

STAFF REPORT

Request of G.B.S. Interest (applicant) for  
George B. Stewart (owner) for Zoning Map  
Amendment for 43.51 acres located on the  
west side of North Bend Road approximately  
2.4 miles north of I-275, Boone County, Kentucky.

DECEMBER 21, 1988

The applicant is requesting a Zoning Map Amendment for 43.51 acres of a 86.05 acre tract located on the west side of North Bend Road approximately 2.4 miles north of I-275. Approximately 13 acres of the 43.51 acre site is presently zoned Rural Suburban Estates (RSE), the remainder is zoned Agricultural Estate (A-2). The applicant is requesting that the 43.51 acres be rezoned to Suburban Residential One (SR-1) for development of a residential subdivision at a density of 2.3 lots per acres (99 total lots). The current zoning of the property would permit approximately 30 residential lots.

Surrounding Land Uses and Zoning

The following lists the land uses and zoning of adjacent properties:

- north - agricultural land zoned RSE and A-2
- east - 2 single family residences, zoned RSE
- south - single family residences fronting North Bend Road, zoned RSE
- west - Woodland, zoned A-1 and A-2

In addition, there have been several residential developments either planned or approved which front on North Bend Road in the vicinity of the subject property:

PROJECT	SIZE	STATUS
Parlor Grove Subdivision	110 lots, 164 acres	Under Construction
River Shore Farms	42 lots, 90 acres	Under Construction
River Shore Farms	Additional 1150 Units, 300 acres	Planned Development approved in Concept
H.A.D./Schleper	200 Units, 26 acres	Zone Change approved in Concept
Tree Top Subdivision	250 units, 182 acres	Zone Change approved in Concept

In addition to the above residential projects, the H.A.D./Schleper request proposes approximately 8 acres of commercial and 165 acres of industrial development.

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Site Features

The subject property has approximately 1100 feet of frontage on the west side of North Bend Road. This section of North Bend Road is on a gradual curve and a hill with vertical relief of approximately 50 feet; the pavement width is approximately 20 feet and there are steep embankments on both the left and right shoulders.

Sand Run Creek bisects the 86 acre parcel and forms the western boundary of the 43 acres under review. The western one third of the site, bordering Sand Run Creek, has slopes of up to 30 percent. The eastern third of the site (closest to North Bend Road) drains into a pair of drainage culverts under North Bend Road. Vegetation on the site consists of mature trees along the hillsides adjacent to Sand Run Creek, fallow agricultural land on the hilltop area and along North Bend Road, and scrub vegetation in the drainage swale near North Bend Road. There is over 150 feet difference between the highest and lowest elevations on the site (Figure I).

Utilities on the site include electric, telephone, cable television, and natural gas. A 12 inch water line is located adjacent to the site on the east side of North Bend Road. At the present time, there is no sanitary sewer service available to the site.

Proposed Concept Development Plan

While a Concept Development Plan is not required for a residential zone change, the applicant has provided a plan for the Commission's review (Figure II). The proposed plan indicates a subdivision of 99 residential lots on the 43.51 acres for an overall density of 2.3 units per acre. Access to the site is proposed through a single street intersecting North Bend Road at the approximate mid-point of the site's frontage. The Concept Plan proposes three street connections to adjoining properties: one to the north, one to the south, and one to the remaining property west of Sand Run Creek. The Concept Plan also proposes provision of public water and sanitary sewer service. The sanitary sewer service may be provided by use of a lift station to an undetermined public treatment facility.

Relationship to the Comprehensive Plan

This request must be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. The Plan's "Future Land Use Map" designates the subject property as low density residential (up to 3 units per acre) and developmentally sensitive (areas with slopes greater than 20 percent, see Figure III).

The Comprehensive Plan's text refers to the vicinity of the subject property in a number of ways. The Goals and Objectives of the Comprehensive Plan's Environment, Housing, Agriculture, Public Services, Transportation, Recreation, and Land Use elements outline specific objectives relevant to the subject request. Housing objectives include providing a maximum choice of living

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environments and housing choices; provision of adequate public facilities; and assurance of continuity in residential street systems. (page G-2)

The Agricultural Objectives state that intrusion into agricultural areas should result from logical expansion of the urbanizing area. (page G-3)

The Public Services and Facilities objectives relevant to this request include prioritizing infrastructure growth depending upon the availability of funds and integration and coordination of utilities on the basis of county wide service areas and networks (page G-4). Transportation objectives include design of transportation networks to provide growth consistent with the land use plan and implementation of access management principles and controls (page G-6). Recreation objectives include development of new facilities close to established and developing residential areas. The Land Use objectives state that land use shall occur in environmentally suitable areas and where adequate infrastructure exists (page G-6).

Specific elements of the Comprehensive Plan refer to the general area of the request in a number of ways.

Housing Element:

North River Area

This is presently a very rural area of rough topography. Interstate 275 has and will continue to have a great effect of its development. On one hand, it acts as a barrier to northern growth created in the Hebron area. The interstate funnels growth through only a small amount of underpasses and overpasses. On the other hand, I-275 has opened up this area for new residential growth. These characteristics support the already evolving low density housing development in the Francisville-KY 237 area. The remainder of the area should experience limited development because of extensively wooded hillsides and possible recreational uses in the area. (page H-19)

Public Facilities Element:

The main focus of Boone County Water and Sewer District waste treatment service expansion should be in the Burlington-Hebron, Union, and Mineola areas. The Circleport and Mineola area is presently served by a collection system that connects to the Dry Creek plant in Kenton County. The Mineola Pike area will experience extensive industrial growth, and will need additional waste treatment service. The Burlington-Hebron and Union areas are to experience rapid residential and commercial growth. (page PF-12)

There are many other package wastewater treatment plants in Boone County serving individual users and developments...These are privately owned and operated and are inspected by the State of Kentucky, Department of Environmental Protection, Division of Waste Management regarding maintenance and effluent discharge. (page PF-13)

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One special intent of the urban service area approach to land use planning in the County is to minimize the creation of private package sewage treatment plants as a permanent solution to the sewerage needs of any development. On-site subsurface sewage disposal systems are planned to serve low density development outside urban service areas. Another intent is to control the timing of growth and development until such time as public fiscal resources are adequate to provide public improvements to developing areas.

