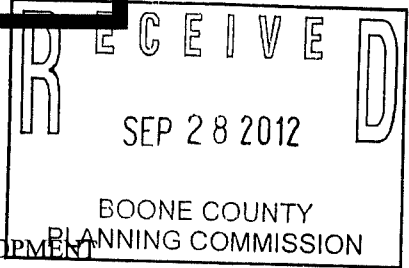


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES
OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

- 1. Name of Project MICHAEL AND CAROL KIRKWOOD DEVELOPMENT
2. Location of Project 36.299 ACRES FRONTING ON THE NORTH SIDE OF WILLIAMS RD WEST OF 1354
3. Total Acreage of Site 36.30
4. Current Zoning of Site A-1
5. Proposed Zoning (Classification being requested) A-2
6. Proposed Uses (please specify each use) 2 ACRE RESIDENTIAL ESTATE LOTS

- 7. Names of Applicant(s) MICHAEL R. AND CAROL W. KIRKWOOD
Phone Number (859) 534-5069 Fax No. (859) 689-5413
8. Address of Applicant(s) 1354 WILLIAMS ROAD
HEBRON KY 41048
City State Zip

- 9. Name of Property Owner(s) CAROL WHITSON KIRKWOOD
Phone Number (859) 534-5069 Fax No. (859) 689-5413
10. Address of Property Owner(s) 1354 WILLIAMS ROAD
HEBRON KY 41048
City State Zip

- 11. Proposed Building Intensities (please specify) MINIMUM RESIDENTIAL LOT SIZE OF TWO ACRES

- 12. Are there any existing buildings on the site? YES [checked]
How many? 1

- 13. Deed Book 443 Page No. 290 Group No. 2001

- 14. Are you also applying for:
Conditional Use Permit
Dimensional Variance

- 15. Have you submitted a Concept Development Plan? YES [checked]

- 16. Have you had a pre-application meeting with BCPC Staff? YES [checked]

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- YES [checked] Boone County Water District
NO Florence Public Services Dept.
NO Duke Energy
NO Sanitation District #1
YES [checked] Cincinnati Bell
NO Owen Electric Cooperative, Inc.
YES [checked] Boone County Public Works Department
YES [checked] Kentucky Transportation Cabinet
NO Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)
NO

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of Michael R. Kirkwood and Carol W. Kirkwood (applicants) for Carol Whitson Kirkwood (owner) for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for a 36.3 acre site located on the north side of Williams Road to the immediate east and north of the property at 1246 Merrell Road, and approximately 360 feet east of the Williams Road/Merrell Road intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

November 7, 2012

### REQUEST

The applicant is requesting this Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for 36.3 acres on the north side of Williams Road, east of Merrell Road, to allow a subdivision for detached single family residences.

The submitted Concept Development Plan shows 15 lots ranging in size from 1.9 to 3.8 acres. The proposed subdivision street is shown extending to the neighboring property to the east for possible future development. Public water is shown along the east side of the proposed street. Sanitary sewer is not proposed for this development. The only structure on the property is a barn that would be removed.

The maximum intensity in the Agricultural Estate (A-2) zone is one (1) dwelling unit per two (2) acres with a minimum lot size of 80,000 square feet (or 1.84 acres) and minimum road frontage of 150 feet. Setbacks are 60 feet from the front property line, 25 feet from the rear and 10 feet on each side.

### ADJACENT ZONING AND LAND USES

- North: Properties fronting on Merrell Road zoned Agricultural Estate (A-2).
- East: Additional properties owned by Kirkwood and an ownership group including Kirkwood containing approximately 244 acres, zoned Agriculture (A-1).
- South: Across Williams Road, property owned by Souther containing approximately 145 acres zoned Agriculture (A-1).
- West: Properties fronting on Merrell Road zoned Agricultural Estate with an approved Concept Development Plan (A-2/CD). This Zoning Map Amendment was approved in 1998.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as mostly Rural Lands (RL) with a portion of Developmentally Sensitive (DS). These classifications are defined in the adopted Comprehensive Plan as:

- RL: "Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."

DS: "Areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character."

