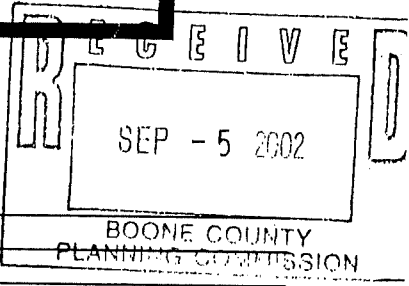


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Watkins Property 2778 First Street
2. Location of Project 2778 First Street
3. Total Acreage of Site ~ 20 acres
4. Current Zoning of Site I-3
5. Proposed Zoning (Classification being requested) A-1
6. Proposed Uses (please specify each use) Residential property. Applicant hopes to subdivide the lot into two lots, comprise of 7 acres and 13 acres
7. Names of Applicant(s) Laurie and Kermit Watkins; Frankie and Terri Walk
Phone Number 283-1287, 586-4939 Fax No. _____
8. Address of Applicant(s) 2778 First Street, Petersburg
Petersburg KY 41080
City State Zip
9. Name of Property Owner(s) Laurie and Kermit Watkins; Nathan Watkins
Phone Number 283-1287, 586-4939 Fax No. _____
10. Address of Property Owner(s) 2778 First Street
Petersburg KY 41080
City State Zip
11. Proposed Building Intensities (please specify) 1 dwelling unit on 7 acre tract; 1^{new} dwelling unit on ~~existing~~ 13-acre tract to remain
12. Are there any existing buildings on the site? 1 mobile home, 1 30'x30' pole barn, 12'x20' garage
How many? _____
13. Deed Book 232 Page No. 240, 243, 244, 245, 246 Group No. 2011
14. Are you also applying for: Also DB (400) 87-91
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? no
16. Have you had a pre-application meeting with BCPC Staff? yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- N/A Boone County Water and Sewer District
- N/A Florence Water and Sewer Commission
- N/A Union Light Heat and Power
- N/A Cincinnati Bell
- Yes Owen County Rural Electric
- Yes Boone County Public Works Department
- No Kentucky Transportation Cabinet
- N/A City of Florence Public Services Department
- No Boone County Building Department

EXHIBIT

“A”

STAFF REPORT

Request of Laurie Watkins, Kermit Watkins, Frankie Watkins, and Terri Watkins (applicants) for Laurie Watkins, Kermit Watkins, and Nathan Watkins (owners) for a Zoning Map Amendment from Industrial Three (I-3) to Agriculture (A-1) for an approximate 20 acre tract located at 2778 First Street, Boone County (Petersburg), Kentucky.

October 23, 2002

REQUEST

This request is for Zoning Map Amendment, changing the zoning of the subject property from Industrial Three (I-3) to Agriculture (A-1). The applicants intend to subdivide the property into two tracts, approximately seven and thirteen acres, respectively. There is an existing mobile home on the lot that will remain on the property, located on the proposed thirteen-acre lot. A new single-family dwelling unit is to be erected on the seven-acre lot. There is a dairy barn and a tobacco barn located on the proposed seven-acre lot. A pole barn is located on the proposed thirteen-acre lot. No Concept Development Plan was submitted with the application.

SITE HISTORY

1996- Property adjoining the site to the south underwent a change in zoning, from Industrial Three (I-3) to Agriculture (A-1).

SITE CHARACTERISTICS

The site's terrain varies greatly. Along the southern property line is a hillside, ranging from 620 feet to 520 feet above sea level. The land then slopes gently to the point at which the Ohio River bounds it, where it drops off sharply. Some of the property along the northwest is located within the flood plain. The site is heavily wooded to the south and the north, where there are the greatest slopes. Access is provided via First Street, which is a ten-foot-wide gravel road at this point. The property is used for agriculture, in that there is a tobacco barn on the site as well as livestock (i.e., horses).

ADJACENT LAND USES

- **North:** The Ohio River
- **Northeast:** Vacant property, zoned Industrial Three (I-3)

- **South, Southeast:** Three parcels of land, each zoned Agriculture (A-1).
- **East:** Vacant land, zoned SR-2.
- **West:** A single-family residence, zoned C-1.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the northwestern portion of the site as "Rural Density Residential," constituting roughly 34% of the site. It is defined as follows:

"Low density residential uses of up to one dwelling unit per acre, which are not part of a formal subdivision (p. 158, '2000 Existing and Future Land Use Classifications')."

The northeastern portion of the site, which comprises about 9% of the site, is designated as "Recreation," which is described as follows:

"Public and commercial outdoor recreation, including golf courses, parks, racetracks, etc.(p. 158, '2000 Existing and Future Land Use Classifications')."

The southern portion of the site, totaling about 57% of the site's area, is designated as "Rural Lands" and "Developmentally Sensitive." The Comprehensive Plan defines "Rural Lands" as follows:

"Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision (p. 157 '2000 Existing and Future Land Use Classifications')."

"Developmentally Sensitive Lands" is defined as follows:

"Areas that have an existing slope of twenty percent or greater for a height of 20 meters or have unique soil or flooding characteristics which limit the ability of an area to support urban development or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character. In addition developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project. The land use priority for areas designated Developmentally Sensitive is preservation of the existing environment, as opposed to development of the land. This shall act as a guideline for any project proposed in Developmentally Sensitive areas; specific sites designated as developmentally sensitive require more detailed inventories of soil, slope, wildlife habitat, vegetation,

and other possible physical constraints as part of the development plans. These inventories shall be used, along with engineering studies, to determine whether an area designated Developmentally Sensitive can be developed in a fashion which is sensitive to the existing site characteristics. The Developmentally Sensitive areas of Boone County have been identified by utilizing the United States Department of Agriculture Natural Resources Conservation Service (formerly Soil Conservation Service) data and mapping, through the Boone County Geographic Information System (GIS). The degree of accuracy of these areas is intended to locate general areas of concern. Actual site assessments will determine the exact boundaries of Developmentally Sensitive areas in Boone County at the time of development or through a detailed county-wide inventory (p. 157-158 '2000 Existing and Future Land Use Classifications')."

The Land Use Element provides the following quotes that are applicable to the site:

A. "This section Boone County is characterized by the town of Petersburg and the western-most portion of KY 20. Much of the land is Developmentally Sensitive, undeveloped, or in agricultural uses. Petersburg could potentially be a resource for tourism in the county due to its history and river frontage (p. 176 'Petersburg Area')."

B. "The extraction of gravel along the Ohio River in this area should continue at established sites; new location for extractive operations should be discouraged so as to allow alternative uses, such as recreational and low density residential development. This should lead to an appropriate balance of uses along Boone County's substantial river frontage, including access for recreational uses. Inactive sand and gravel extraction sites along the river should undergo the reclamation process noted in the Boone County Zoning Regulations or be converted into recreational opportunities. The land to the north of Petersburg should be maintained for eventual low density residential and recreational uses. There are also sites of archaeological significance in this section of the County which should be identified and preserved. The existing pay fishing lake area and Taylor Creek should be considered for a future wildlife habitat area. Development in the Petersburg area should protect the scenic characteristics of the hillsides and river plains (p. 177-178 'Petersburg Area')."

C. "Petersburg must continue to contend with its isolation from the urban service areas of Boone County and poor accessibility during the winter months. Any reconstruction of KY 20 into Petersburg should occur for the purpose of serving residential and school-related traffic, rather than for use by industrial vehicles. The preservation of the historical buildings of this important Kentucky town should be a prime objective, and eventual development of a tourist industry is possible with adequate planning and administration. Small commercial services within the town should be provided and designed to reinforce and retain the small town character of Petersburg. The areas in and around this town offer an opportunity for neo-

traditional residential and small commercial development. With improvements to KY 20 and the provision of water and sewer service, the town could grow significantly. For this to occur, it must be in the form of formal and well-designed neo-traditional development. Transfer of Development Rights should be evaluated as a tool to conserve the surrounding hillsides and valleys while permitting a higher density in town (p. 178 'Petersburg Area')."

The Land Use Element's Future Land Use Development Guidelines provide the following general statements that relate to the proposal:

A. "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')."

B. "Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadway classification and function must be used in the planning for and designing of new developments. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate (p. 159 'Transportation and Pedestrian Network')."

C. "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, 'Design, Signs, and Historic Preservation')."

The "Environment Element" of the 2000 Boone County Comprehensive Plan contains the following quotes that apply to this site:

A. "Erosion hazard is caused by the combined effects of soil material characteristics and slope. Sands and gravel can support specially designed structures on steeper slopes, while silts and clay soils become unstable on steeper slopes.

"Steep slopes descending into stream valleys and bottom lands of small streams are highly erodible. Less steep upper slopes near ridge lines are moderately erodible, while ridge lines, plateau, and large stream bed areas are free from significant erosion hazard (p.37-38 'Erosion and Other Factors')."

