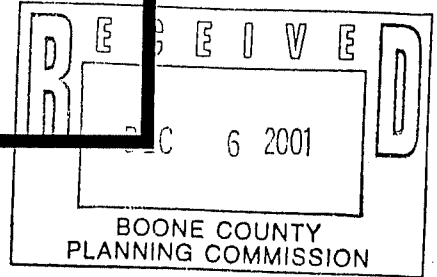


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



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

1. Name of Project Charleston Pines Single Family & Recreation
2. Location of Project Hopewell Rd and Connector Rd adjacent to Facilities
3. Total Acreage of Site 1.319 Charleston Pines
4. Current Zoning of Site SR1
5. Proposed Zoning (Classification being requested) UR-1
6. Proposed Uses (please specify each use) Single Family Residential, Recreation Facilities, driveways and parking
7. Names of Applicant(s) Cayton Development L.L.C.
Phone Number 859 341-7720 Fax No. 859 341-7721
8. Address of Applicant(s) 1530 Amsterdam Rd
Ft Wright Ky 41011
City State Zip
9. Name of Property Owner(s) Cayton Development LLC
Phone Number same Fax No. _____
10. Address of Property Owner(s) same
City State Zip
11. Proposed Building Intensities (please specify) 3 single family
12. Are there any existing buildings on the site? No
How many? _____
13. Deed Book _____ Page No. _____ Group No. _____
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes along with this request
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

(over)

EXHIBIT

“A”

STAFF REPORT

Request of Cayton Development LLC (owner) to consider an application for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.459 acre parcel located on the south side of Hopeful Road Connector between Hopeful Church Road and Hopeful Road, Boone County (annexation into the City of Florence pending), Kentucky; and a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.86 acre parcel located on the west side of Hopeful Road, immediately north of 6767 Hopeful Road, Boone County (annexation into the City of Florence pending), Kentucky. The request is to allow a recreational area for an existing apartment complex and single family residences.

January 23, 2002

REQUEST

This request is for a zone change from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for two parcels, comprising 1.319 acres.

A concept development plan has been submitted for the project. The plan calls for the construction of two single-family residences on the northern parcel and one single family residence and a basketball court, which will serve as a recreational facility for the adjoining Charleston Pines development, on the southern parcel. The site will be subject to annexation by the City of Florence. The Concept Development Plan does not include a landscape plan.

SITE HISTORY

1996 The site of the current Charleston Pines multi-family housing development, which surrounds the area of the proposed zone change, was the subject of a zone change during the 1996 Zoning Map Update.

1998 A site plan for Charleston Pines was approved on October 29.

SITE CHARACTERISTICS

The site is comprised of two parcels. The northern parcel, 0.459 acres, is adjacent to building 17 of Charleston Pines and has 280 feet of frontage on the Hopeful Road Connector. Its topography slopes from the edges of the road gradually downward, similar to a soup bowl. The side of the property fronting Hopeful Connector Road features a line of mature trees.

The southern parcel, 0.86 acres, is adjacent to buildings 8,9, and 10 of Charleston Pines and to the First Church of God on with 170 feet of frontage on Hopeful Road. The topography of this site slopes downward in a western direction, with elevations ranging from 880 feet at the east property line to 862 feet at the west property line.

ADJACENT LAND USES

Northern Parcel

- **North:** A 2.69-acre parcel, zoned SR-1
- **South:** The Charleston Pines apartment complex, zoned UR-1
- **East:** The Windridge apartment complex, zoned UR-1
- **West:** The Charleston Pines apartment complex

Southern Parcel

- **North:** The Charleston Pines apartment complex, zoned UR-1
- **South :** The First Church of God, zoned SR-1
- **East:** The Windridge Apartment complex, zoned UR-1
- **West:** To the west of the parcel is the Charleston Pines housing complex, zoned UR-1

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2025 Future Land Use designates the sites as Urban Density Residential, which is defined as follows:

“Attached housing, generally condominiums or apartments, of over 8 dwelling units”.

The Future Land Use Text states the following regarding Pleasant Valley-West Florence, the area in which the site is located:

- A. “This section of Boone County includes some of the western growth areas of Florence, including Mall Road and KY 18. It also contains some of the most rapidly growing residential areas in the county, particularly from KY 18 south to Union...Hopeful Church Road should continue to serve as a residential corridor, and no commercial uses should occur past the KY 18 or US 42 frontage properties. The proposed commercial land uses on KY 18 should be planned with careful Access Management, including continuous parallel roadways (p. 163, ‘Pleasant Valley-West Florence’).”

The Future Land Use Development Guidelines found in the Land Use Element of the Comprehensive Plan provide the following statements that relate to this proposal:

- A. "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 (pg. 159, 'Buffering')."
- B. "Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps to purify the air of harmful pollutants, reducing health impacts (p. 159, 'Landscaping')."
- C. "Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (p. 159, 'Landscaping')."
- 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 (pg. 159, 'Access Management')."

- 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. The minimal use of signs is encouraged; signage should be adequate to identify specific development, but should not be used as a means to compete for motorist attention (pg. 160, 'Designs, Signs, and Historic Preservation')."

The following statements from the Housing Element apply to this proposal:

- A. "Often the higher income or new population locates in the developing rural areas of the county. While this is practical because they are the ones who can afford an estate lifestyle and cost of transportation over greater distances, this spatial phenomenon maintains social divisions between the different segments of society. A variety of housing opportunities within the established urban areas and within developing areas would encourage some of the higher income residents to reside there and thus lessen the isolation of different segments of society. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural or suburban areas. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high-density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided (p. 82, 'Housing Types')."

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

- A. "Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall" Objective 2, p.4)."
- B. "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 ("Environment" Physical Objective 2, p. 6)."
- C. "Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and education bases. Primary and Secondary education capacity shall be a component of housing development in review ("Housing" Objective 4, p.9)."

- D. "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, p.9)."

STAFF COMMENTS / CONCERNS

1. The Planning Commission and the appropriate legislative body will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues dealing with the Comprehensive Plan include the following:
 - A. The Future Land Use Development Guidelines state that the Pleasant Valley-West Florence Area is one of the most rapidly growing residential areas in the county. The opportunity to integrate multi-family and single-family residences, as is the aim of this proposal, falls under both the recommendations made in the Housing Element of the Comprehensive Plan as well as the Housing Goals and Objectives.
 - B. The proposal must be evaluated in light of its impact upon adjoining land uses, its effect upon traffic, and its successful integration with the overall design of the area, as stated in the Future Land Use Development Guidelines.
2. The proposed Concept Development Plan should not cause any substantial or undue impact upon the infrastructure, given its small size.
3. The land uses indicated in the Concept Development Plan (single-family residences and a basketball court) could serve as appropriate transitional uses between the multi-family developments and the existing SR-1 parcels that are adjacent to the development sites. Recreational uses such as the proposed basketball court are permitted accessory uses for the adjoining apartment complex. If the change in zoning is approved, a site plan for the application will be required for the Fiscal Court.

The Boone County Planning Commission and the appropriate legislative body must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three criteria necessary for a Zoning Map Amendment. The Future Land Use Map will not need to be changed if the project is approved.