The Land Use Element within the 2010 *Boone County Comprehensive Plan* refers to this general area by stating:

"Land in the Williams Road area, north of I-257, is suitable for some Suburban Density residential development now that Worldwide Boulevard is completed and water and sanitary sewer are available."

The adopted 2010 *Boone County Comprehensive Plan* Goals and Objectives include the following pertinent statements:

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- E. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community. ("Environment," Objective 2).

#### STAFF COMMENTS

- 1. The submitted Concept Development Plan shows 15 lots ranging in size from 1.9 to 3.8 acres.
- 2. Williams Road narrows to 16' wide near the proposed subdivision street. The proposed subdivision street will be constructed 25' wide within a 50' right-of-way.
- 3. Staff suggests there be no driveway access from the lots with frontage on Williams Road and that the existing trees cover (especially along the creek to the west) be retained.
- 4. A cul-de-sac or "T" turn around at the end of the proposed subdivision street will be required and reviewed by Staff and the Boone County Engineer.

5. The County Engineer commented on the proposal (attached). His concerns are the sight distance at the proposed intersection with Williams Road and no driveway access from the lots with frontage on Williams Road.
6. If approved, the proposed subdivision will require Preliminary Plat, Improvement Plan and Final Plat review and approval, by Planning Commission Staff and the Boone County Project Review Committee, prior to the construction of any homes.

