

03-2MA-018-A

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 Souther Farm
2. Location of Project WILLIAMS RD.
3. Total Acreage of Site 5.2 A-1/4
4. Current Zoning of Site RD
5. Proposed Zoning (Classification being requested) RSE
6. Proposed Uses (please specify each use) RESIDENTIAL

7. Names of Applicant(s) EARL & SHIRLEY SOUTHER
Phone Number 689-4337 Fax No. _____
8. Address of Applicant(s) 1829 WILLIAMS RD.
HEBRON KY 41048
City State Zip
9. Name of Property Owner(s) Earl & Shirley Souther / Steve & Robin Campbell
Phone Number 689-4337 / 586-9106 Fax No. _____
10. Address of Property Owner(s) 1829 Williams Rd / 1839 Williams Rd
Hebron KY 41048
City State Zip
11. Proposed Building Intensities (please specify) 1 per Acre

12. Are there any existing buildings on the site? YES
How many? 5 2 houses / 2 barns
13. Deed Book 784 526 Page No. 176 187 Group No. 20.03
14. Are you also applying for:
NO Conditional Use Permit
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:

- _____ Boone County Water District
- _____ Florence Water and Sewer Dept.
- _____ Cinergy/U.L.H.&P. Co.
- _____ Sanitation District #1
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Services Department
- _____ Boone County Building Department

EXHIBIT

“A”

STAFF REPORT

Request of Earl Souther and Shirley Souther (applicants) for Earl Souther, Shirley Souther, Steve Campbell, and Robin Campbell (owners) for a Zoning Map Amendment from Agriculture (A-2) to Rural Suburban Estates (RSE) for an approximate five acre site located at 1829, 1839, and 1847 Williams Road, Boone County, Kentucky. The request is for a zone change to allow residential uses.

September 3, 2003

REQUEST

The applicants are requesting a Zone Change from Agricultural Estates (A-2) to Rural Suburban Estates (RSE) for an approximately 9.16 acre site, located at 1847, 1839, and 1821 Williams Road. The proposed Zoning Map Amendment and Concept Development Plan would allow the three houses on the site to be placed on individual lots of record. The Concept Development Plan indicates that two (2) one-acre lots would be subdivided from the existing 9.16 acre site. The remaining 7.16 acres would constitute the third lot in the site. Currently, the three houses and mobile home are located on two lots of record. Existing driveways would service the site; no new curb cuts are proposed.

SITE HISTORY

1990 The site in question was part of a 22-acre tract that went through a Zone Change from Agriculture (A-1) to Agricultural Estates, to allow the subdivision of a portion of the property into two-acre lots. No Concept Development Plan was submitted for the site.

SITE CHARACTERISTICS

The site's topography is hilly. Elevations range from 846 feet above sea level to 776 feet above sea level. The majority of the site features slopes of at least 15%. There is a ridge featuring a slope of 32% in the southwestern corner of the site, to the southwest of the proposed property boundary between Lot 1 and the remaining Souther property. About one half of the site is tree-covered, extending from the western corner of the lot, bounding Traditions golf course to the eastern corner of the lot, along Williams Drive. There are three existing homes on the site, as well as an existing barn and a greenhouse. A pre-existing, non-conforming mobile home is located behind the barn on the proposed Lot 1. The site is currently used for agricultural purposes, including pastureland for cattle and a vegetable garden. There is farm equipment stored on the site.

ADJACENT LAND USES

- **North:** Agricultural Property, zoned Agriculture (A-1)
- **South, West:** Traditions Golf Course, zoned Recreation (R)
- **East:** Thornwilde Subdivision, zoned Residential Planned Development/Concept Development (RPD/CD)

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the property as Suburban Residential, which allows

“single family housing of up to four units per acre. This classification also includes any low-density or estate residential developed as a subdivision (p. 158, ‘2000 Existing and Future Land Use Classifications’).”

The Future Land Use Text states the following regarding the North Hebron Area, the area in which the site is located:

- A. “Some Suburban Residential and Rural Density Residential development should occur along Williams Road as a result of infrastructure improvements. Future roads access to the KY 8 areas from the Graves Road and KY 237 areas would be more suitable than the discussed connection of KY 8 with the I-275 Idlewild Interchange, because of topography and Developmentally Sensitive Areas. Williams Road will eventually connect to KY 237 through Thornwilde Subdivision. With planned public sanitary sewer improvements in the Sand Run Creek and Elijah Creek watersheds, including sewer lift stations, there will be considerable growth pressures. Development should be clustered on the ridge of top areas because of the limited capacity of the existing roadway network and planned improvements, the Developmentally Sensitive areas and the importance of the stream valley as greenbelts. Lower density development, such as Rural Density Residential, should provide a transition into the Developmentally Sensitive areas, As approved in the Northpointe Development, stream valleys should be left undisturbed to provide open space, buffering, and/or passive recreation areas. Developers of other properties along the Sand Run Creek valley should also contribute land to the Sand Run Park proposal that would connect to and benefit all the area developments.

"With the provision of adequate infrastructure, some Suburban Density Residential development may extend onto the ridge top areas. Development would need to retain the bluff line vegetation in order to minimize the visual and environmental impacts of residential development. Planned Development or clustered housing should be used to insure proper development of this area, due to environmental and site characteristics. Much of the remaining land in this section contains Developmentally Sensitive and scenic hillsides and should stay wooded in order to create greenbelts between future developments. The Sand Run Creek and Elijah Creek valleys should constitute such greenbelts and should be included in future greenbelt studies.

"There are areas within this section of the County that are suitable for recreational uses, such as the 422 acre Traditions Golf Course on Williams Road. This section should experience considerable residential growth pressures especially around the golf course to the east. This development should not occur until adequate infrastructure is provided, including significant improvements to Graves Road. The area west of the golf course and north of I-275 should develop residentially, once adequate road access and utilities are available. As stated in previous sections, this development should not encroach upon the developmentally sensitive areas.

"Land in the Williams Road area, north of I-275, is suitable for some Suburban Density Residential development when Worldwide Boulevard is completed and water and sanitary sewer are available. A road connection from KY 8 to I-275 warrants further study to determine feasibility and potential impacts on Developmentally Sensitive areas. Such a connection may be more appropriate between the Idlewild interchange and Graves Road near and parallel to I-275. Limited Rural Density residential growth should occur along other roads in this section. Suburban Residential development cannot be adequately supported by the existing road system

"Conventional layout subdivisions should be discouraged because of their inefficient circulation systems and excessive site grading requirements. The stream valleys and ridge bluff edges in this section should remain in their current state to provide public open space for the residential development on the ridge tops. Overall, this section should experience growth because of its proximity to I-275 and the Burlington-Hebron areas (p. 173 'Hebron Area')."

