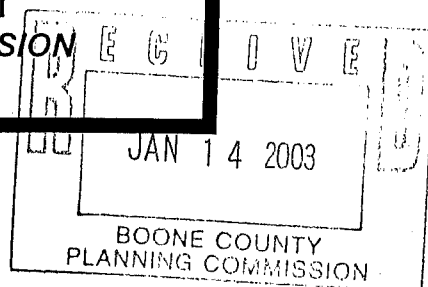


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



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

1. Name of Project ADDITION TO CARDINAL COVE
 2. Location of Project CARDINAL WAY
 3. Total Acreage of Site 5.12
 4. Current Zoning of Site RSE & A-2
 5. Proposed Zoning (Classification being requested) SR-1
 6. Proposed Uses (please specify each use) RESIDENTIAL SUBDIVISION
-
7. Names of Applicant(s) RAYMOND ERPENBECK CONSULTING ENGINEERS
Phone Number 727-4200 Fax No. 342-5852
 8. Address of Applicant(s) 4205 DIXIE HIGHWAY
ELSMERE KENTUCKY 41018
City State Zip
 9. Name of Property Owner(s) MARK STALLINGS BUILDER INC
Phone Number _____ Fax No. _____
 10. Address of Property Owner(s) 8181 NORTH DILCREST CIRCLE
FLORENCE KENTUCKY 41042
City State Zip
 11. Proposed Building Intensities (please specify) 3.5 D.U.A. SINGLE FAMILY RESIDENT
 12. Are there any existing buildings on the site? NO
How many? N/A
 13. Deed Book 843 Page No. 172 Group No. 2002
 14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
 15. Have you submitted a Concept Development Plan? YES
 16. Have you had a pre-application meeting with BCPC Staff? NO
 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
NO Boone County Water and Sewer District
N/A Florence Water and Sewer Commission
NO Union Light Heat and Power
NO Cincinnati Bell
NO Owen County Rural Electric
NO Boone County Public Works Department
N/A Kentucky Transportation Cabinet
N/A City of Florence Public Services Department
NO Boone County Building Department

(over)

EXHIBIT

“A”

STAFF REPORT

Request of Raymond Erpenbeck Consulting Engineers (applicant) for Mark Stallings Builder, Inc. (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 5.12 acre tract located on the south side of Cardinal Way between the properties located at 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single family residences.

February 26, 2003

REQUEST

The request is for a zone change from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 5.12 acre site. The property is located on the south side of Cardinal Way between 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky.

The applicant's submitted Concept Development Plan shows that property will contain 16 residential lots, a detention parcel, and 50 foot wide public streets. The main street connects to Cardinal Way, opposite Oriole Court, and is stubbed at the southern property line. The overall density of the project is 3.125 dwelling units per acre.

SITE CHARACTERISTICS

The northern and central portions of the site are largely comprised of rolling topography and an open field. The southern portion of the site falls off significantly and contains a stream and a large number of mature deciduous trees. The overall topography falls from 840' above sea level at Cardinal Way to 790' above sea level at the southeast property line. Water and sanitary sewer lines are existing on Cardinal Way.

SITE HISTORY

On December 4, 2002, the Planning Commission approved a conveyance plat for the subject property. The adjacent property owners to the west, Charles & Linda Reeves, conveyed off the 5.1249 acre tract to Mark Stallings Builder, Inc.

ADJACENT LAND USES AND ZONING

North: Cardinal Cove Subdivision (SR-1/CD)
South: Single-Family Dwelling & Undeveloped 14 Acre Parcel (A-2 & RSE)
East: Cardinal Cove Subdivision (SR-1/CD)

West: Two Single-Family Residential Dwellings (RSE)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's 2025 Land Use Plan (the "Future Land Use Map") designates the majority of the site for "Suburban Residential" uses. Smaller portions of the site are designated as "Rural Lands" and "Developmentally Sensitive." These three classifications are described as follows:

Suburban Residential – "Single family housing of up to 4 units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

Rural Lands – "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."

Developmentally Sensitive – "areas that have an existing slope of twenty percent or greater for a height of twenty meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or natural features that are important to a site's stability and visual character. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project."

The Land Use Element (North Hebron Area, pages 174-175) provides the following statements that relate to the general area and site.

- A. "With planned public sanitary sewer improvements in the Sand Run and Elijah Creek watersheds, including sewer lift stations, there will be considerable growth pressures. Development should be clustered on the top of ridge top areas because of the limited capacity of the existing roadway network and planned improvements, the Developmentally Sensitive areas, and the importance of stream valleys as greenbelts."
- B. "In general, Suburban Residential development should be concentrated on land nearest to KY 237, as indicated on the Future Land Use Map."
- C. "Residential development must take care to avoid potential negative impacts to the Developmentally Sensitive hillsides."

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

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a preconceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 158).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate ("Buffering," pg. 159).
- C. Developments in Boone County must 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 roadway. Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 159).
- D. Developments in Boone County must recognize the potential impacts of storm water runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of storm water flow on and from the site ("Storm Water Management and Erosion Control," pg. 159).
- E. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and traffic patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way ("Access Management," pg. 159).

- F. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network. Hierarchical system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should be connected by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pg. 211).
- G. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 211).

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

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

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

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public ("Overall," Objective 6).

- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are maintained and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular shall minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- I. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- J. 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).
- K. The interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighboring interaction. Based on certified traffic analysis, collector and sub-collector streets shall be evaluated to determine design without individual lot or driveway access. Lot and home buyers shall have access to approved plans regarding future connections. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops) ("Housing," Objective 8).
- L. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public, and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated ("Housing," Objective 9).

- M. Clustering (increasing net density while not altering overall gross usable density) shall be promoted by appropriate incentives in order to preserve green space, scenic views, other identified significant site features, and land for public facilities or recreation. The usability of green space must be carefully reviewed, and the provision of green space shall not in itself guarantee an increase of density. Clustered housing, or Open Space Subdivisions shall be permitted not only in planned developments, but in appropriately designed subdivisions under conventional zoning ("Housing," Objective 12).
- N. Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features ("Housing," Objective 13).
- O. The incremental effects of developments on public facilities and services shall be evaluated and addressed ("Public Services and Facilities," Objective 19).
- P. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

STAFF COMMENTS

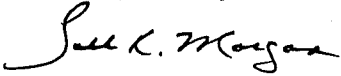
1. The adjacent property to the north and east, Cardinal Cove Subdivision, went through the Zoning Map Amendment process in 1992. It was the first Clustered Subdivision approved in Boone County. Clustered Subdivisions allowed the individual lot sizes to be reduced in return for community open space. The 24 acre subdivision has 8 acres of open space.
2. Staff received a letter from Bryan Blavatt, Superintendent of Schools, in regard to housing plans in Boone County. Mr. Blavatt's letter is attached to the Staff Report.
3. The applicants furnished Staff with a letter from Sanitation District No. 1. The letter indicates that there is capacity to serve the 16 proposed residential lots (see attachments).
4. If the Planning Commission approves the request, Staff recommends the following conditions:
 - A. Private driveways are prohibited on Cardinal Way.
 - B. A 20' wide tree save easement shall be required along the southern and western property lines.
 - C. A 10' wide landscaping easement shall be required along Cardinal Way. One large tree from Plant List A will be required every 35 feet.

- D. Sidewalks will be required as specified in the Boone County Subdivision Regulations.
5. Staff is concerned about the topography and creek in the rear portion of the property. If the development is approved, close attention will need to be provided to erosion control. This is part of the reason Staff is recommending a 20' wide tree save easement along the rear property line.

CONCLUSION

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

Respectfully submitted,

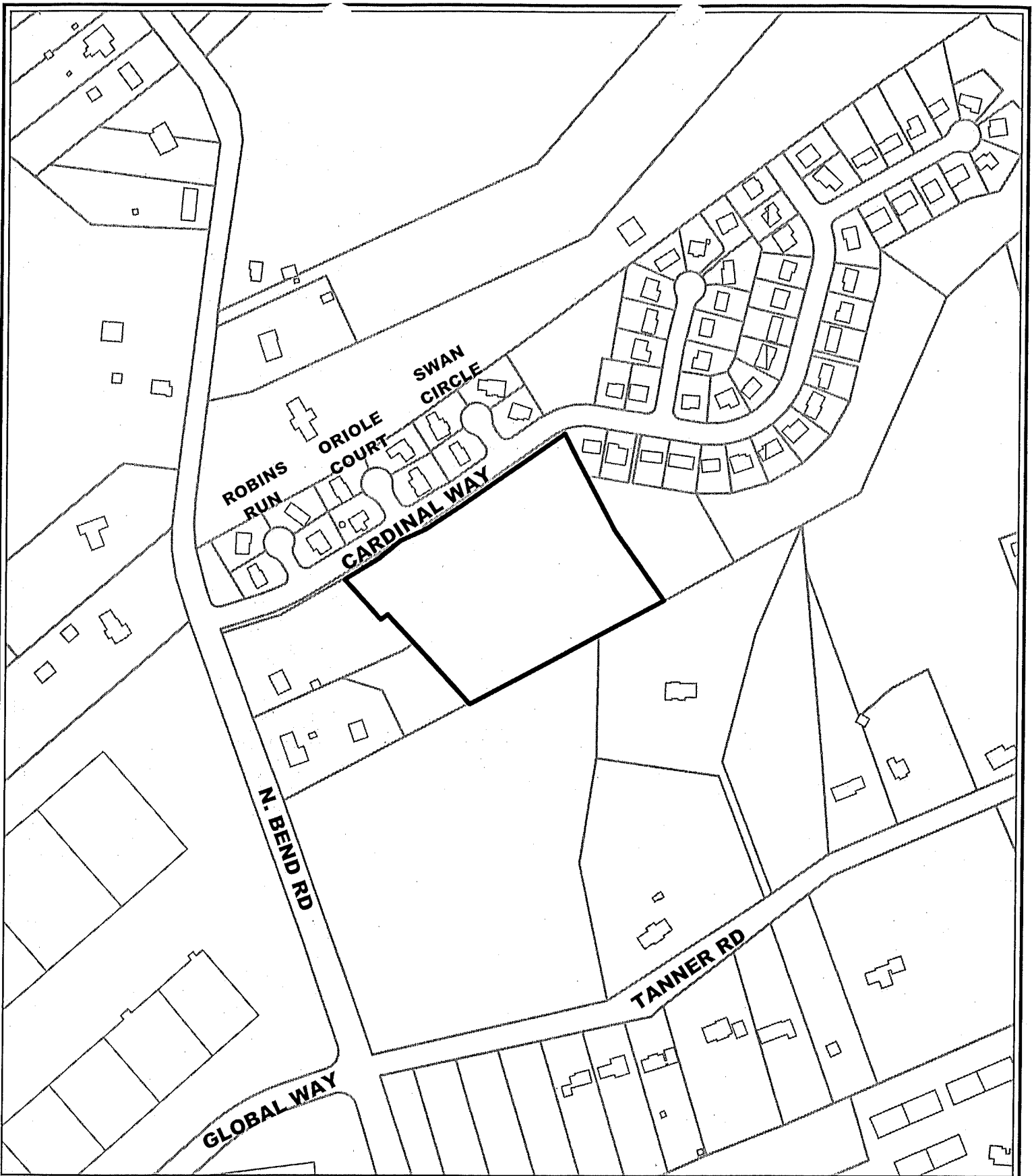


Todd K. Morgan
Planner, Zoning Services

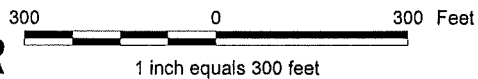
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attachments:

- Site Vicinity Map
- Concept Plan
- Aerial Map
- Zoning Map
- Future Land Use Map
- Topographical Map
- Letter from Boone County Schools
- Letter from Sanitation District No. 1
- Application

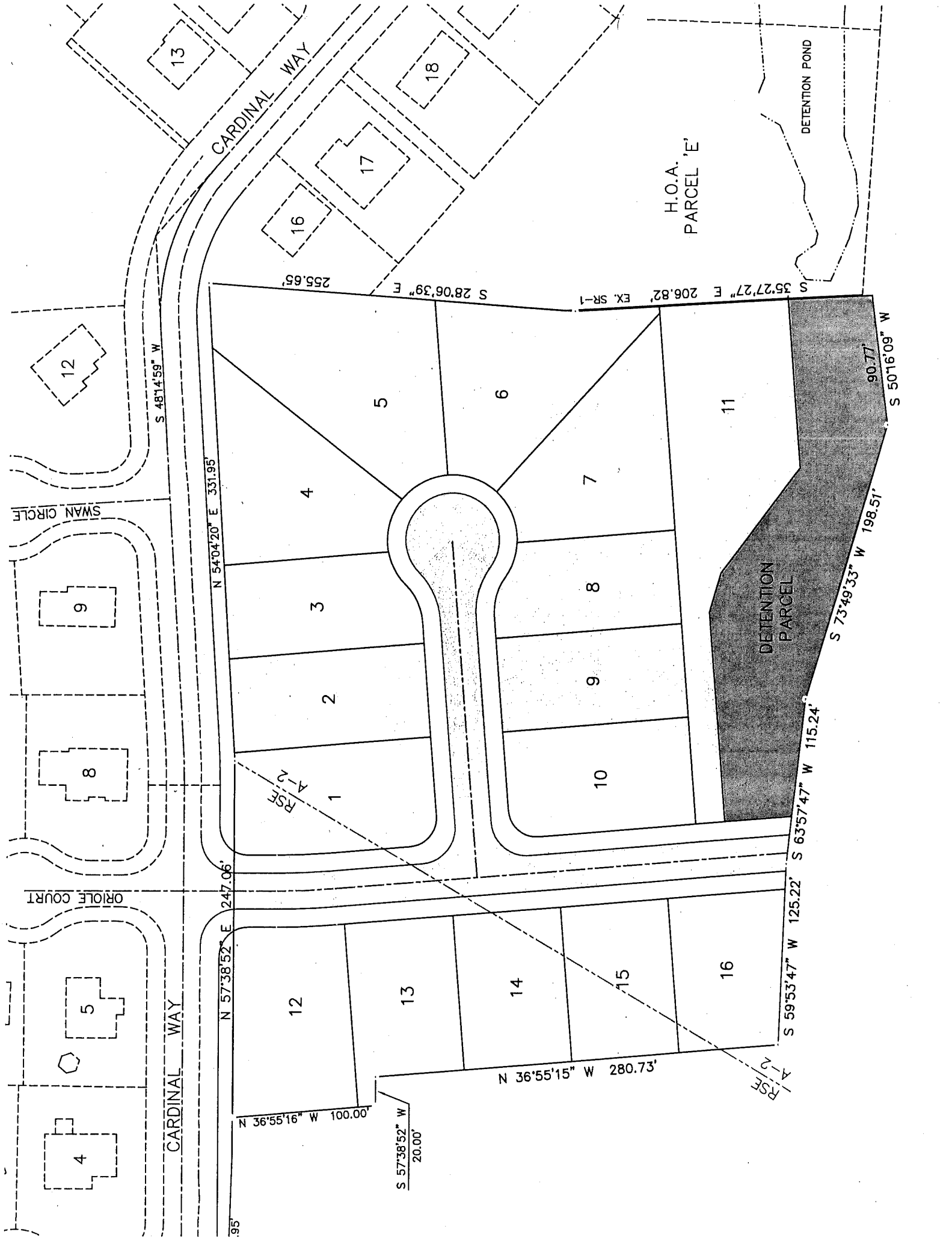


MARK STALLINGS BUILDER SITE VICINITY MAP



Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 2003





CARDINAL WAY

SWAN CIRCLE

ORLE COURT

CARDINAL WAY

H.O.A.
PARCEL 'E'

DETENTION POND

DETENTION
PARCEL

S 48°14'59" W

N 54°04'20" E 331.95'

N 57°38'52" E 247.06'

N 36°55'16" W 100.00'

S 57°38'52" W
20.00'

N 36°55'15" W 280.73'

A-1
RSE

A-1
RSE

255.65'

S 28°06'39" E

S 35°27'27" E 206.82' EX. SR-1

S 50°16'09" W
90.77'

S 73°49'33" W 198.51'

S 63°57'47" W 115.24'

S 59°53'47" W 125.22'

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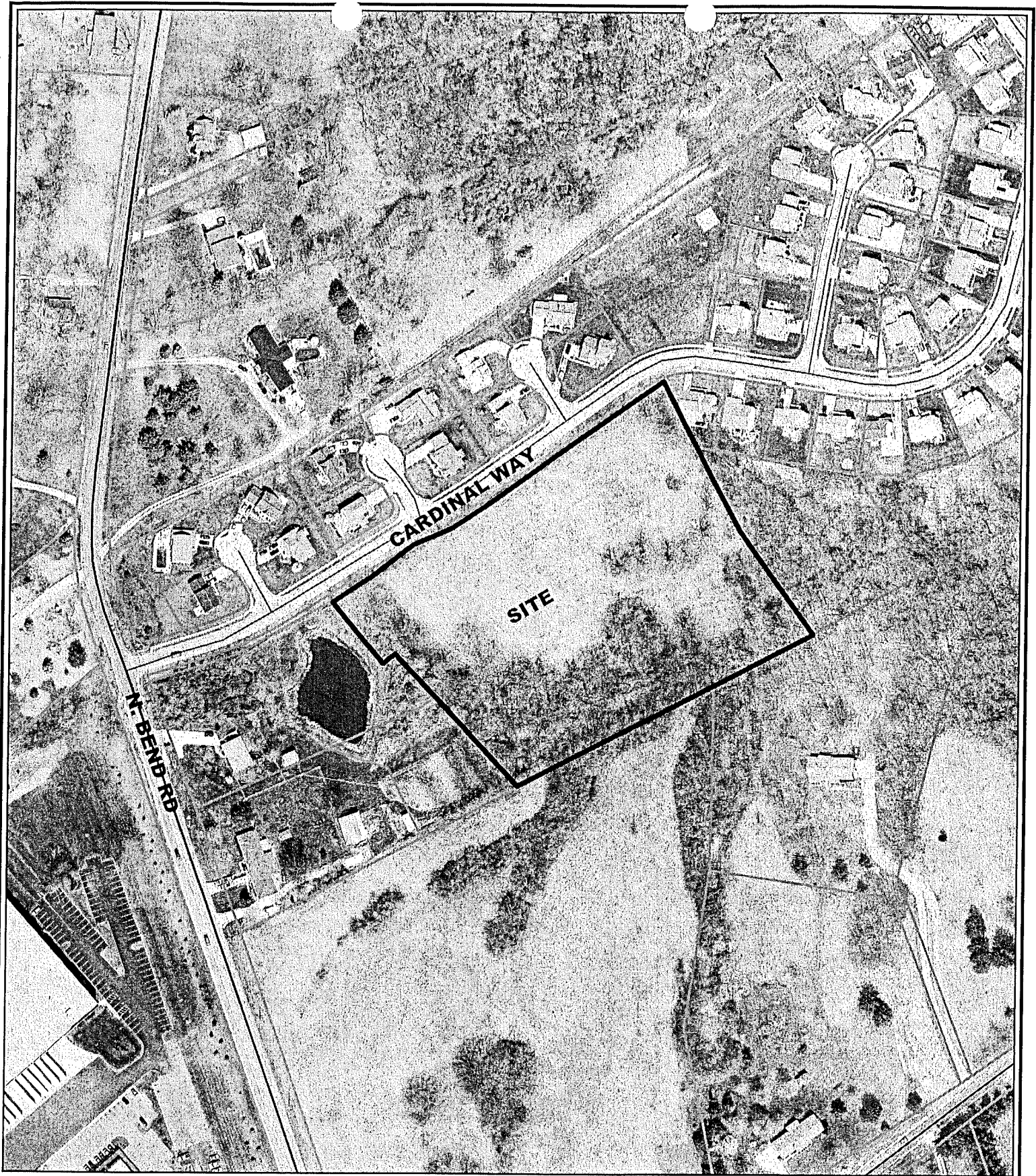
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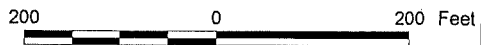
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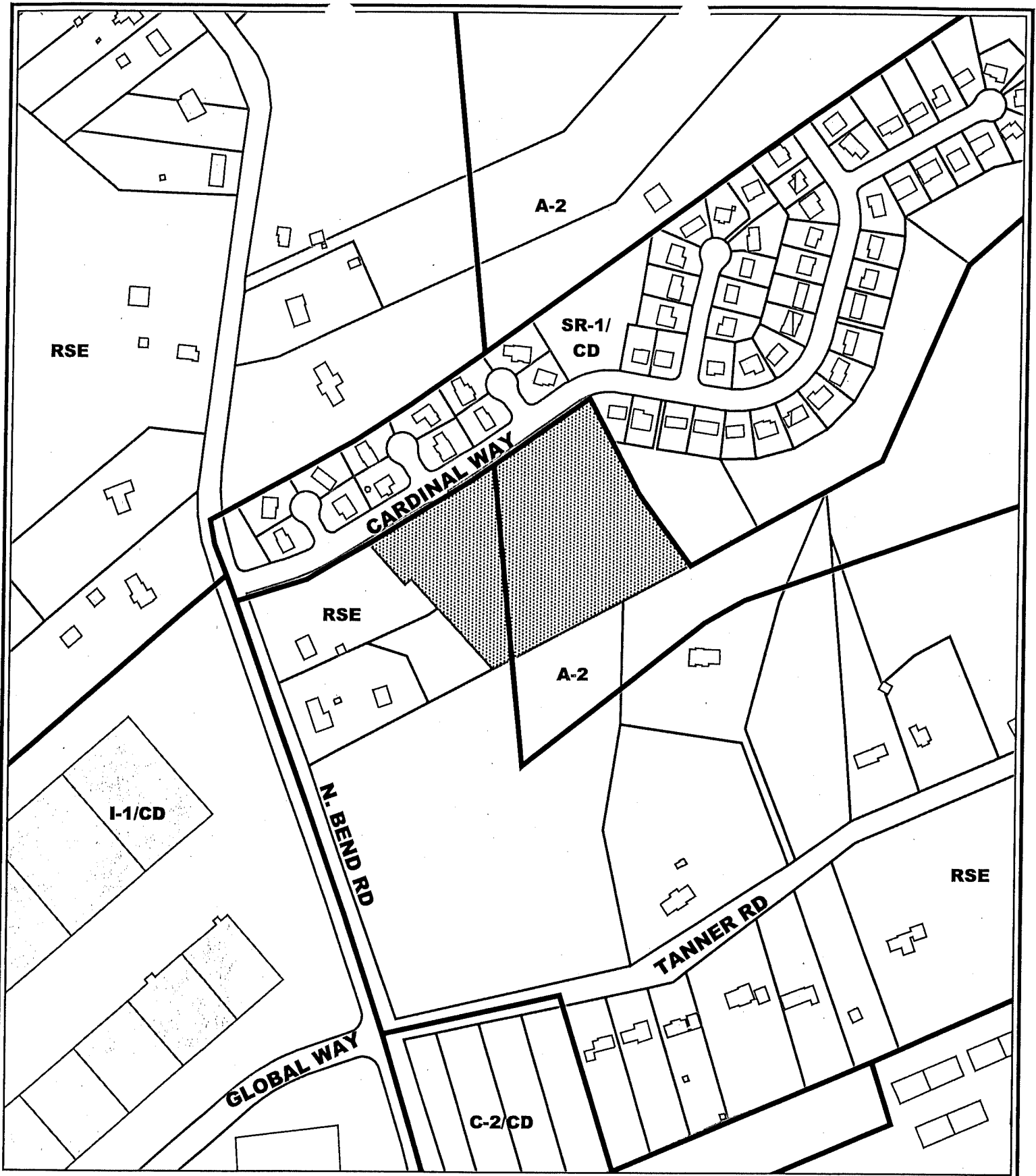
MARK STALLINGS BUILDER AERIAL MAP