### 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 (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

Respectfully Submitted,

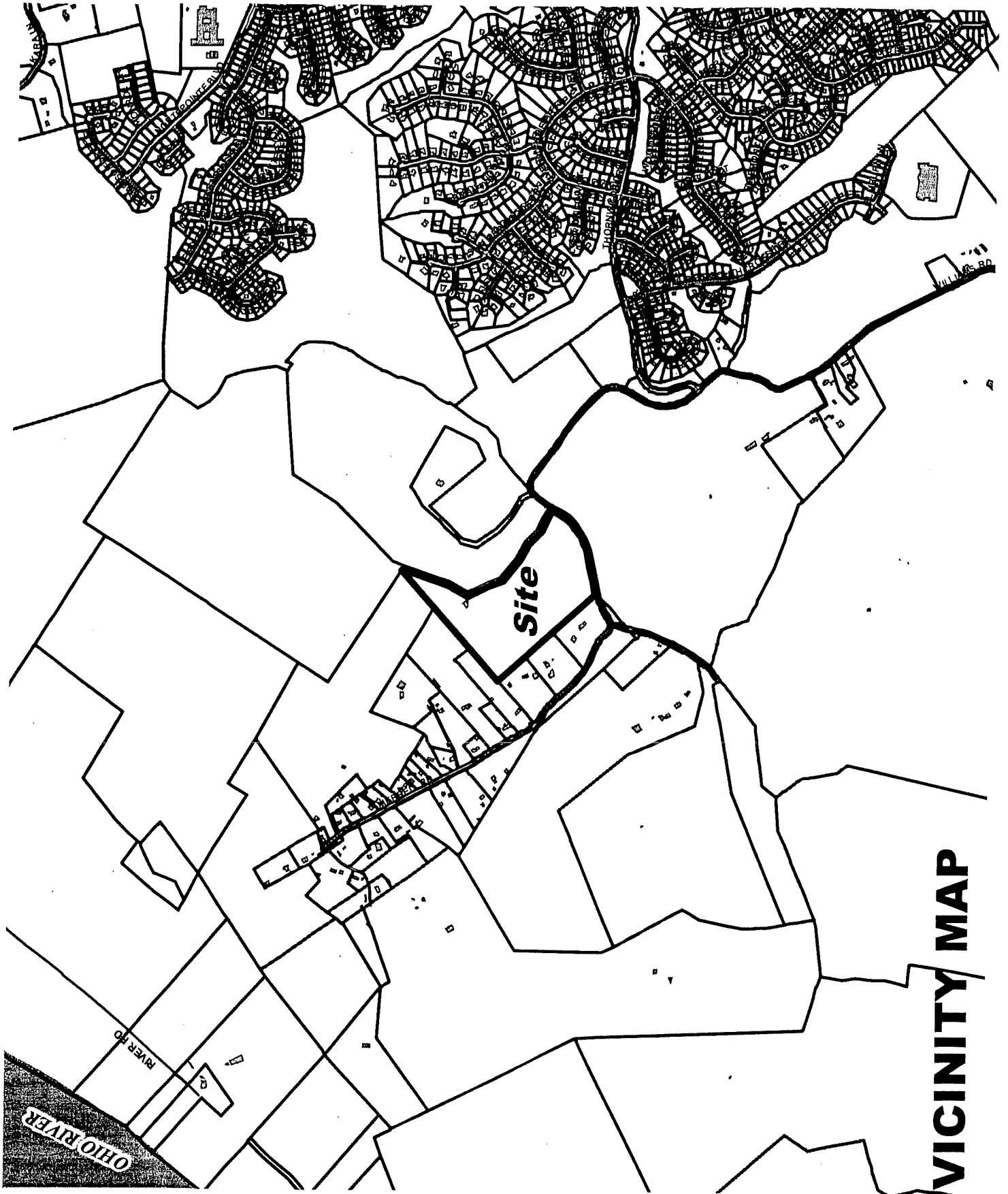


Mitchell A. Light  
Asst. Zoning Administrator/Enforcement Officer

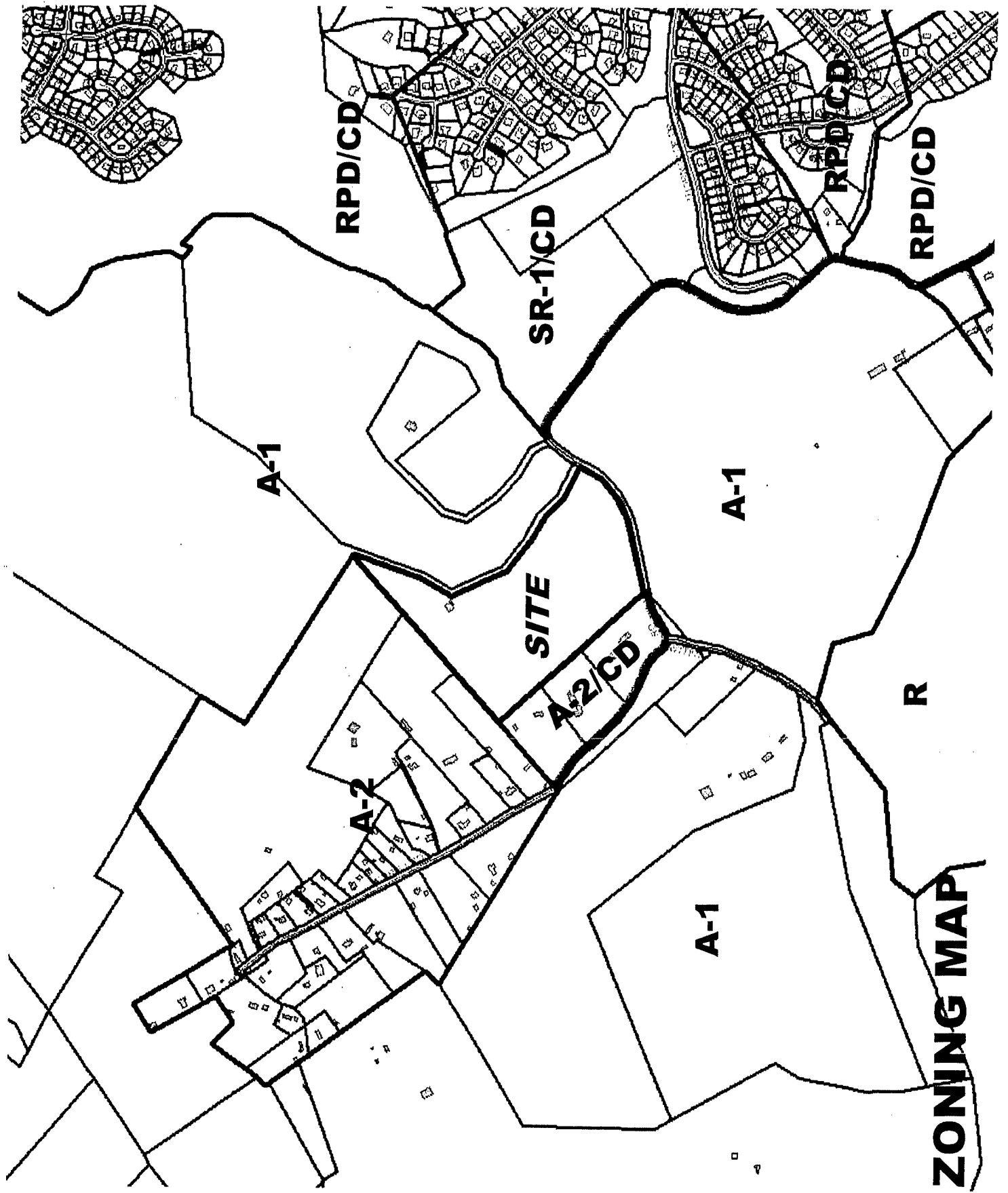