Recreation Element:

The Recreation Element of the Comprehensive Plan describes the role of public, semi-public, and private recreational facilities within the county. As the county grows, additional facilities will be necessary. The Recreation Element also stresses the need to preserve significant natural features and open space. In addition, this element states that the areas near the proposed development are good locations for community and neighborhood parks (page R-11).

Transportation Element:

North Bend Road is classified as a rural minor collector by the Comprehensive Plan's Transportation Element. In addition, Article 17A, "Access Management" of the Zoning Regulations classifies North Bend Road as an Access Class I collector with: minimum driveway and access spacing of 230 feet; minimum site distance requirements of 900 feet for vehicles turning left out of the development, 970 feet for vehicles turning right out of the development, and 590 feet for vehicles turning left into the development. At the present time, there are no plans for improvements to the affected portion of North Bend Road.

Land Use Element:

The subject property, because of its size and location, is located in two different sections of the Future Land Use Map. Therefore, the text of the Land Use Element describes the site and surrounding areas in the "Idlewild Area" and "Francisville Area". As it refers to the vicinity of the subject site, the Idlewild Area states: "Development in the Bullittsville area will spread north of I-275 to connect with the Francisville area....The area north of I-275 will continue to support some agricultural and increased low density residential development also." (page L-9)

The Plan's discussion of the Francisville area states the following relevant to this request: "Because of the accessibility provided by the I-275 interchange, there will be medium density residential development along KY 237....Overall, growth in this section will be continual and slow and be primarily residential in character, with medium density residential nearest KY 237 and new subdivision growth off of this road." (page L-12)

In summary, both the Future Land Use Map and the text of the current Comprehensive Plan suggest that the site under review be developed for low density residential purposes. The Comprehensive Plan foresees residential subdivisions occurring closest to the KY 237/I-275 interchange with a gradation

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to larger lot, lower density subdivisions northward along North Bend Road. In addition, any proposed developments must be adequately serviced by public facilities and not create unsafe conditions on the existing public roadway network.

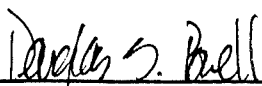
Staff Concerns

1. Density: This request should not only be reviewed on the basis of its proposed density and the possible density indicated in the Comprehensive Plan, but also on the basis of the site's physical features and their compatibility with the proposed density. In addition, the site should be reviewed on the basis of the proposed development's character and compatibility with existing and/or proposed developments in the vicinity.
2. Access: Due to the grade and curvature of North Bend Road adjacent to this site, staff believes that a safe access point for a residential subdivision of this scale is not possible. Staff believes that access to the proposed development should occur through adjacent properties or that major improvements to North Bend Road are necessary.
3. Public Utilities: There is presently no sanitary sewer service available to the site. If the site is developed as proposed, sanitary sewer service must be made available according to the master plan of the Boone County Water and Sewer Commission.
4. Adjacent Properties: In addition to access to adjacent properties to the north and south, the proposed development would essentially landlock the remaining 42.54 acres of the 86.05 acre tract. If the proposed development is approved, the construction of the proposed roadway to this 42 acre site should receive high priority.
5. Developmentally Sensitive Areas: According to the topography of the site as indicated on the Concept Plan, almost one third of the site has slopes of 20 percent or greater. The request should be assessed on the basis of how the proposed plan may impact this developmentally sensitive area.