B. "Woodlands are significant natural resources as well as valuable social landscape features. Trees improve the quality of life within a community by reducing the visual impacts between conflicting land uses and by reducing noise, light, and air pollution. In addition tree roots stabilize soils by reducing storm runoff before it reaches and pollutes streams. Woodland cover diminishes the effects of strong winds, filters air pollutants, adds humidity, creates shade, and provides specialized wildlife habitats, as well as providing a visual beauty to the landscape.

"The slopes of stream valleys in the western portion and along the northern edge of Boone County are heavily wooded, while the eastern uplands have limited and scattered forest cover [p. 39 'Social Factor Inventory' (Woodlands)]."

C. "Agricultural lands provide the majority of the open space within a community, as well as creating a visual identity that often defines the character of a community. As pressures increase to develop the prime and state-wide important agricultural lands of the county, the character of Boone County will be altered [p. 39 'Social Factor Inventory' (Agricultural Values)]."

D. "The unique glacial topography of Boone County offers many astounding vistas of the Ohio River and its bottom lands. The steep tree-covered hillsides which parallel the river and creeks and the bottom lands themselves offer majestic countryside vistas of a quality not commonly found within 15 miles of a major city. The views and vistas of such natural beauty are arguably some of the most important amenities to residents within the County. Therefore, scenic areas within Boone County that are identified by special study should be protected from insensitive development. It should also be recognized that Boone County has over 40 miles of Ohio River frontage, of which the majority is adjoined with steep hillsides. A study should be conducted to identify significant scenic areas and to outline measures to be taken to preserve or enhance these views.

In Boone County there is a broad area of scenic value in flood plains along the Ohio River and along the valleys of major tributary streams on the western side of the county. Outstanding scenic areas include a series of cliffs along the Ohio River bordering the north edge of the county which afford dramatic views of the Ohio River and beyond. Notable man-made features such as individual historic homes/farm buildings, and the towns of Burlington, Petersburg, Rabbit Hash, and

Belleview/McVille also provide scenic amenities to the county [p. 39 'Social Factor Inventory' (Scenic)]."

The following quote, taken from the Housing Element of the 2000 Boone County Comprehensive Plan, apply to this site:

A. "The roads in this area are not suitable for large scale residential development. The historic character of Petersburg, Belleview, and McVille should be retained and protected from new development pressures. Localized Transfer of Development Rights programs should be investigated for areas immediately surrounding these towns to continue the grid pattern of the towns' design while resulting in little housing development on the hillsides or bluff areas. Open Space Subdivision design should be the norm rather than the exception in this area. Sewer for these town expansions should go to the proposed Sanitation District No. 1 plant but not serve any additional area [p. 88 "Geographic Housing Issues (Petersburg-Belleview, Western Area)]."

The following quote from the "Business Activity Element" is pertinent to this site:

A. "The river bottom areas, especially the Petersburg and Belleview areas, will continue to support extractive industries such as sand and gravel mining. However, the important resource has shifted from gravel to sand. These areas generally have poor road accessibility, although industries involved in processing bulk products could locate there to make use of river barge transportation. Future development or expansion of these industries should occur with sensitivity to the residential, recreational, and agricultural potential of the river bottom area, especially Woolper Creek. Upon the disuse of existing sand and gravel operations, reclamation should occur. Other types of mining activities may occur in the future of Boone County, but only with an evaluation of its benefits and costs to the community, including its impact on existing businesses and residential/agricultural uses (p. 73 'Areas of Future Industrial and Office Activity')."

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

- A. "Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall" Objective 1, p.4)
- B. "Proper design principles shall be applied in development ("Overall" Objective 3, p.4)

C. "Future growth shall be accompanied by adequate infrastructure and services ("Overall" Objective 4, p.4)"

D. "Boone County shall strive to achieve both a diversity and balance in land use ('Overall' Objective 6, p. 4)."

E. "The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ('Population' Goal, p. 5)."

F. "New development or redevelopment within Boone County is designed, constructed, and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life ('Environment' Goal p. 5)."

G. "Developmentally sensitive areas and scenic areas shall be identified, mapped, and minimum standards shall be established for the preservation and restoration of these areas. Developments that are proposed in any of these areas shall be carefully reviewed according to these standards to assure negative environmental impacts are minimized ['Physical Objective 3 ('Environment' Goals and Objectives), p. 6]."

H. "Developmentally Sensitive hillsides in Boone County must be given special consideration. The preservation of these hillsides is a primary objective, and any proposed development on hillsides designated Developmentally Sensitive shall be carefully reviewed to eliminate negative impacts and maintain the environmental integrity of the hillsides ['Physical Objective 5 ('Environment' Goals and Objectives), p. 6]."

I. "Future development and redevelopment of areas shall include an evaluation of the social factors identified in this Plan as part of the review of sites being considered for development. The suitability ratings for each social factor shall be taken into consideration as part of any development review process ['Social Objective 1 ('Environment' Goals and Objectives), p. 6]."

J. "Areas possessing unique environmental characteristics, as determined by the above-described inventory assessment, shall be preserved, used as passive recreational opportunities, or appropriately incorporated into development design ['Social Objective 3 ('Environment' Goals and Objectives), p. 6]."

K. "Existing vegetation shall be considered as both an important site characteristic and a community resource ['Social Objective 4 ('Environment' Goals and Objectives), p. 6]."

STAFF COMMENTS / CONCERNS

1. The Planning Commission and Boone County Fiscal Court will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues raised in this review include the following:
 - A. The Future Land Use Map applies the following classifications to the site: "Rural Density Residential," "Recreation," and "Developmentally Sensitive/Rural Lands." The first classification indicates that the site would be suitable for residential development of up to one dwelling unit per acre. The second classification indicates that the site would be appropriate for public and commercial outdoor recreation. However, the majority of the property falls under the third classification, which implies not only that careful attention should be paid to the development of a site but also that the site might be need to be preserved due to its unique scenic or historic characteristics. The definition of "Developmentally Sensitive states that "the land use priority for areas designated Developmentally Sensitive is preservation of existing environment, as opposed to development of the land."
 - B. The Land Use Element states that Petersburg could be a resource for tourism due to its history and river frontage. Additionally, the Element states that gravel extraction should be limited to existing sites rather than developed in new sites. It notes that the land to the north of Petersburg should be maintained for low density residential and recreational uses and that with adequate planning a tourist industry could be developed in the area.
 - C. The Environment Element offers several points applicable points. It states that there is value in the preservation of scenic areas adjacent to the river, in that these areas are among the most important amenities afforded to the County's residents. The Element notes that woodland cover, as found in the western portion of the site, is important due to its filtration of air pollutants, its protection from strong winds, its stabilization of slopes through the reduction of stormwater runoff, and its addition of visual beauty to the landscape. Furthermore, the Environment Element states that the character of Boone County will be altered if existing agricultural lands are developed.
 - D. The Business Activity Element notes that extraction industry will continue to be important in the Petersburg Area. However, the Element cautions that expansion of these industries should occur with sensitivity to the residential, recreational, and agricultural potential of the river bottom area. Additional mining activities should occur only with an evaluation of their benefits and costs to the community, including the impact upon existing businesses, residences, and farms.

2. The requested change in zoning may be viewed as a continuation of the process that was begun through the 1996 Zoning Map Update. The zoning for adjoining property to the south was changed from Industrial Three (I-3) to Agriculture (A-1).
3. Access to the site may impede the development of extraction industries as would be permitted under the Industrial Three zoning district. While First Street is a public road, the County's Public Works Department does not maintain the road beyond 2813 First Street. At this point the road is gravel, continuing for nearly 2,000 feet. The width of the road and poor quality of its surface would not be conducive to truck travel as would be needed in extraction industries.
4. The Planning Commission and the Boone County Fiscal Court must use the following criteria in granting approval of a zoning map amendment:
 1. The map amendment is in agreement with the adopted comprehensive plan; or
 2. The existing zoning classification is inappropriate and the proposed zoning classification is appropriate; or
 3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three criteria necessary for a Zoning Map Amendment. The Future Land Use Map will need to be changed if the request is approved.