MAL/dw

### Attachments:

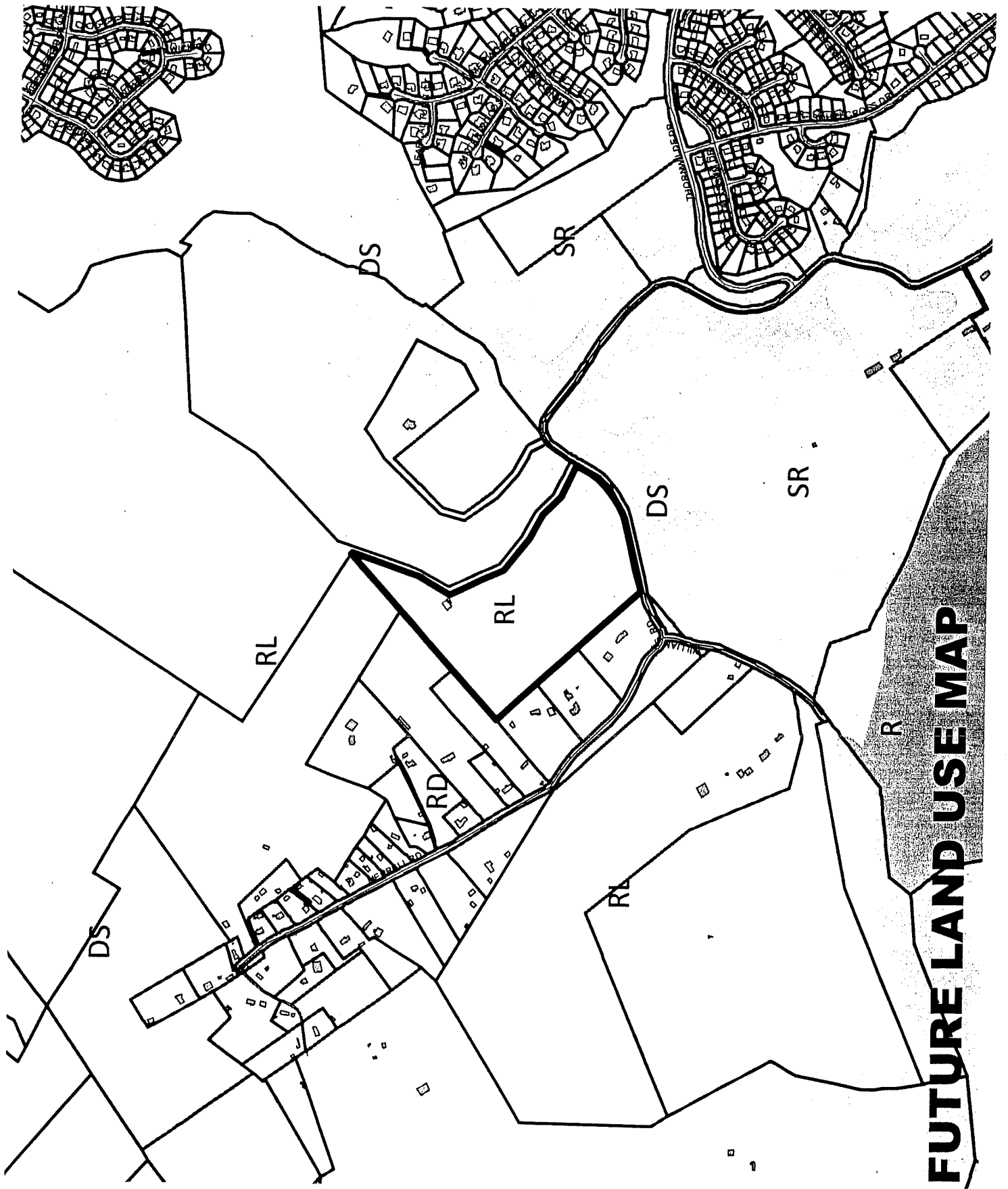
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography and Drainage
- Existing Waterlines
- Memo from Greg Sketch, Boone County Engineer
- Concept Development Plan
- Application