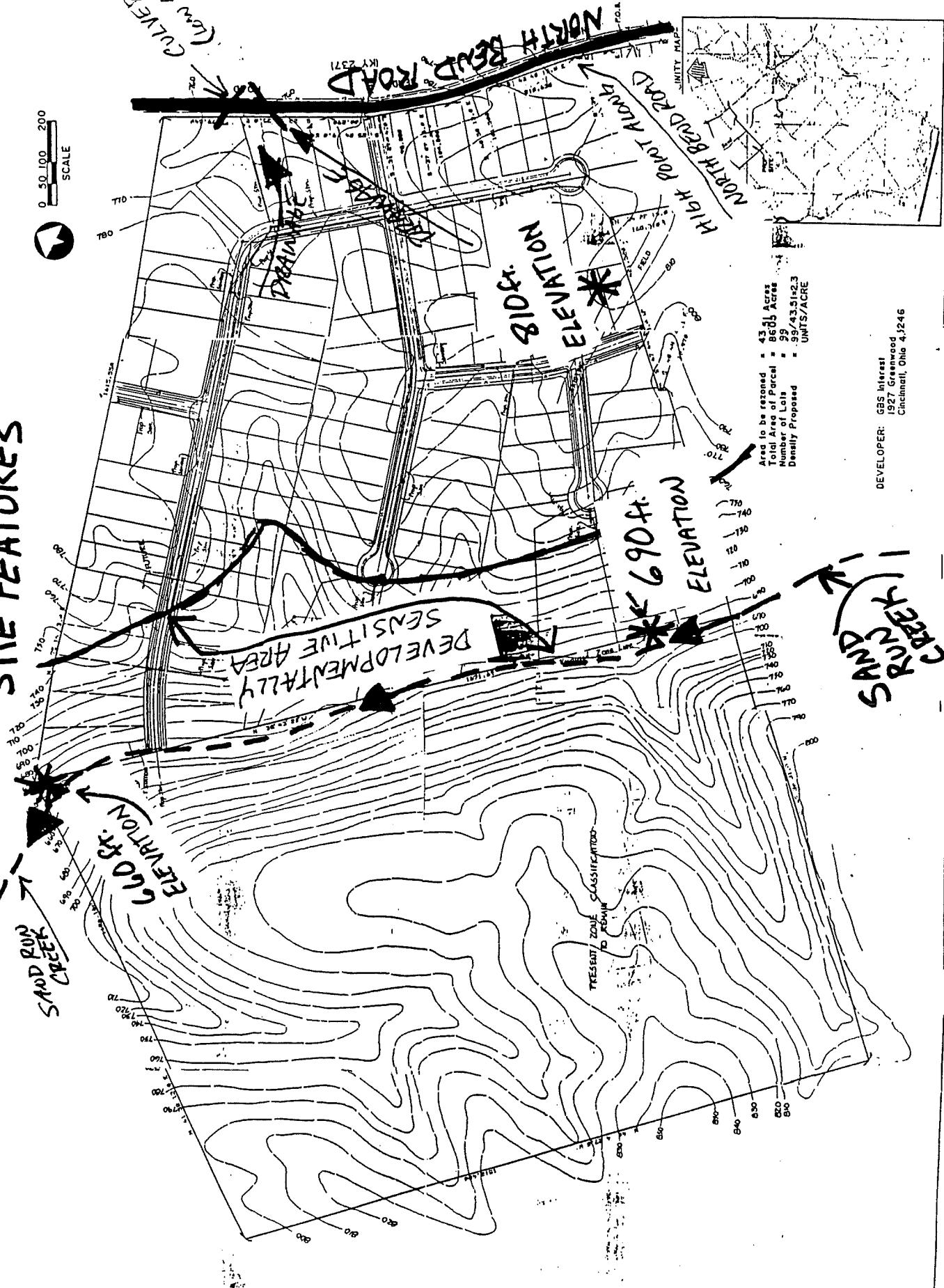
Conclusion

This request should be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan, compatibility with proposed developments in the vicinity, safe access to North Bend Road, access to adjoining properties, public sewer service, and the impact of the proposed development on the developmentally sensitive hillside areas.

  
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Jim Sturdevant,  
Plans Examiner/Planner

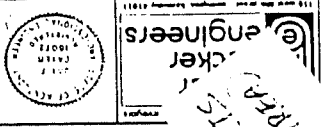
  
\_\_\_\_\_  
Douglas S. Powell,  
Transportation Planner

# FIGURE I SITE FEATURES



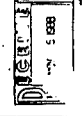
Area to be rezoned	= 43.91 Acres
Total Area of Parcel	= 86.05 Acres
Number of Lots	= 99
Density Proposed	= .99/43.91=2.3 UNITS/ACRE

DEVELOPER: GBS Interest  
1927 Greenwood  
Cincinnati, Ohio 4.1246



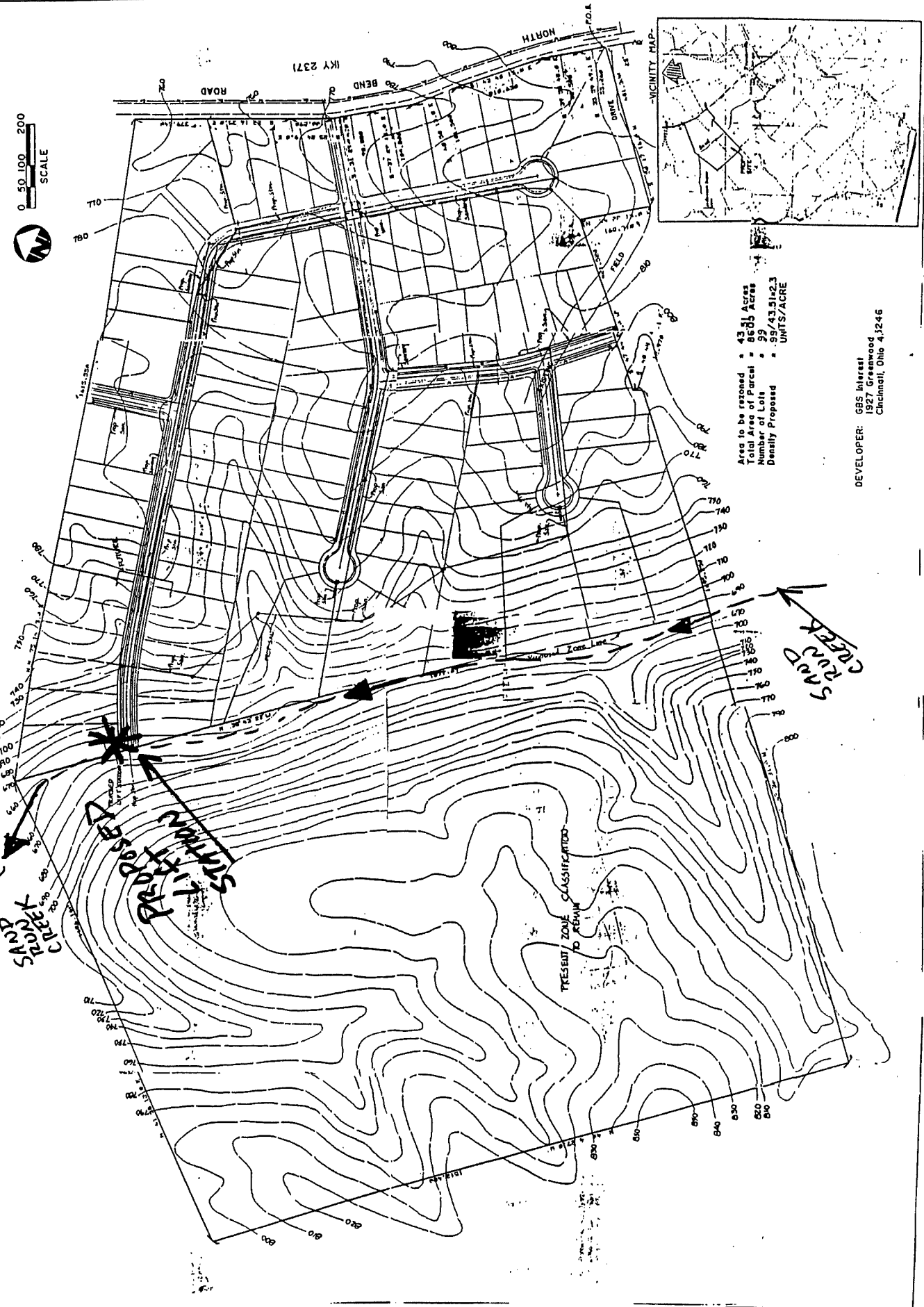
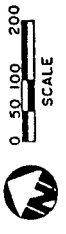
CONCEPT DEVELOPMENT PLAN  
SAND RUN CREEK SUBDIVISION  
Boone County, Kentucky  
November, 1988 SCALE: 1"=100'