The following quote, taken from the Housing Element, is applicable to this proposal:

- A. "North Bend Road, the highest priority project in the 1999 Northeast Boone County Transportation Study, needs to be upgraded in order to serve additional development in that corridor. The flat North Bend Bottom area and other river bottoms should be reserved primarily for their present agriculture or for appropriate residential, recreational, or employment uses that further enhance the riverfront resources without placing development in flood-prone areas. Special consideration needs to be taken in this area to avoid clearing of natural vegetation along the tops of hillsides so that scenic views for a few homeowners are not created at the expense of the scenic quality of the public view. The Williams Road area should be evaluated in the Land Use Element for future residential growth, if infrastructure can be provided (p. 87 'North River, I-275 Corridor Area')."

These statements, taken from the Goals and Objectives of the 2000 Boone County Comprehensive Plan, are pertinent to this request:

- 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 as 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. "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 Boone County 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 designates the property as Suburban Residential, allowing the development of up to four (4) dwelling units per acre. The Land Use Text indicates that Suburban Residential and Rural Density Residential development should occur along Williams Road after improvements have been made to the infrastructure, including the extension of water and sanitary sewer lines. The Text notes that there will be growth-related pressures in the area. The area around Traditions golf course will experience this pressure, particularly land to the east of the golf course. In this section of the county, subdivisions with conventional layouts should be discouraged, due to their inefficient circulation systems and excessive site grading requirements.
 - B. The Housing Element notes that the Williams Road area should be evaluated in the Land Use Element for future residential growth, if infrastructure can be provided.
2. The proposed Concept Development Plan would serve to correct some of the non-conformity in the property. At this time, three houses and a mobile home are located on the two existing lots within the 9.16 acre-site. Section 3113 of the Boone County Zoning Regulations states that "single family detached dwelling units and duplex dwelling units (including mobile homes in Agricultural One Zoning District) within Agricultural or Residential zones shall be required to be individually placed on single lots of required unless required to obtain Site Plan approval by the underlying zoning district or Article 30." However, the existing mobile home would still constitute a pre-existing, non-conforming land use, as it would be located on the proposed Lot 1, where there is a single-family dwelling unit. As stated above, only one dwelling unit is permitted per lot under the current Zoning Regulations. Furthermore, mobile homes are a Principally Permitted Land Use in the Agriculture (A-1) or Mobile Home Park (MHP) zoning districts only
3. The site would represent the only area zoned Rural Suburban Estates (RSE) in the Williams Road area.

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 not need to be changed if the request is approved.

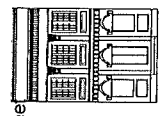
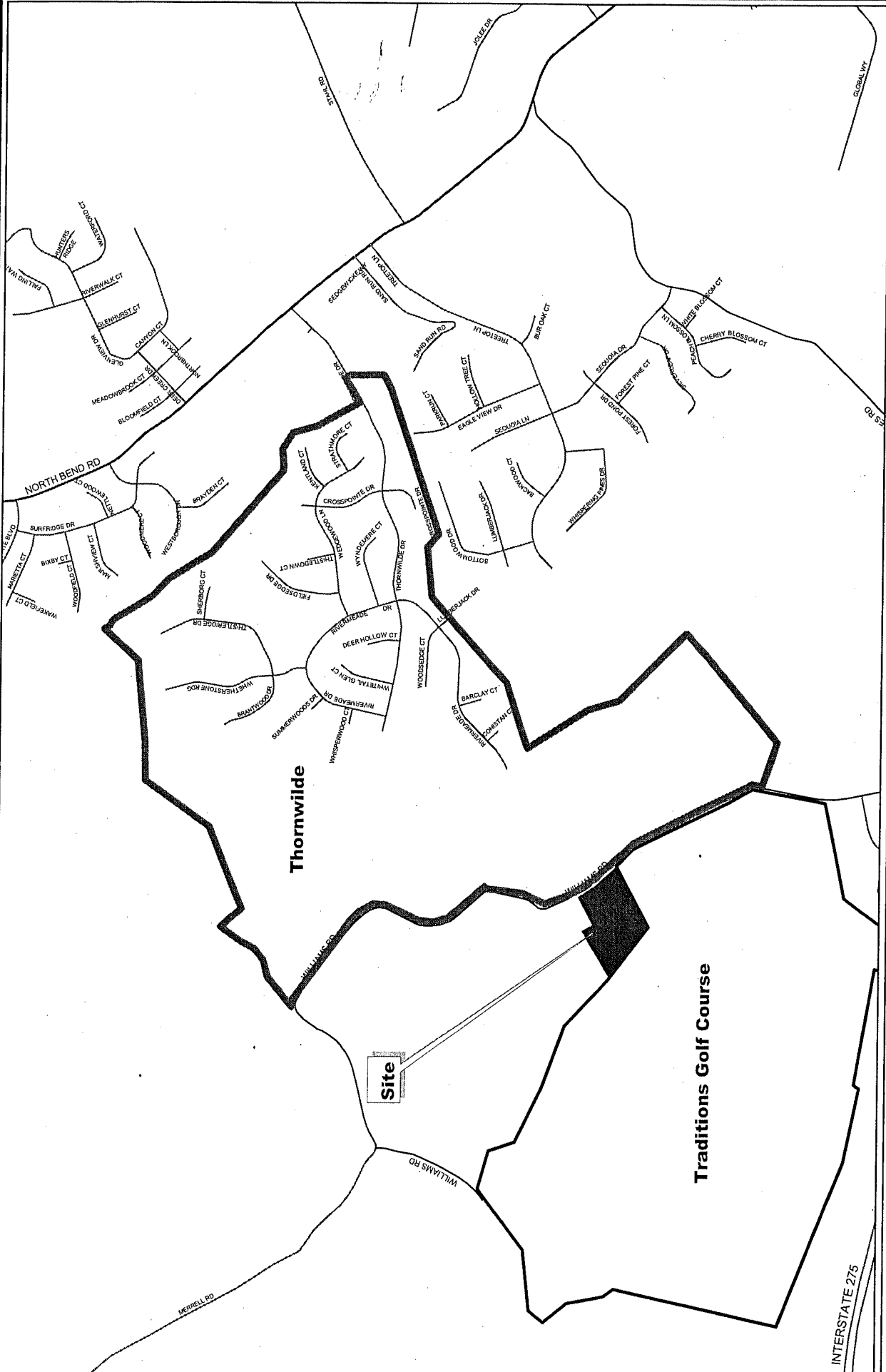
Respectfully submitted,