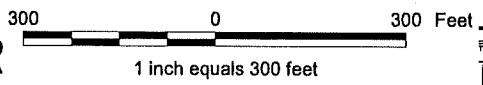
1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 2003

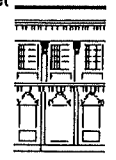


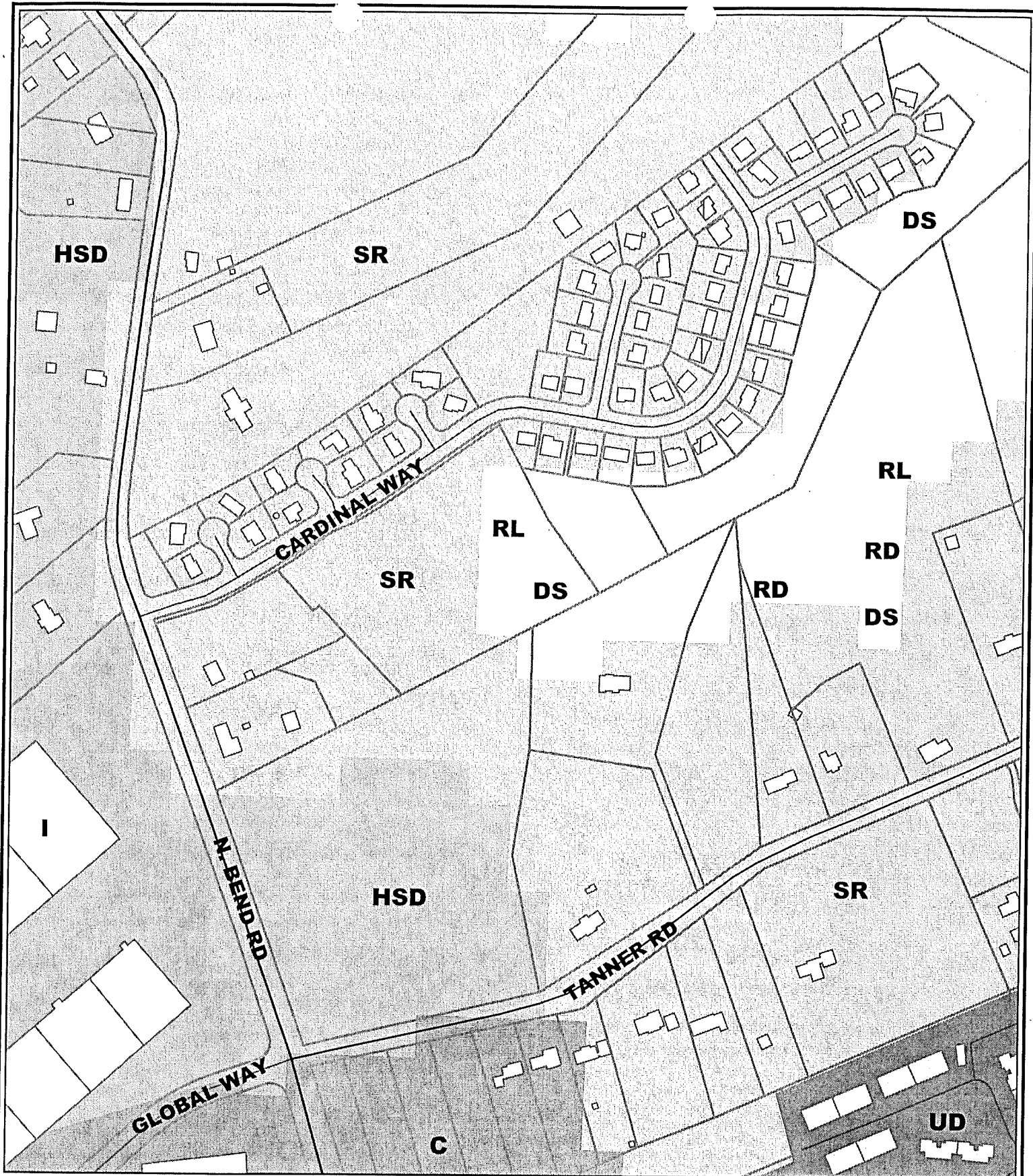


MARK STALLINGS BUILDER ZONING MAP

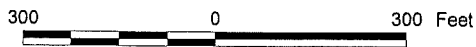


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GIS Services Division
January 27, 2003





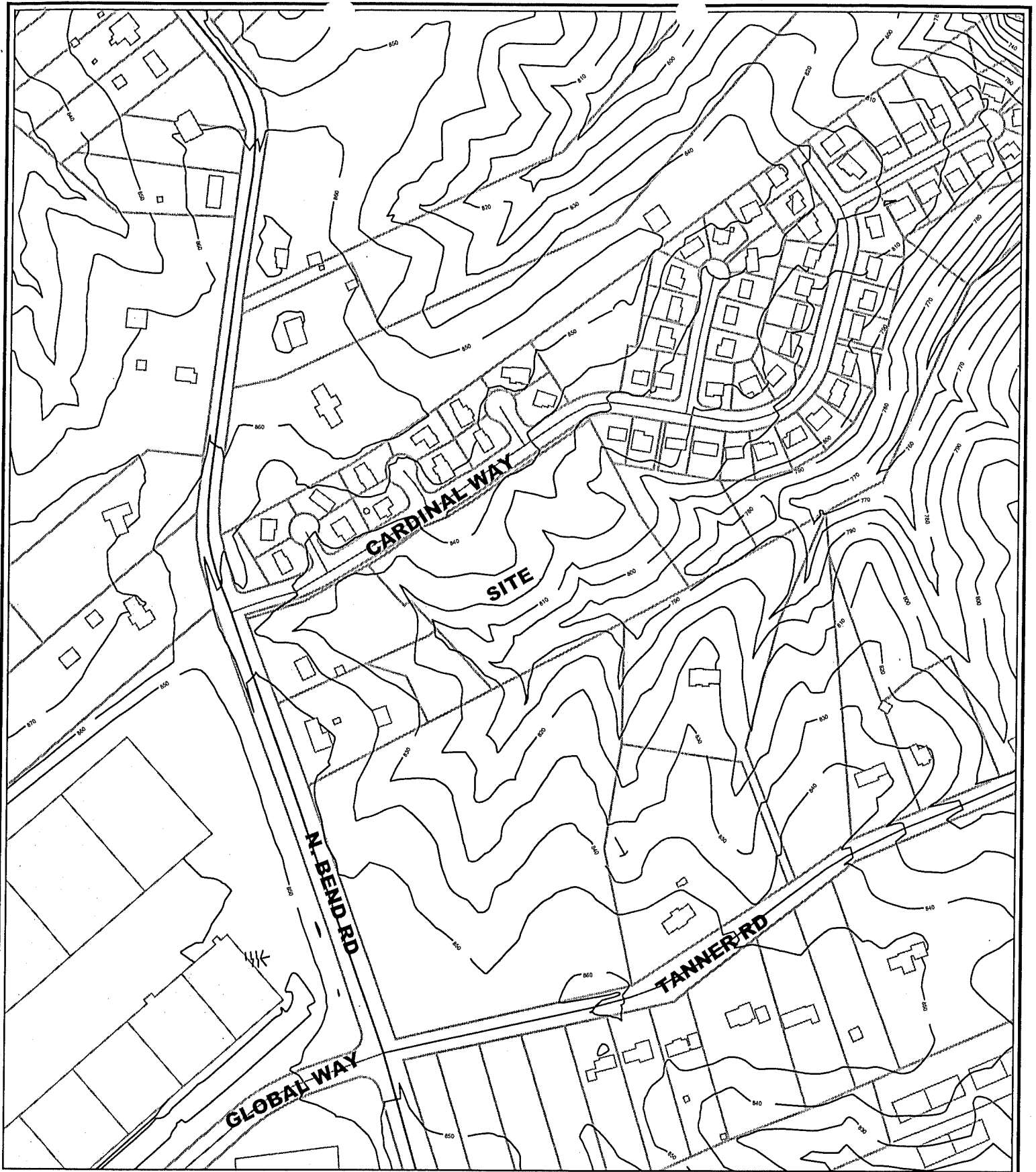
MARK STALLINGS BUILDER FUTURE LAND USE MAP