DATE ISSUED  
REV 11 PM  
REVISIONS



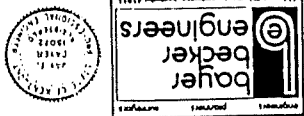
SHEET NUMBER

# FIGURE II PROPOSED CONCEPT PLAN



Area to be rezoned : 43.51 Acres  
 Total Area of Parcel : 8685 Acres  
 Number of Lots : 99  
 Density Proposed : .95/43.51±2.3  
 UNITS/ACRE

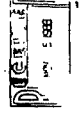
DEVELOPER: GBS Interest  
 1927 Greenwood  
 Cincinnati, Ohio 45246



**bauer engineers**

CONCEPT DEVELOPMENT PLAN  
 SAND RUN CREEK SUBDIVISION  
 Boone County, Kentucky  
 November, 1988 SCALE: 1"=100'

DATE ISSUED  
 MAY 11 1988  
 REVISIONS

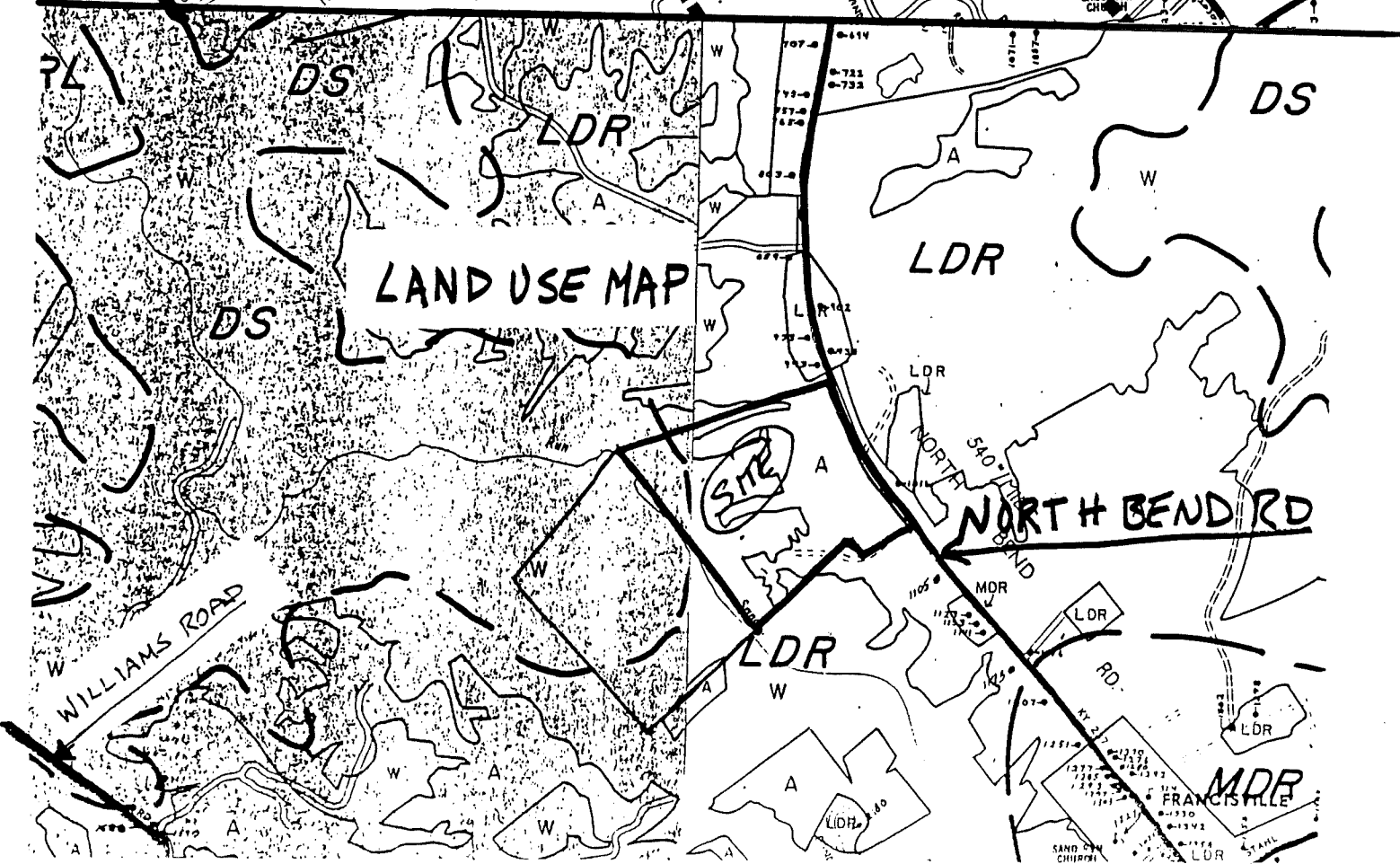
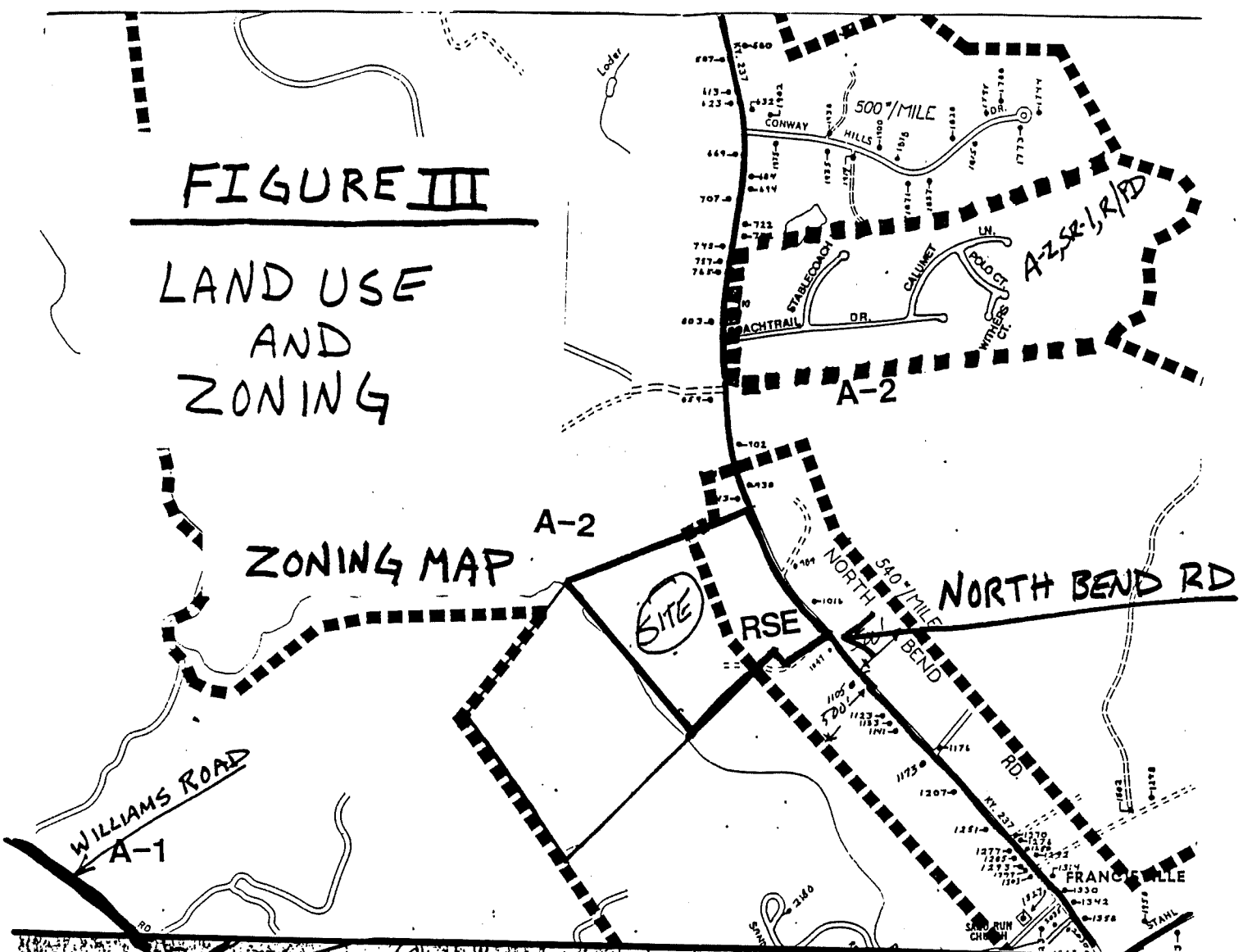