Patty Bachman
Planner

PB/dw

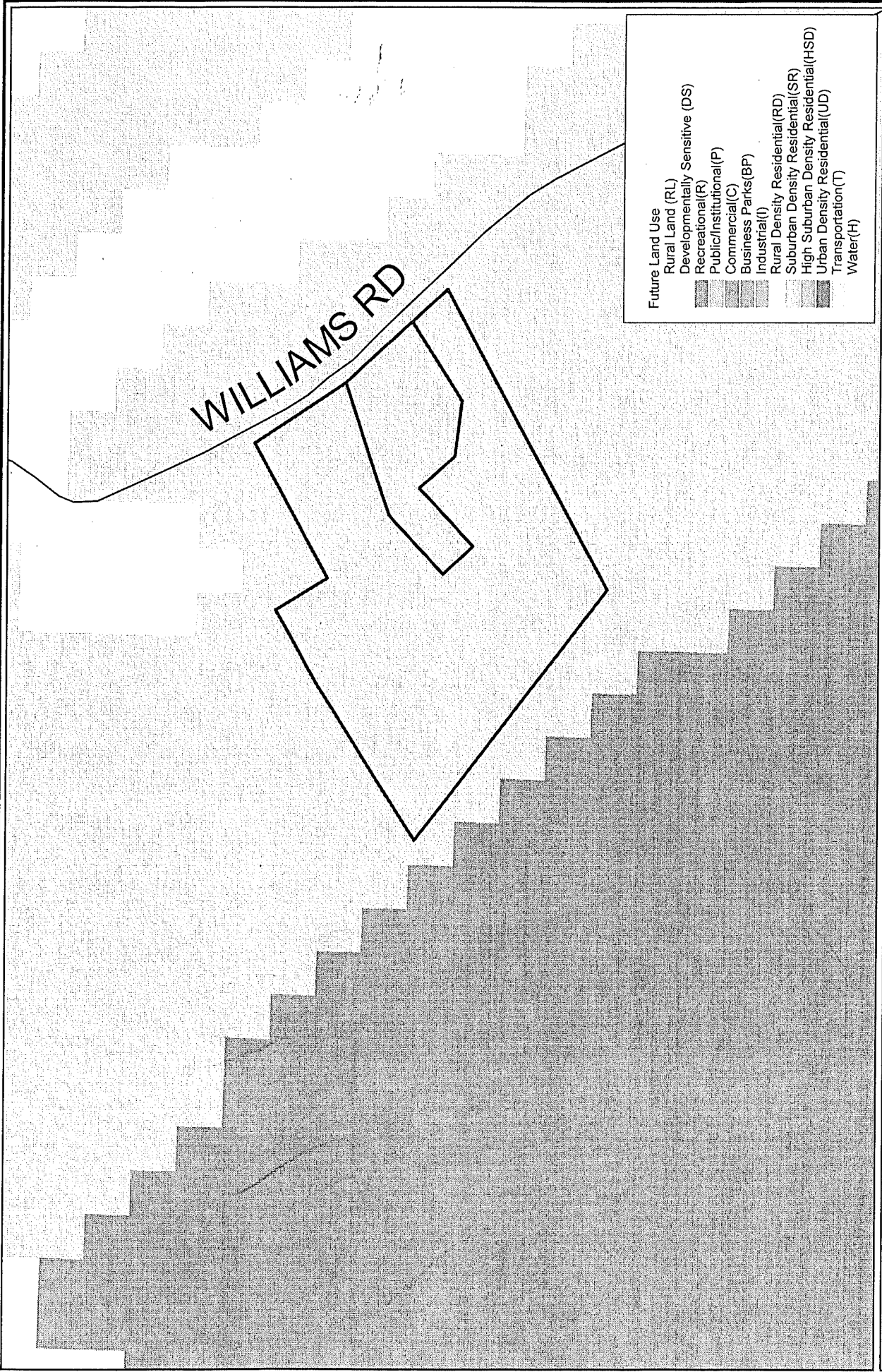
- vicinity map
- aerial photo w/zoning information
- future land use map excerpt
- site topography
- application materials, including Concept Development Plan



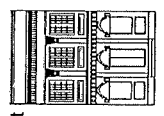
1 inch equals 1500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 2, 2003