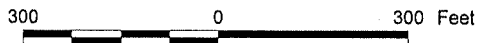
1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 2003





MARK STALLINGS BUILDER TOPOGRAPHICAL MAP



1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 2003



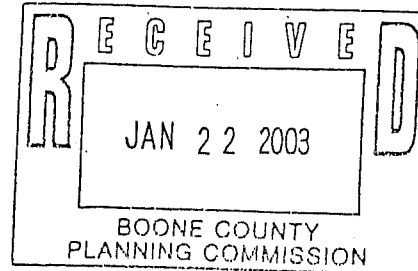
BRYAN A. BLAVATT
Superintendent of Schools

8330 U.S. 42
Florence, KY 41042
Phone: (859) 283-1003
Fax: (859) 282-2376
www.boone.k12.ky.us

BOONE COUNTY SCHOOLS

January 16, 2003

Mr. Kevin Costello
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005



Dear Kevin,

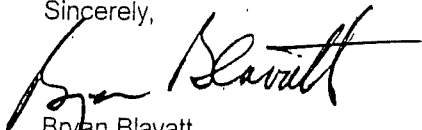
At the outset, I would like to personally thank you and the Planning Commission for all the assistance you have provided to Boone County Schools in the past. We look forward to the continuation of the high level of collaboration between the Planning Commission and Boone County Schools that has taken place over the last several years. While I do not believe the school district needs to communicate with the Commission on every housing plan that is proposed, there are a few concerns related to the development of large housing projects that obviate comment and could be addressed in the Comprehensive Plan.

As you know, the school district recognizes and is supportive of continued growth within Boone County. However, the future development of large subdivisions will place an increased strain on the infrastructure of the school district. We believe that the Planning Commission needs to work with developers to move towards slow 'build out' plans, rather than massive immediate development. This would allow the district to phase in the increased costs of dealing with these large developments and provide a more natural growth pattern. Moreover, we suggest that the Planning Commission make it part of the conditions relative to zone change that the developer provide land for possible use by the school district. This would provide for the necessary future infrastructure to handle the student growth related to the development and offer a true selling point for the development.

Another point of concern is related to approval of individual developments that start as of small tracts of land and are later aggregated into a larger development. It is problematic that developers will propose a small subdivision grows into a large development, however, many times contiguous tracts are purchased in quick succession. This leaves the school district uninformed and ill prepared to take the necessary steps. Please encourage the Commission to review these multi-tracts. If at all possible, we would recommend applying the same criteria for these plans as you would a large development.

As always, thank you for your consideration. With your help, new large and multi-tract zone changes will be structured so that the School System can respond proactively. If you have further questions, please feel free to call me.

Sincerely,


Bryan Blavatt
Superintendent of Schools

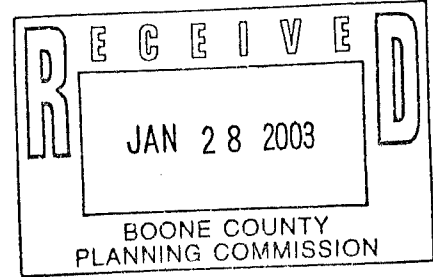
SANITATION



DISTRICT No. 1

January 16, 2003

Ms. Pam Stallings
Mark Stallings Builders Inc.
8181 North Dilcrest
Florence, KY 41042



Re: 5.2 Acres Adjacent to Cardinal
Cove Subdivision, Boone County

Dear Ms. Stallings:

This letter will confirm that sanitary service is available to serve the above referenced property at the requested capacity of 16 residential lots. The developer is responsible for the cost of connecting to the sanitary sewer and extending the on site sewer.

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

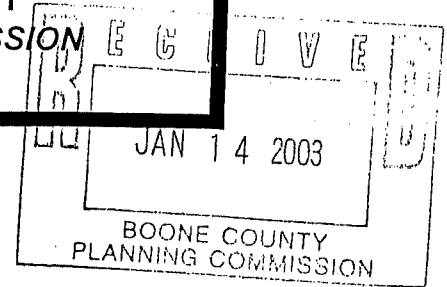
Sincerely,

Gary Aman

Gary W. Aman
Project Manager

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 ADDITION TO CARDINAL COVE
 2. Location of Project CARDINAL WAY
 3. Total Acreage of Site 5.12
 4. Current Zoning of Site RSE & A-2
 5. Proposed Zoning (Classification being requested) SR-1
 6. Proposed Uses (please specify each use) RESIDENTIAL SUBDIVISION
-
7. Names of Applicant(s) RAYMOND ERPENBECK CONSULTING ENGINEERS
Phone Number 727-4200 Fax No. 342-5852
 8. Address of Applicant(s) 4205 DIXIE HIGHWAY
ELSMERE KENTUCKY 41018
City State Zip
 9. Name of Property Owner(s) MARK STALLINGS BUILDER INC
Phone Number _____ Fax No. _____
 10. Address of Property Owner(s) 8181 NORTH DILCREST CIRCLE
FLORENCE KENTUCKY 41042
City State Zip
 11. Proposed Building Intensities (please specify) 3.5 D.U.A. SINGLE FAMILY RESIDENT
 12. Are there any existing buildings on the site? NO
How many? N/A
 13. Deed Book 843 Page No. 172 Group No. 2002
 14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
 15. Have you submitted a Concept Development Plan? YES
 16. Have you had a pre-application meeting with BCPC Staff? NO
 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
NO Boone County Water and Sewer District
N/A Florence Water and Sewer Commission
NO Union Light Heat and Power
NO Cincinnati Bell
NO Owen County Rural Electric
NO Boone County Public Works Department
N/A Kentucky Transportation Cabinet
N/A City of Florence Public Services Department
NO Boone County Building Department

(over)

Public Hearing Item No. 3:

Commission Members Present: Mr. Barlow, Mr. Bunger, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. Knock - Temporary Presiding Officer, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the last item on the Agenda:

Applicant: **Raymond Erpenbeck Consulting Engineers for Mark Stallings Builder Inc. (owner)**

Request: **Zoning Map Amendment**

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Mark Stallings Builder Inc. (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 5.12 acre tract on the south side of Cardinal Way between the properties at 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single-family residences.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). In regard to Staff Comment #1, he noted that Clustered Subdivisions are now longer allowed in Boone County.

The Chairman asked for the applicant's presentation.

Mr. Ray Erpenbeck, engineer for the development, introduced Pam Stallings, owner and developer of the property, and Wayne Erpenbeck from his office. Ray Erpenbeck stated that the site is about 350 feet east of North Bend Road. Most of the area is open and there are very few trees, most of which are along the south property line. There are trees along the fence lines. They have located their detention pond in the low area where the heaviest growth of trees is located, which enables them to maintain the tree line. The only place they have to take out the trees will be where they build the dam for the detention facility. The detention facility will be dry and the trees can remain within the detention facility. There will be a total of sixteen lots and a density of 3.1 units per acre. There is a ten-

foot strip along the entire length of the property along Cardinal Way. It was put in at the time Cardinal Cove was developed and a right-of-way dedication was put in to provide future access to this site. It is owned by the Cardinal Cove Homeowners' Association and is an existing ten-foot buffer area. They will not have access to Cardinal Drive from any of the houses. Sewer is existing and the developer has an existing easement. He stated that there is a letter attached to the Staff Report from the Sanitation District indicating that they have the capacity for the development. There is an 8" water line along Cardinal Cove to serve this development. There will be more than adequate water supply. The new water system is to come on line shortly and a new water tower will be built several miles away. The whole area will have more than adequate water supply. He stated that the houses will be similar to the houses in Cardinal Cove. Ms. Stallings will sell the lots to developers to build on. He stated that the Staff Report gives the Comprehensive Plan information and outlines the Future Land Use Map. He stated that the site is in the Hebron area. The Comprehensive Plan states that there will be development in this area and it should occur in the areas shown on the Future Land Use Map. He provided the Commissioners with colored copies of the plan (see Exhibit 1) and offered to answer any questions. This completed the applicant's presentation.

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

Mr. Daniel Knapp, 1906 Robins Run, in Cardinal Cove subdivision, stated that he is concerned about the property being part of the Cardinal Cove Homeowners' Association. There is no access into this property except through the subdivision and for all practical purposes it will function as part of the subdivision. It will take advantage of the amenities of the subdivision and should be required to participate in the Homeowners' Association. There are insurance liabilities for people who use the facilities and they should participate in that obligation. He asked if there will be any square footage requirements for the homes. He stated that future access should be considered into the subdivision either on Tanner Road or KY 237 if there are any developments beyond this development.