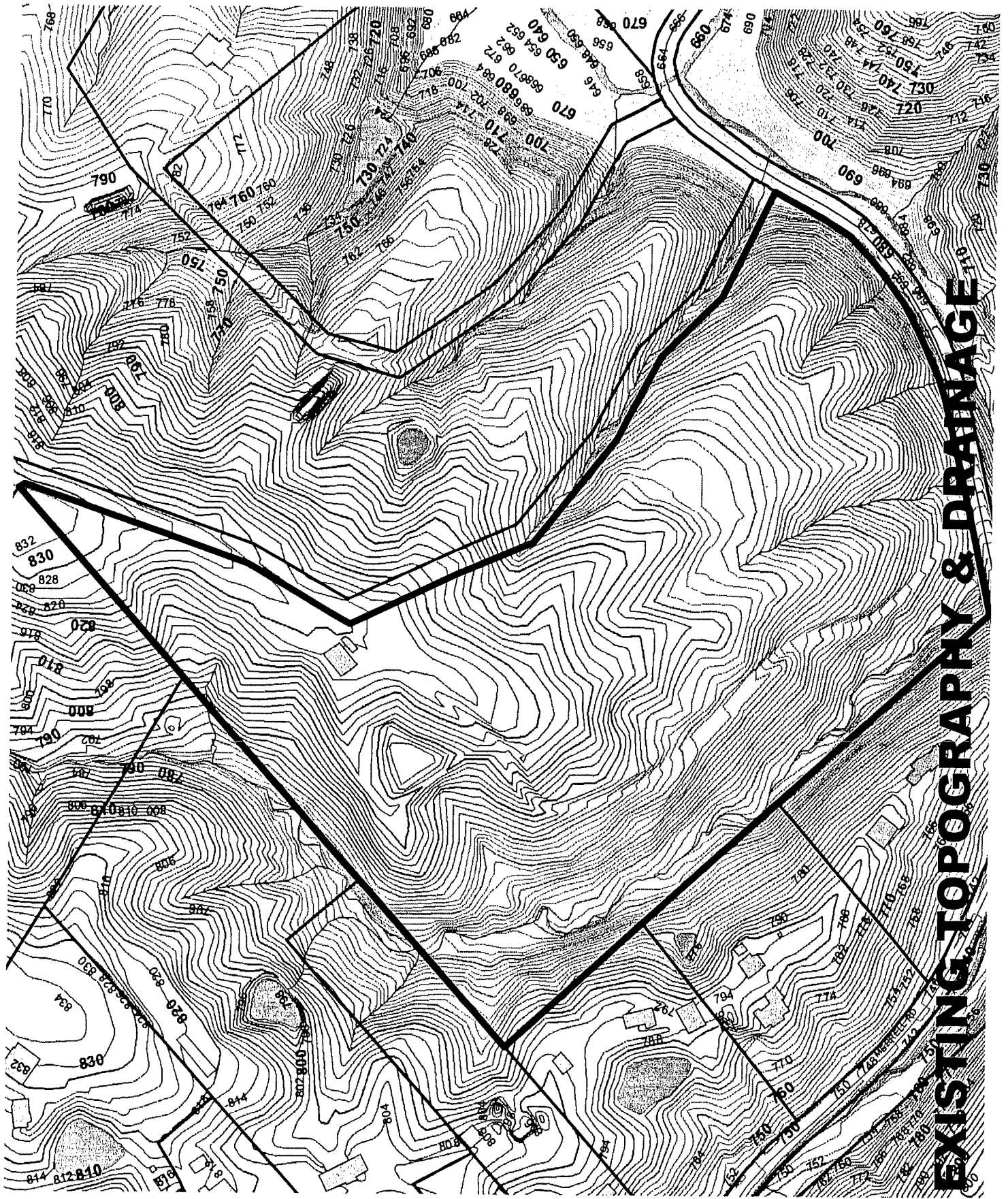
**VICINITY MAP**



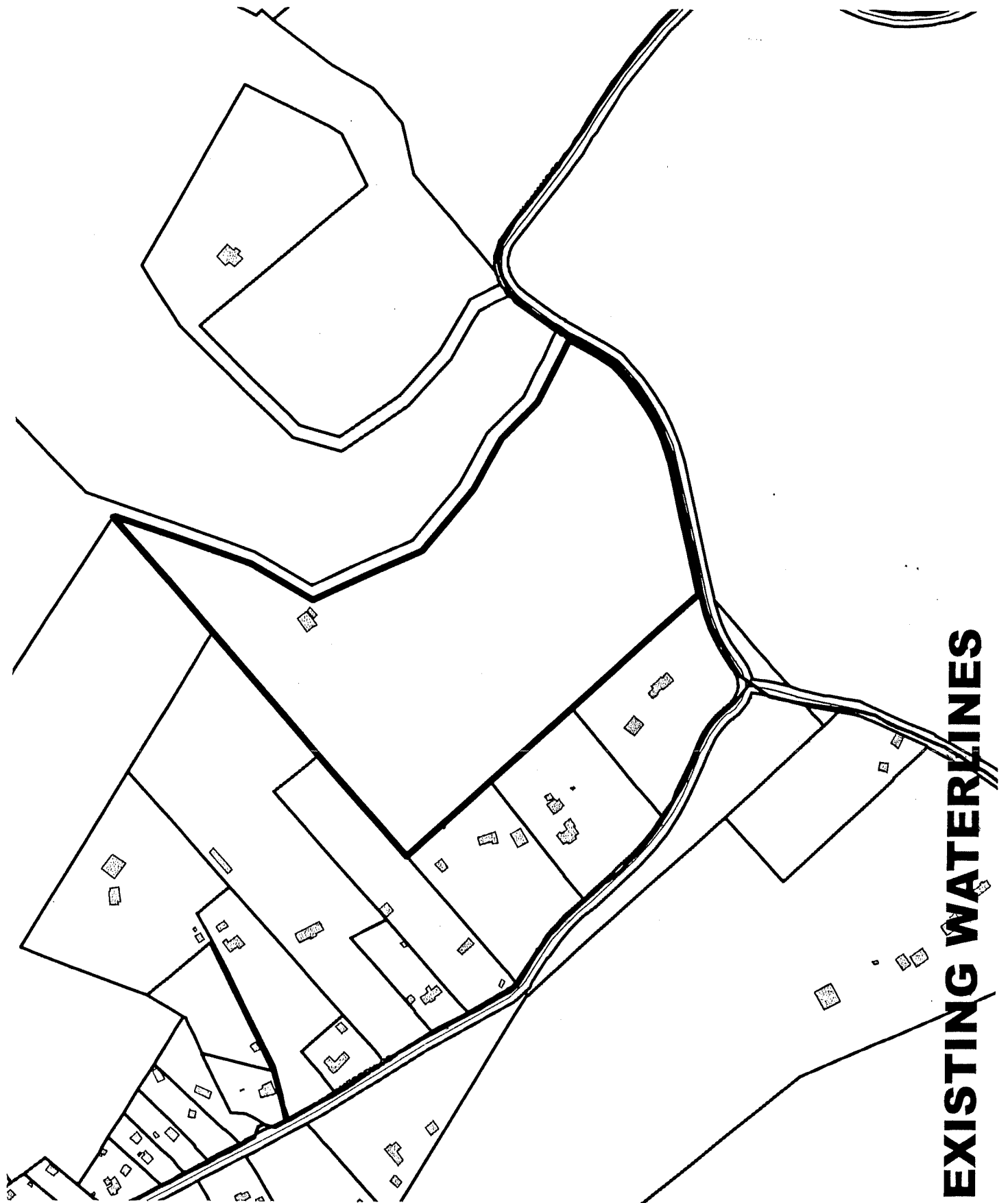
**ZONING MAP**



**FUTURE LAND USE MAP**

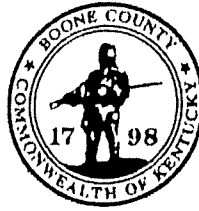


**EXISTING TOPOGRAPHY & DRAINAGE**



**EXISTING WATERLINES**

GARY W. MOORE  
County Judge-Executive



GREGORY V. SKETCH, PE, PLS  
County Engineer

JEFFREY S. EARLYWINE  
County Administrator

**PUBLIC WORKS DEPARTMENT**

[www.BooneCountyKy.org](http://www.BooneCountyKy.org)  
5645 Idlewild Road  