Souther-Vicinity Map

INTERSTATE 275

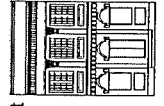
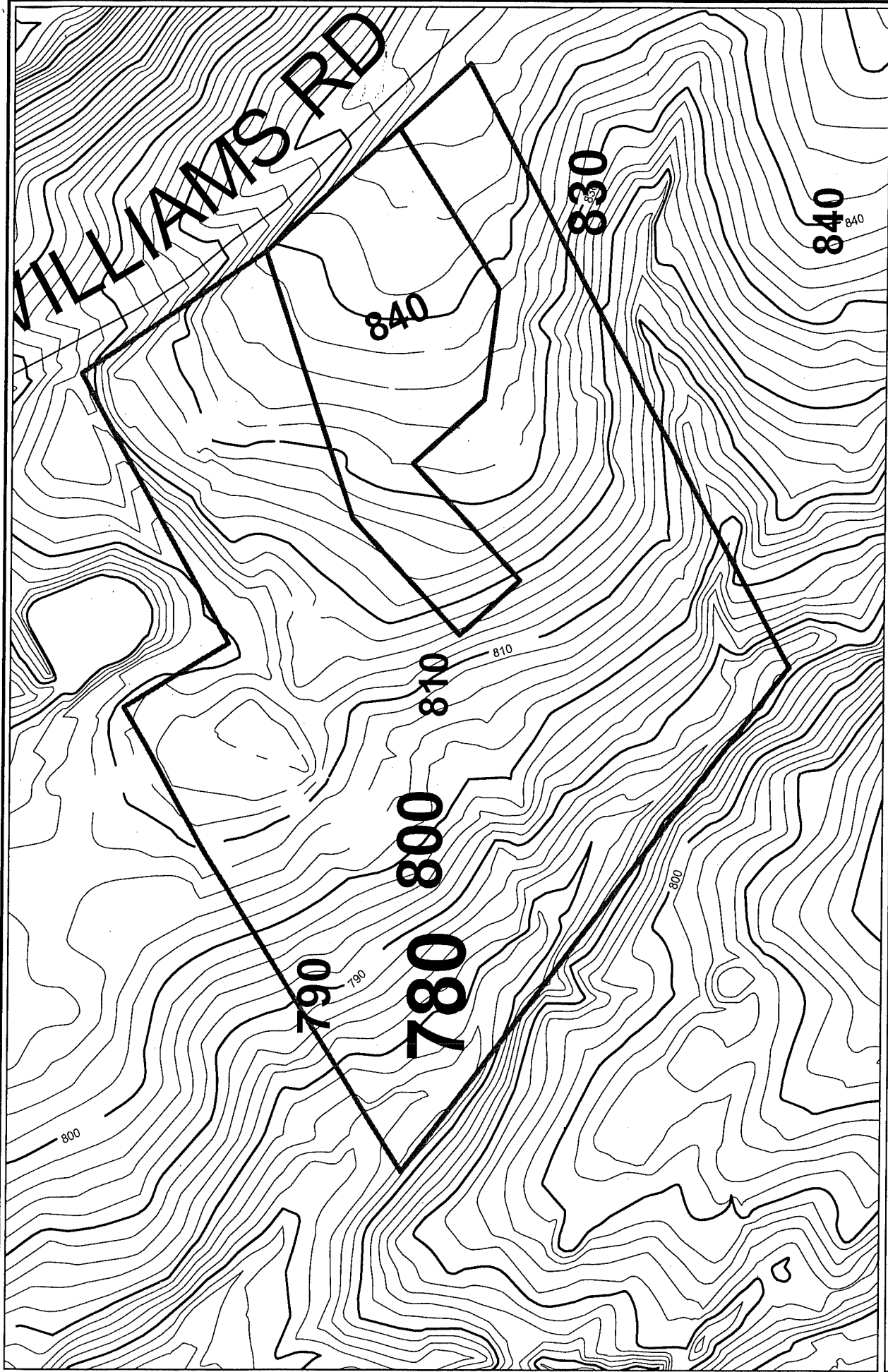


- Future Land Use**
- Rural Land (RL)
 - Developmentally Sensitive (DS)
 - Recreational (R)
 - Public/Institutional (P)
 - Commercial (C)
 - Business Parks (BP)
 - Industrial (I)
 - Rural Density Residential (RD)
 - Suburban Density Residential (SR)
 - High Suburban Density Residential (HSD)
 - Urban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



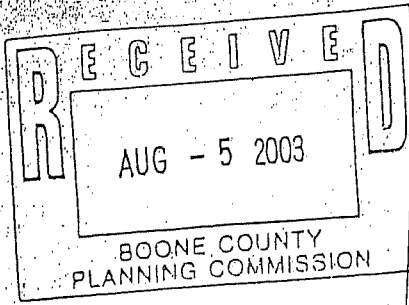
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Boone County Planning Commission
GIS Services Division
September 2, 2003

Souther-Future Land Use



Produced by the
Boone County Planning Commission
GIS Services Division
September 2, 2003

Souther-topography



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

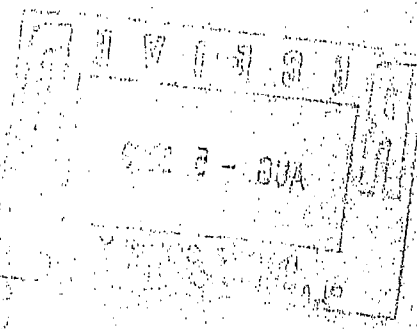
1. Name of Project Souther Farm
2. Location of Project WILLIAMS RD.
3. Total Acreage of Site 5.44
4. Current Zoning of Site RD
5. Proposed Zoning (Classification being requested) RSE
6. Proposed Uses (please specify each use) RESIDENTIAL

7. Names of Applicant(s) EARL & SHIRLEY SOUTHER
Phone Number 684-4337 Fax No. _____
8. Address of Applicant(s) 1029 WILHELMINA RD
HEBRON KY
City _____ State _____ Zip _____
9. Name of Property Owner(s) Earl & Shirley Souther / Steve & Robt Campbell
Phone Number 689-4331 / 586-9106 Fax No. _____
10. Address of Property Owner(s) 1829 Williams Rd / 1839 Camp Rd
HEBRON KY
City _____ State _____ Zip _____
11. Proposed Building Intensities (please specify) 1 per Acre

12. Are there any existing buildings on the site? YES
How many? 5 houses / 2 barns
13. Deed Book 704 526 Page No. 770 182 Group No. 2003
14. Are you also applying for:
NO Conditional Use Permit
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:

- _____ Boone County Water District
- _____ Florence Water and Sewer Dept.
- _____ Cinergy/U.L.H.&P. Co.
- _____ Sanitation District #1
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Services Department
- _____ Boone County Building Department

ZONING MAP AMENDMENT
APPLICATION
PAGE 2



- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: _____

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

19. Applicant's Signature Earl E. Swathwaite

Property Owner's Signature Earl E. Swathwaite / Ron Campbell

SECTION B (To be completed by BCPC Staff)

1. Date Received 8-5-03
2. Review Fee \$ 1,192.00 R# 36147
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 _____
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
September 3, 2003
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell - Chairman, Mr. Hicks, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, Mr. White, 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. Arnold Caddell, Chairman, called the meeting to order at 7:32 PM and introduced the first item on the Agenda:

Applicant: Earl Souther and Shirley Souther for Earl Souther, Shirley Souther, Steve Campbell and Robin Campbell (owners)

Request: Zoning Map Amendment

The request of Earl Souther and Shirley Souther for Earl Souther, Shirley Souther, Steve Campbell and Robin Campbell (owners) for a Zoning Map Amendment from Agriculture Estate (A-2) to Rural Suburban Estates (RSE) for an approximate five-acre site at 1829, 1939 and 1847 Williams Road, Boone County, Kentucky. The request is for a zone change to allow residential uses.

Following an explanation of the Public Hearing process, the Chairman asked for the Staff presentation.

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. Earl Souther stated that Staff did a good job of presenting the request. This concluded the applicant's presentation.

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

Ms. Robin Campbell, 1839 Williams Road, stated that they are attempting to sell the property. Earl Souther is her father and he wants to purchase one acre so that one acre will go with the house.

