---	-----------------------------

5. Staff Reviewer

<i>KEVIN WALL</i>

6. Committee Chairman

<i>SUSAN POSTON</i>

7. Scheduled Public Hearing Date

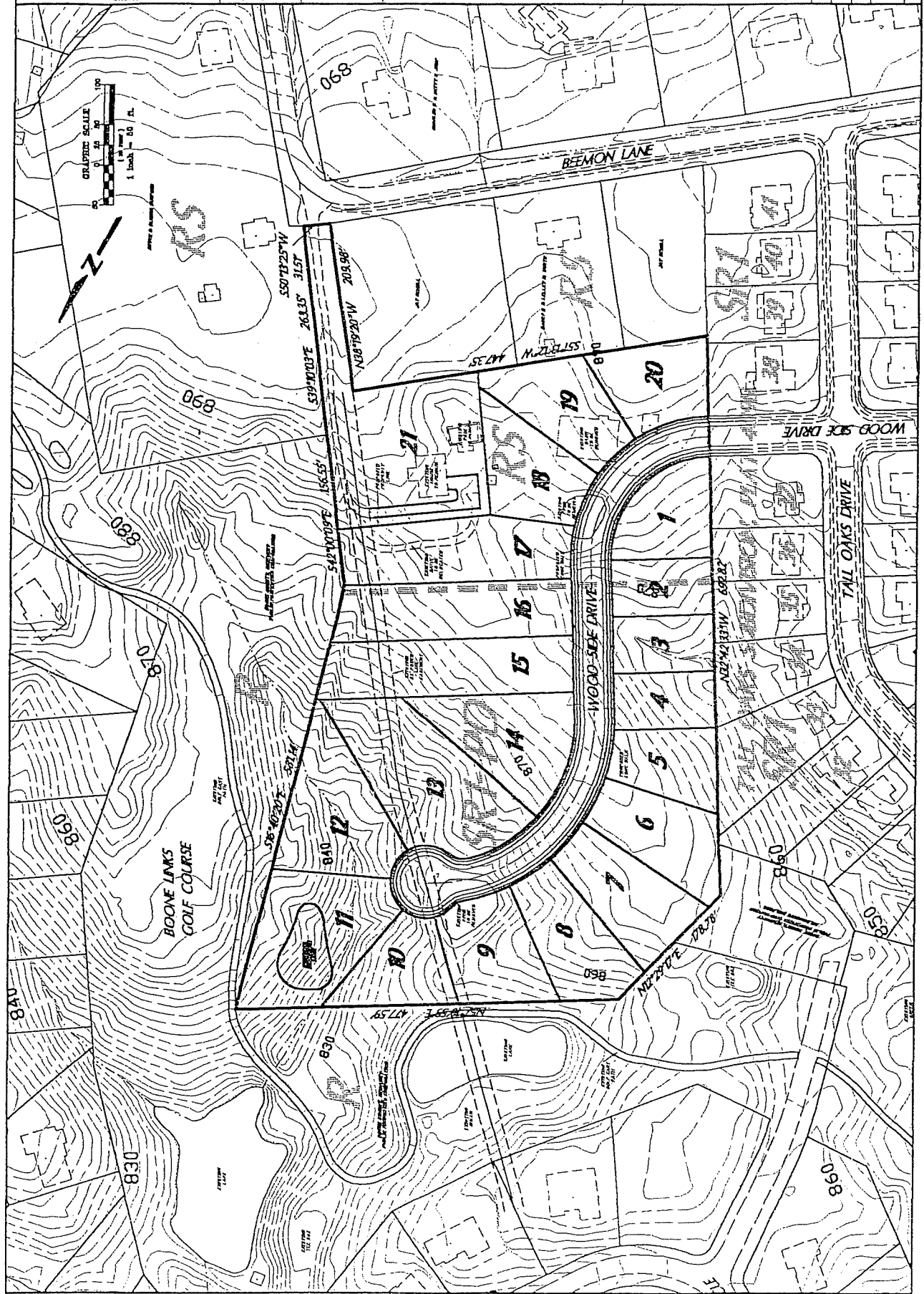
8. Boone County Planning Commission Action:

Approved <input type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>
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9. Other:

** Five (5) Copies Are Required

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.



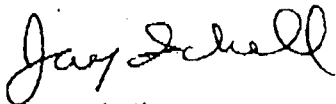
To: Kevin T. Wall
From: Jay Schell

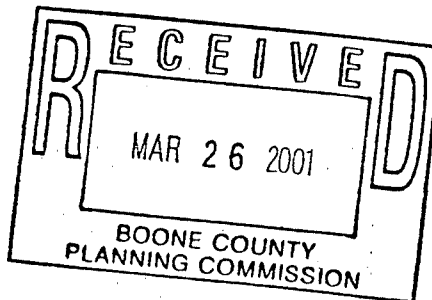
Re: Property on Beemon Lane

I am currently selling property located on Beemon Lane to Central Line Development LLC. I am also retaining land that joins this development. (See A, B & C of the proposal) It is my understanding that there is a public hearing March 28 concerning changing the zoning from RS & SR1-PD to SR-1.

Due to my inability to attend the public hearing on March 28, I would like to voice my support with this letter. I have received a copy of the proposal and in my judgement the development would be a benefit to the community.