Respectfully submitted,

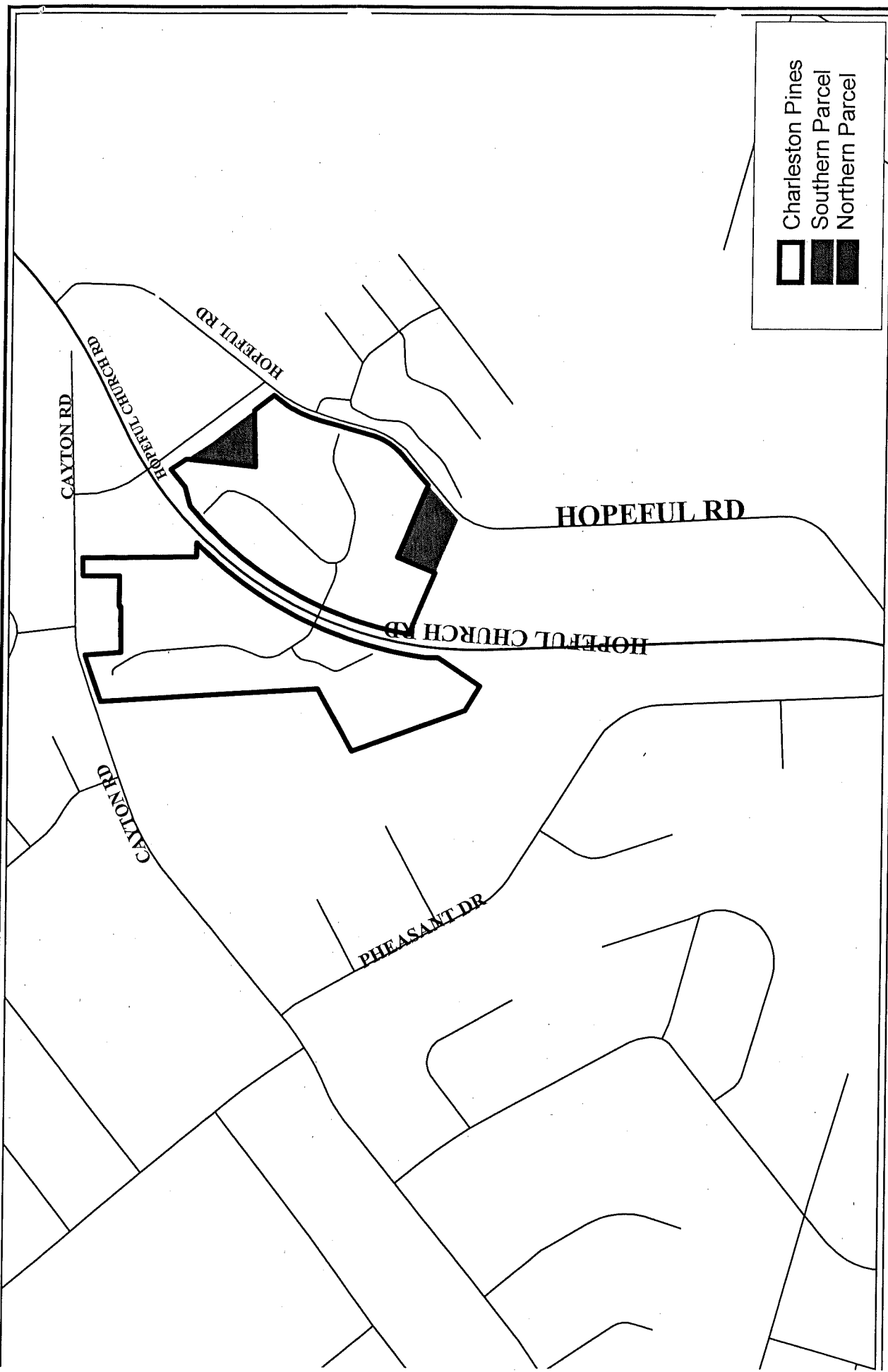


Patty Bachman
Planner

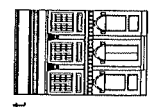
PB/pr

Attachments:

- vicinity map
- aerial photo w/zoning information
- future land use map excerpt
- site topography
- application materials including concept development plan

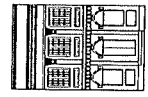
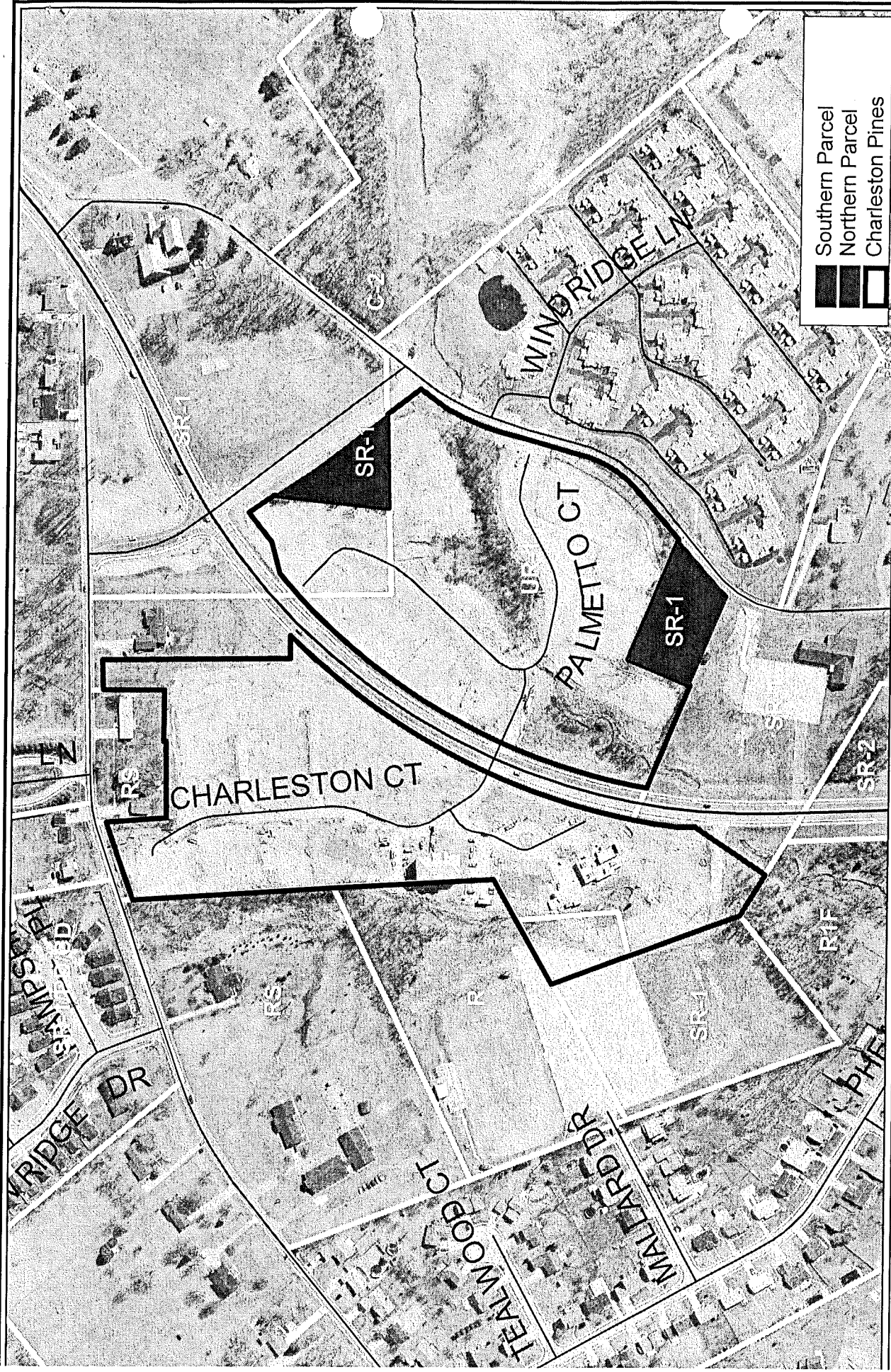