The Chairman asked if there was anyone else present who wished to speak for or against the request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked if the mobile home on the property is occupied. Mrs. Souther responded that the mobile home behind the barn is not occupied and is used for storage. Mr. McMillian questioned it being removed. Mrs. Souther responded that it is a tool shed.

Mr. McMillian asked if this is a flag lot. Ms. Bachman responded "no" but stated that she will verify that information for the Committee. She believes the lot meets the 100-foot frontage requirement. Mr. McMillian agreed and stated that he does not think it is necessary to verify the information for the Committee.

Mr. McMillian questioned the strip shown in the middle of the property. Ms. Bachman stated that it is Mr. Souther's garden. The impetus for the request is that the garden is located in the strip and is on Ms. Campbell's part of the property and would be sold to someone not in the family. She stated that when the Zoning Map Amendment took place in 1990, the lot needed to be two acres and adding the little strip to the lot made it two acres.

Mr. Barlow asked if any new homes will be built. Ms. Bachman responded "no". Mr. Barlow clarified that the request is to be able to sell the existing home with one acre versus selling it with two acres. Ms. Bachman agreed.

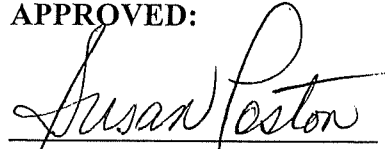
Chairman Caddell stated that the mobile home on the property continues to be a non-conforming use and the applicant has indicated that it is being used as a tool shed. He asked if as part of the zone change the applicant would agree that it would remain as storage and not be occupied. Mr. Souther responded that it cannot be occupied. Chairman Caddell asked if the applicant was agreeable to that condition. Mr. Earl Souther responded "yes".

Mr. Barlow asked, if this request is approved, would Lot #1 would be able to be sold as a stand alone lot without anyone having to change the zoning. Ms. Bachman responded "yes". Mr. Barlow asked if the zoning of all the lots would be okay. Ms. Bachman responded "yes".

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 17, 2003 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on October 1, 2003 at 7:30 P.M.

The Chairman closed this Public Hearing at 7:55 PM.

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
October 1, 2003
7:30 P.M.**

Mrs. Susan Poston, Vice Chairwoman, called the meeting to order at 7:35 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bunger
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Arnold Caddell, Chairman
Mr. Mark Hicks
Mr. Richard Knock, Temporary Presiding Officer
Mr. Charlie Reynolds
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

4. Zoning Map Amendment

The request of Earl Souther and Shirley Souther for Earl Souther, Shirley Souther, Steve Campbell and Robin Campbell (owners) for a Zoning Map Amendment from Agriculture Estate (A-2) to Rural Suburban Estates (RSE) for an approximate five-acre site at 1829, 1939 and 1847 Williams Road, Boone County, Kentucky. The request is for a zone change to allow residential uses.

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). The applicant has signed the letter agreeing to the conditions.

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

5. Houston-Donaldson Study Review Commonwealth Counseling Service, Inc.
864 Donaldson Road

Staff Member Todd Morgan stated that the property owner went through the short review process in 1999 and is now asking to be allowed to sell guns and ammunition from the counseling service site after it closes for the day. The property owner is president of the Greater Cincinnati/Northern Kentucky Chapter of Safari International, a gun and shooting club.

Mr. Morgan presented the Committee Report which recommended that the request follow the short review process, based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Poe referred to Finding of Fact #1 and stated that it was the Committee's opinion that the proposed use is an acceptable side business to the counseling service – it is not a compatible use, but it is an acceptable use with the proposed conditions. He asked that the last sentence of Finding of Fact #1 be changed to read, "It is the Committee's opinion that the proposed use is an acceptable use". With that change, **Mr. Poe moved to accept the Committee Report as amended. Mrs. Kegley seconded the motion.**

Mr. Bunger asked if this use would require any changes to the site – such as more parking spaces. Mr. Morgan responded when the property went through the short review process in 1999, a Site Plan was done and there is a parking lot behind the building. The proposed use would occur after the counseling service is closed and there would be no conflict with the customers. He stated that there is adequate parking.

Mr. Costello asked if the use requires state permits and questioned how close it would be to St. Henry High School. He asked if it has to be a certain distance from a school.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: October 1, 2003

RE: Request of **Earl Souther and Shirley Souther (applicants)** for **Earl Souther, Shirley Souther, Steve Campbell and Robin Campbell (owners)** for a Zoning Map Amendment from Agriculture Estate (A-2) to Rural Suburban Estates (RSE) for an approximate five acre site located at 1829, 1839, and 1847 Williams Road, Boone County, Kentucky. The request is for a zone change to allow residential uses.

REMARKS

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

FINDINGS OF FACT

1. The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan are in agreement with the 2000 Boone County Comprehensive Plan. The Future Land Use Map designates the site as Suburban Residential, allowing the development of up to four dwelling units per acre. The Land Use text notes that the area adjoining Traditions golf course on the east should experience residential growth pressures. It further states that land in the Williams Road area will be suitable for Suburban Density Residential Development when Worldwide Boulevard is completed and when water and sanitary sewer is available. The Element notes that the area should grow due to its proximity to I-275 and to the Burlington Hebron area (p. 178, "North Hebron Area").

The Housing Element stipulates that the Williams Road area should be evaluated in the Land Use Element for future residential growth if infrastructure can be provided (p. 87, "North River, I-275 Corridor Area").

The Housing Goals and Objectives note that residential development 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 (p. 10, Housing Objective #14).

2. The Committee has concluded that the following condition is necessary for the purpose of satisfying the Goals, Objectives, and Policies stated in the 2000 Boone County Comprehensive Plan and the mitigation of any foreseeable problems that the proposal may create. The Applicant has signed a letter of agreement with this condition and understands that the proposal, along with this condition, serves as a basis for this recommendation.

CONDITION

1. No occupants will live in the pre-existing mobile home located on the site. Additionally, in the event that the pre-existing mobile home is removed from the site, the pre-existing, non-conforming status will be abandoned.

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
September 3, 2003
7:30 P.M.

PUBLIC HEARINGS

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

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Ms. Robin Campbell, 1839 Williams Road, stated that they are attempting to sell the property. Earl Souther is her father and he wants to purchase one acre so that one acre will go with the house.