Sincerely,

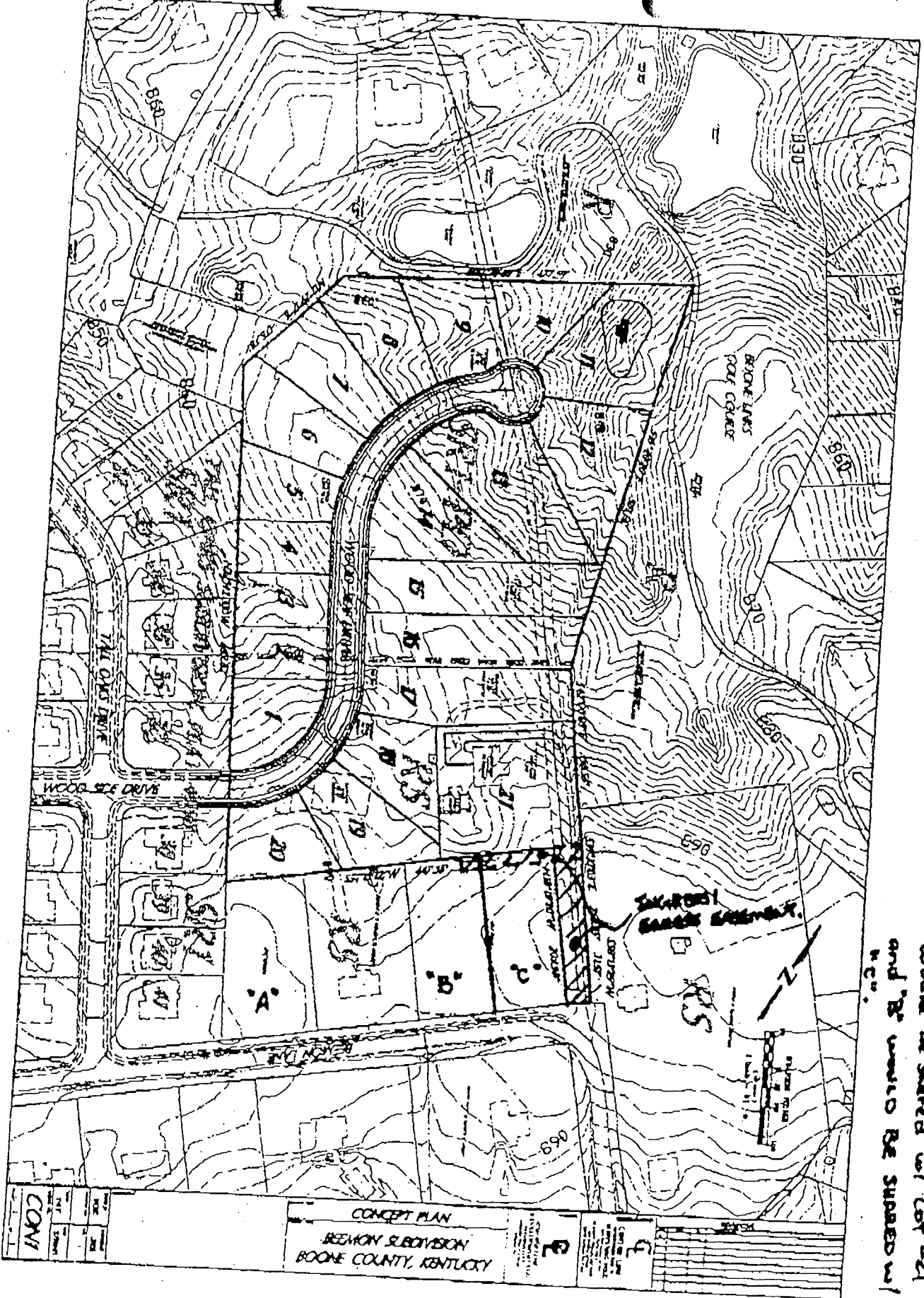

Jay Schell



TO: JAY
FROM: JIM BEETMAN

IF YOU HAVE ANY
QUESTIONS.

DRIVEWAYS FOR 9B & 7C
WOULD BE SHARED W/ LOT B21
AND 7B WOULD BE SUPP'D W/
"C".



CONV

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
March 28, 2001
7:00 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Caddell - Chairman, Mr. Chaney - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mrs. Poston, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:03 P.M. and introduced the item on the Agenda:

1. **Applicant:** Center Line Development LLC for Jay Schell (owner)

Request: Zoning Map Amendment

The request of Center Line Development LLC (applicant) for Jay Schell (owner) to consider a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) for a 9.2 acre site at 1386 Beemon Lane and at the eastern terminus of Woodside Drive, Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). Mr. Wall noted that the panhandle to the existing residence is part of the zone change area (the slide does not show the panhandle to be included).

The Chairman asked for the applicant's presentation. Mr. Wall advised that Mr. Jay Schell was not able to attend the meeting this evening and that attached to the Staff Report is a letter from Mr. Schell in support of the application.

Mr. Jim Bertram and Mr. Darren Eyre were present on behalf of the developer, Center Line Development LLC, 519 Enterprise Drive, Crescent Springs, Kentucky. They offered to answer any questions.

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 to the request or having questions.

Mr. Bruce Burford, 1366 Beemon Lane, questioned the county right-of-way, which is a dirt road, that runs through the property.

Ms. Minerva Heuer, 6550 Tall Oaks Drive, indicated the location of her property and stated that they have some drainage problems. She stated that a lot of the trees that were mentioned by Mr. Wall are on her property. She wants to know what the applicant plans to do in the area of the trees.

Chairman Caddell asked Mr. Bertram and Mr. Eyre to respond to the questions raised and to advise the Planning Commission as to whether they have had any discussion with any agency of Fiscal Court in regard to the existing right-of-way. He noted that the information provided by Staff indicates that Fiscal Court turned down a previous request to vacate the right-of-way (see attachment to the Staff Report).

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Chairman Caddell questioned the depth of Lots 2 – 6. Mr. Eyre responded that it is approximately 135 feet from the right-of-way to the rear of the property. The Chairman asked if they would be willing to have an agreed amount of “do not

disturb" distance on the rears of the lots if requested by the Zone Change Committee. Mr. Bertram responded that they would agree to the rear yard setbacks. Chairman Caddell stated that there are some trees along the property line, some may be on this property and some may be on the adjacent property, and if that is the case, would they agree to a 10-foot, 20-foot, or 25-foot "do not disturb" line at the back of the lots so as not to negatively affect the vegetation. Mr. Bertram responded "Yes, but not beyond the rear yard setback". The Chairman asked the Committee members to make a note of this.

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Mr. Costello questioned who previously requested that the road be vacated. Mr. Burford stated that he previously made that request and his intent was, and still is, to build a house there. He stated that the road was not being used or maintained and he and the house with the panhandle were going to vacate the road and then blacktop it and maintain it themselves. In response to a request from the Chairman, he indicated his existing house and barn are on four acres.

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Chairman Caddell asked if there were any further comments from the public. There being no response, he asked if there were any comments or questions from the Commissioners.

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the Concept Plan is approved as presented and the request to vacate the right-of-way is not granted, they will need to come back and change the Concept Plan.

Mr. Hicks referred to the letter from Jerry Coldiron attached to the Staff Report. He noted that the letter requests a covenant or document similar to what Drees has for the lots in their development that back up to the golf course. He asked if the applicant would agree to adopt the same document. Mr. Bertram responded that they have asked Drees to send them that information so that they can address those concerns, but they have not received it. Mr. Costello stated that he will get the information.

Chairman Caddell stated that if the Zone Change Committee recommends approval and the Planning Commission recommends approval, there could be a condition of approval that the county releases its rights to the right-of-way. He questioned if there is any reason to wait to act on this request until the issue of vacating the right-of-way is settled, or would such a condition suffice? Counselor Wilson advised that it would be difficult for the applicant to agree to that condition without knowing for sure that Fiscal Court will agree to vacate the right-of-way. Chairman Caddell stated that the Planning Commission could not approve the detailed Site Plan as submitted if the right-of-way is not vacated. Mr. Wall responded that since the vacation of the right-of-way is inherent in the plan, denial of the request to vacate the right-of-way would be a major change to the Concept Plan. Chairman Caddell explained that that basically means that they would have to start over. Mr. Bertram disagreed. He reviewed the slide and stated that his understanding of the existing right-of-way is that it comes back and stops approximately where shown and he does not think it would affect the project. He stated that he believes the line the Chairman is referring to is a power line easement not the right-of-way. Mr. Costello stated that he will verify this. Chairman Caddell asked that it be verified by the time of the Committee Meeting since if that is correct, the vacation of the right-of-way would not present a problem.

Mr. Bertram stated that if they did not include the lot as part of the development, the lot would meet the RS zoning. He questioned what would happen to the access for the lot if the lot is excluded via Conveyance Plat – what would be the repercussions if they do not get the right-of-way vacated and exclude the lot? Mr. Wall responded that it is his understanding that they can take things out of a project and make it smaller or less dense, but they cannot increase it. Counselor Wilson agreed and explained that they can detract from what has been advertised. They can delete Lot #21 and the lot would access through the non-vacated right-of-way. Mr. Bertram responded that they would not change the access point. Counselor Wilson advised that if they take it out of the application, they need to make sure it is a legal lot. Mr. Bertram responded that they have already sized the lot. Chairman Caddell asked if the applicant is saying that at this point they will leave Lot #21 in the plat but, if the right-of-way is a problem, they would withdraw it in the Final Plat. Mr. Bertram agreed.


Mr. Wall stated that his understanding of the extent of the right-of-way is what the Chairman was saying. Chairman Caddell responded that the extent of the right-of-way will be verified prior to the Zone Change Committee meeting.