Respectfully submitted,

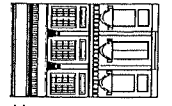
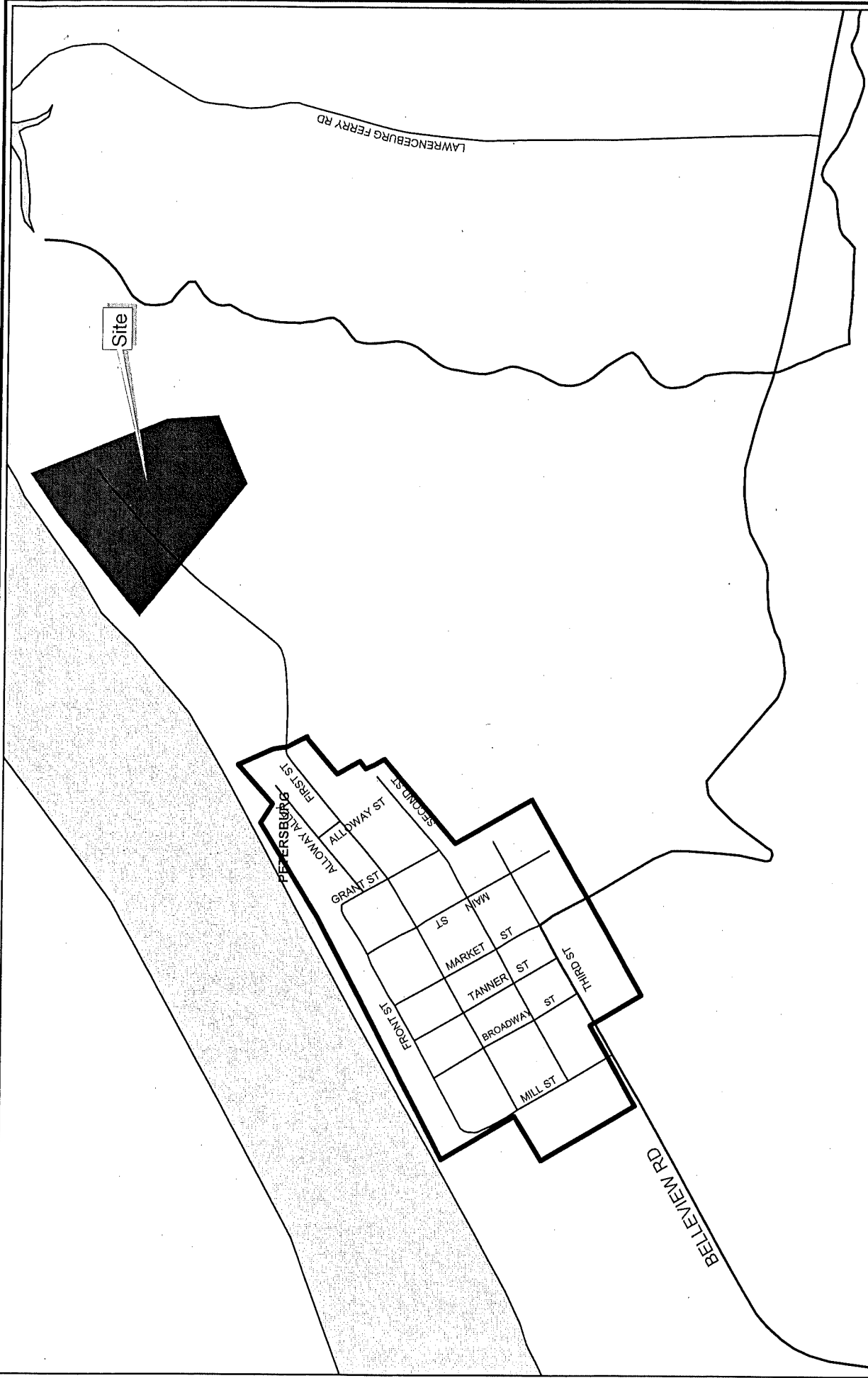


Patty Bachman
Planner

PB/pr

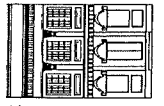
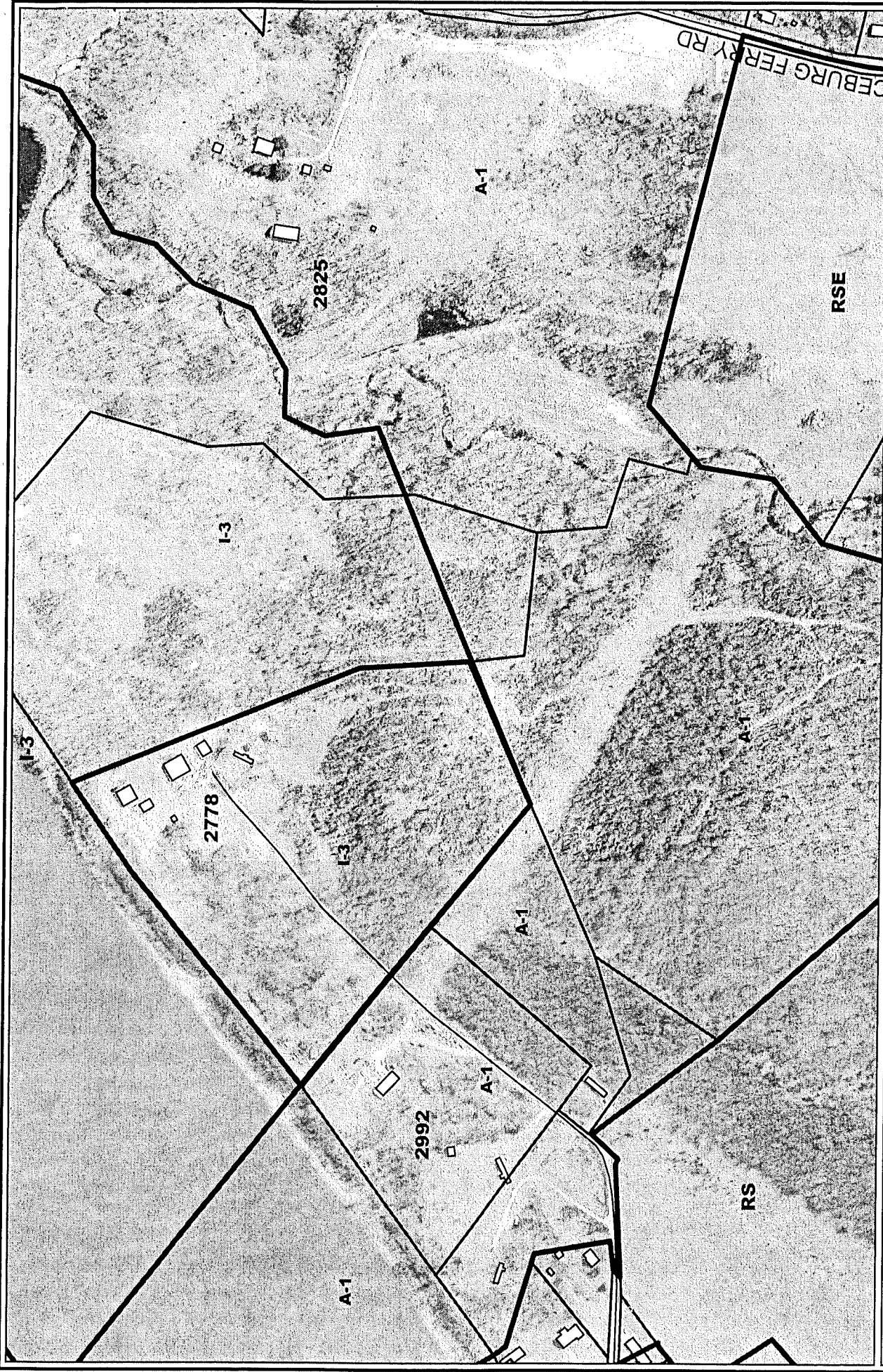
Attachments:

- vicinity map
- aerial photo w/zoning information
- future land use map excerpt
- site topography
- application