□ Charleston Pines
 ■ Southern Parcel
 ■ Northern Parcel



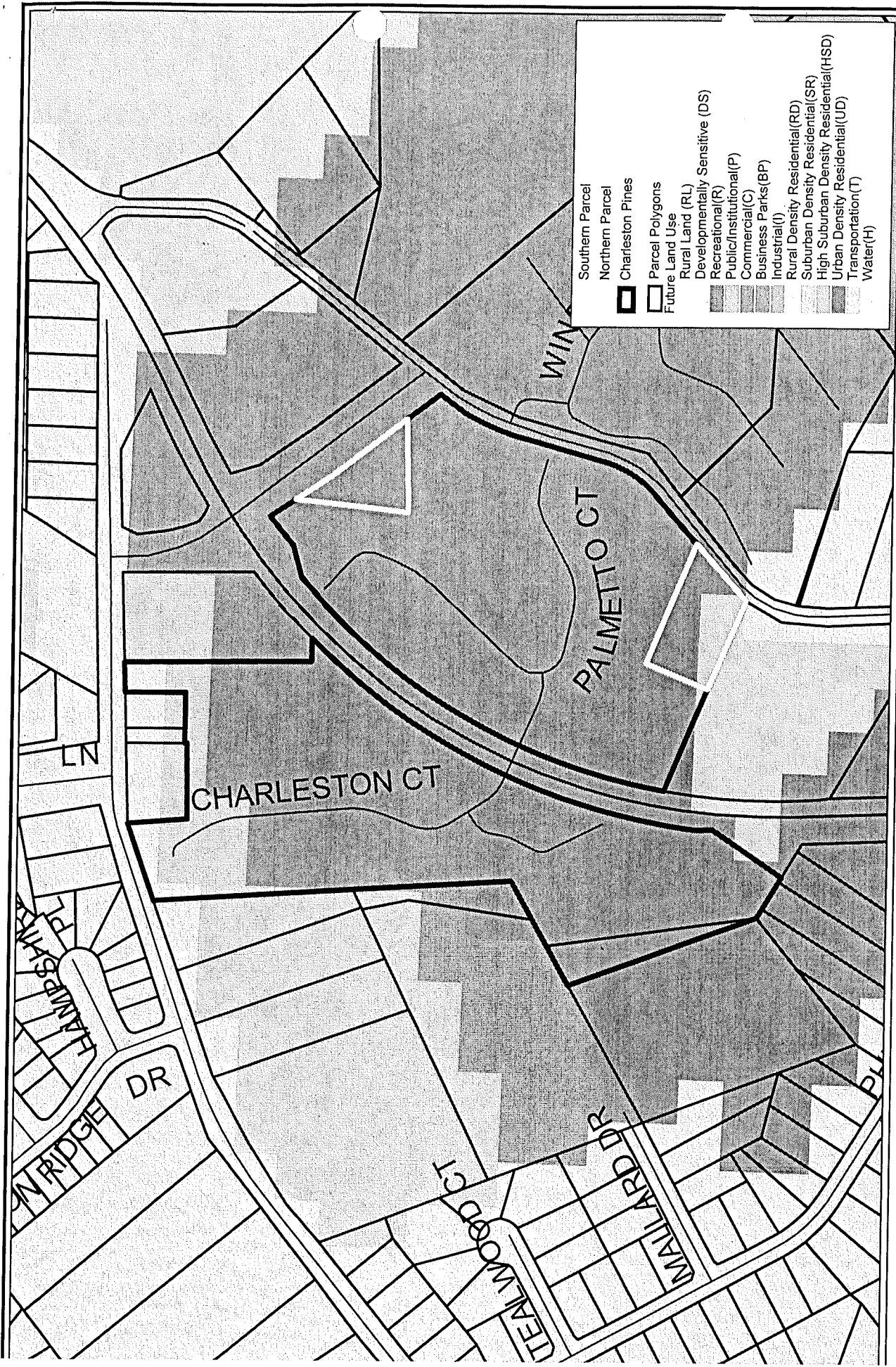
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 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 21, 2002

Vicinity Map

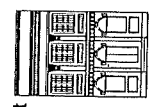


300 Feet
 1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 21, 2002

Zoning Map



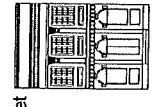
	Southern Parcel
	Northern Parcel
	Charleston Pines
	Parcel Polygons
	Future Land Use
	Rural Land (RL)
	Developmentally Sensitive (DS)
	Recreational (R)
	Public/Institutional (P)
	Commercial (C)
	Business Parks (BP)
	Industrial (I)
	Rural Density Residential (RD)
	Suburban Density Residential (SR)
	High Suburban Density Residential (HSD)
	Urban Density Residential (UD)
	Transportation (T)
	Water (H)