Mr. John Pearn, 1920 Cardinal Lane, agreed with Mr. Knapp in regard to the Homeowners' Association. He is concerned that their insurance would take care of anyone getting hurt on the playground and this development not paying for the cost of the insurance.

Mr. Gerald Rieger, 1926 Cardinal Way, does not want \$90,000 homes going in because he paid \$140,000 for his home.

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.

Ms. Selma Siekman, 1917 Tanner Road, an adjoining property owner, stated that she built her house for the privacy of the woodland area and the wildlife. She is concerned about drainage and the impact on the environment and the trees. She does not want to see any trees taken out of this area. She stated that Lot 11 and Lot 16 look to be almost in the creek. She noted the road stubbed up against the undeveloped property. She is a Trustee of that property and wants to know what the plan is there. Will there be access from their property to the road? She questioned the type of houses that would be built and the economic impact.

Mr. John Siekman, 2828 Russell Drive, Beaver Creek, Ohio, is Ms. Siekman's brother and a Trustee of the undeveloped property. He stated that the 50-foot street that deadends into their property would be available for future development of their property. He questioned the type of traffic coming on their property in the future. He is concerned about the drainage into the creek. He stated that the detention pond may not have been engineered to accommodate the runoff. He questioned the impact on the existing retention pond.

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Mr. Knock questioned the Planning Commission being able to impose joining the Homeowners' Association. Counselor Wilson advised that the Planning Commission does not have the authority to require that, but it could be a matter of discussion between the applicant and the people in Cardinal Cove. Mr. Knock asked if the Planning Commission could accept such a condition if the developer decided to make it a condition. Counselor Wilson responded that the Planning Commission could accept it, but it would be very difficult to enforce. Mr. Erpenbeck stated that they will look at the HOA documents and see if it is feasible.

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Mr. Zimmer asked if there is any problem with putting the detention basin in the Developmentally Sensitive area. Mr. Erpenbeck responded that he does not believe this is a Developmentally Sensitive area – there are no 20% grades or 65-foot drops. Mr. Zimmer stated that the Future Land Use Map shows the detention pond to be in the Developmentally Sensitive area. Mr. Morgan explained that it is a Developmentally Sensitive area because of wooded areas or creeks.

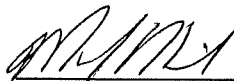
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Mr. Zimmer asked if Cardinal Cove has an established square footage and dollar value in their Homeowners' regulations. Mr. Costello responded that Staff can look at the Homeowners' Association document. He stated that we are only looking at lot sizes at this point.

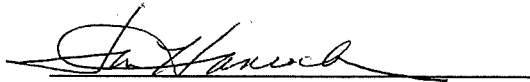
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on March 5, 2003 at 5:00 PM in the Fiscal Courtroom on the second floor. This item will be on the Agenda for the Business Meeting on March 19, 2003 at 7:30 PM. The Chairman closed this Public Hearing at 10:45 PM.

APPROVED:



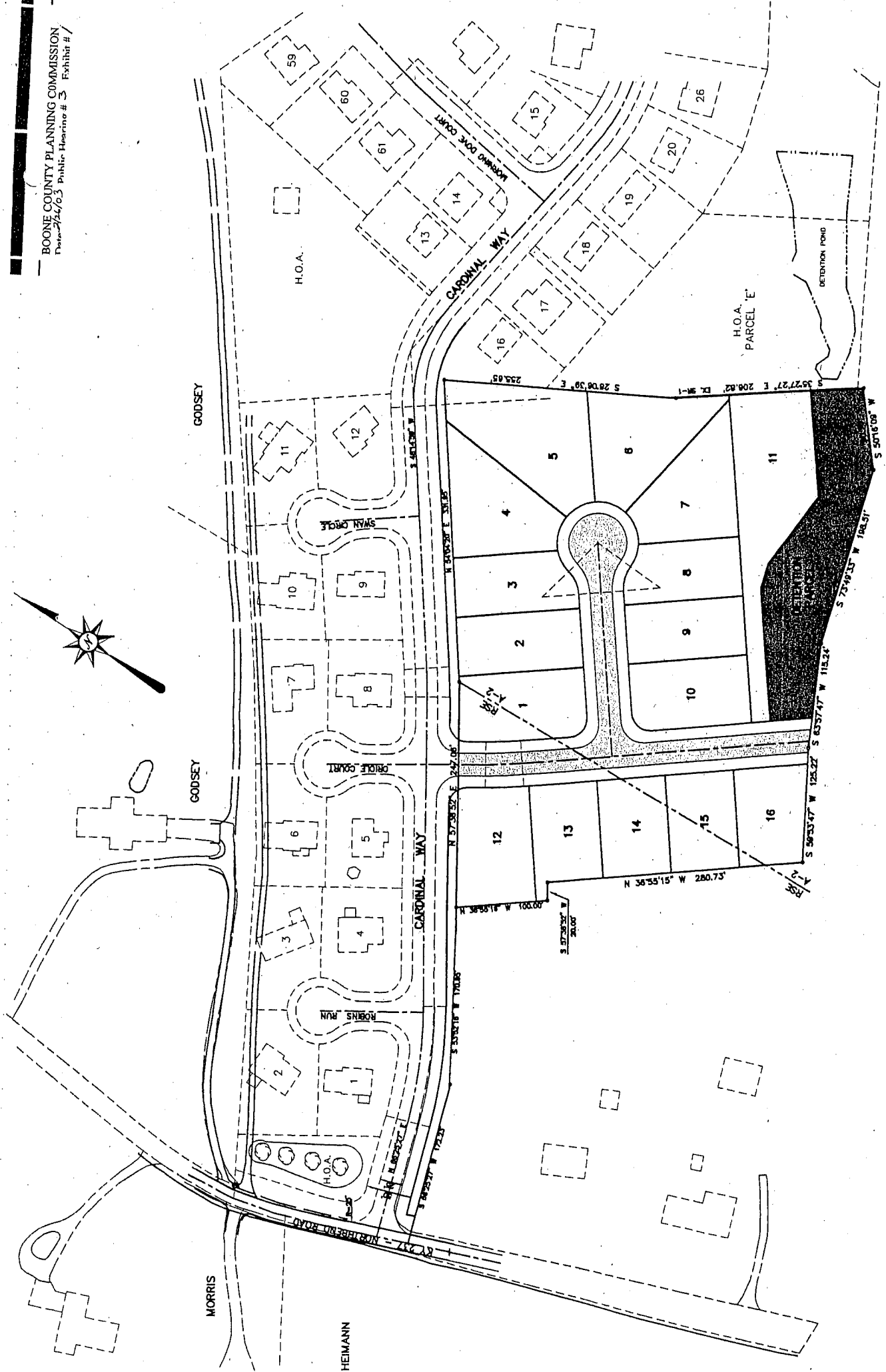
Mark Hicks, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibit

1 Development Plan submitted by Ray Erpenbeck



**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
March 19, 2003
7:30 P.M.**

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Kim Bunger
Mr. Arnold Caddell
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mr. Charlie Reynolds
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mrs. Susan Poston, Vice Chairwoman
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer
Mr. David Zimmer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

The Chairman stated that Agenda Item #1 has been withdrawn by the applicant (see letter from Tim Reese dated March 19, 2003).

3. **Zoning Map Amendment**

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Mark Stallings Builder Inc. (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 5.12 acre tract on the south side of Cardinal Way between the properties at 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single-family residences.

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions. Mr. Morgan clarified Condition #1 noting that the Supplementary Declaration will not be provided until the Home Owners Association goes around to all of the property owners and obtains a 51% vote to take this land into the Home Owners Association. They cannot join the Home Owners Association without a 51% vote.

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

Mr. Caddell questioned the Planning Commission making membership in the Home Owners Association a condition – or even receiving information about it. Counselor Wilson advised that the condition is not imposing that it be done, only that the Planning Commission receive a copy of the Supplementary Declaration. The use of shared recreational facilities was raised at the Public Hearing, otherwise it would not be something in which the Planning Commission would be involved. Mr. Caddell questioned “What if the existing Home Owners Association does not want this group included? Does it affect the zone change if it does not happen?” Mr. Morgan responded that if the Home Owners Association turns them down, Condition #1 would be null and void. Mr. Costello advised that they could form their own Home Owners Association and it could deal with the maintenance of open space – but he does not know that there would be a recreational facility on the property. Mr. Morgan stated that it was not discussed Committee. Mr. Ray Erpenbeck stated that they have not discussed it.

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

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: March 19, 2003

RE: Request of Raymond Erpenbeck Consulting Engineers (applicant) for Mark Stallings Builder, Inc. (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 5.12 acre tract located on the south side of Cardinal Way between the properties located at 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single family residences.