Burlington, KY 41005  
(859) 334-3600  
Fax (859) 334-3598

**M E M O R A N D U M**

**TO:** Mitch Light, Assistant Zoning Administrator  
Boone County Planning Commission

**FROM:** Greg Sketch, PE, PLS  
Boone County Engineer

**RE:** **Proposed Zoning Map Amendment Located on Williams Road**

**DATE:** October 30, 2012

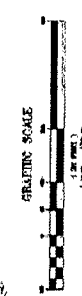
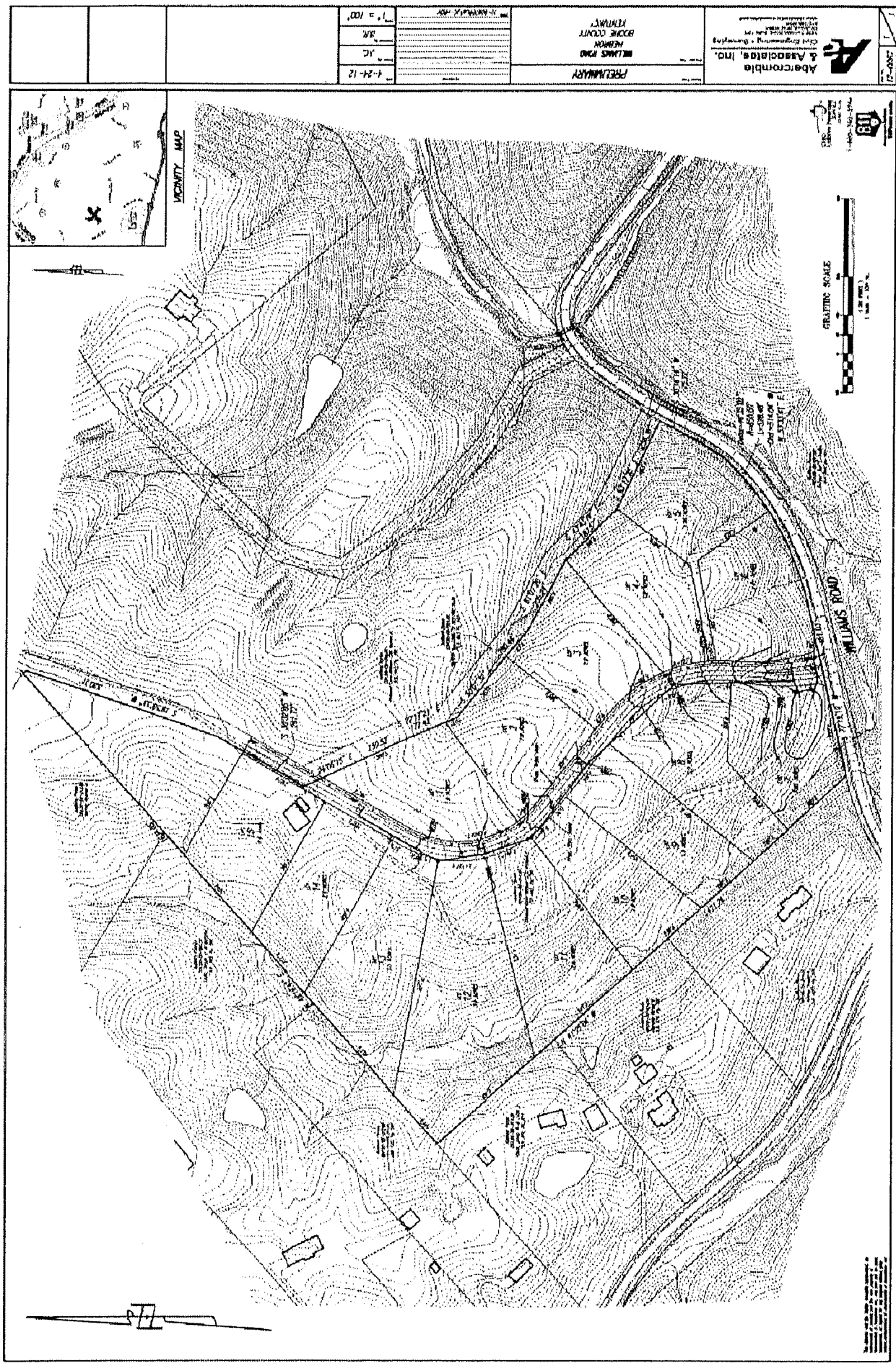
This is in response to your request for input concerning the request for the approval of a zoning map amendment for Michael R. Kirkwood and Carol W. Kirkwood on a 36.3 acre tract of land located on Williams Road near the intersection of Merrell Road. Boone County Public Works has two potential concerns with this proposal and one recommendation. The concerns are the sight distance at the intersection of the proposed street and Williams Road, and if the proposed road will be a publicly dedicated road. The recommendation is that no lot should have access to William Road.