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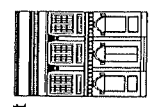
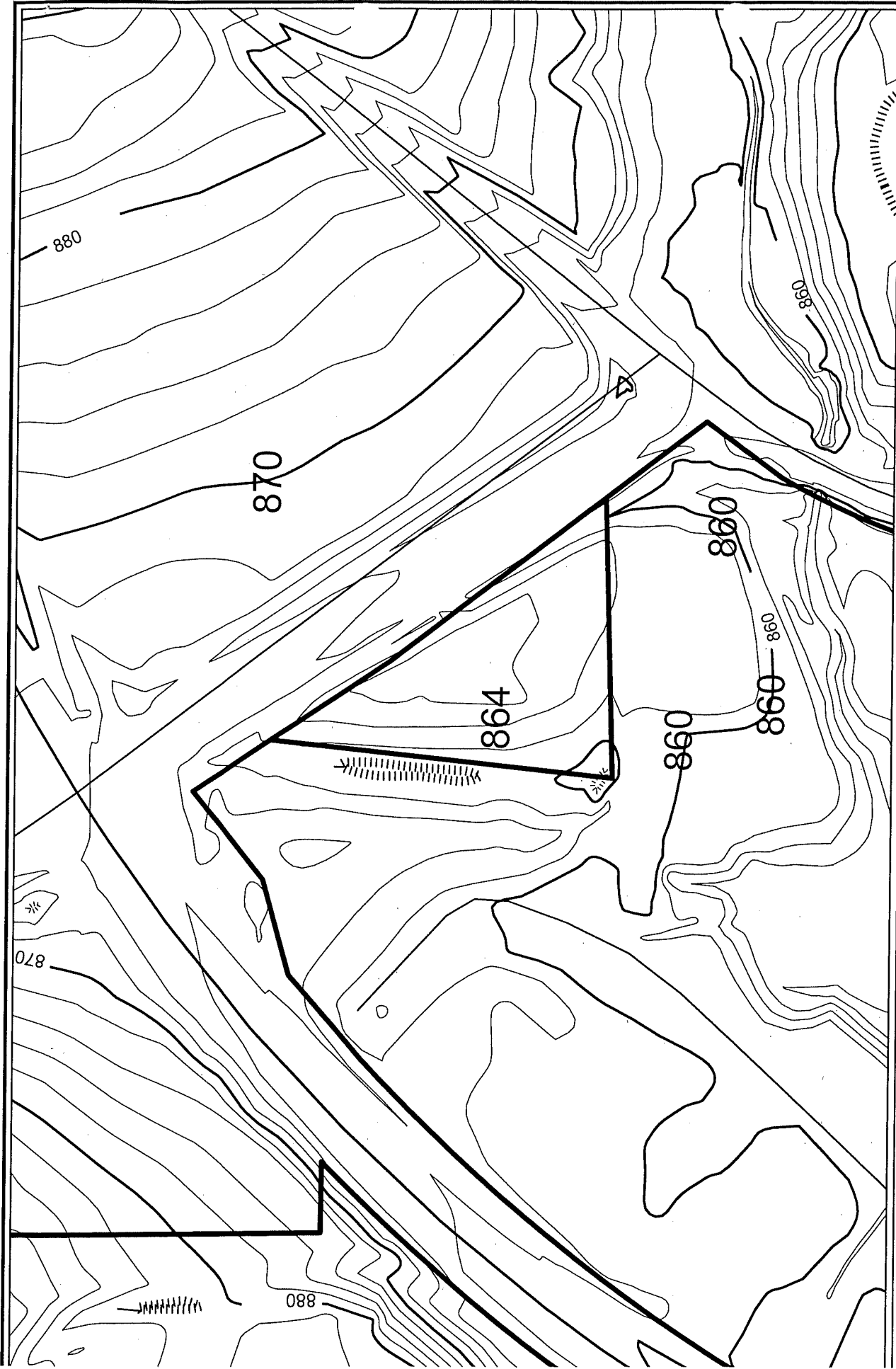
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 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 21, 2002

Future Land Use Map



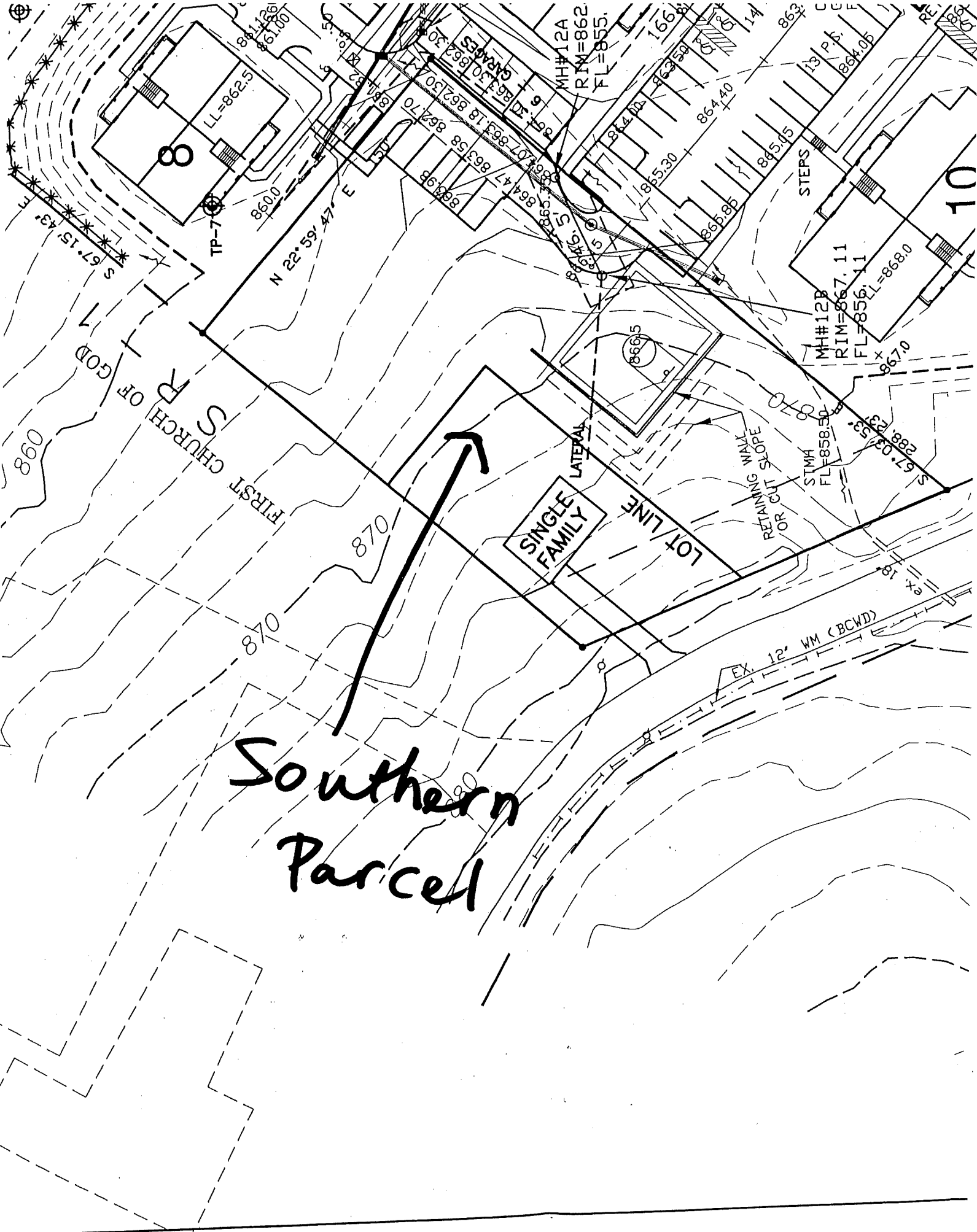
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Produced by the
Boone County Planning Commission
GIS Services Division
January 22, 2002