1 inch equals 850 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 19, 2002

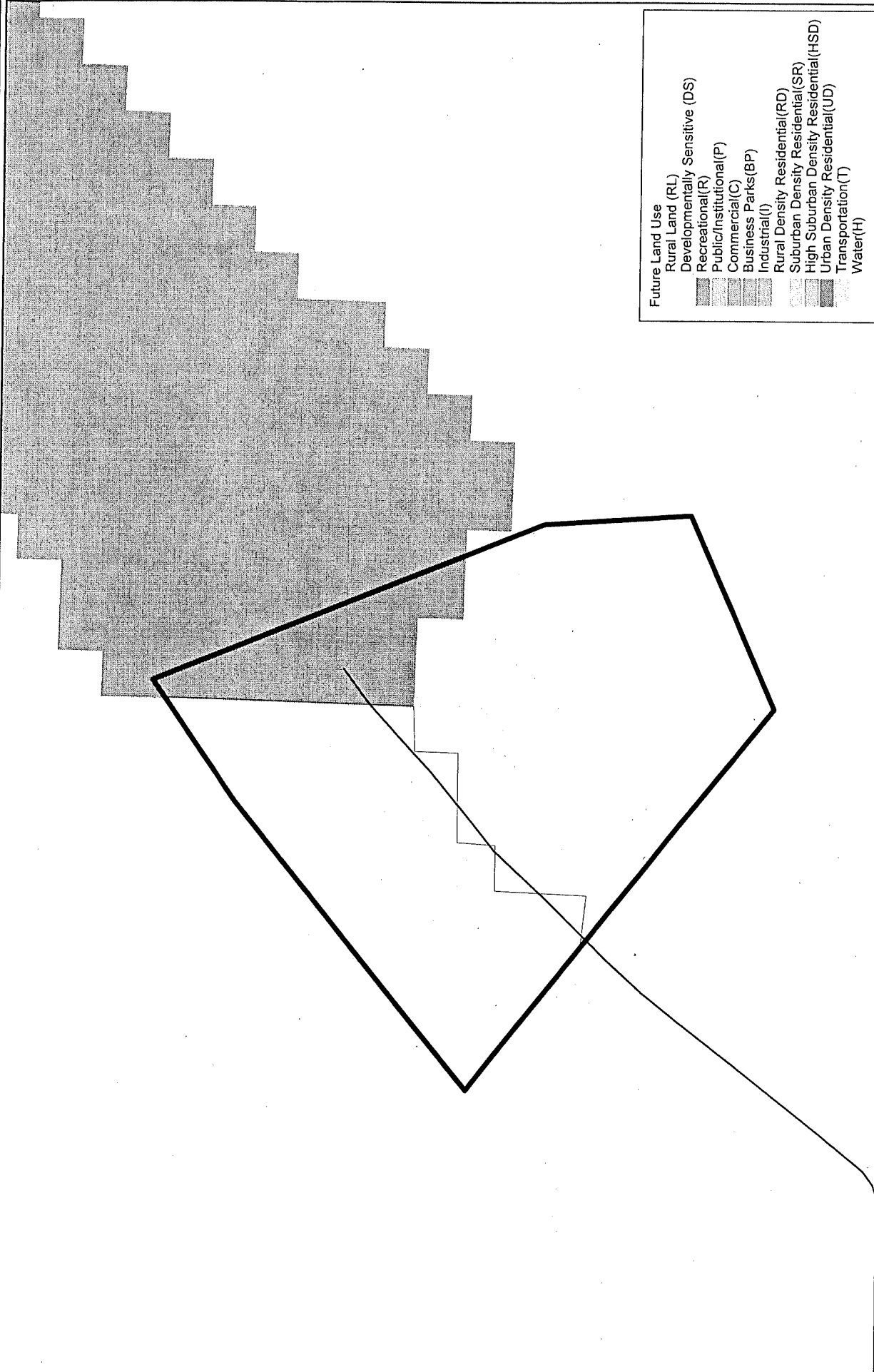
Watkins-Vicinity Map



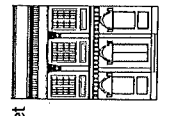
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1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 19, 2002

Watkins-Zoning Map



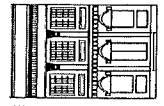
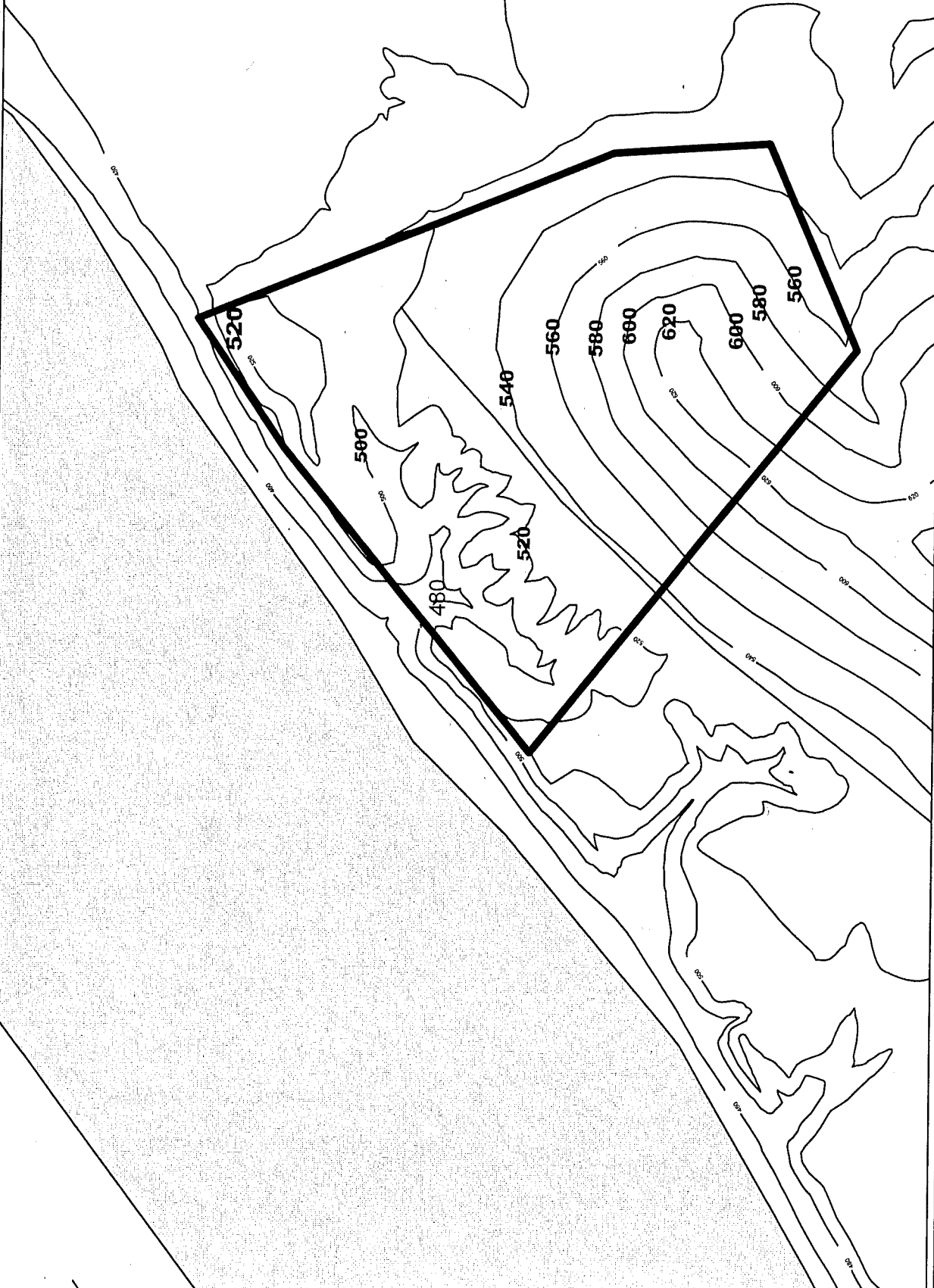
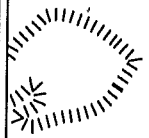
- Future Land Use**
- Rural Land (RL)
 - Developmentally Sensitive (DS)
 - Recreational(R)
 - Public/Institutional(P)
 - Commercial(C)
 - Business Parks(BP)
 - Industrial(I)
 - Rural Density Residential(RD)
 - Suburban Density Residential(SR)
 - High Suburban Density Residential(HSD)
 - Urban Density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



300 0 300 Feet

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

Watkins-Future Land Use Map

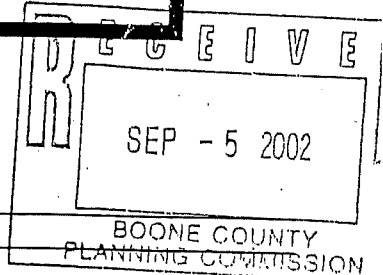


1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 19, 2002

Watkins-Topographic

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 Watkins Property
- 2. Location of Project 2778 First Street
- 3. Total Acreage of Site ~ 20 acres
- 4. Current Zoning of Site I-3
- 5. Proposed Zoning (Classification being requested) A-1
- 6. Proposed Uses (please specify each use) Residential property. Applicant hopes to subdividing the lot into two lots, Compr. of 7 acres and 13 acres
- 7. Names of Applicant(s) Laurie and Kermit Watkins; Frankie and Terri Wa
Phone Number 283-1287, 586-4939 Fax No. _____
- 8. Address of Applicant(s) 2778 First Street, Petersburg
Petersburg KY 41080
City State Zip
- 9. Name of Property Owner(s) Laurie and Kermit Watkins; Nathan Watkins
Phone Number 283-1287, 586-4939 Fax No. _____
- 10. Address of Property Owner(s) 2778 First Street
Petersburg Ky 41080
City State Zip
- 11. Proposed Building Intensities (please specify) 1^{new} Dwelling unit on 7 acre tract, 1^{existing} dwelling unit on existing 13-acre tract to remain
- 12. Are there any existing buildings on the site? 1 mobile home, 1 30'x30' pole barn, 12'x20' garage
How many? _____
- 13. Deed Book 732 Page No. 242, 243, 244, 245, 246
- 14. Are you also applying for: Also BB 400 87 Group No. 2011
No Conditional Use Permit
No Dimensional Variance
- 15. Have you submitted a Concept Development Plan? no
- 16. Have you had a pre-application meeting with BCPC Staff? yes
- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- N/A Boone County Water and Sewer District
- N/A Florence Water and Sewer Commission
- N/A Union Light Heat and Power
- N/A Cincinnati Bell
- Yes Owen County Rural Electric
- Yes Boone County Public Works Department
- No Kentucky Transportation Cabinet
- N/A City of Florence Public Services Department
- No Boone County Building Department