REMARKS:

We, the Committee, recommend approval of the above referenced application based on the following findings of fact:

Findings of Fact

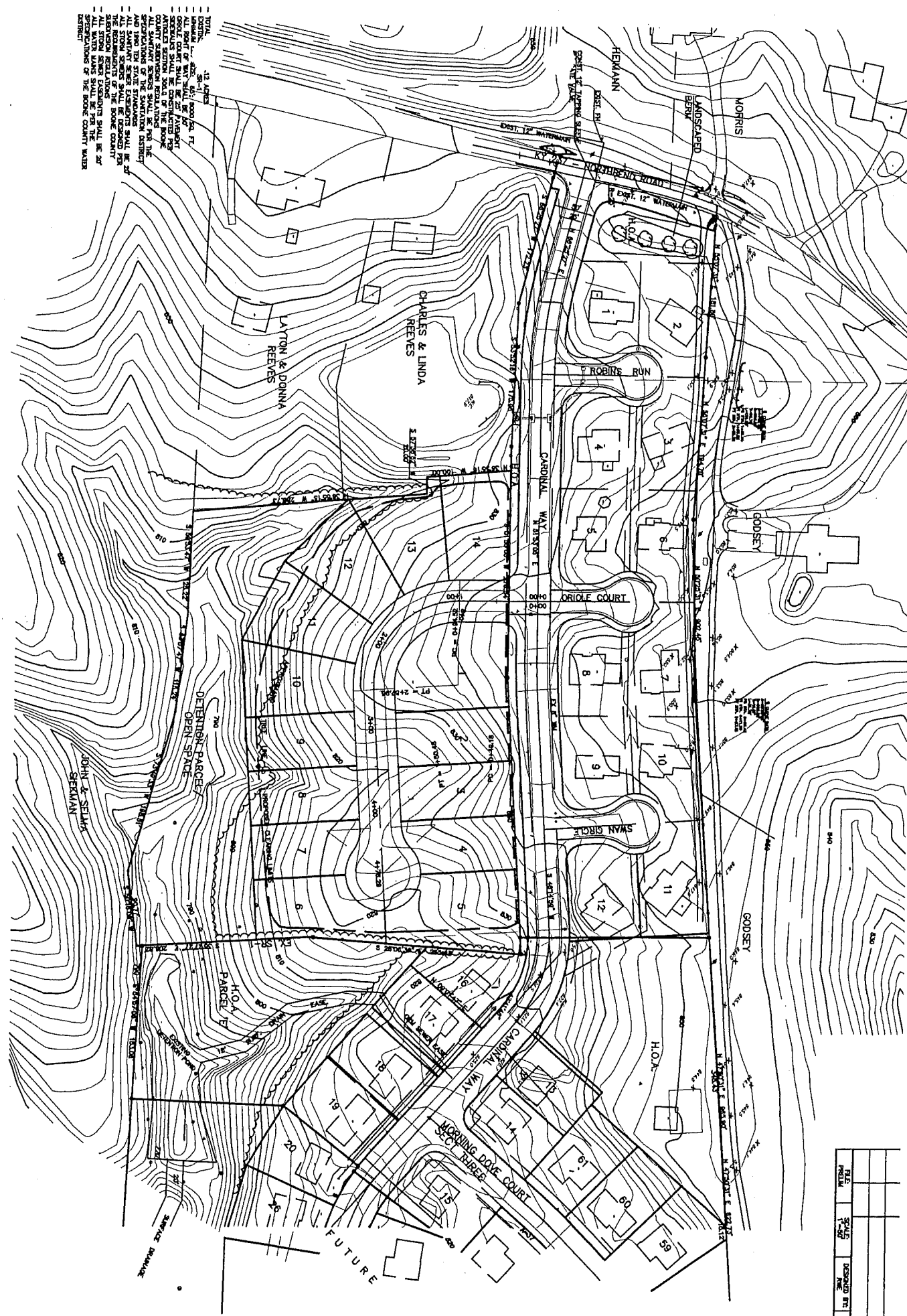
1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The Future Land Use Map designates the majority of the site for "Suburban Residential" uses and a smaller portion of the site for "Developmentally Sensitive" uses. The Suburban Residential classification is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision." The Developmentally Sensitive classification is described as "areas that have an existing slope of twenty percent or greater for a height of twenty meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or natural features that are important to a site's stability and visual character. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project." The Committee determined that the applicant's revised Concept Development Plan complied with these classifications because the proposed density is 2.73 dwelling units per acre and much of the Developmentally Sensitive area and tree line along the southern property line are being preserved.
 - B. The Land Use Element (North Hebron Area, pages 174-175) states that Suburban Residential development should be concentrated on land nearest to KY 237, as indicated on the Future Land Use Map."

- C. One of The Future Land Use Development Guidelines states that "developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a preconceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 158).
 - D. The Housing Element states that "development in established areas takes advantage of existing services and minimizes strain on the transportation network ("Residential Areas," pg. 87).
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

Conditions

1. The property owner will furnish Staff with a copy of the recorded Supplementary Declaration, which makes the 5.12 acre tract part of the Cardinal Cove Subdivision Home Owners Association.
2. The approval is based on the revised Concept Plan that was provided at the March 5, 2003 Zone Change Committee Meeting (see attachment).

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



TOTAL 12 ACRES
 38,000 SQ. FT.
 ALL PORT OF WAY SHALL BE A 20' WIDE
 EASEMENT SHALL BE FOR THE
 ARTICLES SECTION 20.4 OF THE BOONE
 COUNTY ZONING ORDINANCE.
 ALL SWAMPY AREAS SHALL BE FOR THE
 SPECIFICATION OF THE SANITATION DISTRICT
 OF BOONE COUNTY.
 ALL SWAMPY AREAS SHALL BE 20' WIDE
 EASEMENTS SHALL BE FOR THE
 SPECIFICATION OF THE BOONE COUNTY
 SANITATION DISTRICT.
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 SPECIFICATION OF THE BOONE COUNTY
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DATE PROJECT
 FEB 2003 2002
 DRAWING NUMBER X

SECTION SIX
CARDINAL COVE SUBDIVISION
 HEBRON BOONE COUNTY KENTUCKY

DEVELOPER: PAM STALLINGS
 8181 NORTH DILCREST CIRCLE
 FLORENCE, KENTUCKY
 ENGINEER: ERPENBECK CONSULTING ENGINEERS INC.
 4205 DIXIE HIGHWAY ELSMERE, KENTUCKY

FILE	SUBS	DESIGNED BY	DRAWN BY	CHECKED

Public Hearing Item No. 3:

Commission Members Present: Mr. Barlow, Mr. Bunger, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. Knock - Temporary Presiding Officer, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the last item on the Agenda:

Applicant: **Raymond Erpenbeck Consulting Engineers for Mark Stallings Builder Inc. (owner)**

Request: **Zoning Map Amendment**

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Mark Stallings Builder Inc. (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 5.12 acre tract on the south side of Cardinal Way between the properties at 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single-family residences.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). In regard to Staff Comment #1, he noted that Clustered Subdivisions are now longer allowed in Boone County.

The Chairman asked for the applicant's presentation.

Mr. Ray Erpenbeck, engineer for the development, introduced Pam Stallings, owner and developer of the property, and Wayne Erpenbeck from his office. Ray Erpenbeck stated that the site is about 350 feet east of North Bend Road. Most of the area is open and there are very few trees, most of which are along the south property line. There are trees along the fence lines. They have located their detention pond in the low area where the heaviest growth of trees is located, which enables them to maintain the tree line. The only place they have to take out the trees will be where they build the dam for the detention facility. The detention facility will be dry and the trees can remain within the detention facility. There will be a total of sixteen lots and a density of 3.1 units per acre. There is a ten-

foot strip along the entire length of the property along Cardinal Way. It was put in at the time Cardinal Cove was developed and a right-of-way dedication was put in to provide future access to this site. It is owned by the Cardinal Cove Homeowners' Association and is an existing ten-foot buffer area. They will not have access to Cardinal Drive from any of the houses. Sewer is existing and the developer has an existing easement. He stated that there is a letter attached to the Staff Report from the Sanitation District indicating that they have the capacity for the development. There is an 8" water line along Cardinal Cove to serve this development. There will be more than adequate water supply. The new water system is to come on line shortly and a new water tower will be built several miles away. The whole area will have more than adequate water supply. He stated that the houses will be similar to the houses in Cardinal Cove. Ms. Stallings will sell the lots to developers to build on. He stated that the Staff Report gives the Comprehensive Plan information and outlines the Future Land Use Map. He stated that the site is in the Hebron area. The Comprehensive Plan states that there will be development in this area and it should occur in the areas shown on the Future Land Use Map. He provided the Commissioners with colored copies of the plan (see Exhibit 1) and offered to answer any questions. This completed the applicant's presentation.

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

Mr. Daniel Knapp, 1906 Robins Run, in Cardinal Cove subdivision, stated that he is concerned about the property being part of the Cardinal Cove Homeowners' Association. There is no access into this property except through the subdivision and for all practical purposes it will function as part of the subdivision. It will take advantage of the amenities of the subdivision and should be required to participate in the Homeowners' Association. There are insurance liabilities for people who use the facilities and they should participate in that obligation. He asked if there will be any square footage requirements for the homes. He stated that future access should be considered into the subdivision either on Tanner Road or KY 237 if there are any developments beyond this development.

Mr. John Pearn, 1920 Cardinal Lane, agreed with Mr. Knapp in regard to the Homeowners' Association. He is concerned that their insurance would take care of anyone getting hurt on the playground and this development not paying for the cost of the insurance.

Mr. Gerald Rieger, 1926 Cardinal Way, does not want \$90,000 homes going in because he paid \$140,000 for his home.

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.

Ms. Selma Siekman, 1917 Tanner Road, an adjoining property owner, stated that she built her house for the privacy of the woodland area and the wildlife. She is concerned about drainage and the impact on the environment and the trees. She does not want to see any trees taken out of this area. She stated that Lot 11 and Lot 16 look to be almost in the creek. She noted the road stubbed up against the undeveloped property. She is a Trustee of that property and wants to know what the plan is there. Will there be access from their property to the road? She questioned the type of houses that would be built and the economic impact.

Mr. John Siekman, 2828 Russell Drive, Beaver Creek, Ohio, is Ms. Siekman's brother and a Trustee of the undeveloped property. He stated that the 50-foot street that deadends into their property would be available for future development of their property. He questioned the type of traffic coming on their property in the future. He is concerned about the drainage into the creek. He stated that the detention pond may not have been engineered to accommodate the runoff. He questioned the impact on the existing retention pond.

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Mr. Zimmer asked if Cardinal Cove has an established square footage and dollar value in their Homeowners' regulations. Mr. Costello responded that Staff can look at the Homeowners' Association document. He stated that we are only looking at lot sizes at this point.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on March 5, 2003 at 5:00 PM in the Fiscal Courtroom on the second floor. This item will be on the Agenda for the Business Meeting on March 19, 2003 at 7:30 PM. The Chairman closed this Public Hearing at 10:45 PM.

APPROVED:

Mark Hicks, Chairman

Attest:

Jan Hancock, Recording Secretary

Exhibit

1 Development Plan submitted by Ray Erpenbeck

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: March 5, 2003

RE: Request of **Raymond Erpenbeck Consulting Engineers (applicant)** for **Mark Stallings Builder Inc. (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 5.12 acre tract located on the south side of Cardinal Way between the properties located at 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky. The request is for a zone change to allow a subdivision for 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.