Mr. McMillian asked if the application is to rezone part of the Recreation area and if the pond is a retention or detention pond. Mr. Bertram responded that the back of their entire lot is zoned SR-1/PD and the front is zoned RS, but there is no Recreational line on their site. The Comprehensive Plan may show it, but the zoning maps do not. He stated that the retention lake will be a wet pond and would be a feature of Lot #11. Mr. Wall agreed that the property is zoned SR-1/PD, just like the lot next door that became Tall Oaks. He stated that the golf course to the north is in the Recreational zone. He referred to the Future Land Use Map (copy attached to the Staff Report) and noted that the recreation area bleeds over onto the property. He stated that he believes the pond will be similar to the one on the golf course property next door.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on April 4, 2001 at 4 P.M. in the Fiscal Courtroom on the second floor of the Administration Building. This item will be on the Agenda for the Business Meeting on April 28, 2001 at 7:30 P.M..

The Chairman closed this Public Hearing at 7:50 P.M..

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
April 18, 2001
7:30 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:06 P.M..

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett
Mr. Richard Knock

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

that since their site will be lower than the adjacent property it would not be possible for it to drain onto the adjacent property.

Mrs. Wilson questioned architectural metal siding and asked if it is on any of the facilities now. Mr. Morgan responded that the term is directly out of the Houston-Donaldson Study Design Review Standards. Mr. Zimmer stated that it is standing seam metal like the material used on roofs.

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

5. Zoning Map Amendment

The request of Center Line Development LLC (applicant) for Jay Schell (owner) to consider a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) for a 9.2 acre site at 1386 Beemon Lane and at the eastern terminus of Woodside Drive, Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions. The applicant has signed the letter agreeing to the conditions. Mr. Wall noted a typing error in the Committee Report. The first sentence in Finding of Fact #2 should read "The Committee has concluded that the attached conditions are necessary to achieve consistency with the **Suburban Density Residential** designation, the specific goals, objectives and policies of the 2000 Boone County Comprehensive Plan".

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

Chairman Caddell referred to Condition #3 and stated that he is concerned about requiring deed restrictions as a condition of a zone change. Mr. Hicks stated that the covenants are to protect the integrity of the golf course and are the same covenants Drees used with their property along the golf course. Chairman Caddell asked if those covenants were a requirement from this Planning Commission. Mr. Wall stated that the covenants in Condition #3A (the fence) and #3B (the language) were requested by Jerry Coldiron from the golf course. He stated that he asked the golf course to comment since it is an adjoining public facility. Chairman Caddell stated that he is uncomfortable with the Planning Commission requiring this developer to put in deed restrictions that permit golfers to enter onto the property. He stated that a covenant in this case is a deed restriction that would be required to be placed on the lots to sell. Counselor Wilson agreed and stated that the deed restrictions would be placed of record independent of the Zoning Regulations and would run with the land. Mr. Costello stated that the Planning Commission would not have to enforce the covenants – every time someone plays golf out there, we would not have to send the Zoning

Enforcement Officer out. Mr. Wall stated that the intent is to make sure the restrictions are part of the covenants and deed restrictions when the Final Plat is done, but not to go out and police it.

Mr. Newman asked if there is a definition between covenants and deed restrictions. Counselor Wilson advised that the legal effect is the same.

Mr. Chaney asked if there is any other instance where the Planning Commission has done something like this, particularly with golf courses. Mr. Wall responded that there have not been any golf courses developed since he has been here. The last one developed was Triple Crown and he believes they may have something similar. Chairman Caddell stated that a similar issue may be the next time someone comes for a zone change for a subdivision bordering the airport and someone from the airport comes in and says they want the Planning Commission to put in covenants that put people on notice that the airport is an adjoining property owner and *this, this, and this* might happen. Mr. Chaney stated that he believes those kinds of things have been done at airports in other states. Mr. Wall stated that he is aware of language that refers to Fiscal Court approval regarding possible aircraft noise.

Mr. Newman stated that he believes the Committee's intent was to conform to properties adjoining Boone Links and Triple Crown. It is his understanding that those developments had deed restrictions on the lots. Chairman Caddell stated that it is doubtful that those restrictions were imposed by this Planning Commission.

Mrs. Poston asked if the Chairman sees this as setting a precedent. Chairman Caddell responded that that is part of his concern. He noted that no one has definitely identified a case where deed restrictions have been imposed as a condition of approval. Mr. Wall stated that he is not aware of any of this exact nature.

Mr. Hicks asked if there is any other way to do this, such as a commitment from the developer that they will look into the Drees covenants? Mr. White stated that he thought the builders were in favor of it and the purpose was to let the people moving in there know that there is a golf course there and there might be entry into their yards by people getting golf balls.

Chairman Caddell stated that he has no problem with the covenants, his concern is requiring them as a condition of approval of the zone change. Mr. Costello stated that it places a burden on Staff when they submit their subdivision plans to see that this exact language is in their covenants.

Mr. Zimmer stated that the Committee's intent was to let the residents know that they are on a golf course. It was to be similar to Orchard Estates where there are deed restrictions to say that they are in a noise area. He does not know how those restrictions got there. He stated that the developer is in favor of the restrictions and making them a condition of approval. He stated that there was a similar

scenario with the access onto Old Toll Road with the previous application. The Committee talked about making it a condition that the recommendation of approval was contingent upon access onto Old Toll Road, but instead they put it in the Findings of Fact so that it was passed along to the body they were recommending to that the Findings of Fact are based on the understanding that there will be access onto Old Toll Road. He stated that possibly instead of the covenants being a condition, there could be a line in the Findings of Fact that it is our understanding that the developer is going to do this – which might also preclude setting a precedent of establishing deed restrictions.

Counselor Wilson advised that in the Findings of Fact section we could allude to the applicant being willing within their private deed restrictions to include reference to the golf course being nearby and from time to time there may be entry onto the property. He stated that by this not being a condition, we could not enforce it – and he does not think we want to enforce it.

Mr. Zimmer moved to amend the motion to approve by striking Condition #3 from the conditions of the Committee Report and including in the Findings of Fact that the applicant has acknowledged they will be preparing private deed restrictions and are agreeable to identifying that there is a nearby golf course and including the language in Condition #3 A, B, and C in the Findings of Fact. Mr. Chaney seconded the amendment. Mr. Zimmer asked if the applicant needs to agree to the change. Counselor Wilson responded that since it is a condition being taken away, the applicant does not need to agree to it. Mr. McMillian questioned if this would eliminate the fence (Condition #3A). Chairman Caddell stated that the fence would be in the Findings of Fact with the other two items that were originally going to be deed restrictions. Mr. McMillian stated that there is a detail sheet regarding the fence which goes along the golf course area. Chairman Caddell stated that it can be attached and referenced in the Findings of Fact. Mr. Zimmer commented “if there is a fence”. Chairman Caddell stated that if there is a fence constructed, it has to look like the drawing. He asked “they are not required to construct a fence?”. Mr. Wall responded “that is correct”. Mr. McMillian questioned who decides if there will be a fence. Mr. Zimmer responded that the request of the golf course was that they would like it to be similar to the rest of the golf course where there is a fence (as opposed to chainlink or stockade). He believes there are gaps in the fence.

Chairman Caddell asked for a vote on the motion made by Mr. Zimmer to amend the motion to approve and it carried unanimously. The Chairman asked if there was any discussion of the motion to approve based on the Committee Report as amended. There being no response, he asked for a vote on the motion and it carried unanimously.

6. **Technical/Design Review** – Turfway Crossing, 1336 Hansel Avenue

Staff Member Kevin Wall presented the Design Review request for Turfway Crossing. He passed around a large copy of the Site Plan and presented an exhibit of the elevations. He stated that the Design Review application is for the

EXHIBIT
“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: April 18, 2001

RE: Request of **Center Line Development LLC (applicant)** for **Jay Schell (owner)** to consider a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) for a 9.2 acre site located at 1386 Beemon Lane and at the eastern terminus of Woodside Drive, Boone County, Kentucky. The request is for a zone change to allow single family residences.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 2000 Boone County Comprehensive Plan. Specific facts that support this conclusion include the following.
 - A. The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the majority of the site as "Suburban Density Residential." The Suburban Density Residential classification is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision." The "Recreational" designation overlaps from the adjoining Boone Links golf course onto the northern section of the site. Based on the conceptual nature of the Future Land Use Map, it is the Committee's conclusion that the Recreational classification is intended to be applied to the golf course, and that the entire site in question is intended for Suburban Density Residential uses.