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# FIGURE III

## LAND USE AND ZONING

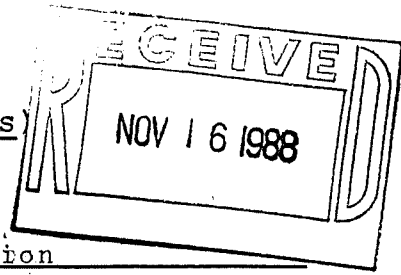
### ZONING MAP



APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Development Sand Run Creek Subdivision
2. Location of Development West side of KY 237 2.4 Miles North of I-275
3. Total Acreage of Site 43.51 Rezoned of Total 86.05
4. Current Zoning RSE, A-2
5. Proposed Zoning (classification being requested) \_\_\_\_\_  
SR-1
6. Proposed Uses (please specify each use) \_\_\_\_\_  
Single Family Residential
7. Name of Applicant(s) Jeff Stewart  
Phone Number(s) 513-771-3344
8. Address of Applicant(s) GBS Interest 1927 Greenwood  
Cincinnati, OH 45246  
City State Zip
9. Name of Property Owner(s) George Stewart  
Phone Number(s) Same as above.
10. Address of Property Owner(s) \_\_\_\_\_  
\_\_\_\_\_ City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_  
2.3 Units per Acre Single Family Residential.
12. Are there any existing buildings on the site? No  
How many? \_\_\_\_\_
13. Deed Book 202 Page No. 676 Group No. 2004
14. Have you had a pre-application meeting with BCPC staff? Yes
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Road Department
- Kentucky Transportation Cabinet
- City of Florence Public Works Department
- City of Walton Public Works Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: \_\_\_\_\_

(COMPLETE OTHER SIDE OF APPLICATION)

16. Are you also applying for:

- Conditional Use Permit
- Dimensional Variance

17. Applicant's Signature: Jeffrey R Stewart
18. Property Owner's Signature: George Smith
19. Have you submitted a Concept Development Plan? Yes

SECTION B (To be completed by BCPC Staff)