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

Yes Northern Kentucky Health District
No U.S. Soil Conservation Service
N/A Local School District
N/A Local Fire District
N/A Other: _____

18. Project Jurisdiction/Location
X Unincorporated Boone County _____ Walton
_____ Florence _____ Union

19. Applicant's Signature _____

Property Owner's Signature Nathan Y. Watkins
Nathan Watkins Jr

SECTION B (To be completed by BCPC Staff)

1. Date Received 9-5-02
2. Review Fee \$1393.00 ~~32763~~
3. Check what has been submitted:
 Application
 Fee
 Legal Description
 Concept Development Plan
 Address of Adjoining Property Owners
 Number of copies of plan received**
4. Is application complete? Yes _____ No
5. Staff Reviewer PATTY BARRHAN
6. Committee Chairman _____
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.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
October 23, 2002
7:00 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. Knock - Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mr. Reynolds, Mr. Ries, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:04 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the item on the Agenda:

1. **Applicant:** Laurie Watkins, Kermit Watkins, Frankie Watkins, and Terrie Watkins for Laurie Watkins, Kermit Watkins, and Nathan Watkins (owners)

Request: Zoning Map Amendment

The request of Laurie Watkins, Kermit Watkins, Frankie Watkins, and Terrie Watkins (applicants) for Laurie Watkins, Kermit Watkins, and Nathan Watkins (owners) for a Zoning Map Amendment from Industrial Three (I-3) to Agriculture (A-1) for an approximate 20-acre tract at 2778 First Street, Boone County (Petersburg), Kentucky.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Frankie Watkins, 2778 First Street, Petersburg, who lives in the mobile home on the site, stated that they want to clean up the property and build a home there. They plan to repair some of the barns next year and paint them to make it a more

attractive place. The building site is not on the river side and is about two hundred feet from the river. It would not be noticed from the river. He stated that they do not plan to dig into the river bank.

As only the applicants were present, the Chairman noted for the record that there was no one else present who wished to speak for or against the request. The Chairman asked if there were any comments or questions from the Commissioners.

Mr. Caddell questioned the size of the A-1 parcels to the south and southeast. Ms. Bachman did not know their exact size, but stated that they appear to be sizable on the zoning map. Mr. Caddell stated that there has to be a thirty-acre minimum size. Mr. Costello responded that that is correct if you are creating a new A-1 zone, or you can adjoin existing zoning. Mr. Caddell asked if the acreage is adequate. Mr. Costello responded "yes". Mr. Caddell questioned the property to the east being zoned SR-2. Ms. Bachman stated that that is an error and the correct zoning (I-3) is on the zoning map. She added that to the north there is an abandoned gravel extraction pit zoned I-3. Mr. Frankie Watkins stated that the gravel site is approximately 150 acres and has not been operated for at least twenty-five years. Mr. Costello stated that the Future Land Use Map talks about recreation and reclamation of the abandoned mine. Mr. Caddell questioned the zoning to the west. Ms. Bachman responded that it is Agriculture.


Mr. Knock asked if the subject property is currently a farm. Mr. Frankie Watkins responded that it was originally a farm of approximately one hundred and fifteen acres. It was subdivided by their brother and another man into sixty-five and fifty acre tracts. The site is now down to twenty acres. He stated that approximately twenty acres to the west has been changed to A-1. Mr. Costello stated that the I-3 zoning of the subject property probably dates back to 1980 when KZF created the new zoning map. They may have felt that the parcel was related to the mining (I-3) to the east. The property may have been under joint ownership. The zoning was not established in the 1986 Update.

Mr. Knock asked if granting the request would be inconsistent with good planning or not in compliance with the Comprehensive Plan. Mr. Costello responded that Staff identified the Future Land Use Plan for the area and a residential use is occurring now. The applicants want to subdivide the property and build another house, which they cannot do in the I-3 zone.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on November 6, 2002 at 5:00 PM in the Fiscal Courtroom on the second floor of the Administration Building. The Committee Chairman for this item will be announced at a later date. This item will be on the Agenda for the Business Meeting on November 20, 2002 at 7:00 PM.

The Chairman closed this Public Hearing at 8:02 PM.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
December 4, 2002
7:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:34 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Arnold Caddell
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock, Temporary Presiding Officer
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Robert Ries
Mr. David Zimmer

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Mr. David Geohegan, AICP, Director of Planning Services
Ms. Jan Hancock, Secretary

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers PLLC (applicant) for Arlinghaus Builders, Jerry L. Arlinghaus et al (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 291-acre area at 3829 and 3939 KY 18, Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Chairman Hicks stated that Agenda Item #1 is recommended for deferral to the December 18, 2002 Business Meeting at 6:30 PM. Mr. White so moved. Mrs. Wilson seconded the motion. A vote on the motion found all voting members in favor. Mr. Poe did not vote. The motion carried.

2. Zoning Map Amendment

The request of Laurie Watkins, Kermit Watkins, Frankie Watkins, and Terri Watkins (applicants) for Laurie Watkins, Kermit Watkins, and Nathan Watkins (owners) for a Zoning Map Amendment from Industrial Three (I-3) to Agriculture (A-1) for an approximate 20-acre tract at 2778 First Street, Boone County (Petersburg), Kentucky.

Staff Member Patty Bachman presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

There being no discussion, Mr. Barlow moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Schwenke seconded the motion and it carried unanimously.

NEW BUSINESS:

Agenda Item
No.

3 Zoning Map Amendment

The request of Douglas L. King (applicant) for Burlington Retail, LLC (owner) for a Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 1.237 acre tract on the south side of Patrick Drive, between the Patrick Drive/McGrath Drive intersection and the building at 1793 Patrick Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow uses permitted in the C-4 zone in a maximum 16,090 square foot building.

EXHIBIT
“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Lisa Wilson, Chairwoman

DATE: December 4, 2002

RE: Request of Laurie Watkins, Kermit Watkins, Frankie Watkins, and Terri Watkins (applicants) for Laurie Watkins, Kermit Watkins, and Nathan Watkins (owners) for a Zoning Map Amendment from Industrial Three (I-3) to Agriculture (A-1) for an approximate 20 acre tract located at 2778 First Street, Boone County (Petersburg), Kentucky.

REMARKS

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

FINDINGS OF FACT

1. The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan are in agreement with the 2000 Boone County Comprehensive Plan. The Future Land Use Map designates the site as "Rural Density Residential," "Recreation," "Rural Lands," and "Developmentally Sensitive Lands." The majority of the site falls into the latter two designations. The "Developmentally Sensitive Lands" designation implies that the site should be developed with great caution, perhaps even that the site should not be developed. The Land Use Element notes that gravel extraction, as would be permitted under the site's existing zoning, should continue at established sites and that new locations for extractive industries should be discouraged. The Environment Element identifies the importance of the tree-covered hillsides paralleling the Ohio River. These hillsides are not commonly found in such close proximity to metropolitan areas, and they should be protected. The Environment Goals and Objectives state that Developmentally Sensitive areas shall be identified and mapped. Minimum standards shall be established for the protection of these areas. Developmentally Sensitive hillsides should be given special consideration, and the preservation of these hillsides shall be given primary consideration. Areas possessing unique environmental features shall be preserved. The proposal is sensitive to these concerns.

2. The Committee has determined that the existing zoning category is inappropriate and that the proposed zoning category is appropriate for the site. The Zoning Regulations note that the intent of the Industrial Three (I-3) zoning district is to regulate surface mining excavation, extraction, processing storage, loading, hauling, and unloading of sand, gravel, rock, clay, shale, stone, coal, and other similar materials. Much of the site is designated as Developmentally Sensitive in the Future Land Use Map. This designation entails protection of the property, rather than the development of excavation industries. Additionally, the Comprehensive Plan favors the protection of the site as stated above.
3. The Committee has concluded that the following conditions are 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 these conditions and understands that the proposal along with these conditions serve as a basis for this recommendation.