- B. The "Pleasant Valley-West Florence Area" section of the Land Use Element states "the large area between Hopeful Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road, should develop in a Suburban Residential fashion." This area includes the site in question.
 - C. The "Residential Areas" section of the Housing Element states "the areas of greatest projected population growth are in the Florence-Richwood-Union-Burlington area, south along I-75, and in the Hebron-North River area. The western and southern sections of Boone County are projected to experience less population growth, thus, less of a housing need." The site is within one of these areas defined by the Housing Element for the greatest projected population growth. This element also states that "development in established areas takes advantage of existing services and minimizes future strain on the transportation network." The site in question is an infill lot that is within an area characterized by established suburban style residential development and that has all necessary infrastructure for such development.
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the 2000 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.
3. Based on discussion with the applicant, it's the Committee's understanding that the Applicant will include the following covenants in the subdivision:
- A. The fence detail attached as "Attachment A" shall be included in the covenants. The construction of any fencing along the common property lines with the golf course shall conform to this detail.
 - B. The covenants shall include language which states that the lots within this subdivision adjoin a golf course, and that they may be susceptible to property damage due to mis-shot golf balls.

- C. The covenants shall include the following section:

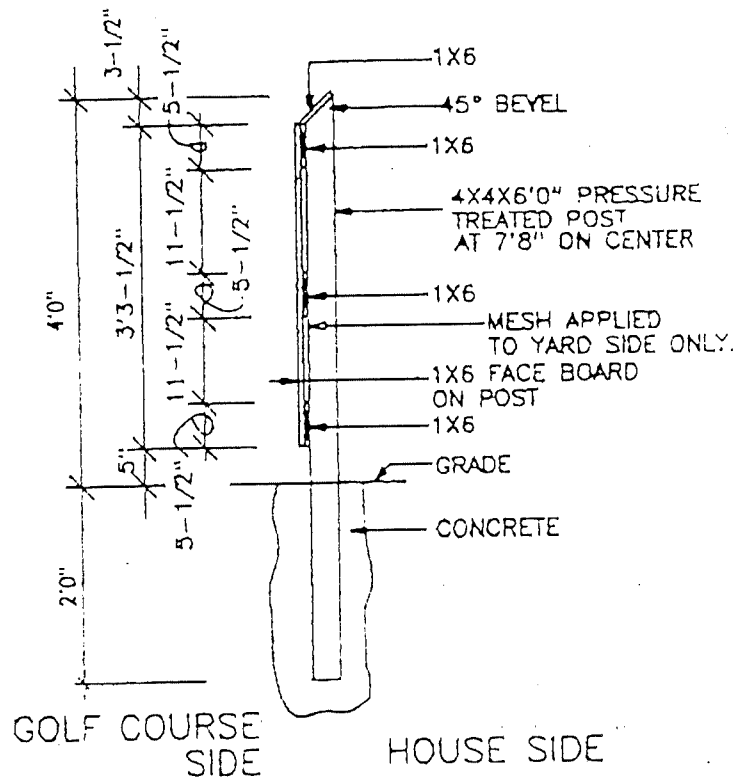
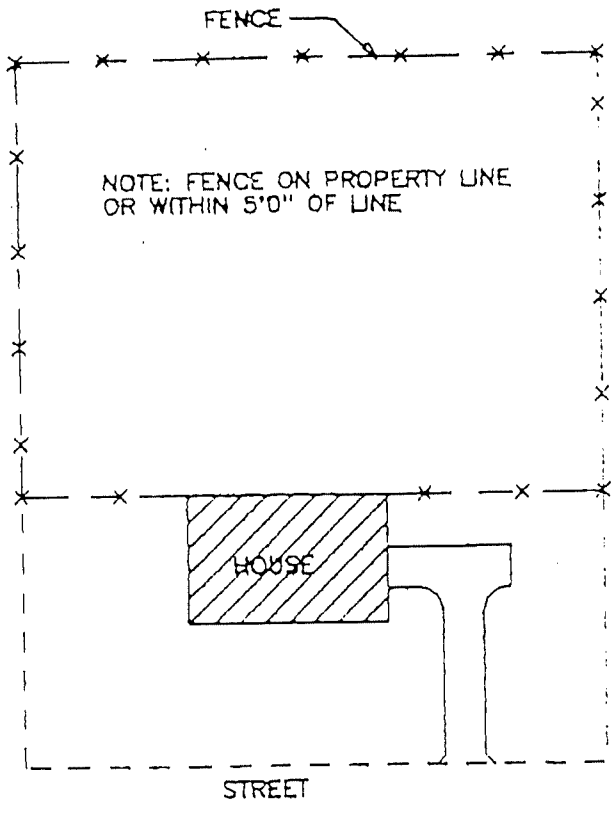
Entry by Golfers: Each Lot and Living Unit which are adjacent to the Golf Course shall be subject to the right and easement on the part of registered Golf Course players and their caddies, to enter upon the unimproved portion of any such Lot which is within twenty five feet (25') of the Golf Course to remove a ball, subject to the official rules of the Golf Course, with such entering not being deemed to be a trespass. Golf Course players or their caddies shall not be entitled to enter upon any such Lot with a golf cart or other vehicle, or to spend an unreasonable amount of time on any such Lot or in any way commit a nuisance on any such portion of the Property.

CONDITIONS

1. A 15 foot wide "no disturb" area shall be maintained around the perimeter of the site to preserve existing tree cover, except where disturbance is necessary to grade for the road and to construct the retention basin in the northwest corner of the site.
2. Storm water flow shall be directed away from the common boundary with Tall Oaks 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 Committee Vote.

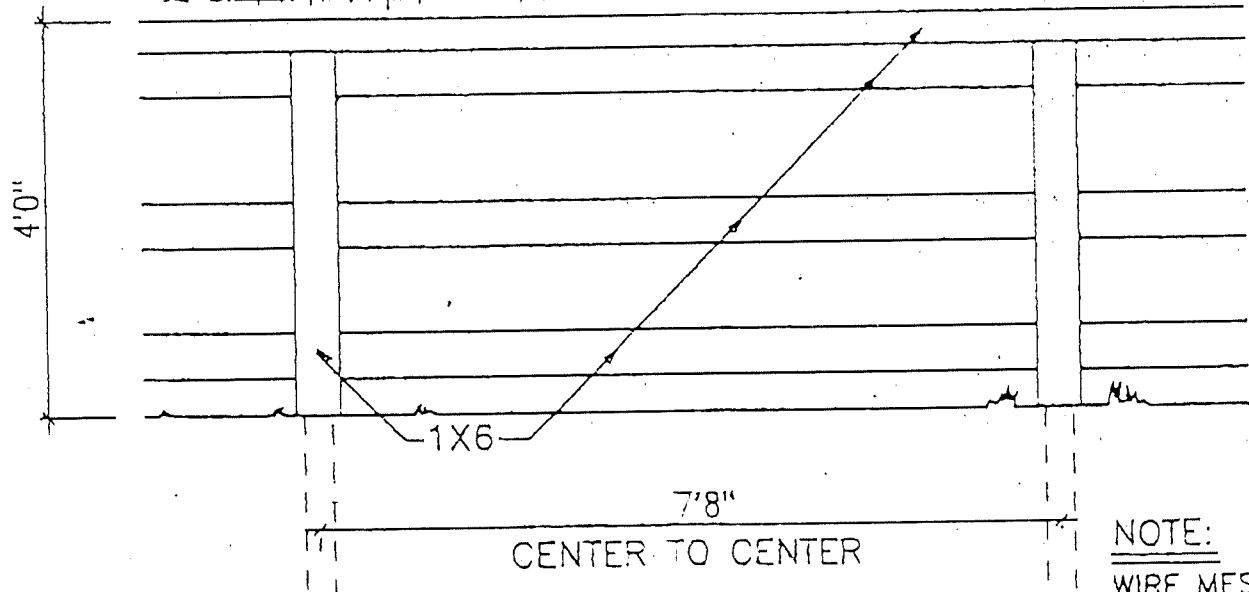
ATTACHMENT A



SITE PLAN

FENCE SECTION

NOTE: USE PORTER PAINT SOLID COLOR STAIN # E-55 OR GRAY CEDAR 255 FINISH FOR FENCE



FENCE ELEVATION (GOLF COURSE SIDE)