Southern Parcel-Topographic Map

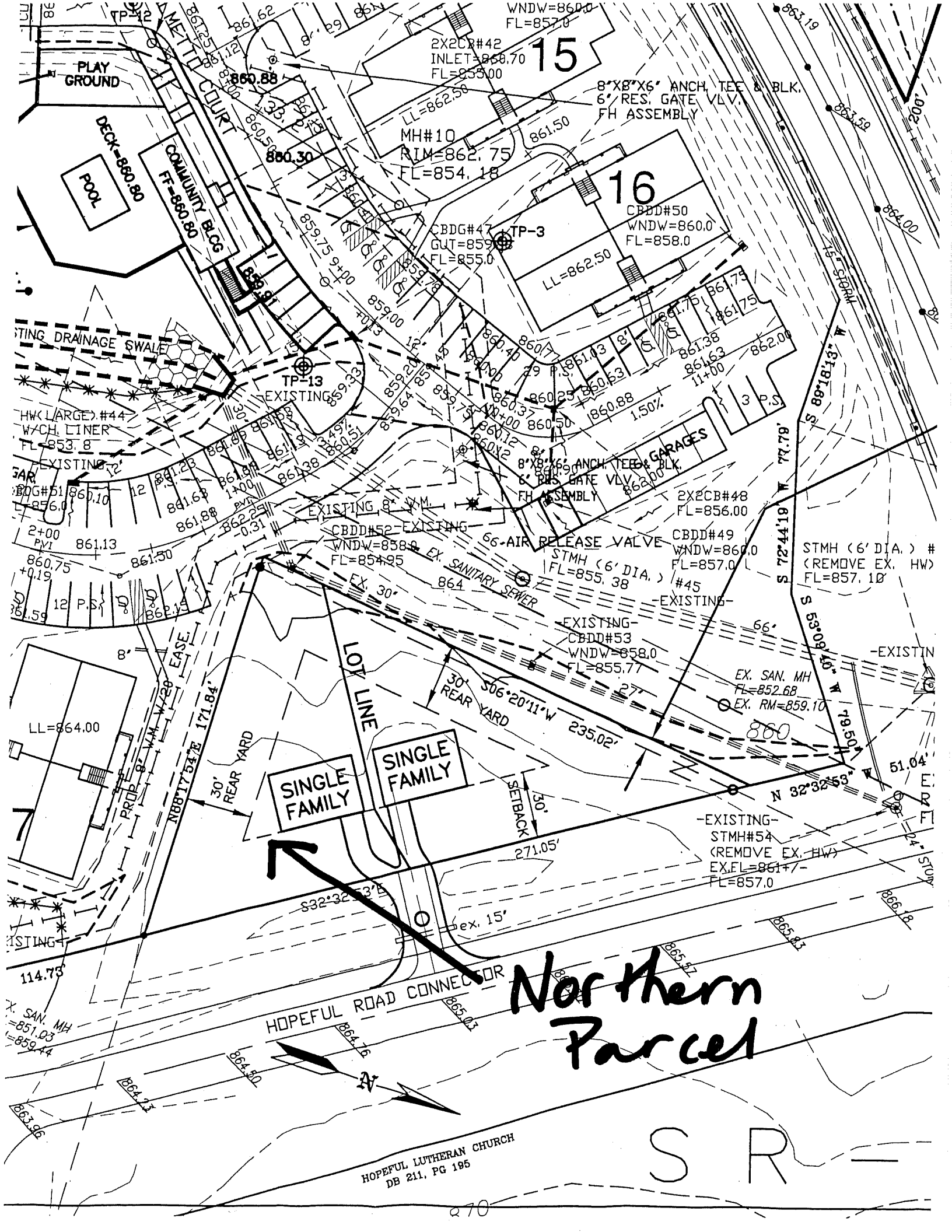


1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 22, 2002

Northern Parcel-Topographic Map



Southern Parcel



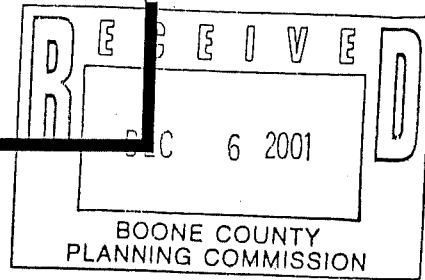
Northern Parcel

HOPEFUL LUTHERAN CHURCH
DB 211, PG 195

S R

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



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

1. Name of Project Charleston Pines Single Family & Recreation
2. Location of Project Hopewell Rd and Connector Rd adjacent to Facilities
3. Total Acreage of Site 1.319 Charleston Pines
4. Current Zoning of Site SR1
5. Proposed Zoning (Classification being requested) UR-1
6. Proposed Uses (please specify each use) Single Family Residential, Recreation Facilities, driveways and parking
7. Names of Applicant(s) Cayton Development L.L.C.
Phone Number 859 341-7720 Fax No. 859 341-7721
8. Address of Applicant(s) 1530 Amsterdam Rd
Ft Wright Ky 41011
City State Zip
9. Name of Property Owner(s) Cayton Development LLC
Phone Number same Fax No. _____
10. Address of Property Owner(s) same
City State Zip
11. Proposed Building Intensities (please specify) 3 single family
12. Are there any existing buildings on the site? No
How many? _____
13. Deed Book _____ Page No. _____ Group No. _____
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes along with this request
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

(over)

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: City of Florence

18. Project Jurisdiction/Location
 Unincorporated Boone County Walton
 Florence *to be annexed* Union
19. Applicant's Signature Jon W. Vold Managing Member
Property Owner's Signature Jon W. Vold Managing Member

SECTION B (To be completed by BCPC Staff)

1. Date Received 12-6-01
2. Review Fee \$1012.19 R# 29835 \$21.00 R# 29836
3. Check what has been submitted:
 Application
 Fee
 Legal Description
 Concept Development Plan
 Address of Adjoining Property Owners
5 Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer PATTY BACHMAN
6. Committee Chairman EARL WHITE
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 Approval
 Approval with Conditions
 Denial
9. Other: _____

**** Five (5) Copies Are Required**

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

1. **Applicant:** Cayton Development LLC (owner)

Request: Zoning Map Amendment

The request of Cayton Development LLC (owner) to consider an application for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.459 acre parcel on the south side of Hopeful Road Connector between Hopeful Church Road and Hopeful Road, Boone County, Kentucky (annexation into the City of Florence pending); and a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.86 acre parcel on the west side of Hopeful Road, immediately north of 6767 Hopeful Road, Boone County, Kentucky (annexation into the City of Florence pending). The request is for two zone changes to allow a recreational area for an existing apartment complex and single-family residences.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report). Ms. Bachman stated that she was made aware of a couple of issues today regarding the Concept Development Plan. She stated that the project might run into conflict in terms of access with the two driveways located on the north parcel. She noted the four-lane connector road between Hopeful Road and Hopeful Church Road and stated that with the driveways on the road, the people living there may find it difficult to make a left-hand turn.

The Chairman asked for the applicant's presentation.

Mr. Jon Votel, a partner in Cayton Development LLC, 1530 Amsterdam Road, Fort Wright, submitted a letter from Jeff Koenig with the City of Florence stating that they have submitted for annexation. He quoted from Mr. Koenig's letter dated January 23, 2002 "Please accept this letter as the City's confirmation of receiving the Intention to Annex for these two parcels". He initially forgot to submit the request to the city, but it was submitted last Tuesday. Mr. Votel stated that they traded Hopeful Lutheran Church for the north parcel (the triangular piece just south of the connector road between Hopeful Road and Hopeful Church Road). It was a piece of property that ended up on the other side of the connector road when the road went through. The southern parcel (rectangular shaped) was sold to Mrs. Edgerton about fifteen years ago and they purchased it because of some grading concerns. They bought the parcel so that they could build the Charleston Pines apartment project without having to build walls. He stated that if he were on the Planning Commission, his question would be "Why do you want UR-1 zoning if you only want to build single-family houses?". He stated that they can build two houses on the triangular parcel adjacent to the connector road. They may need a little additional property from their current property to be able to build two-single family houses there. They only intend to build one single-family house on the other parcel, but they want to put in a basketball court. They want the zone change so that the whole parcel has the same zoning because it will all be part of Cayton LLC and, if it were to be sold in the future – which is not their intention at this time – having pieces zoned UR-1 and SR-1 would cause problems with a title attorney. He stated that it would be better to have UR-1 on both parcels. He stated that another question might be "if you get UR-1, will you change this and build apartments on the property?". He stated that both parcels have deed restrictions that they can only be used for single-family and they would have to go back to all of the people who bought pieces from the original parcel and get them to sign that they are willing to withdraw the deed restrictions – which is essentially impossible. He stated that regardless of the zoning, they will build single-family. He stated that they would like the whole property to have the same zoning. This concluded the applicant's presentation.