CONDITIONS

1. Subdivision of the 13-acre parent tract will require the applicant to apply for a Change in Concept Development Plan.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
October 23, 2002
7:00 P.M.

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. Knock - Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mr. Reynolds, Mr. Ries, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:04 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the item on the Agenda:

1. **Applicant:** Laurie Watkins, Kermit Watkins, Frankie Watkins, and Terrie Watkins for Laurie Watkins, Kermit Watkins, and Nathan Watkins (owners)

Request: Zoning Map Amendment

The request of Laurie Watkins, Kermit Watkins, Frankie Watkins, and Terrie Watkins (applicants) for Laurie Watkins, Kermit Watkins, and Nathan Watkins (owners) for a Zoning Map Amendment from Industrial Three (I-3) to Agriculture (A-1) for an approximate 20-acre tract at 2778 First Street, Boone County (Petersburg), Kentucky.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Frankie Watkins, 2778 First Street, Petersburg, who lives in the mobile home on the site, stated that they want to clean up the property and build a home there. They plan to repair some of the barns next year and paint them to make it a more

attractive place. The building site is not on the river side and is about two hundred feet from the river. It would not be noticed from the river. He stated that they do not plan to dig into the river bank.

As only the applicants were present, the Chairman noted for the record that there was no one else present who wished to speak for or against the request. The Chairman asked if there were any comments or questions from the Commissioners.

Mr. Caddell questioned the size of the A-1 parcels to the south and southeast. Ms. Bachman did not know their exact size, but stated that they appear to be sizable on the zoning map. Mr. Caddell stated that there has to be a thirty-acre minimum size. Mr. Costello responded that that is correct if you are creating a new A-1 zone, or you can adjoin existing zoning. Mr. Caddell asked if the acreage is adequate. Mr. Costello responded "yes". Mr. Caddell questioned the property to the east being zoned SR-2. Ms. Bachman stated that that is an error and the correct zoning (I-3) is on the zoning map. She added that to the north there is an abandoned gravel extraction pit zoned I-3. Mr. Frankie Watkins stated that the gravel site is approximately 150 acres and has not been operated for at least twenty-five years. Mr. Costello stated that the Future Land Use Map talks about recreation and reclamation of the abandoned mine. Mr. Caddell questioned the zoning to the west. Ms. Bachman responded that it is Agriculture.

Mr. Knock asked if the subject property is currently a farm. Mr. Frankie Watkins responded that it was originally a farm of approximately one hundred and fifteen acres. It was subdivided by their brother and another man into sixty-five and fifty acre tracts. The site is now down to twenty acres. He stated that approximately twenty acres to the west has been changed to A-1. Mr. Costello stated that the I-3 zoning of the subject property probably dates back to 1980 when KZF created the new zoning map. They may have felt that the parcel was related to the mining (I-3) to the east. The property may have been under joint ownership. The zoning was not established in the 1986 Update.

Mr. Knock asked if granting the request would be inconsistent with good planning or not in compliance with the Comprehensive Plan. Mr. Costello responded that Staff identified the Future Land Use Plan for the area and a residential use is occurring now. The applicants want to subdivide the property and build another house, which they cannot do in the I-3 zone.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on November 6, 2002 at 5:00 PM in the Fiscal Courtroom on the second floor of the Administration Building. The Committee Chairman for this item will be announced at a later date. This item will be on the Agenda for the Business Meeting on November 20, 2002 at 7:00 PM.

The Chairman closed this Public Hearing at 8:02 PM.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

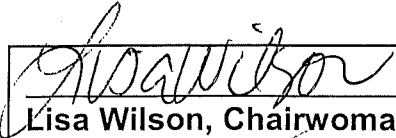
FROM: Lisa Wilson, Committee Chairwoman

DATE: November 20, 2002

RE Request of Laurie Watkins, Kermit Watkins, Frankie Watkins, and Terri Watkins (applicants) for Laurie Watkins, Kermit Watkins, and Nathan Watkins (owners) for a Zoning Map Amendment from Industrial Three (I-3) to Agriculture (A-1) for an approximate 20 acre tract located at 2778 First Street, Boone County (Petersburg), Kentucky.

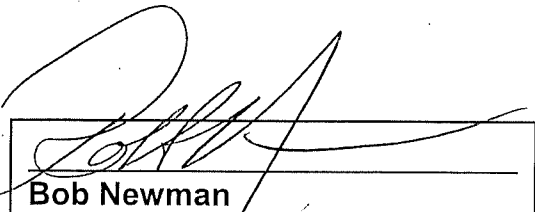
REMARKS:

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.



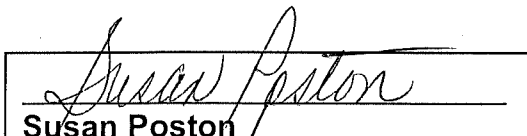
Lisa Wilson, Chairwoman

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



Bob Newman

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

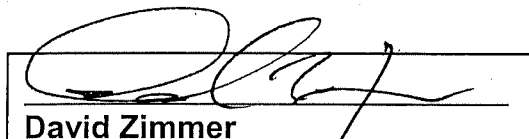


Susan Poston

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

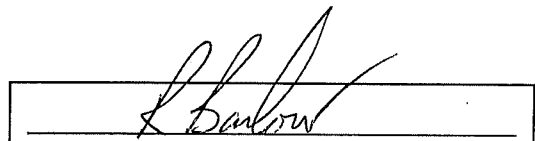
Earl White

For Project _____ Absent
Against Project _____
Abstain _____ Deferred _____



David Zimmer

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



Randy Barlow (Alternate)*

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

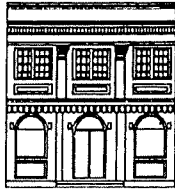
Janet Kegley (Alternate)*

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 5 FOR PROJECT 1 ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

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

November 21, 2002

Mr. Frankie, Kermit, and Nathan Watkins
Ms. Laurie and Terri Watkins
2778 First Street
Petersburg, Kentucky 41080

RE: Zoning Map Amendment for 2778 First Street, Petersburg, Kentucky

Dear Sirs and Madams:

The following condition in conjunction with the Zoning Map Amendment Application, as agreed to by the Boone County Planning Commission's Zone Change Committee, serves as the basis for the Committee's recommendation of approval. If you, as the applicant, agree to the following condition, 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, December 2, 2002.

1. Subdivision of the 13-acre parent tract will require the applicant to apply for a Change in Concept Development Plan.

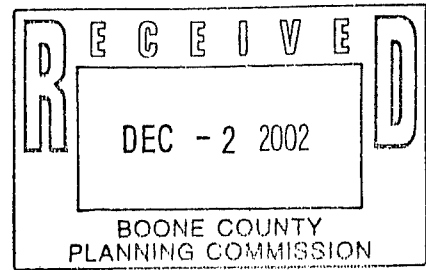
Sincerely,



Patty Bachman
Planner

MPB/pr

Mr. Frankie, Kermit, and Nathan Watkins
Ms. Laurie and Terri Watkins
November 21, 2002
Page 2



Agreement

We, the property owners, agree to the above-listed condition of approval for the requested Change in Concept Development Plan for 2778 First Street, Petersburg, Kentucky 41080

Laurie Watkins 12/1/02
Laurie Watkins (Date)
Property Owner

Kermit J. Watkins 12-1-02
Kermit Watkins (Date)
Property Owner

Frankie Watkins 12-1-02
Frankie Watkins (Date)
Property Owner

Terri Watkins 12-1-02
Terri Watkins (Date)
Property Owner

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS :

THAT

RODNEY JOHN RIGACCI, a single person, KERMIT L. WATKINS, a single person, and ROY WATKINS, JR., a single person, for and in consideration of One Dollar (\$1.00) and for other good and valuable consideration (\$50,000.00- Fair Market Value) to them paid by KERMIT L. WATKINS, a single person, and ROY WATKINS, JR., a single person,

the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said KERMIT L. WATKINS, a single person, an undivided one-half interest, and ROY WATKINS, JR., a single person, an undivided one-half interest, their heirs and assigns forever,

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

GRANTEE MAILING ADDRESS 2778 First Street, Petersburg, KY 41080

PRESENT STREET ADDRESS 2778 First Street, Petersburg, KY 41080

PARCEL NO. I

GROUP NO. 2011

Located on the North side of Kentucky Highway #20, West of Lawrenceburg Ferry Road, County of Boone, State of Kentucky and being more particularly described as follows:

BEGINNING at a point in the centerline of Kentucky Highway #20, at a common corner to Grantor and Galen Burns property; thence N-70-48'-W along the centerline of Kentucky Highway #20 a distance of 113.04 feet to a point; thence leaving said Highway and partitioning the Grantors property N-27-29'-E a distance of 88.07 feet to a point; thence N-12-19'-W a distance of 170.13 feet to a point; thence N-25-12'-W a distance of 145.82 feet to a point; thence N-58-55'-W a distance of 84.20 feet to a point; thence N-7-27'-E a distance of 245.27 feet to a point; thence N-46-37'-W a distance of 131.85 feet to a point; thence N-17-09'-W a distance of 136.23 feet to a point; thence N-31-24'-W a distance of 74.08 feet to a point; thence N-54-41'-W a distance of 102.42 feet to a point; thence N-35-19'-E a distance of 40.00 feet to a point in the dividing line between Grantor and Nicholas Winterberg; thence S-56-00'-E along the dividing line between Grantor, Nicholas Winterberg and others a distance of 397.00 feet to a common corner to Grantor and Galen Burns; thence S-9-00'-W along the dividing line between Grantor and Galen Burns a distance of 310.00 feet to a point; thence continuing along said dividing line S-27-47'-E a distance of 145.09 feet to a point; thence continuing along said dividing line S-27-47'-E a distance of 145.09 feet to a point; thence continuing along said line S-12-19'-E a distance of 429.28 feet to the place of beginning.