The Chairman asked if there was anyone else present who wished to speak for or against the request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked if the mobile home on the property is occupied. Mrs. Souther responded that the mobile home behind the barn is not occupied and is used for storage. Mr. McMillian questioned it being removed. Mrs. Souther responded that it is a tool shed.

Mr. McMillian asked if this is a flag lot. Ms. Bachman responded "no" but stated that she will verify that information for the Committee. She believes the lot meets the 100-foot frontage requirement. Mr. McMillian agreed and stated that he does not think it is necessary to verify the information for the Committee.

Mr. McMillian questioned the strip shown in the middle of the property. Ms. Bachman stated that it is Mr. Souther's garden. The impetus for the request is that the garden is located in the strip and is on Ms. Campbell's part of the property and would be sold to someone not in the family. She stated that when the Zoning Map Amendment took place in 1990, the lot needed to be two acres and adding the little strip to the lot made it two acres.

Mr. Barlow asked if any new homes will be built. Ms. Bachman responded "no". Mr. Barlow clarified that the request is to be able to sell the existing home with one acre versus selling it with two acres. Ms. Bachman agreed.

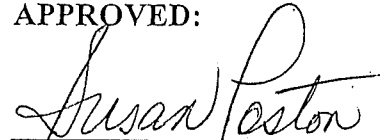
Chairman Caddell stated that the mobile home on the property continues to be a non-conforming use and the applicant has indicated that it is being used as a tool shed. He asked if as part of the zone change the applicant would agree that it would remain as storage and not be occupied. Mr. Souther responded that it cannot be occupied. Chairman Caddell asked if the applicant was agreeable to that condition. Mr. Earl Souther responded "yes".

Mr. Barlow asked, if this request is approved, would Lot #1 would be able to be sold as a stand alone lot without anyone having to change the zoning. Ms. Bachman responded "yes". Mr. Barlow asked if the zoning of all the lots would be okay. Ms. Bachman responded "yes".

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 17, 2003 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on October 1, 2003 at 7:30 P.M.

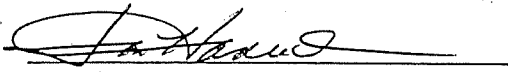
The Chairman closed this Public Hearing at 7:55 PM.

APPROVED:



Susan Foster
Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission


FROM: Greg Breetz, Chairman

DATE: September 17, 2003

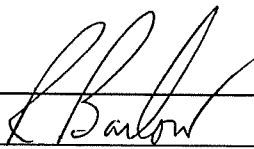
RE: Request of Earl Souther and Shirley Souther (applicants) for Earl Souther, Shirley Souther, Steve Campbell and Robin Campbell (owners) for a Zoning Map Amendment from Agriculture Estate (A-2) to Rural Suburban Estates (RSE) for an approximate five acre site located at 1829, 1839, and 1847 Williams Road, Boone County, Kentucky. The request is for a zone change to allow residential uses.

REMARKS:

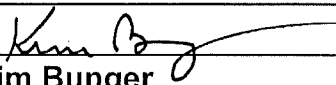
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.



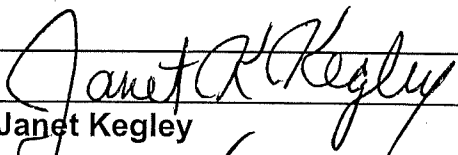
Greg Breetz, Chairman
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



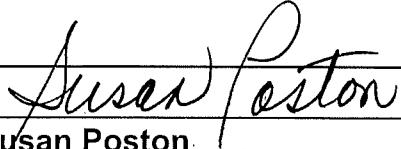
Randy Barlow
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



Kim Bunger
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



Janet Kegley
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



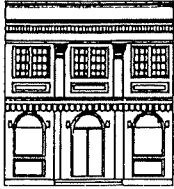
Susan Poston
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

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

TOTAL: DEFERRED 5 FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

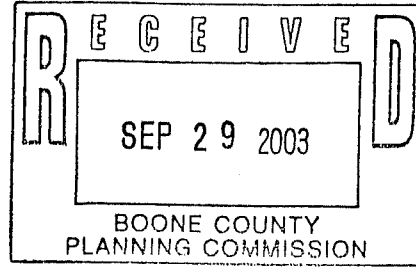
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

September 24, 2003



Mr. Earl Souther and Ms. Shirley Souther
Mr. Steve Campbell and Ms. Robin Campbell
1829 Williams Road
Hebron, KY 41048

RE: Zoning Map Amendment and Proposed Concept Development Plan, 1829, 1839, and 1847 Williams Road

Dear Mr. & Ms. Souther & Mr. & Ms. Campbell:

The following condition in conjunction with the Concept Development Plan, 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, September 29, 2003.

1. No occupants will live in the pre-existing mobile home located on the site. Additionally, in the event that the pre-existing mobile home is removed from the site, the pre-existing, non-conforming status will be abandoned.

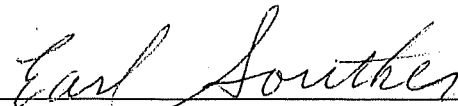
Sincerely,

Patty Bachman
Planner


MPB/pr

Agreement


We, the property owners, agree to the above-listed condition of approval for the requested Zoning Map Amendment and Change in Concept Development Plan for property located at 1829, 1839, and 1847 Williams Road in Boone County, Kentucky




Earl Souther,
Property Owner



(Date)



Shirley Souther,
Property Owner



(Date)

Mr. Earl Souther and Ms. Shirley Souther
Mr. Steve Campbell and Ms. Robin Campbell
September 24, 2003
Page 2



Steve Campbell,
Property Owner

10/1/03
(Date)



Robin Campbell,
Property Owner

10/1/03
(Date)

GR# 2003

DEED

CLERK'S OFFICE
SHORT * FORM

PROPERTY TRANSFER TAX \$100.00
W. ROUSE, CLERK

Know All Men By These Presents:

That LEWIS G. MORRIS AND REBECCA S. MORRIS, HUSBAND AND WIFE

whose mailing address is: 2360 Damascus Rd. Nebron, Ky 41048

for and in consideration of ONE HUNDRED EIGHT THOUSAND DOLLARS AND 00/100 to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

STEPHAN P. CAMPBELL AND ROBIN G. CAMPBELL, HUSBAND AND WIFE
FOR AND DURING THEIR JOINT AND NATURAL LIVES WITH THE REMAINDER
IN FEE SIMPLE TITLE TO THE SURVIVOR, HIS OR HER

heirs and assigns forever, the following described Real Estate, in the City of BURLINGTON

County of BOONE and Commonwealth of Kentucky, to-wit: Group No. 2003

Present Street Address 1839 WILLIAMS ROAD BURLINGTON, KENTUCKY 41005 Plat No.