The Chairman 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 who wished to speak in opposition to the request or to ask questions. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

Mrs. Kegley stated that the north parcel will be cut into two lots. She questioned the size of the lots. Ms. Bachman responded that the north parcel is 0.459 acre and the south parcel is 0.86 acre. Mr. Wall stated that half of 0.459 acre would be just under 9,000 square feet per lot and the minimum lot size is 6,500 square feet in the UR-1 Zone.

Mrs. Poston asked if the houses will be for rent or for sale. Mr. Votel responded that they intend to build the houses and rent them out. He stated that they could be sold off individually but, at this point, they intend to keep them.

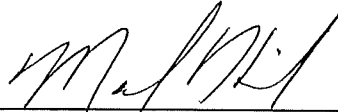
Mr. McMillian asked who would maintain the recreational area. Mr. Votel responded that it would be part of Charleston Pines Apartments and maintained by the management company that maintains all their facilities.

Chairman Hicks asked if this would give them any chance of increasing the overall density on the overall project. Mr. Wall responded that Charleston Pines is 10+ units per acre. He stated that three dwelling units on a little over an acre would bring the overall density down a negligible amount.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on February 6, 2002 at 4:00 PM. This item will be on the Agenda for the Business Meeting on February 20, 2002 at 7:30 PM.

The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
February 20, 2002
7:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:33 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Robert Newman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Arnold Caddell
Mrs. Susan Poston, Vice Chairwoman
Mr. Robert Ries

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Committee did not act on making Mr. Wall the banner police and that is where there was an element of trust. He stated that the banners were to be architectural feature signage that were appropriate and accent the building with items such as pumpkins or leaves in the fall – not advertisements. Mr. Newman noted that the conditions refer to the “candy car” and anything other than a “candy car” would not be appropriate. Mr. Wall agreed. Mr. Newman stated that the only thing not in the conditions is “candy banners”. Mr. Hicks stated that that would get into the content of the sign.

Counselor Wilson suggested that Condition #1 be amended to read “In the event that the facility experiences a change in use from the candy distribution/accessory candy outlet store use, the permissibility of the semi-permanent, changeable banners along the KY 237 façade of the building, and the “candy car”, shall be subject to re-application for review and approval for a new Special Sign District by the Planning Commission and Fiscal Court.” Mr. Hargis agreed to the change in the wording of Condition # 1. Mr. Zimmer also agreed.

Mr. White amended his motion to include the amended Condition #1. Mr. Barlow seconded the amendment. There being no further discussion, the Chairman asked for a vote on the motion as amended and it carried unanimously.

2. Zoning Map Amendment

The request of Cayton Development LLC (owner) to consider an application for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.459 acre parcel on the south side of Hopeful Road Connector between Hopeful Church Road and Hopeful Road, Boone County, Kentucky (annexation into the City of Florence pending); and a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.86 acre parcel on the west side of Hopeful Road, immediately north of 6767 Hopeful Road, Boone County, Kentucky (annexation into the City of Florence pending). The request is for two zone changes to allow a recreational area for an existing apartment complex and single-family residences.

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

Mr. Costello stated that the new policy when annexation is pending is to move by resolution to both (in this case the City of Florence and Boone County Fiscal Court) in case the annexation does not occur. The Planning Commission will send the recommendation to both and one will defer to the other. There being no further comments, Mr. Zimmer moved by resolution to the City of Florence and to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Barlow seconded the motion and it carried unanimously.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Earl White, Chairman

DATE: February 20, 2002

RE: Request of **Cayton Development, LLC (owner)** to consider an application for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.459 acre parcel located on the south side of Hopeful Road Connector between Hopeful Church Road and Hopeful Road, Boone County (annexation into the City of Florence pending), Kentucky; and a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.86 acre parcel located on the west side of Hopeful Road, Boone County (annexation into the City of Florence pending), Kentucky. The request is to allow a recreational area for an existing apartment complex and single family residences.

REMARKS

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following condition:

FINDINGS OF FACT

1. The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan are appropriate for the parcels in question. The Committee's decision is based on the fact that the applicant's request is in agreement with the 2000 Boone County Comprehensive Plan.

The 2025 Future Land Use Map designates the parcels as Urban Density Residential, allowing for the construction of attached housing of over eight dwelling units per acre. The Land Use Element states the following regarding the Pleasant Valley-West Florence area, in which the site is located: "Hopeful Church Road should continue to serve as a residential corridor, and no commercial uses should occur past the KY 18 or US 42 frontage properties (p.163, 'Pleasant Valley-West Florence')." The proposed Concept Development Plan indicates that the two parcels will be used for the construction of three (3) single-family homes, along with the construction of a basketball court that will serve an existing, adjoining multi-family residential development.

The Goals and Objectives state in the "Housing" section that "[d]evelopment 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, p.4). "The same section states that "[i]n 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, p.9)."

2. The Committee has determined that the proposed zoning category is appropriate for the site. Both parcels are bordered by the Charleston Pines and Wind Ridge apartment complexes, which are zoned UR-1. Although single-family residences are proposed to be built on the parcels, rather than multi-family buildings, this land use will provide an acceptable transition between the Charleston Pines apartment complex and existing single-family residences and the Church of God property that are adjacent to the sites.
3. The Committee has concluded that the following condition is necessary for the purpose of satisfying the Goals, Objectives, and Policies stated in the 2000 Boone County Comprehensive Plan and the mitigation of any foreseeable problems that the proposal may create. The Applicant has signed a letter of agreement with this condition and understands that the submitted Concept Development Plan along with this condition serves as a basis for this recommendation.

CONDITION

1. Building permits for the single-family residences shown on the Concept Development Plan must be reviewed to determine if the proposed widening of the Hopeful Road Connector and Old Hopeful Road will impede access to the site. In the event of the roads' widening, the proposed driveway will need to be relocated east of its current location to allow ingress and egress from the property.

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.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Earl White, Committee Chairman

DATE: February 6, 2002

RE Request of **Cayton Development LLC (owner)** to consider an application for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.459 acre parcel located on the south side of Hopeful Road Connector between Hopeful Church Road and Hopeful Road, Boone County (annexation into the City of Florence pending), Kentucky; and a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.86 acre parcel located on the west side of Hopeful Road, immediately north of 6767 Hopeful Road, Boone County (annexation into the City of Florence pending), Kentucky. The request is to allow a recreational area for an existing apartment complex and 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.