1. Date Received 11-17-88
2. Fee Received 1591.04 P#79177
3. Check what has been submitted:
- |                                     |                          |                                     |     |                                     |  |
|-------------------------------------|--------------------------|-------------------------------------|-----|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Application              | <input checked="" type="checkbox"/> | Fee | <input checked="" type="checkbox"/> | Legal Description                      |
| <input checked="" type="checkbox"/> | Concept Development Plan | <input checked="" type="checkbox"/> |     | <input checked="" type="checkbox"/> | Addresses of Adjoining Property Owners |
- 5 No. of copies of plan received\*\*
4. Is application complete?  Yes  No
5. Staff Reviewer JM
6. Committee Chairman CAROL SMITH
7. Scheduled Public Hearing Date 12-21-88
8. Boone County Planning Commission Action:
- |                                     |                          |
|-------------------------------------|--------------------------|
| <input type="checkbox"/>            | Approval                 |
| <input type="checkbox"/>            | Approval With Conditions |
| <input checked="" type="checkbox"/> | Disapproval              |
9. Other: \_\_\_\_\_

\*\* FIVE (5) COPIES ARE REQUIRED

BCPC:7/11/88

EXHIBIT "A"

PARCEL TO BE REZONED

Lying and being in Boone County, Kentucky, on North Bend Road, (KY 237) and being more particularly described as follows:

Beginning as a point in the right of way line of North Bend Road (also known as KY 237) said point being the common line with James M. and Rose B. Battaglia (Deed Book 376, Page 53).

- thence from said point of beginning, South 50° 17' 16" West, 401.30 feet to a point;
- thence North 34° 22' 15" West, 168.31 feet to a point;
- thence South 47° 44' 28" West, 421.52 feet to a point;
- thence South 40° 48' 06" East, 22.97 feet to a point;
- thence South 49° 36' 31" West, 550.00 feet to a point;
- thence along a proposed zone line North 38° 43' 22" West, 1671.69 feet to a point;
- thence North 75° 16' 03" East, 1615.55 feet to a point;
- thence South 23° 16' 35" East, 379.54 feet to a point;
- thence South 25° 24' 09" East, 100.29 feet to a point;
- thence South 31° 29' 04" East, 98.88 feet to a point;
- thence South 37° 27' 15" East, 100.80 feet to a point;
- thence South 40° 50' 13" East, 101.50 feet to a point;
- thence South 43° 40' 15" East, 210.63 feet to a point;

thence South 39° 55' 48" East, 82.50 feet to a  
point;

thence South 35° 59' 49" East, 55.26 feet to  
the point of beginning.

Containing 43.51 acres of land more or less.

Prior instrument reference: Deed Book 202 Page 676

Field Survey reference: Andy Ament dated May 6, 1988.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

December 21, 1988

PUBLIC HEARING

Mr. William Viox, Chairman, called the meeting to order at 7:00 P.M.. He advised that this item will be on the Agenda for the Business Meeting on January 4, 1988. Following a review of the Public Hearing process, the Chairman introduced the item on the Agenda:

1. Applicant: G.B.S. Interest for George Stewart (owner)

Request: Zoning Map Amendment

This was a Public Hearing on the request of G.B.S. Interest (applicant) for George Stewart (owner) for a Zoning Map Amendment for 43.51 acres of an 86.05-acre tract located on the west side of North Bend Road, 2.4 miles north of I-275. The present zoning of the 43-acre site is Rural Suburban Estates (RSE) and Agricultural Estate (A-2). The request is to rezone the property to Suburban Residential One (SR-1) for development of Sand Run Creek Subdivision.

Staff Member, Jim Sturdevant, presented the Staff Report (see Staff Report).

The Chairman noted that there were no slides included in the Staff presentation. He asked Mr. Sturdevant to give further description of the location of the site and to provide the aerial photograph.

Mr. Doug Powell, Transportation Planner, stated that a slide presentation would have been helpful in allowing the Commission members to view the steepness of the road. He presented the Transportation Element of the Staff Report and noted that there appears to be no safe place to put an access on to North Bend Road at this point due to the elevation.

Mr. Costello provided the aerial photograph of the site at this time.

The Chairman asked if there was anyone present who wished to speak in behalf of this request.

Mr. Greg Berry, attorney representing G.B.S. Interest, stated that Mr. Jeff Stewart, representing the developer, and Mr. Jay Bayer of Bayer & Becker Engineers were present. Mr. Stewart will address the density of the project and what the developer intends to do with the remainder of the property.

Mr. Jeff Stewart stated that the density is 2.3 units per acre. They will be striving for the first-time homebuyer market and FHA/VA homes in the \$80,000 to \$100,000 range. The balance of the property will be sold off as an individual parcel for a mini-farm or homesite. The engineer does not feel that it is feasible to cross the creek at this time.

Mr. Jay Bayer, Bayer & Becker Engineers, stated that they prepared the plan for the project. In response to Staff's concerns, he stated that their survey crew checked the sight distances using the posted speed limit of 35 MPH. The critical sight distance to the right is 465 feet. He stated that they feel the sight distance meets the criteria at 35 MPH for passenger cars, but not with truck traffic. Most of the traffic will be passenger cars. In regard to the utilities, they met with Boone County Water & Sewer and they are willing to work with them to sewer the project. They have discussed a treatment plant along Sandrun Creek and talked about an overall system for the area. He spoke with the engineer for the Treetop project who is willing to discuss working together to sewer the entire area. He stated that they discussed access to neighboring parcels with Mr. Sturdevant and they are showing access to the adjoining parcels to the north and south. He stated that it would not be economically feasible to cross the creek to the rear parcel, which is a developmentally sensitive area. The best access is from the other side. They are willing to provide a right-of-way to the creek, but do not want to cross it at this time. He added that in regard to the developmentally sensitive area, they tried to stay on the ridge. They will meet the criteria on the hillside.