NOTE:
WIRE MESH IF DESIRED FOR PET ENCLOSURE.
HOUSE SIDE ONLY

The Drees Company

211 Grandview Drive FL Mitchell, Kentucky 41017

FENCE DESIGN APPROVAL
FOR LOT # @
"THE LINKS".

DATE OF DETAIL: 9/4/90	DRAWN BY: W.J.S.	SHT. NO
DATE OF LAST REVISION	CHECKED BY: N.C.B.	OF
DATE ISSUED: 9.4.90		

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
March 28, 2001
7:00 P.M.

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Caddell - Chairman, Mr. Chaney - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mrs. Poston, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:03 P.M. and introduced the item on the Agenda:

1. **Applicant:** Center Line Development LLC for Jay Schell (owner)

Request: Zoning Map Amendment

The request of Center Line Development LLC (applicant) for Jay Schell (owner) to consider a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) for a 9.2 acre site at 1386 Beemon Lane and at the eastern terminus of Woodside Drive, Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). Mr. Wall noted that the panhandle to the existing residence is part of the zone change area (the slide does not show the panhandle to be included).

The Chairman asked for the applicant's presentation. Mr. Wall advised that Mr. Jay Schell was not able to attend the meeting this evening and that attached to the Staff Report is a letter from Mr. Schell in support of the application.

Mr. Jim Bertram and Mr. Darren Eyre were present on behalf of the developer, Center Line Development LLC, 519 Enterprise Drive, Crescent Springs, Kentucky. They offered to answer any questions.

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 to the request or having questions.

Mr. Bruce Burford, 1366 Beemon Lane, questioned the county right-of-way, which is a dirt road, that runs through the property.

Ms. Minerva Heuer, 6550 Tall Oaks Drive, indicated the location of her property and stated that they have some drainage problems. She stated that a lot of the trees that were mentioned by Mr. Wall are on her property. She wants to know what the applicant plans to do in the area of the trees.

Chairman Caddell asked Mr. Bertram and Mr. Eyre to respond to the questions raised and to advise the Planning Commission as to whether they have had any discussion with any agency of Fiscal Court in regard to the existing right-of-way. He noted that the information provided by Staff indicates that Fiscal Court turned down a previous request to vacate the right-of-way (see attachment to the Staff Report).

Mr. Bertram stated that Woodside Drive was extended to serve this property. He stated that they will connect in and dead-end in a cul-de-sac to serve the twenty lots. He indicated the location where they will connect to the sewer and stated that it may not serve all the lots and they may have to go to a pumping station. The concept is to extend the sanitary sewer. He stated that they do not want to disturb the treeline and intend to minimize the grading as much as possible. They will tear down the old barn, fill in the pond, and will take the top off the ridge and use it to grade and fill in the areas he indicated on the slide. They plan to put the detention lake on Lot #11 as the golf course is concerned about sediment. He explained that a pond located as shown on Lot #22 would serve all the houses.

Chairman Caddell clarified that Mr. Bertram was saying that the elevation of the street would be such that the surface water would drain to the end of the cul-de-sac and then be piped to the holding basin. Mr. Bertram agreed and stated that they are trying to keep the water off their neighbors. He stated that they will have to disturb most of the trees in the area of the proposed road because of the grading. He stated that they want to keep as many of the existing trees as possible. He indicated the heavily wooded areas that are not on their property that will not be disturbed.

Chairman Caddell questioned the depth of Lots 2 – 6. Mr. Eyre responded that it is approximately 135 feet from the right-of-way to the rear of the property. The Chairman asked if they would be willing to have an agreed amount of “do not

disturb" distance on the rears of the lots if requested by the Zone Change Committee. Mr. Bertram responded that they would agree to the rear yard setbacks. Chairman Caddell stated that there are some trees along the property line, some may be on this property and some may be on the adjacent property, and if that is the case, would they agree to a 10-foot, 20-foot, or 25-foot "do not disturb" line at the back of the lots so as not to negatively affect the vegetation. Mr. Bertram responded "Yes, but not beyond the rear yard setback". The Chairman asked the Committee members to make a note of this.

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the Concept Plan is approved as presented and the request to vacate the right-of-way is not granted, they will need to come back and change the Concept Plan.

Mr. Hicks referred to the letter from Jerry Coldiron attached to the Staff Report. He noted that the letter requests a covenant or document similar to what Drees has for the lots in their development that back up to the golf course. He asked if the applicant would agree to adopt the same document. Mr. Bertram responded that they have asked Drees to send them that information so that they can address those concerns, but they have not received it. Mr. Costello stated that he will get the information.

Chairman Caddell stated that if the Zone Change Committee recommends approval and the Planning Commission recommends approval, there could be a condition of approval that the county releases its rights to the right-of-way. He questioned if there is any reason to wait to act on this request until the issue of vacating the right-of-way is settled, or would such a condition suffice? Counselor Wilson advised that it would be difficult for the applicant to agree to that condition without knowing for sure that Fiscal Court will agree to vacate the right-of-way. Chairman Caddell stated that the Planning Commission could not approve the detailed Site Plan as submitted if the right-of-way is not vacated. Mr. Wall responded that since the vacation of the right-of-way is inherent in the plan, denial of the request to vacate the right-of-way would be a major change to the Concept Plan. Chairman Caddell explained that that basically means that they would have to start over. Mr. Bertram disagreed. He reviewed the slide and stated that his understanding of the existing right-of-way is that it comes back and stops approximately where shown and he does not think it would affect the project. He stated that he believes the line the Chairman is referring to is a power line easement not the right-of-way. Mr. Costello stated that he will verify this. Chairman Caddell asked that it be verified by the time of the Committee Meeting since if that is correct, the vacation of the right-of-way would not present a problem.

Mr. Bertram stated that if they did not include the lot as part of the development, the lot would meet the RS zoning. He questioned what would happen to the access for the lot if the lot is excluded via Conveyance Plat – what would be the repercussions if they do not get the right-of-way vacated and exclude the lot? Mr. Wall responded that it is his understanding that they can take things out of a project and make it smaller or less dense, but they cannot increase it. Counselor Wilson agreed and explained that they can detract from what has been advertised. They can delete Lot #21 and the lot would access through the non-vacated right-of-way. Mr. Bertram responded that they would not change the access point. Counselor Wilson advised that if they take it out of the application, they need to make sure it is a legal lot. Mr. Bertram responded that they have already sized the lot. Chairman Caddell asked if the applicant is saying that at this point they will leave Lot #21 in the plat but, if the right-of-way is a problem, they would withdraw it in the Final Plat. Mr. Bertram agreed.