February 6, 2002

Cayton Development LLC

Earl White

Earl White, Chairman

For Against _____
 Abstain _____ Absent _____
 Deferred _____

Mark Hicks

Mark Hicks

For Against _____
 Abstain _____ Absent _____
 Deferred _____

Bob Newman

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

Susan Poston

Susan Poston

For Against _____
 Abstain _____ Absent _____
 Deferred _____

David Zimmer

David Zimmer

For Against _____
 Abstain _____ Absent _____
 Deferred _____

Randy Barlow

Randy Barlow (Alternate)*

For Against _____
 Abstain _____ Absent _____
 Deferred _____

Don McMillian (Alternate)*

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

TOTAL: _____ DEFERRED 5 FOR _____ AGAINST _____ ABSTAIN
 _____ ABSENT

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

1. **Applicant:** Cayton Development LLC (owner)

Request: Zoning Map Amendment

The request of Cayton Development LLC (owner) to consider an application for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.459 acre parcel on the south side of Hopeful Road Connector between Hopeful Church Road and Hopeful Road, Boone County, Kentucky (annexation into the City of Florence pending); and a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.86 acre parcel on the west side of Hopeful Road, immediately north of 6767 Hopeful Road, Boone County, Kentucky (annexation into the City of Florence pending). The request is for two zone changes to allow a recreational area for an existing apartment complex and single-family residences.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report). Ms. Bachman stated that she was made aware of a couple of issues today regarding the Concept Development Plan. She stated that the project might run into conflict in terms of access with the two driveways located on the north parcel. She noted the four-lane connector road between Hopeful Road and Hopeful Church Road and stated that with the driveways on the road, the people living there may find it difficult to make a left-hand turn.

The Chairman asked for the applicant's presentation.

Mr. Jon Votel, a partner in Cayton Development LLC, 1530 Amsterdam Road, Fort Wright, submitted a letter from Jeff Koenig with the City of Florence stating that they have submitted for annexation. He quoted from Mr. Koenig's letter dated January 23, 2002 "Please accept this letter as the City's confirmation of receiving the Intention to Annex for these two parcels". He initially forgot to submit the request to the city, but it was submitted last Tuesday. Mr. Votel stated that they traded Hopeful Lutheran Church for the north parcel (the triangular piece just south of the connector road between Hopeful Road and Hopeful Church Road). It was a piece of property that ended up on the other side of the connector road when the road went through. The southern parcel (rectangular shaped) was sold to Mrs. Edgerton about fifteen years ago and they purchased it because of some grading concerns. They bought the parcel so that they could build the Charleston Pines apartment project without having to build walls. He stated that if he were on the Planning Commission, his question would be "Why do you want UR-1 zoning if you only want to build single-family houses?". He stated that they can build two houses on the triangular parcel adjacent to the connector road. They may need a little additional property from their current property to be able to build two-single family houses there. They only intend to build one single-family house on the other parcel, but they want to put in a basketball court. They want the zone change so that the whole parcel has the same zoning because it will all be part of Cayton LLC and, if it were to be sold in the future – which is not their intention at this time – having pieces zoned UR-1 and SR-1 would cause problems with a title attorney. He stated that it would be better to have UR-1 on both parcels. He stated that another question might be "if you get UR-1, will you change this and build apartments on the property?". He stated that both parcels have deed restrictions that they can only be used for single-family and they would have to go back to all of the people who bought pieces from the original parcel and get them to sign that they are willing to withdraw the deed restrictions – which is essentially impossible. He stated that regardless of the zoning, they will build single-family. He stated that they would like the whole property to have the same zoning. This concluded the applicant's presentation.

The Chairman 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 who wished to speak in opposition to the request or to ask questions. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

Mrs. Kegley stated that the north parcel will be cut into two lots. She questioned the size of the lots. Ms. Bachman responded that the north parcel is 0.459 acre and the south parcel is 0.86 acre. Mr. Wall stated that half of 0.459 acre would be just under 9,000 square feet per lot and the minimum lot size is 6,500 square feet in the UR-1 Zone.

Mrs. Poston asked if the houses will be for rent or for sale. Mr. Votel responded that they intend to build the houses and rent them out. He stated that they could be sold off individually but, at this point, they intend to keep them.


Mr. McMillian asked who would maintain the recreational area. Mr. Votel responded that it would be part of Charleston Pines Apartments and maintained by the management company that maintains all their facilities.

Chairman Hicks asked if this would give them any chance of increasing the overall density on the overall project. Mr. Wall responded that Charleston Pines is 10+ units per acre. He stated that three dwelling units on a little over an acre would bring the overall density down a negligible amount.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on February 6, 2002 at 4:00 PM. This item will be on the Agenda for the Business Meeting on February 20, 2002 at 7:30 PM.


The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

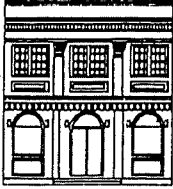
Attest:



Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

February 7, 2002

Mr. Jon Votel
Cayton Development, LLC.
1530 Amsterdam Road
Fort Wright, KY 41011

RE: Zoning Map Amendment for parcels on Hopeful Road Connector and Hopeful Road

Dear Mr. Votel:

The following conditions in conjunction with the Concept Development Plan Application, as agreed to by the Boone County Planning Commission's Zone Change Committee, serve as the basis for the Committee's recommendation of approval. If you, as the applicant, agree to the following conditions, please indicate so by signing at the space provided below, and return this letter to the Planning Commission Office by 5:00 P.M. Monday, February 18, 2002.

1. Building permits for the single-family residences shown on the Concept Development Plan must be reviewed to determine if the proposed widening of the Hopeful Road Connector and Old Hopeful Road will impede access to the site. In the event of the roads' widening, the proposed driveway will need to be relocated east of its current location to allow ingress and egress from the property.

Sincerely,

Patty Bachman
Planner

MPB/pr

Agreement

I, the applicant, agree to the above-listed conditions of approval for the requested Zoning Map Amendment for two parcels, located on the Hopeful Road Connector and on Hopeful Road, adjacent to Charleston Pines.

Jon Votel,
Applicant

2/12/02
(Date)



VIOX & VIOX, INC.

Engineers • Surveyors • Landscape Architects

Description
Parcel To Be Annexed and Rezoned
To The City Of Florence
(From SR-1 To UR - 1)

• Planning

A parcel of land lying on the westerly side of Hopeful Road in Boone County, Kentucky, and being more particularly described as follows:

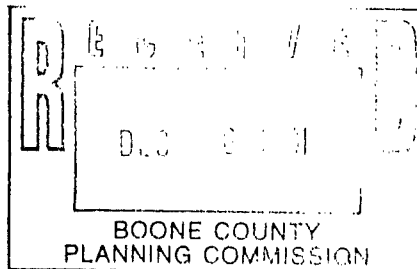
• Design

BEGINNING at a point in the westerly right of way of Hopeful Road, said point also being the most easterly corner of Cayton Development L.L.C. (Deed Book 523, Page 118 of the Boone County Clerk's records at Burlington, Kentucky) thence with the lines of Cayton Development L.L.C. S 67-03-53 E, a distance of 288.23 feet, thence S 22-59-47 W, a distance of 150.00 feet to a point in the line of First Church of God (Deed Book 272, Page 99 and Deed Book 374, Page 164), thence with the line of First Church of God, S 67-15-43 E, a distance of 211.36 feet to a point in the right of way of Hopeful Road, thence with said right of way N 50-13-54 E, a distance of 167.98 feet to the place of beginning and containing 0.86 acres, more or less.

The above described parcel being subject to any and all easements and/or right of ways of record.