There being no further comments from the applicant, the Chairman asked if there was anyone else present who wished to speak either for or against the request or who had questions. There being no one, he asked if there were any comments from the Commission.

Mr. Neltner noted the comment that the back 42 acres would be sold to one person as a residence or a farm and asked if it would be appropriate to provide a turn around at the end of the street for his driveway and for use by the residents.

Mr. Bayer stated that they are not committing to sell the parcel to one person. If one person wants to buy it, they will sell it to one person. If they sell to one person, they will provide the cul de sac. He noted that there are 12 additional lots on the plan. If they cross the creek and have to fill the area, then they would have lots in that area.

Mr. Collins stated that there are a number of flag lots. He stated that he cannot imagine there being a driveway off North Bend Road. Mr. Collins stated that he does not approve of flag lots and wants a cul de sac. He questioned the plans for recreation.

Mr. Stewart stated that the back portion of the property is scenic.

Mr. Collins stated that there will be over 100 children in the development and there is no play facility.

Mr. Stewart stated that the plan does not provide for a public area, but it could be considered. The children will have their own yards and the creek area.

Mr. Sharp questioned the results of discussions with other developers in the area and the Boone County Water & Sewer District.

Mr. Bayer advised that Boone County Water & Sewer is studying the area with a Cincinnati consultant and they feel that something can be put together. They are trying to stay away from individual treatment plants. They do not have a timetable.

Mr. Barnett noted that the location of the treatment plant would be where Mr. Neltner had suggested the road be a cul de sac. He asked for further clarification.

Mr. Bayer stated that there would be either a treatment plant or a lift station to Treetop or Rivershore.

Mr. DeLong asked if there were sidewalks provided. Mr. Stewart stated that they are under consideration, as are curb and gutter. He stated that they are not a requirement.

Mr. Powell commented that the Subdivision Regulations indicate that when a street deadends like this one does, a temporary cul de sac is required. He stated that he believes the posted speed limit is 45 MPH.

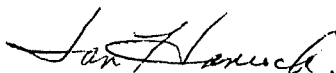
Mr. Moore asked if Mr. Powell's opinion regarding the safety of the access had changed based on the applicant's presentation.

Mr. Powell stated that the day he was at the site, there were not many cars. However, he doubts that there is more than 200 feet of sight distance. The problem is that there is an "S" curve and then a drop in the road, then the road comes back up. He stated that there is also a concern for cars stopping there and turning left. He noted that there is no shoulder in the road and a 15 to 20 foot drop. He stated that he is still concerned in regard to the access.


There being no further comments, the Chairman advised that this item will be on the Agenda for the January 4, 1989 Business Meeting at 8 P.M. and closed this Public Hearing.

APPROVED:

Attest:



Jan Hancock, Recording Secretary

  
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William R. Viox, Chairman

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

January 4, 1989

8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett  
Mr. Fred Burch, Vice Chairman  
Mrs. Rita Bushelman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Charles Moore  
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Public Hearings of December 14, 1988, December 21, 1988 and January 4, 1989; and the Business Meeting of December 21, 1988; and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as received. Mr. Jones seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of G.B.S. Interest (applicant) for George Stewart (owner) for a Zoning Map Amendment for 43.51 acres of an 86.05-acre tract located on the west side of North Bend Road, 2.4 miles north of I-275. The present zoning of the 43-acre site is Rural Suburban Estates (RSE) and Agricultural Estate (A-2). The request is to rezone the property to Suburban Residential One (SR-1) for development of Sand Run Creek Subdivision.

Mr. Gerald Newton, Director, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. McMillian moved by resolution that the request be denied based on the Committee Report. Mr. Neltner seconded the motion and it carried unanimously.

3. Annexation into the City of Florence

The request of the City of Florence (applicant) to determine the impact of annexation on the current zoning of Suburban Residential One (SR-1) for a 3-acre (approx.) site owned by Pond Realty Company, Inc., and located at 8151 Burlington Pike, Boone County, Kentucky.

Mr. Gerald Newton, Director, read the Committee Report which recommended that the annexation should cause the zoning of the site to change from SR-1 to Commercial Services (C-3) based on the findings of fact, but subject to one condition, and the conditions of the Zoning Map Amendment and Concept Development Plan of April 6, 1988 as indicated in the Committee Report of that date (see Committee Report).

There being no discussion, Mr. Barnett moved by resolution to the City of Florence that the zoning be changed based on the Staff and Committee Reports, including the conditions indicated. Mr. Burch seconded the motion and it carried unanimously.

4. Annexation into the City of Florence

The request of the City of Florence (applicant) to determine the impact of annexation upon the current zoning of Suburban Residential One (SR-1) on a 36.19-acre site owned by Charles Berling and located on the west side of Stonegate Meadows Subdivision, Boone County, Kentucky.

Mr. Gerald Newton, Director, read the Committee Report which recommended that the current zoning of SR-1 not be changed based on the findings of fact (see Committee Report).

There being no discussion, Mr. Jones moved by resolution to the City of Florence that the zoning not be changed based on the Staff and Committee Reports. Mr. McMillian seconded the motion and it carried unanimously.

EXHIBIT "C"

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

DATE: January 4, 1989

RE: Request of G.B.S. Interest (applicant) for George Stewart (owner) for a Zoning Map Amendment for 43.51 acres of a 86.05 acre tract located on the west side of North Bend Road, 2.4 miles north of I-275. The present zoning of the 43 acre site is Rural Suburban Estates (RSE) and Agricultural Estate (A-2). The request is to rezone the property to Suburban Residential One (SR-1) for development of Sand Run Creek Subdivision.