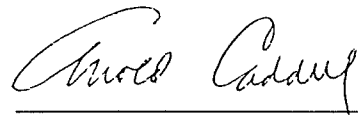
Mr. Wall stated that his understanding of the extent of the right-of-way is what the Chairman was saying. Chairman Caddell responded that the extent of the right-of-way will be verified prior to the Zone Change Committee meeting.

Mr. McMillian asked if the application is to rezone part of the Recreation area and if the pond is a retention or detention pond. Mr. Bertram responded that the back of their entire lot is zoned SR-1/PD and the front is zoned RS, but there is no Recreational line on their site. The Comprehensive Plan may show it, but the zoning maps do not. He stated that the retention lake will be a wet pond and would be a feature of Lot #11. Mr. Wall agreed that the property is zoned SR-1/PD, just like the lot next door that became Tall Oaks. He stated that the golf course to the north is in the Recreational zone. He referred to the Future Land Use Map (copy attached to the Staff Report) and noted that the recreation area bleeds over onto the property. He stated that he believes the pond will be similar to the one on the golf course property next door.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on April 4, 2001 at 4 P.M. in the Fiscal Courtroom on the second floor of the Administration Building. This item will be on the Agenda for the Business Meeting on April 28, 2001 at 7:30 P.M..

The Chairman closed this Public Hearing at 7:50 P.M..

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Committee Chairwoman

DATE: April 4, 2001

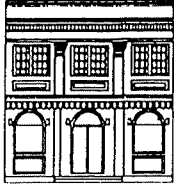
RE: Request of **Center Line Development LLC (applicant)** for **Jay Schell (owner)** to consider a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) for a 9.2 acre site located at 1386 Beemon Lane and at the eastern terminus of Woodside Drive, Boone County, Kentucky. The request is for a zone change to allow single family residences.

REMARKS:

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

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



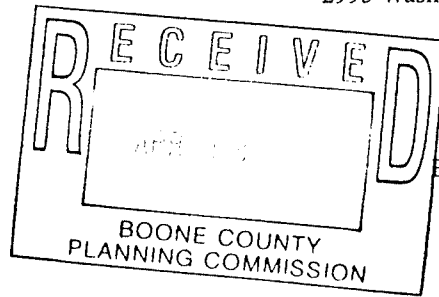
2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org



April 5, 2001

Mr. Jay Schell
c/o Center Line Development LLC
519 Enterprise Drive
Crescent Springs, KY 41017

FAX: 578-6632

RE: Recommended Conditions of Approval for Zone Change Application from RS and SR-1/PD to SR-1 for 9.2 Acre Tract Located at 1386 Beemon Lane and Eastern Terminus of Woodside Drive, Boone County, Kentucky

Dear Mr. Schell:

The following represents the conditions of approval for the above referenced zone change application as agreed by the Planning Commission's Zone Change Committee. If you, as the property owner, agree to these conditions, so indicate by signing in the space provided at the end of this letter. Please return this letter with the original signature by Friday, April 13, 2001.

CONDITIONS

1. A 15 foot wide "no disturb" area shall be maintained around the perimeter of the site to preserve existing tree cover, except where disturbance is necessary to grade for the road and to construct the retention basin in the northwest corner of the site.
2. Storm water flow shall be directed away from the common boundary with Tall Oaks Subdivision.
3. The covenants for the subdivision shall include the following items.
 - A. The fence detail attached as "Attachment 1" shall be included in the covenants. The construction of any fencing along the common property lines with the golf course shall conform to this detail.
 - B. The covenants shall include language which states that the lots within this subdivision adjoin a golf course, and that they may be susceptible to property damage due to mis-shot golf balls.

Mr. Jay Schell
April 5, 2001
Page 2

C. The covenants shall include the following section:

Entry by Golfers: Each Lot and Living Unit which are adjacent to the Golf Course shall be subject to the right and easement on the part of registered Golf Course players and their caddies, to enter upon the unimproved portion of any such Lot which is within twenty five feet (25') of the Golf Course to remove a ball, subject to the official rules of the Golf Course, with such entering not being deemed to be a trespass. Golf Course players or their caddies shall not be entitled to enter upon any such Lot with a golf cart or other vehicle, or to spend an unreasonable amount of time on any such Lot or in any way commit a nuisance on any such portion of the Property.

Sincerely,



Kevin T. Wall
Director, Zoning Services

KTW/vlm

Enclosure

AGREEMENT

I, the owner of the 9.2 acres of real property noted above, agree to the conditions listed herein for the Center Line Development LLC zone change application from RS and SR-1/PD to SR-1.


Jay Schell

4-17-01
Date

2000 13237

3

DEED

KNOW ALL MEN BY THESE PRESENTS:

That FRANKLIN N. BEEMON AND JANICE D. BEEMON, HUSBAND AND WIFE, for and in consideration of TWO HUNDRED EIGHTY-NINE THOUSAND NINE HUNDRED AND 00/100 (\$289,900.00) Dollars, to them paid by the Grantee herein, the receipt of which is acknowledged, do bargain, sell and convey to: JAY Q. SCHELL, UNMARRIED, his heirs and assigns forever, the following described real estate, in the County of Boone, City of Florence and Commonwealth of Kentucky, to-wit:

Present Street Address 1386 Beemon Lane, Florence, KY 41042
Grantor Mailing Address 8872 Richmond Rd Union Ky 41091
Grantee Mailing Address same as present

GROUP NO. 2032

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Being the same property conveyed to Grantors by virtue of deed dated December 31, 1996 in Deed Book 635, Page 8, Boone County Clerk's records at Burlington, Kentucky. This legal description is based on a new survey performed by J. P. Cahill, Registered Land Surveyor, PLS #2709.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said JAY Q. SCHELL, UNMARRIED, his heirs and assigns forever, the Grantors, their heirs, executors and administrators, hereby covenanting with the Grantee, his heirs and assigns, that the title so conveyed is clear, free and unencumbered and that they will warrant and defend the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantors, FRANKLIN N. BEEMON AND JANICE D. BEEMON, HUSBAND AND WIFE, have hereunto set their hands, this 14 day of DECEMBER, 2000.

GRANTORS:

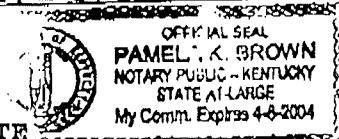
Franklin N. Beemon
FRANKLIN N. BEEMON
Janice D. Beemon
JANICE D. BEEMON

COMMONWEALTH OF KENTUCKY
COUNTY OF KENTON

The foregoing instrument was sworn to and acknowledged before me by Grantors, FRANKLIN N. BEEMON AND JANICE D. BEEMON, HUSBAND AND WIFE, this 14 day of DECEMBER, 2000, to be their voluntary act and deed.

Pamela K Brown
NOTARY PUBLIC

My Commission expires: _____



CONSIDERATION CERTIFICATE

We, the undersigned, being the Grantors, FRANKLIN N. BEEMON AND JANICE D. BEEMON, HUSBAND AND WIFE, and Grantee, JAY Q. SCHELL, UNMARRIED, in a certain deed dated DECEMBER 14, 2000, to which this Certificate is attached, or the authorized representatives thereof, do hereby certify pursuant to KRS Chapter 382 that the consideration reflected in this Deed is either the full consideration paid or the estimated value of the property interest conveyed therein for said property.

GRANTEE:

Jay Q. Schell
JAY Q. SCHELL

GRANTORS:

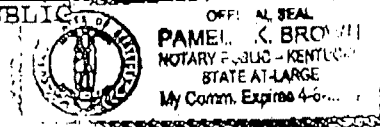
Franklin N. Beemon
FRANKLIN N. BEEMON
Janice D. Beemon
JANICE D. BEEMON

COMMONWEALTH OF KENTUCKY
COUNTY OF KENTON

The foregoing instrument was sworn to and acknowledged before me by Grantors, FRANKLIN N. BEEMON AND JANICE D. BEEMON, HUSBAND AND WIFE, and Grantee, JAY Q. SCHELL, UNMARRIED, this 14 day of DECEMBER, 2000, to be their voluntary act and deed.