Said parcel containing 2.049 acres more or less and being subject to legal rights-of-way and legal easements or record and in existence.

PARCEL NO. II

GROUP NO. 2011

Located on the Ohio River, north of the Town of Petersburg and described thus:

BEGINNING at a post, a corner with Sullivan, said post being North 49° 33' East 246 feet from the end of First Street in the Town of Petersburg; thence with the line of Sullivan North 37° 15' West 260 feet to the top of the bank of the Ohio River; thence with the Ohio River North 50° 30' East 2160 feet to a Hackberry tree; thence South 36° 15' East 886 feet to a tree; thence South 4° 30' East 486 feet; thence North 87° East 365 feet; thence South 11° 45' East 207 feet to the Southwest corner of Lot "A" in the division of the lands of John Norris; thence South 78° 15' East 207.6 feet; thence South 2° East 445.5 feet; thence South 46° West 244.2 feet to the northern most corner of the five acre, three rod and 36 pole exception; thence with said exception South 17° 12' West 1480.8 feet; thence South 36° 45' West 192.7 feet; thence with the east line of Lot "D", North 54° West 1250 feet; thence North 43° 15' East 510 feet; thence North 44° 15' West 806 feet; thence North 37° 15' West 268 feet, more or less, to the corner of the seven acre tract conveyed by John W. Aylor (Deed Book 115, Page 186); thence with the lines of said tract South 41° 45' West 111.5 feet to a post; thence North 55° West 16.5 feet to a post; thence South 87° 51' West 334 feet to the corner of a lot conveyed to John Alan Berkshire (Deed Book 123, Page 402); thence with the lines of said Lot North 47° East 134 feet; thence North 11° 26' West 146.4 feet; thence South 64° 53' West 168.5 feet to the beginning and containing 109.9 acres.

There is excepted from the above 1.23 acre as described in Deed Book 72, Page 584, making a total of 108.7 acres, more or less, being conveyed.

Subject to existing easements for power lines.

It is hereby expressly agreed and understood that a twenty foot right of way is hereby reserved as an outlet to Petersburg for the use of the present or future owners of the approximately thirty acre tract of this farm being retained. Said right of way shall be the existing roadway running from Petersburg through the 108.7 acre tract being sold by the house and through the barn lot between the two barns and connecting with the approximately thirty acre tract being retained.

EXCEPTIONS: Located generally in Boone County, Kentucky near and northeast of the Village of Petersburg and described particularly thus: BEGINNING at the most northerly corner of the A. Davison property with the 108.7 acre Earl Mudman tract (Deed Book 115, Page 186); thence on lines partitioning said Mudman tract North 5° 8' West 24.8 feet, North 75° 31' West 287.5 feet to a point in the southwest

line of said tract; thence therewith South 37° 15' East 217.0 feet to a post, a corner with said Davison; thence with a line of the said Davison property North 63° 15' West 166.7 feet to the place of beginning, containing .50 acre.

BEGINNING at the most easterly corner of the A. Davison property with the Earl Mudman 108.7 acre tract; thence with the line of said Davison property South 47° West 98.1 feet to the north line of the road leading to Petersburg; thence along said line North 85° 15' East 84.1 feet to a point therein; thence on a line partitioning a small parcel off said Mudman tract North 11° 26' West 60.8 feet to the place of beginning, containing .06 acre.

The above two exceptions were conveyed to Ace Davison by deed dated May 28, 1963 and recorded in Deed Book 158, Page 491, Boone County Clerk's records at Burlington, Kentucky.

THERE IS EXCEPTED FROM THE ABOVE PARCELS THE FOLLOWING DESCRIBED PROPERTY:

GROUP NO. 2011

Located in Boone County, Kentucky, lying on the north side of Kentucky Highway 20 approximately 0.3 mile west of Lawrenceburg Ferry Road and is described as follows:


BEGINNING at a P.K. nail in the centerline of Kentucky Highway 20 corner of Ricky Estes (Deed Book 296, Page 317); thence with Estes N 24° 13' 10" E 88.07 feet to an existing iron pin; thence N 14° 34' 50" W 170.13 feet to an existing iron pin; thence N 27° 27' 50" W 145.82 feet to an existing iron pin; thence N 61° 10' 50" W 84.20 feet to an existing iron pin; thence N 4° 50' 15" E 265.53 feet to an existing iron pin; thence N 49° 00' 45" W 120.86 feet to an existing iron pin; thence N 22° 00' 30" W 144.75 feet to an existing iron pin; thence N 32° 05' 50" W 71.02 feet to an existing iron pin; thence N 60° 48' 40" W 43.60 feet to an existing iron pin; thence S 42° 50' 08" W 141.18 feet to an existing iron pin; thence with Estes and the remaining property of W. Scott Horton (Deed Book 269, Page 168) N 41° 24' 42" W 1006.28 feet to a post corner of Naomi Lee Vesper (Deed Book 181, Page 539); thence with Vesper N 41° 20' 47" W 259.75 feet to a post; thence N 42° 08' 09" E 498.39 feet to a post; thence N 43° 31' 24" W 654.35 feet to an iron pin; thence with a new division of Rodney John Rigacci, et al's, property N 31° 38' 40" E 445.36 feet to an iron pin; thence N 64° 37' 13" E 955.24 feet to an iron pin in the west line of Terry D. Gaines (Deed Book 378, Page 194); thence with Gaines S 8° 12' 58" E 163.41 feet to an iron pin; thence S 86° 48' 28" E 368.39 feet to a post; thence S 6° 41' 40" E 207.00 feet to an Oak Tree; thence S 74° 11' 00" E 213.00 feet to an iron pin; thence S 12° 21' 48" W 182.00 feet to an iron pin; thence S 76° 45' 00" E 55.00 feet to a point in the center of a branch in the west line of Albert Arlinghaus (Deed Book 246, Page 198); thence with Arlinghaus S


48° 00' 00" W 41.00 feet to an iron pin; thence S 6° 00' 00" W 220.00 feet to an iron pin in said branch; thence S 52° 00' 00" W 244.00 feet to an existing pipe corner of Albert Arlinghaus (Deed Book 210, Page 638); thence with Arlinghaus S 14° 01' 20" W 1370.43 feet to an existing iron pin corner of Albert Arlinghaus (Deed Book 378, Page 72); thence with Arlinghaus S 41° 39' 06" W 113.24 feet to an iron pin at the base of a post; thence S 55° 49' 47" E 324.83 feet to an iron pin at the base of a post; thence S 8° 30' 00" W 310.00 feet to an iron pin in a branch; thence S 27° 58' 15" E 244.00 feet to an iron pin in an existing fence; thence S 14° 26' 30" E 318.92 feet to a point in the center of Kentucky Highway 20 in the center of a culvert; thence with said centerline N 85° 53' 53" W 99.55 feet to the point of beginning, containing 60.010 acres and subject to the legal right-of-way of Kentucky Highway 20 and all easements of record.

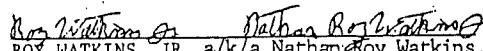
Being the remaining property conveyed to the grantors herein by deed from Louise C. Winterberg, an unmarried widow, by deed dated April 29, 1988, and being recorded in Deed Book 384, Page 163 of the Boone County Clerk's records at Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said KERMIT L. WATKINS, a single person, an undivided one-half interest, and ROY WATKINS, JR., a single person, an undivided one-half interest, their heirs and assigns forever, with covenants of general warranty.