REMARKS:

We, the Committee, recommend denial of the above Zoning Map Amendment request based upon the following findings of fact:

1. While the proposed density of the development (2.3 units per acre) is less than the maximum of three units per acre that could be allowed by the Future Land Use Map's general designation of low density residential for the majority of the subject property, the text of the 1986 Boone County Comprehensive Plan generally foresees a gradation of residential densities northward along North Bend Road from I-275 to the Ohio River. The trend for gradation of residential densities has been established by previously approved developments outlined in the staff report (this ranges from 7.6 units per acre adjacent to the I-275/North Bend Road interchange, 1.4 units per acre for Tree Top Subdivision, 0.7 units per acre for Parlor Grove Subdivision, and 0.5 units per acre for the developing section of Rivershore Farms Subdivision). Therefore, the Committee believes that the proposed density of 2.3 units per acre is not consistent with the trend established for residential developments in the vicinity. In addition, the Developmentally Sensitive portion of the subject property further reduces its appropriateness for development at the proposed density.
2. The Public Facilities Element of the Comprehensive Plan is based upon the objective that infrastructure growth will be coordinated on the basis of countywide service areas (page G-4) in order to control the timing of growth until adequate public improvements can be provided. The Transportation Element mandates implementation of access management controls, and the Land Use Element is based upon the objective that growth shall occur in environmentally suitable areas with adequate infrastructure (page G-6).

Public facilities adequate to serve the proposed development are not presently available. First, development at the proposed density of 2.3 units per acre would require provision of a centralized sanitary sewer treatment system. At the present, there is no public sewer service to the area of the subject site. Second, due to the slope and curvature of North Bend Road adjacent to the subject site, any proposed access to the development cannot meet the minimum requirements for sight distance in


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order to provide safe access from North Bend Road for a development of this magnitude. At the present time, there are no plans for improvements to the affected portion of North Bend Road that would promote the development of safe access for the proposed subdivision.

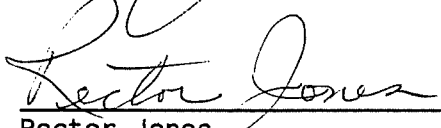
In addition, the Committee believes that because a large portion of the subject site is Developmentally Sensitive, an innovative plan which accounts for the features of the site is warranted and has not been presented to the Planning Commission. Further references to the Comprehensive Plan are given in the Staff Report.

3. The applicant has not shown reasons that the existing zoning of the site is inappropriate. The Committee believes that the current zoning is appropriate due to the present level of public facilities available to the site, the existing physical limitations of the site, and the pattern of residential densities established by existing and proposed developments in the vicinity. In addition, there are areas along North Bend Road near I-275 for which the current zoning would permit development of similar form and density as that proposed for the site under review.

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Carol Smith, Chairwoman

  
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Larry Barnett

\_\_\_\_\_  
Fred Burch

  
\_\_\_\_\_  
Rector Jones

  
\_\_\_\_\_  
Donald McMillian

  
\_\_\_\_\_  
Barry Nettner

CS:kat



**Robert A. Baker**  
engineers planners architects  
118 West Third Street, Lexington, Kentucky 40501

**CONCEPT DEVELOPMENT PLAN**  
**SAND RUN CREEK SUBDIVISION**  
Boone County, Kentucky  
November, 1988 SCALE: 1"=100'

DATE ISSUED  
**NOV 17 1988**

REVISIONS

RECEIVED  
NOV 16 1988

SHEET NUMBER

OF



Area to be rezoned = 43.51 Acres  
Total Area of Parcel = 86.05 Acres  
Number of Lots = 59  
Density Proposed = 59/43.51=1.33 UNITS/ACRE

DEVELOPER: GBS Interest  
527 Greenwood  
Cincinnati, Ohio 45246

PRESENT ZONE CLASSIFICATION  
TO REMAIN

RESOLUTION 02-89-01

A RESOLUTION OF THE BOONE COUNTY FISCAL COURT FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) AND AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 43.51 ACRE PORTION OF AN 86.05 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF NORTH BEND ROAD, 2.4 MILES NORTH OF I-275, BOONE COUNTY, KENTUCKY, AS REQUESTED BY G.B.S. INTEREST (APPLICANT) FOR GEORGE STEWART (OWNER). THIS RESOLUTION IS RECOMMENDED FOR DENIAL BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-03-89.

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 Rural Suburban Estates (RSE) and Agricultural Estate (A-2) to Suburban Residential One (SR-1)) for a 43.51 acre portion of an 86.05 acre site generally located on the west side of North Bend Road, 2.4 miles north of I-275, 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 denial for the zoning map amendment.

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

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for denial, this Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) and Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 43.51 acre portion of an 86.05 acre site generally located on the west side of North Bend Road, 2.4 miles north of I-275, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for denial is more particularly describe in attached "Exhibit A."

SECTION II

That as a basis for the recommendation of denial for the zoning map amendment request is the find of fact 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 B " And "Exhibit C."

RESOLUTION 02-89-01

PAGE 2

RESOLUTION DENIED Feb. 7, 1989.

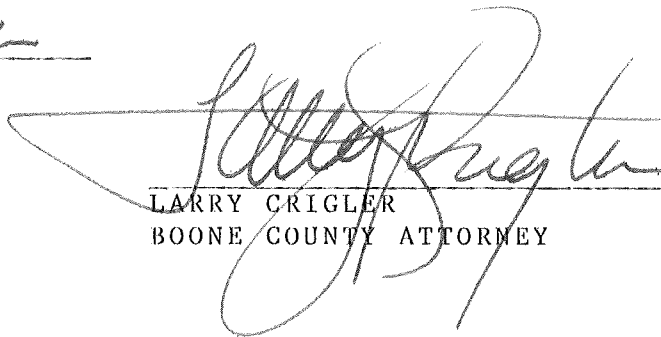


BRUCE FERGUSON  
BOONE COUNTY JUDGE-EXECUTIVE

ATTEST:



R. SCOTT KIMMICH  
FISCAL COURT CLERK



LARRY CRIGLER  
BOONE COUNTY ATTORNEY

Feb. 7, 1989  
DATE