Grantee Mailing Address SAME AS ABOVE

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

BEING THE SAME PROPERTY CONVEYED TO THE GRANTORS HEREIN BY DEED
RECORDED IN DEED BOOK 455 PAGE 130 OF THE BOONE COUNTY CLERK'S
RECORDS AT BURLINGTON, KENTUCKY.

RECEIVED
NOV 15 P 2 39
CLERK OF A DEED
BOONE COUNTY CLERK
10-30-93

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said

GRANTEES AS AFOREMENTIONED

heirs and assigns, forever, the Grantor S heirs, executors and administrators, HEREBY COVENANTING with the grantee S heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that THEY WILL WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, The said Grantor

LEWIS G. MORRIS AND REBECCA S. MORRIS, HUSBAND AND WIFE

hereunto set THEIR hand, this 11TH day of NOVEMBER in the year 19 93

<i>Lewis G. Morris</i> LEWIS G. MORRIS	<i>Rebecca S. Morris</i> REBECCA S. MORRIS
---	---

TESTATOR: *Ron Sullivan*

Located in Boone County, Kentucky, lying on the southwesterly side of Williams Road, approximately 1.3 miles west of Graves Road and is more particularly described as follows:

Beginning at an iron pin (set) in the southwesterly right-of-way line of Williams Road, 25 feet from centerline, said point being N 42-30-00 W. 103.84 feet along said line from it's intersection with the common line of Earl E. Souther (Deed Book 184, page 76) and Traditions Golf Club, Inc. (Deed Book 435, page 310); thence with a new division of Earl E. Souther's property S 57-43-30 W 207.33 feet to an iron pin (set); thence N 83-00-55 W 123.14 feet to an iron pin (set); thence N 42-29-55 W 105.00 feet to an iron pin (set); thence S 47-30-05 W 175.84 feet to an iron pin (set); thence N 42-29-55 W 90.00 feet to an iron pin (set); thence N 47-30-05 E 175.84 feet to an iron pin (set); thence N 71-19-29 E 310.49 feet to an iron pin (set) in the southwesterly right-of-way line of Williams Road, 25 feet from centerline; thence S 42-30-00 E 200.00 feet to the point of beginning containing 1.8365 acres and subject to all right-of-ways and easements of record.

This description was prepared from a new survey by Timothy R. McNeeley L.S. 2030, March 1991.

State of Kentucky
County of Kenton

The foregoing instrument was acknowledged before me this 11TH day of NOVEMBER, 1993
by the Grantor

LEWIS G. MORRIS AND REBECCA S. MORRIS, HUSBAND AND WIFE

Commission expires:

9-24-96

NOTARY PUBLIC

(Title)

CERTIFICATE OF CONSIDERATION

Grantor and Grantee both certify, under oath, that the consideration reflected in this deed is the full consideration paid for the property and Grantee joins in this deed for the sole purpose of making this certificate about the consideration.

Sworn to this 11TH day of NOVEMBER in the year 19 93

GRANTOR

GRANTEE

<i>Lewis G. Morris</i> LEWIS G. MORRIS	<i>Stephan P. Campbell</i> STEPHAN P. CAMPBELL
<i>Rebecca S. Morris</i> REBECCA S. MORRIS	<i>Robin G. Campbell</i> ROBIN G. CAMPBELL

State of Kentucky
County of Kenton

The foregoing certification was acknowledged before me this 11TH day of NOVEMBER, 19 93
by

LEWIS G. MORRIS AND REBECCA S. MORRIS, HUSBAND AND WIFE

STEPHAN P. CAMPBELL AND ROBIN G. CAMPBELL, HUSBAND AND WIFE

Commission expires:

9-24-96

NOTARY PUBLIC

(Title)

STATE OF KENTUCKY,
KENTON COUNTY OF BOONE

SCT.

Jerry W. Rowan
I, JERRY W. ROWAN, Clerk of the County Court, for the aforesaid, do hereby certify that this instrument of writing from

LEWIS G. MORRIS AND REBECCA S. MORRIS, HUSBAND AND WIFE

to
STEPHAN P. CAMPBELL AND ROBIN G. CAMPBELL, HUSBAND AND WIFE
was this day presented to me in my office,

Whereupon the same, the foregoing certificate, and this certificate were duly recorded in my office.
Given under my hand this

certified as above, and this day left for the record at

2:39 P. M.

15 day of Nov.

in the year 19 93 .

Jerry W. Rowan XXXXX, Clerk

By *Jerry Rowan* D.C.


Recorded in Deed Book No. 526 Page 183

GENERAL INDEX
GROUP 2003
Index Clerk

This Deed Prepared By RETURN TO:

Ronald G. Mullen
RONALD G. MULLEN, ATTORNEY
2362 GRANDVIEW DRIVE
FT MITCHELL, KY 41017

DEED

CLERK'S OFFICE
SHORT  FORM
DEED

Know All Men By These Presents:

That EARL C. SOUTHER AND NETTIE MAE SOUTHER, HIS WIFE

Twenty-one thousand (\$21,000.00) Dollars

for, and in consideration of ~~the sum of \$21,000.00~~ to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, ~~convey~~ and convey to: EARL E. SOUTHER AND SHIRLEY SOUTHER, HIS WIFE, for and during their joint natural lives together with remainder in fee simple to the survivor of them, his or her

Property Transfer Tax Paid \$21.00
JERRY W. ROUSE, Clerk S. & D. C.

heirs and assigns forever, the following described Real Estate, in the City of Burlington; Boone County of ~~KENTUCKY~~ and Commonwealth of Kentucky, to-wit: Group No. Present Street Address Plat No.