Pamela K Brown
NOTARY PUBLIC

My Commission expires: _____



THIS INSTRUMENT PREPARED BY:

John R. Kummer
JOHN R. KUMMER
WARE, BRYSON, WEST & KUMMER
157 Barnwood Drive
Edgewood, KY 41017
859/341-0255

RETURN TO:

KENTUCKY CHAMBER OF COMMERCE
300 BUTTERMILK PIKE, SUITE 324
FT. MITCHELL, KENTUCKY 41017
(606) 744-4773

EXHIBIT "A"LEGAL DESCRIPTION

PROPERTY ADDRESS:
1386 Beemon Lane
Florence, KY

A certain tract of land lying and being on the Northwest side of Beemon Lane at the intersection of Old North Bend Road (abandoned) in Boone County, Kentucky and more particularly described as follows, to-wit:

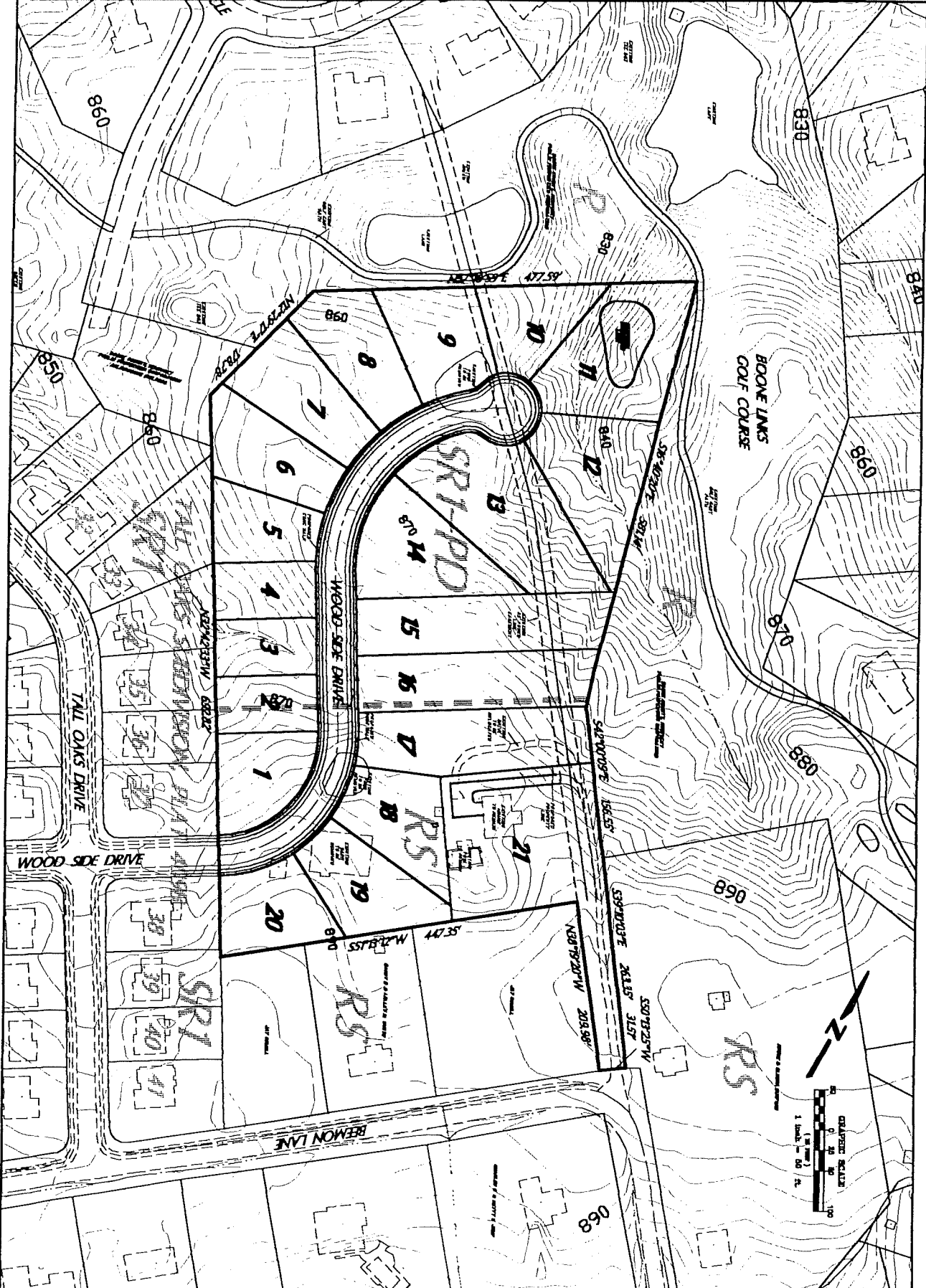
Unless stated otherwise, any monument referred to herein as an "iron pin set" is an 18" long by 1/4" diameter rebar with a yellow cap stamped "LS 2709". All bearings herein are referred to the east line of Barry Wurtz recorded in Deed Book 762, page 284.

Beginning at an iron pin found with cap stamped "249" in the north right of way of Beemon Lane, a corner to Tall Oaks Subdivision (plat #409B); thence with the line of said subdivision, N 32°42'33" W - 904.04 feet to a post; thence N 12°29'17" E - 178.78 feet to an iron pin found with cap stamped "1781", a corner to Tall Oaks Subdivision and The Glens of Oakbrook Subdivision; thence with the line of Oakbrook, N 57°16'58" E - 477.59 feet to a steel post, a corner to Oakbrook and Arlinghaus Builders, Inc. (Deed Book 351, page 72); thence with the line of Arlinghaus Builders, Inc., S 16°40'20" E - 581.14 feet to an iron pin set in Old North Bend Road (abandoned); thence with said abandoned road, S 42°00'09" E - 156.55 feet to an iron pin set, a corner to Arlinghaus Builders, Inc. and Bruce Burford (Deed Book 550, page 59); thence continuing with said abandoned road and Burford, S 39°10'03" E - 263.35 feet to an iron pin found with cap stamped "111" in the north right of way of Beemon Lane; thence with said right of way, S 61°47'06" W - 31.51 feet to a iron stake found; thence S 50°13'25" W - 205.78 feet to an iron pin found with cap stamped "310", a corner to Barry Wurtz (Deed Book 762, page 284); thence with the line of Wurtz, N 39°44'21" W - 209.90 feet to a iron stake found; thence S 50°10'29" W - 135.17 feet to a iron stake found; thence S 39°43'25" E - 209.72 feet to an iron pin found with cap stamped "310" in the north right of way of Beemon Lane, thence with said right of way, S 50°14'11" W - 129.95 feet to the point of beginning, containing 10.6956 acres more or less exclusive of all right of ways and easements of record, according to a survey made by Cahill Surveyors, Inc. on November 7, 2000 and being all of the property described in Deed Book 453, page 114 and Deed Book 453, page 117, Boone County Clerk's records at Burlington, Kentucky.