IN WITNESS WHEREOF, the said RODNEY JOHN RIGACCI, a single person, KERMIT L. WATKINS, a single person, and ROY WATKINS, JR., a single person, hereunto set their hands, this the 30th day of December, 1988.


 RODNEY JOHN RIGACCI


 KERMIT L. WATKINS


 ROY WATKINS, JR. a/k/a Nathan Roy Watkins, Jr.
 being one in the same person

STATE OF KENTUCKY
COUNTY OF BOONE

I, Gregory K. Ryle, a notary public in and for the County and State aforesaid, do certify that the foregoing instrument of writing from RODNEY JOHN RIGACCI, a single person, KERMIT L. WATKINS, a single person, and ROY WATKINS, JR., a single person, to KERMIT L. WATKINS, a single person, and ROY WATKINS, JR., a single person, was this day presented to me, in my County, and then and there acknowledged and delivered by the said RODNEY JOHN RIGACCI, a single person, KERMIT L. WATKINS, a single person, and ROY WATKINS, JR., a single person, parties thereto, to be their act and deed. Whereupon the same and this certificate are certified to the proper office for record.

Given under my hand and seal this the 30th day of December, 1988.

Gregory K. Ryle

NOTARY PUBLIC, STATE-AT-LARGE
MY COMMISSION EXPIRES : June 14, 1991

STATE OF KENTUCKY
COUNTY OF BOONE

I, JERRY W. ROUSE, Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing instrument of writing from RODNEY JOHN RIGACCI, a single person, KERMIT L. WATKINS, a single person, and ROY WATKINS, JR., a single person, to KERMIT L. WATKINS, a single person, and ROY WATKINS, JR., a single person, was this 3rd day of JANUARY, 1989, produced to me, certified as above, and lodged for record at 3:39 O'Clock p.M. Whereupon the same with foregoing and this certificate have been duly recorded in my office.

Given under my hand this the 3rd day of JANUARY, 1989.

JERRY W. ROUSE

CLERK

BY *Donna Collins*

D.C.

THIS INSTRUMENT PREPARED BY:

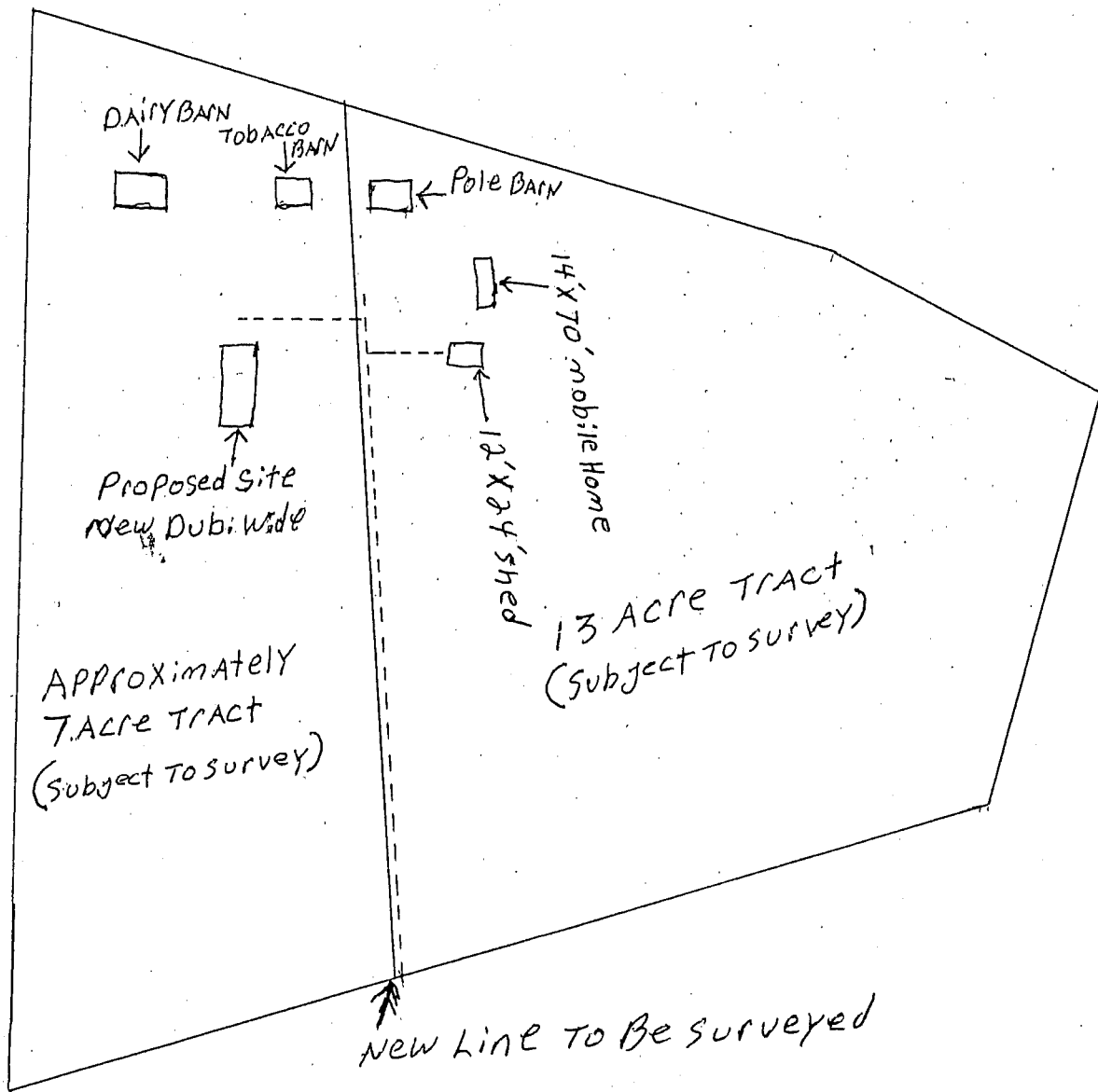
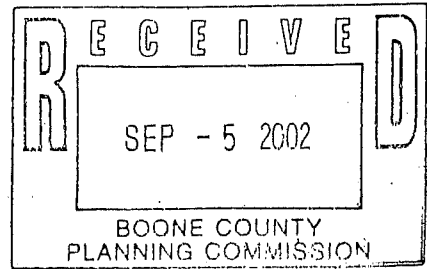
Larry J. Crigler
LARRY J. CRIGLER
ATTORNEY AT LAW
2995 WASHINGTON STREET
P.O. BOX 169
BURLINGTON, KENTUCKY 41005
(606) 586-9950

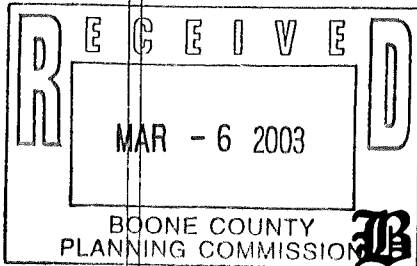
Return to
Huntington Bank of
Boone County, Inc.

Project - 2778 First Street

Utilities : Electric & well on new site - septic to be installed

----- : = GRAVEL ROAD





Ordinance Of The Boone County Fiscal Court

Ordinance No. 03-06

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH ONE CONDITION, A REQUEST OF LAURIE, KERMIT, FRANKIE AND TERRI WATKINS (APPLICANTS) FOR LAURIE, KERMIT AND NATHAN WATKINS (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL THREE (I-3) TO AGRICULTURE (A-1) ON AN APPROXIMATE 20 ACRE SITE LOCATED AT 2778 FIRST STREET, BOONE COUNTY, (PETERSBURG) KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-02-026-A.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Industrial Three (I-3) to Agriculture (A-1) on an approximate 20 acre site located at 2778 First Street, Boone County (Petersburg), Kentucky, which is more particularly described below; and,

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with one condition, this Zoning Map Amendment being a zone change from Industrial Three (I-3) to Agriculture (A-1) on an approximate 20 acre site located at 2778 First Street, Boone County (Petersburg), Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Industrial Three (I-3) zone is more particularly described in DEED BOOK 400, PAGE NOS. 87-91 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

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

Ordinance Of The Boone County Fiscal Court

Ordinance No. 03-06

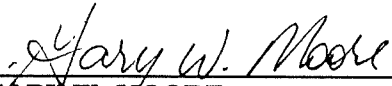
The Committee recommended approval for this request based on the findings of fact and one condition as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

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

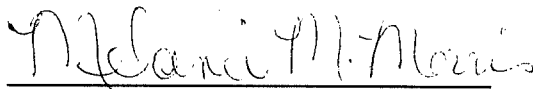
Introduced and given First Reading on the 21st day of January, 2003.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 18th day of February, 2003, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



MELANIE M. MORRIS
FISCAL COURT CLERK



JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

2-27-03

DATE PUBLISHED