March 5, 2003

Erpenbeck/Stallings Builder, Inc.
Cardinal Way/North Bend Road

Susan Poston

Susan Poston, Chairwoman
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Arnold Caddell
 For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

Janet Kegley
 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

Randy Barlow (Alternate)*
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

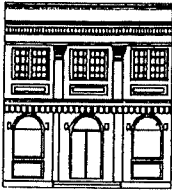
Kim Bunger (Alternate)*
 For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Reynolds (Alternate)*
 For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 3 FOR PROJECT 3 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

March 7, 2003

Ms. Pam Stallings
Mark Stallings Builder, Inc.
8181 North Dilcrest Circle
Florence, KY 41042

RE: Request of Raymond Erpenbeck Consulting Engineers (applicant) for Mark Stallings Builder, Inc. (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 5.12 acre tract located on the south side of Cardinal Way between the properties located at 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single family residences.

Dear Ms. Stallings:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. If you, as the President of Mark Stallings Builder, Inc., agree to the following conditions, please indicate so by signing the space provided on the bottom of the page. Please return this signed letter to the Boone County Planning Commission office by March 17, 2003.

Conditions

1. The property owner will furnish Staff with a copy of the recorded Supplementary Declaration, which makes the 5.12 acre tract part of the Cardinal Cove Subdivision Home Owners Association.
2. The approval is based on the revised Concept Plan that was provided at the March 5, 2003 Zone Change Committee Meeting (see attachment).

Sincerely,

Todd K. Morgan, AICP
Planner

TKM\pr

I, Pam Stallings, hereby agree to the listed conditions of approval for a Zoning Map Amendment for a 5.12 acre tract located on the south side of Cardinal Way between the properties located at 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky.

Ms. Pam Stallings

3-10-03
Date

AFTER RECORDING, RETURN TO:
ADAMS, STEPNER, WOLTERMANN & DUSING, P.L.L.C.
P.O. BOX 861
COVINGTON, KENTUCKY 41012

[Handwritten signature]
RETURN TO

DEED

KNOW ALL MEN BY THESE PRESENTS:

That **CHARLES R. REEVES** and **LINDA D. REEVES**, Husband and Wife,

for and in consideration of -- **\$149,900.00** -- and other good and valuable considerations to them paid by the Grantee herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to:

MARK STALLINGS BUILDER, INC., a Kentucky Corporation, its

successors and assigns forever, the following described real estate, in the City of Erlanger, County of Kenton and Commonwealth of Kentucky, to-wit:

Group Number: 2002

Property Address: 5.1249 Acres, Kentucky 237, Hebron, Kentucky 41048
Grantors' Address: P.O. Box 103, Hebron, Ky 41048
Grantee's Address: 8181 North Dilcrest Circle, Florence, Kentucky 41042

A certain tract of land lying and being on the East side of Kentucky No. 237 (a/k/a North Bend Road) and the South side of Cardinal Way in Boone County, Kentucky and more particularly described as follows, to-wit:

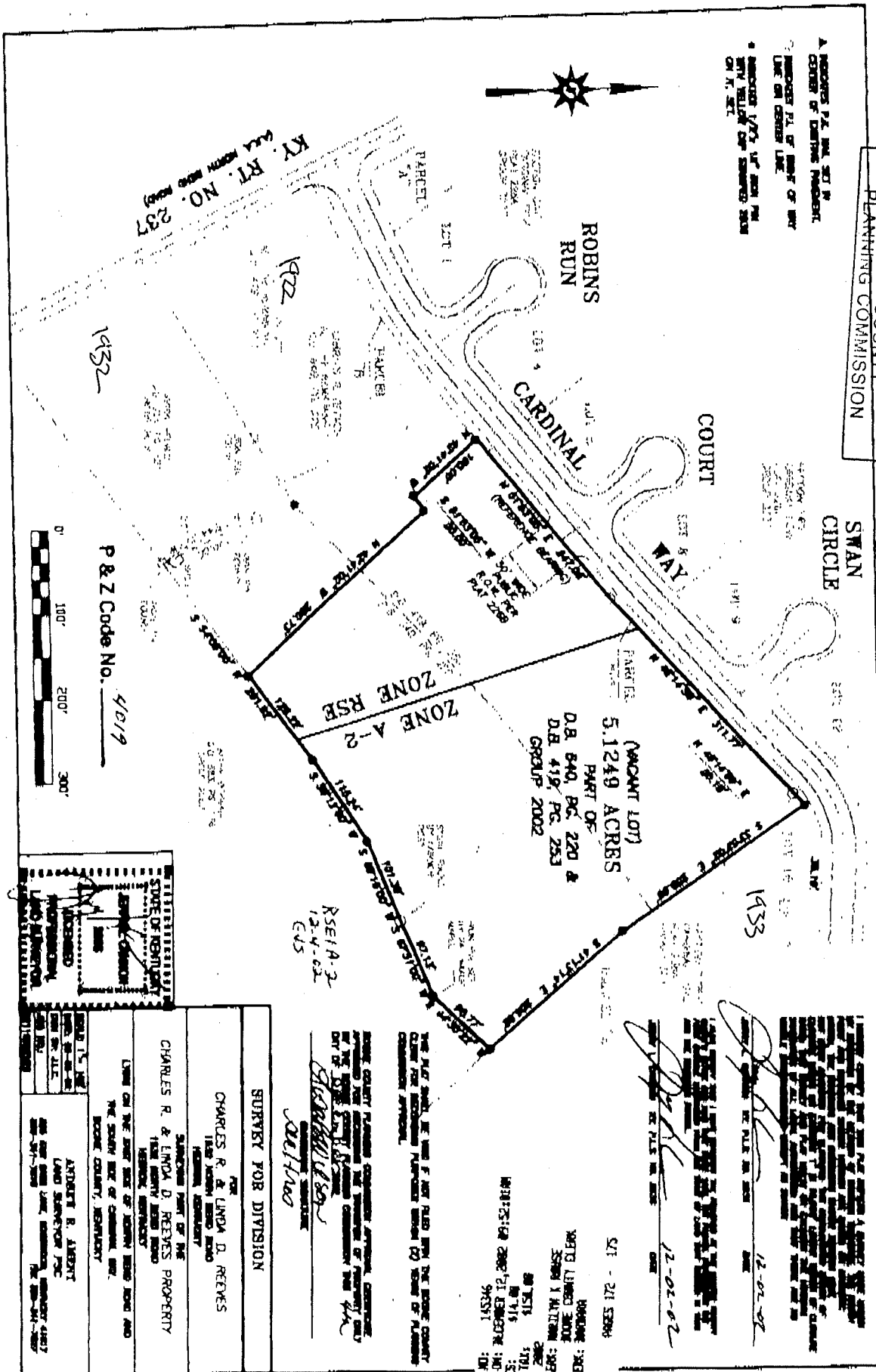
Unless stated otherwise, any monument referred to herein as an "iron pin set" is an 18" long by 1/2" diameter rebar with a yellow cap stamped "LS 2936." All bearings herein are referred to the South line of Parcel "C", Section Two, Cardinal Cove, as per Plat No. 226-B.

Beginning at an iron pin at the Southwest corner of Parcel "C", Section Two, Cardinal Cove, approximately 10 feet South of the South right-of-way line of Cardinal Way; thence with the South line of Parcel "C", N. 51°-53'-05" E. - 247.06 feet; thence N. 48°-14'-59" E. - 311.27 feet; thence N. 48°-14'-59" E. - 20.18 feet to an iron pin set at the Northwest corner of Lot 16 of Section Three, Cardinal Cove, as per Plat 238-A; thence with the Westerly line of Lot 16 and Parcel "E", S. 33°-53'-02" E. - 255.99 feet to an iron pin set; thence S. 41°-13'-14" E. - 206.82 feet to an iron pin set in the North line of Allen Seikman (Deed Book 583, Page 176); thence with the lines of Seikman S. 44°-30'-22" W. - 90.77 feet to an iron pin set by a 24" water maple; thence S. 67°-51'-00" W. - 97.13 feet to a stone found at a corner post; thence S. 68°-16'-00" W. - 101.38 feet to an iron pin set; thence S. 58°-12'-00" W. - 115.24 feet to an iron pin set; thence S. 54°-08'-00" W. - 125.22 feet to an iron set; thence with a new made line partitioning the Grantor's property N. 42°-41'-02" W. - 280.73 feet to an iron pin set; thence S. 51°-53'-05" W. - 20.00 feet to an iron pin set; thence N. 42°-41'-02" W. - 100.00 feet to the place of beginning, containing 5.1249 acres, more or less, exclusive of all rights-of-way and easements of record.

The above description is in accordance with a survey made by Jerry L. Cannon, Kentucky Registered Land Surveyor, License No. 2936, on September 3, 2002.

Subject to conditions, easements and restrictions of record and/or in existence.