Containing 159.57 acres, more or less, located 4 miles from Burlington on Sand Run road, being more particularly described as follows:- Beginning in the center of the Sand Run pike, a corner with Williams Brothers; thence with their line South 61 1/2 degrees West 11.75 chains to a fence post on the South side of a branch; thence down the south side of a branch North 49-3/4 degrees West 2.10 chains; North 41-3/4 degrees West 1.25 chains; North 53-3/4 degrees West 2.89 chains; North 63 1/2 degrees, West 2.35 chains; North 46 1/4 degrees West 10.08 chains; North 62 degrees West 6.20 chains; north 65 1/4 degrees West 2.75 chains; North 77 1/2 degrees West 6 chains; North 58 1/2 degrees West 8.14 chains; North 22 1/4 degrees West 4.42 chains; thence North 68 degrees West 7.95 chains to a corner with said Williams in the center of North Garrison pike; thence with the center of said pike North 32 degrees East 6.68 chains; North 22 1/2 degrees East 3.83 chains; North 12 1/2 degrees East 5.57 chains; North 52 degrees East 4.72 chains; South 66-3/4 degrees East 3 chains; North 81 1/2 degrees East 3.55 chains; North 59 1/2 degrees East 4 chains; North 34 degrees East 1.59 chains; North 53 degrees East 4.90 chains; thence north 31-3/4 degrees East 8.60 chains to a point on the bridge in the center of Sand Run Creek and the center of Sand Run Pike; thence with the center of said pike South 47 1/4 degrees East 9.66 chains; South 61 degrees East 2 chains; South 43 degrees East 3.17 chains; South 56 degrees East 3.56 chains; South 47 degrees East 3.89 chains; South 25-3/4 degrees West 6.26 chains; South 7-1/4 degrees West 3.80 chains; South 19 1/4 degrees East 2.83 chains; South 41 1/2 degrees East 7.87 chains; south 8 1/2 degrees West 6.45 chains; South 37 1/4 degrees West 3.59 chains; South 29 1/2 degrees East 4.90 chains; South 26 1/2 degrees East 3.44 chains; thence South 42 1/2 degrees East 6.24 chains to the beginning.

Being the same property conveyed to EARL C. SOUTHER AND NETTIE MAE SOUTHER, HIS WIFE, as recorded in Deed Book 185, Page 557.
71 75

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.
TO HAVE AND TO HOLD the same to the said EARL E. SOUTHER AND SHIRLEY SOUTHER, HIS WIFE

heirs and assigns, forever, the Grantors their COVENANTING with the grantees their CLEAR, FREE AND UNINCUMBERED, and that they same against all legal claims whatsoever.

heirs, executors and administrators, HEREBY heirs and assigns, that the TITLE so conveyed is will WARRANT AND DEFEND the

51
24

IN WITNESS WHEREOF, The said Grantors, EARL C. SOUTHER AND NETTIE MAE SOUTHER, HIS WIFE

hereunto set their hands, this 29 day of November in the year 1968

STAMPS

Earl C. Souther
Nettie Mae Souther

STATE OF KENTUCKY
COUNTY OF BOONE

} SCT.

I, C. L. CROPPER

Notary Public

in and for said County and State, do certify that the foregoing instrument of writing from EARL C. SOUTHER AND NETTIE MAE SOUTHER, HIS WIFE

to EARL E. SOUTHER AND SHIRLEY SOUTHER, HIS WIFE

was this day produced to me by the parties, in said County and State, and then and there acknowledge by said EARL C. SOUTHER AND NETTIE MAE SOUTHER, HIS WIFE

to be their their act and deed.

Given under my hand and seal of office, this 29 day of November 1968

My commission expires the 8 day December

A.D., 1968
1970

(SEAL)

C. L. Cropper

Notary Public,
Boone County, Kentucky

COMMONWEALTH OF KENTUCKY,
BOONE COUNTY
Jerry Rouse

} SCT.

I, Jerry Rouse, Clerk of the County Court, for the aforesaid, do hereby certify that this instrument of writing from EARL C. SOUTHER AND NETTIE MAE SOUTHER, HIS WIFE

to EARL E. SOUTHER AND SHIRLEY SOUTHER, HIS WIFE

was this day presented to me in my office,

certified as above, and this day left for record at M.

Whereupon the same, the foregoing certificate, and this certificate were duly recorded in my office. Given under my hand this day of in the year 1968

JERRY ROUSE
Clerk

Barbara L. Davis D. C.

WARRANTY DEED

From EARL C. SOUTHER AND NETTIE MAE SOUTHER, HIS WIFE

To EARL E. SOUTHER, AND SHIRLEY SOUTHER, HIS WIFE

Acknowledged

Jerry W. Rouse, Clerk,
Barbara L. Davis, D. C.

Left for Record
DEC 10 1968
2:20 P.M.

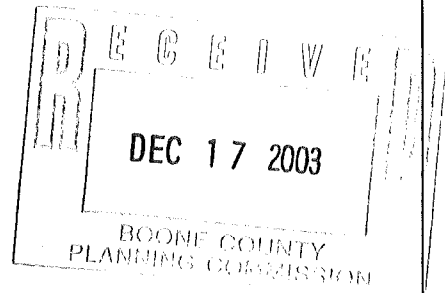
Recorded in Deed Book No. 184 Page 26

GENERAL INDEX
Index Clerk

This Deed Prepared By

Harry L. Riggs, Jr. Attorney at Law
25 Erlanger Road - Erlanger, Kentucky

3.50 pd.
2/1-68



Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 03-25

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH ONE CONDITION, FOR A REQUEST OF EARL & SHIRLEY SOUTHER (APPLICANTS) FOR EARL & SHIRLEY SOUTHER AND STEVE & ROBIN CAMPBELL (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO RURAL SUBURBAN ESTATES (RSE) ON A 5 ACRE SITE LOCATED AT 1829, 1839 AND 1847 WILLIAMS ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION UNANIMOUSLY, WITH ONE CONDITION, VIA RESOLUTION NO. R-03-018-A.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Rural Suburban Estates (RSE) on a 5 acre site located at 1829, 1839 and 1847 Williams Road, Boone County, Kentucky, which is more particularly described below; and,

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

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with one condition, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Rural Suburban Estates (RSE) on a 5 acre site located at 1829, 1839 and 1847 Williams Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) zone is more particularly described in DEED BOOKS 184 & 526, PAGE NOS. 76 & 182, respectively (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 Resolution and marked as "Exhibit A."

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

SECTION III

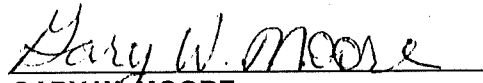
Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 03-25

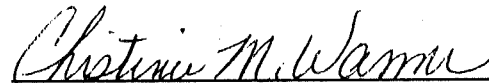
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

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

Adopted by the Boone County Fiscal Court after Second Reading at a regular meeting on the 18TH day of November, 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:


CHRISTINA M. WANNER
FISCAL COURT CLERK


JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

DATE PUBLISHED