DOCUMENT NO: 44177
RECORDED ON: DECEMBER 13, 2000 12:28:12PM
TOTAL FEES: \$12.00
TRANSFER TAX: \$298.00
GROUP: 2832
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE
DEPUTY CLERK: RENAI PING

BOONE COUNTY
D794 PG 477

BOOK 0794 PAGES 475 - 477



<p>CONCEPT PLAN BEEMON SUBDIVISION BOONE COUNTY, KENTUCKY</p>	<p>CE CENTER LINE SURVEYING, LLC 1000 W. MAIN ST. SUITE 100 COVINGTON, KY 40301 (502) 233-1111 www.centerline-surveying.com</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> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>		NO.	DATE	DESCRIPTION									
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CONV

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-15

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF CENTER LINE DEVELOPMENT LLC (APPLICANT) FOR JAY SCHELL (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS) AND SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (SR-1/PD) TO SUBURBAN RESIDENTIAL ONE (SR-1) ON A 9.2 ACRE SITE LOCATED AT 1386 BEEMON LANE AND AT THE EASTERN TERMINUS OF WOODSIDE DRIVE, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION, VIA RESOLUTION NO. R-01-014-A.

WHEREAS, the Boone County Planning Commission 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 (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) on a 9.2 acre site located at 1386 Beemon Lane and at the eastern terminus of Woodside Drive, 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 (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) on a 9.2 acre site located at 1386 Beemon Lane and at the eastern terminus of Woodside Drive, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in both a Rural Suburban (RS) and Suburban Residential One/Planned Development (SR-1/PD) zone is more particularly described in DEED BOOK 794, PAGE NO. 475 (as supplied by the applicant) as recorded in the Boone County Clerk's office.



**CENTER LINE
DEVELOPMENT LLC**

519 Enterprise Drive, Suite 103
Crescent Springs, KY 41017
Office 859.578.8050
Fax 859.578.6632

~~June~~
July 21, 2001

James E. Parsons
County Administrator
Boone County Administration Building
P. O. Box 900
2950 Washington Square
Burlington, KY 41005

Dear Mr. Parsons:

The following is a list of changes to the Concept Plan for Woodside Greens (Beemon Subdivision) as per our meeting with Jerry and Jeff on 6-20-01.

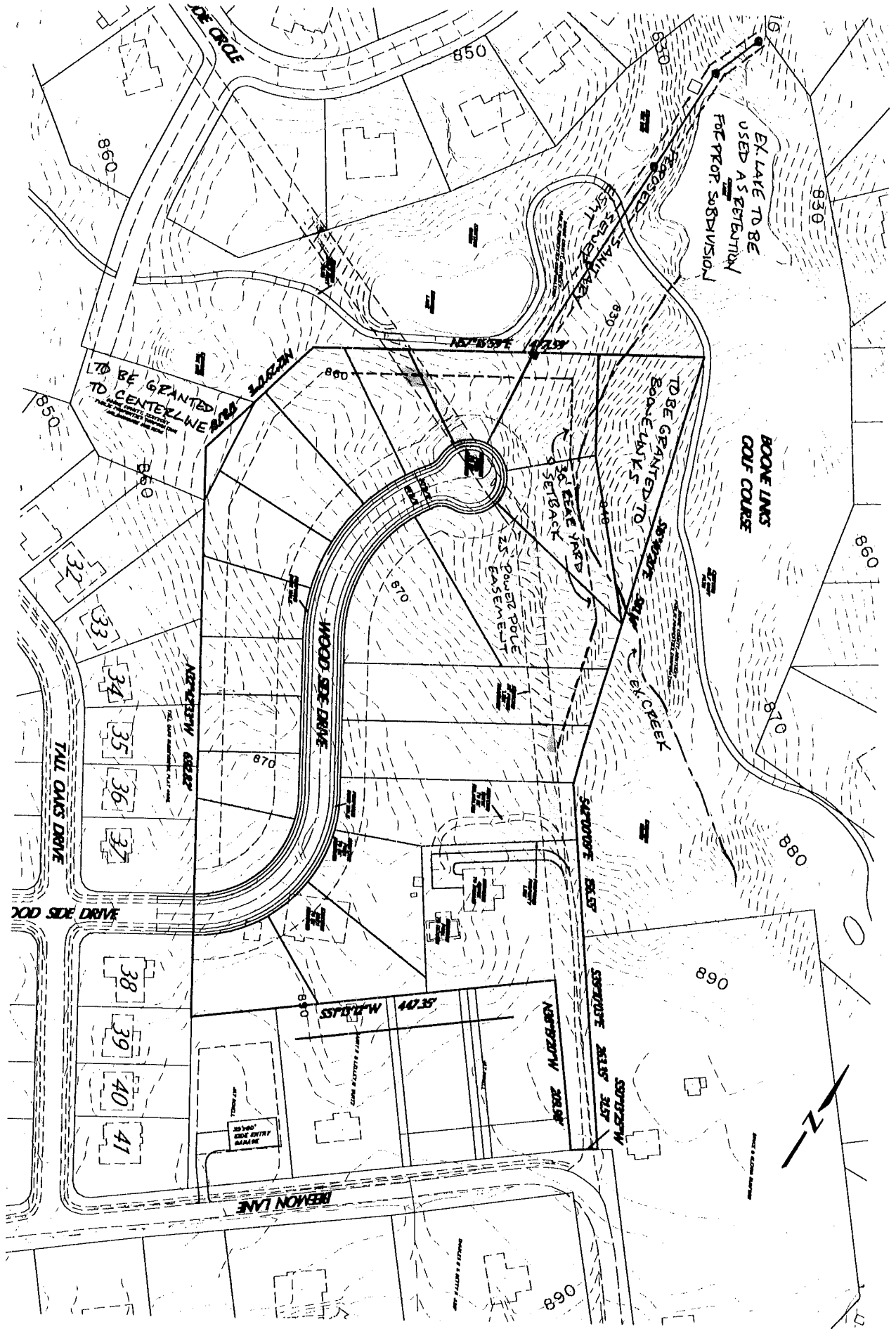
1. Highlighted areas to be exchanged between Boone Links Golf Course and Center Line Development, LLC (See attached drawing). Contingent upon lot being granted to Center Line is a buildable lot.
2. Center Line will eliminate the proposed retention pond, contingent upon the existing lake on the Golf Course can be used for storm water retention. Calculations will be performed by Center Line and submitted to Boone County Engineer's Office for approval.
3. Boone County/Boone Links to provide sanitary sewer easement from existing sanitary sewer on the Golf Course to proposed subdivision (See attached drawing).
4. Center Line revised the Concept Plan to shorten proposed Wood Side Drive as to keep proposed houses on cul-de-sac on West side of existing creek. This will help prevent damage to the houses from arrant golf balls, and also leave the trees on the East side of the creek undisturbed (See attached drawing).

If you have any questions or need any further information, please feel free to give me a call.

Sincerely,

Darren T. R. Eyre, PE
Center Line Development, LLC

CC: Jeff Krumpelman,
Jerry Coldiron, Boone Links Golf Course



EX. LAKE TO BE USED AS RETENTION FOR PROP. SUBDIVISION

TO BE GRANTED TO CENTERLINE

TO BE GRANTED TO BOONE LINKS

BOONE LINKS GOLF COURSE

TULLOCH DRIVE

WOOD SIDE DRIVE

WOOD SIDE DRIVE

SPRUE W 44.35'

SPRUE W 208.58'

SPRUE W 351.51'

REBON LANE

32

33

34

35

36

37

38

39

40

41

35'x60' SIDE ENTRY GARAGE

30' BEAR YARD SETBACK
25' POWER POLE EASEMENT



BEHMON & SUDWISON
BOONE COUNTY, KENTUCKY

CONCEPT PLAN

GENESIS LAKE DEVELOPMENT LLC
1000 W. BOWLING GREEN BLVD.
MADISON, KY 40301
TEL: 502-261-1111
WWW.GENESISLAKE.COM

CENTER LINE
CONSTRUCTION &
ENGINEERING, LLC
1000 W. BOWLING GREEN BLVD.
MADISON, KY 40301
TEL: 502-261-1111
WWW.CELCONSTRUCTION.COM

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