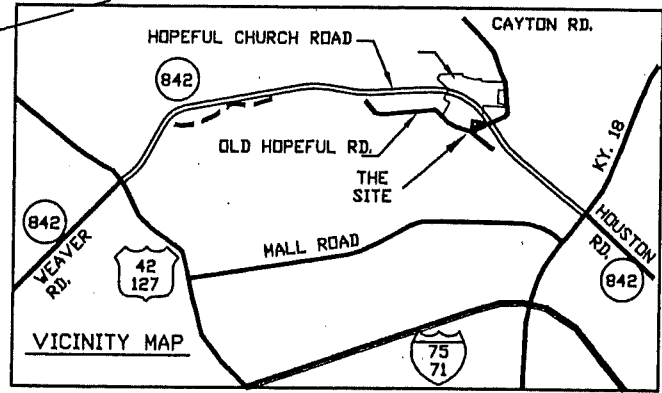
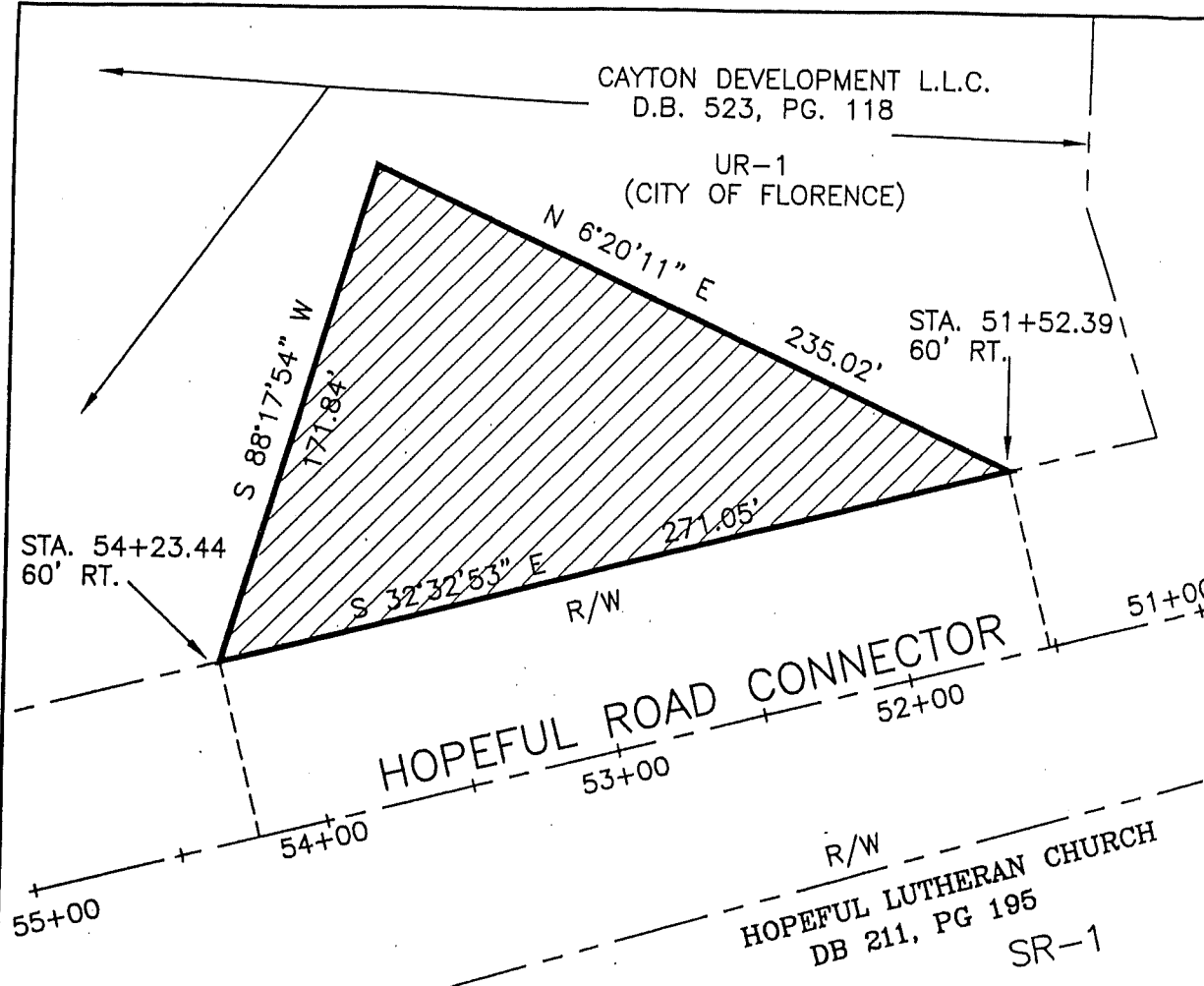
12/04/01

• Surveying



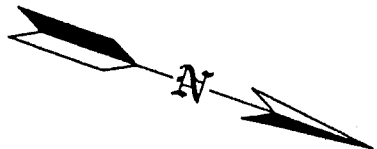
466 Erlanger Road
Erlanger, Kentucky 41018

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



PARCEL TO BE ANNEXED & REZONED
 TO THE CITY OF FLORENCE
 0.459 AC. PARCEL
 FROM SR-1 TO UR-1
 HOPEFUL ROAD CONNECTOR
 BOONE COUNTY, KENTUCKY

SCALE: 1"=50' DECEMBER 3, 2001



V VIOX & VIOX, INC.
 Engineers • Surveyors • Landscape Architects

466 Erlanger Road Tel: 859-727-3293
 Erlanger, Kentucky 41018 Fax: 859-727-8452
 e-mail: viox@nkol.net

ORDINANCE NO. 0-8-07

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO URBAN RESIDENTIAL ONE (UR-1) FOR A 0.459 ACRE PARCEL GENERALLY LOCATED ON THE SOUTH SIDE OF HOPEFUL ROAD CONNECTOR BETWEEN HOPEFUL CHURCH ROAD AND HOPEFUL ROAD, BOONE COUNTY, KENTUCKY; AND FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO URBAN RESIDENTIAL ONE (UR-1) FOR A 0.86 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF HOPEFUL ROAD, IMMEDIATELY NORTH OF 6767 HOPEFUL ROAD, BOONE COUNTY, KENTUCKY. (CAYTON DEVELOPMENT LLC)

WHEREAS, the City of Florence, Kentucky is a member of the county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission has recommended approval of the zoning map amendment described above,

WHEREAS, the Boone County Planning Commission recommendation for approval is based upon certain findings and conditions attached to its Resolution of Recommendation, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY AS FOLLOWS:

SECTION I

That the zoning map amendment from zoning map amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.459 acre parcel generally located on the south side of Hopeful Road Connector between Hopeful Church Road and Hopeful Road, Boone County, Kentucky; and for a zoning map amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.86 acre site generally located on the west side of Hopeful Road, immediately north of 6767 Hopeful Road, Boone County, Kentucky, shall be and is hereby approved subject to agreed conditions. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be designated to reflect this approval.

SECTION II

The approval of this zoning map amendment is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-02-006-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendations of the Boone County Planning Commission, this approval of the City of Florence, Kentucky through its City Council shall be and is hereby subject to those additional conditions that have been

agreed to in writing by the property owner/applicant as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION IV

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-02-006-A, marked Exhibit "B" hereto.

SECTION V

If this approval shall be held invalid, in whole or in part, by any Court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

SECTION VI

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS 2nd DAY OF April, 2002.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 30 DAY OF April, 2002.

APPROVED:

Deane E. Whalen
MAYOR

ATTEST:

Betsy Conrad
CITY CLERK

I, Betsy R. Conrad, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of 0-8-02

as same appears in the official records of my office.

Dated this 1st day of May, 2002.

Betsy Conrad
Betsy R. Conrad, City Clerk