50200 [http://www.boonecountyclerk.com/cgi-bin/150200.tiff]



RECEIVED

JAN 14 2003

BOONE COUNTY
PLANNING COMMISSION

A RECORDS P.L. MAP SET IN
CONFORMITY WITH THE
REQUIREMENTS OF THE
PLANNING COMMISSION
DATE OF RECORDING
OF THIS SET

P & Z Code No. 4919

0' 100' 200' 300'

STATE OF KENTUCKY
COUNTY OF BOONE
PLANNING COMMISSION

SURVEY FOR DIVISION

FOR
CHARLES R. & LINDA D. REEVES
1820 LINDA ROAD
MADISON, KENTUCKY

SUBDIVISION PART OF THE
CHARLES R. & LINDA D. REEVES PROPERTY
1820 LINDA ROAD
MADISON, KENTUCKY

LIVING ON THE EAST SIDE OF SWAN CIRCLE AND
THE SOUTH SIDE OF CARDINAL COURT,
BOONE COUNTY, KENTUCKY

ANDREW R. ALBERT
LAND SURVEYOR P.C.
2000 W. MAIN STREET, SUITE 200
MADISON, KY 40320

BOONE COUNTY PLANNING COMMISSION APPROVAL. CERTIFICATE
OF THE PLANNING COMMISSION IS HEREBY GRANTED TO THE
OWNER OF THE PROPERTY AND THE SURVEYOR OF THE PROPERTY
DATE OF RECORDING: 12-01-02

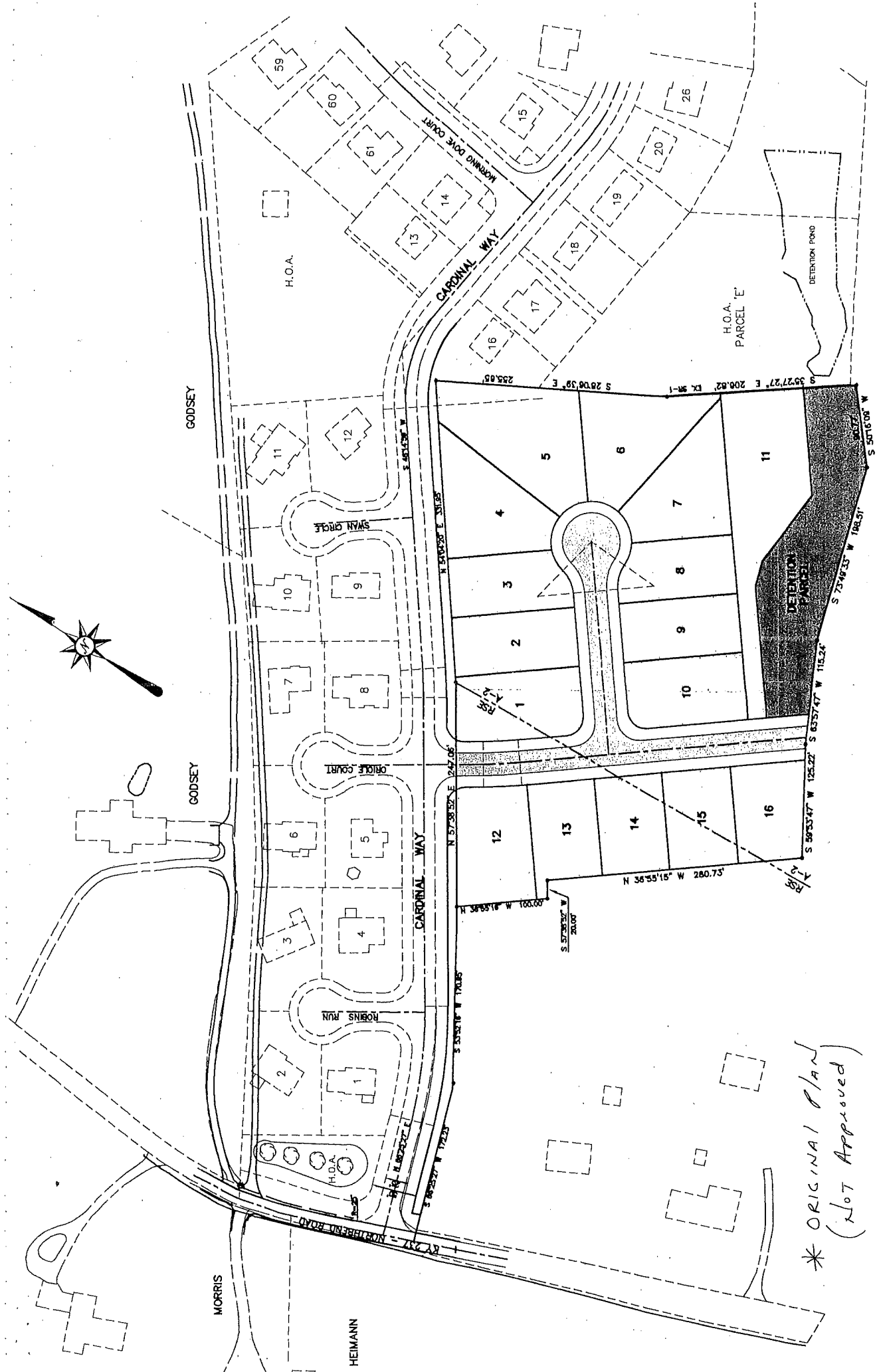
Blair Hill
12-01-02

THIS PLAN SHALL BE VALID FOR THE BOONE COUNTY
CLERK FOR RECORDING PURPOSES UNLESS THE BOONE COUNTY
PLANNING COMMISSION APPROVAL.

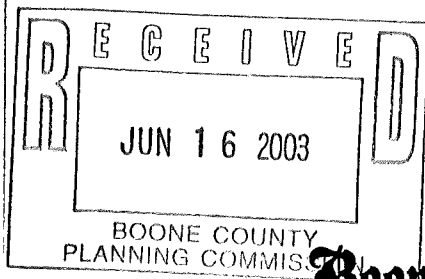
571 - 221 52884

PREPARED BY: ANDREW R. ALBERT
DATE: 12-01-02

12-01-02



* ORIGINAL PLAN
(NOT APPROVED)



**Ordinance
Of The
Boone County Fiscal Court**

Ordinance No. 03-12

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF RAYMOND ERPENBECK CONSULTING ENGINEERS (APPLICANT) FOR MARK STALLINGS BUILDER INC. (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) AND RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 5.12 ACRE TRACT GENERALLY LOCATED ON THE SOUTH SIDE OF CARDINAL WAY BETWEEN THE PROPERTIES LOCATED AT 1922 NORTH BEND ROAD AND 1933 CARDINAL WAY, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-03-004-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 Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 5.12 acre tract generally located on the south side of Cardinal Way between the properties located at 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky, which is more particularly described below; and,

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

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 5.12 acre tract generally located on the south side of Cardinal Way between the properties located at 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in both an Agricultural Estate (A-2) and a Rural Suburban Estates (RSE) zone is more particularly described in DEED BOOK 843, PAGE NO. 172 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance Of The Boone County Fiscal Court

Ordinance No. 03-12

SECTION II

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

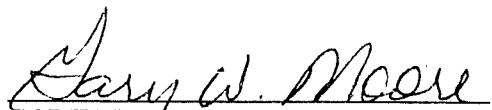
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

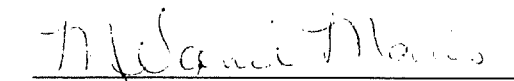
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced and given First Reading on the 8th day of April, 2003.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 20th day of May, 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.

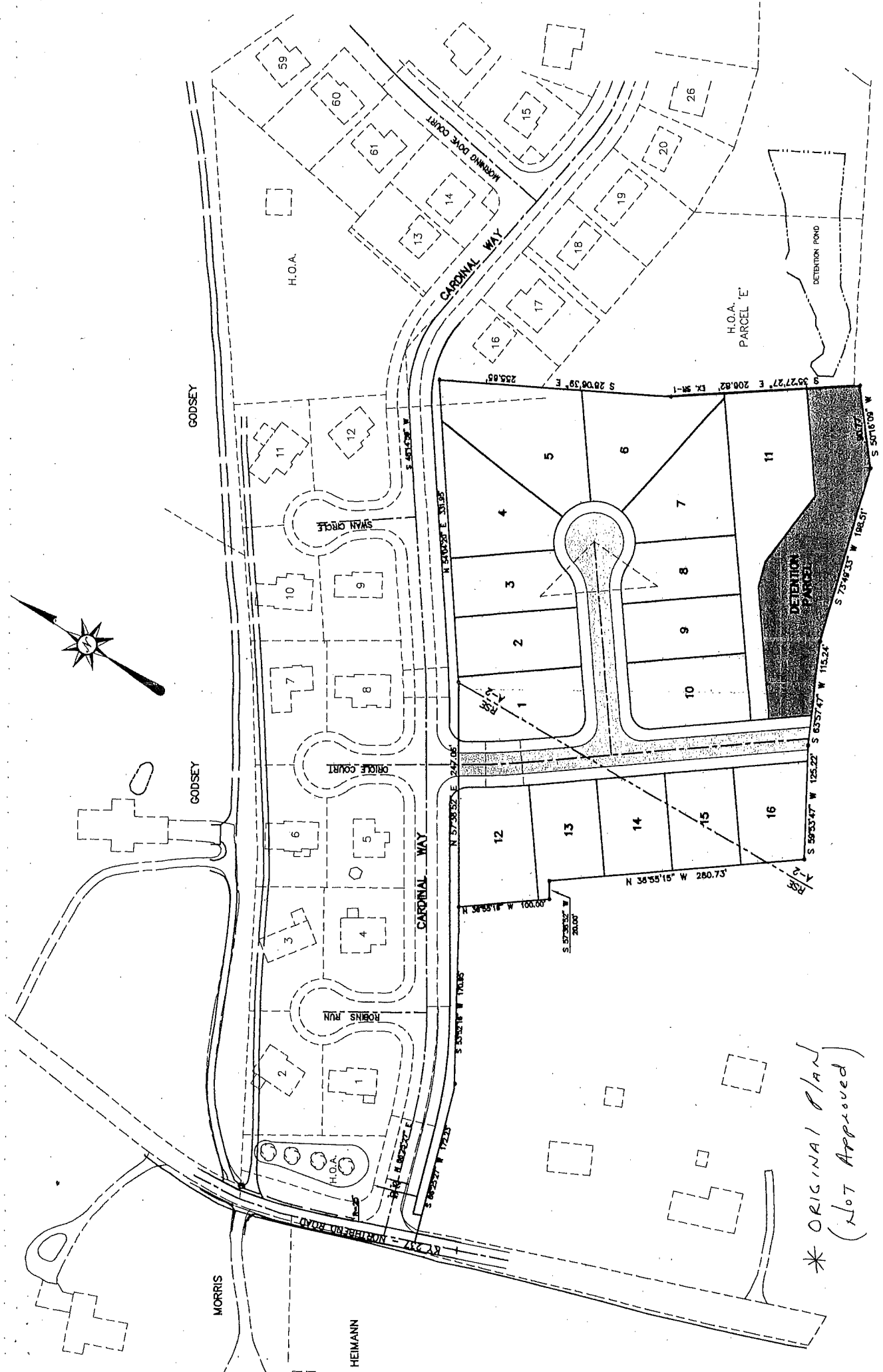

GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


~~ROBYN R. COBB~~
FISCAL COURT CLERK
acting


JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

05-29-03
DATE PUBLISHED



* ORIGINAL PLAN
(Not Approved)