The sight distances must meet the County Subdivision Regulations and if the road is to be publicly dedicated, it must meet the current County Specifications. If the road will not be publicly dedicated, it should be stated that there will be no requests in the future for it to be publicly dedicated.

Thank you for the opportunity for input in this matter.

c: Jeff Earlywine, Boone County Administrator

# CONCEPT DEVELOPMENT PLAN



**Abercrombie & Associates, Inc.**  
Civil Engineering & Surveying  
12345 Main Street  
Abercrombie, FL 32112  
Tel: (407) 123-4567  
Fax: (407) 987-6543  
www.aberacrombie.com

**PRELIMINARY**  
WILLIAMS ROAD  
HERNON  
BOONE COUNTY  
FLORIDA

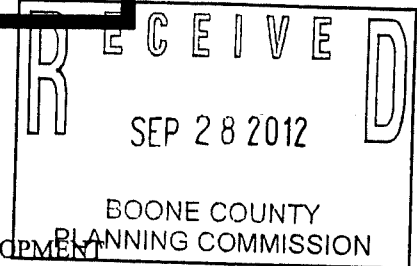
NO.	DATE	DESCRIPTION
1	1-24-12	J.C.
2		J.M.
3		J.L.

DATE	BY	REVISION
1-24-12	J.C.	1



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED (See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project MICHAEL AND CAROL KIRKWOOD DEVELOPMENT
2. Location of Project 36.299 ACRES FRONTING ON THE NORTH SIDE OF WILLIAMS RD WEST OF 1354
3. Total Acreage of Site 36.30
4. Current Zoning of Site A-1
5. Proposed Zoning (Classification being requested) A-2
6. Proposed Uses (please specify each use) 2 ACRE RESIDENTIAL ESTATE LOTS
7. Names of Applicant(s) MICHAEL R. AND CAROL W. KIRKWOOD
8. Address of Applicant(s) 1354 WILLIAMS ROAD, HEBRON KY 41048
9. Name of Property Owner(s) CAROL WHITSON KIRKWOOD
10. Address of Property Owner(s) 1354 WILLIAMS ROAD, HEBRON KY 41048
11. Proposed Building Intensities (please specify) MINIMUM RESIDENTIAL LOT SIZE OF TWO ACRES
12. Are there any existing buildings on the site? YES
13. Deed Book 443 Page No. 291 290 Group No. 2001
14. Are you also applying for: Conditional Use Permit, Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
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 YES
Florence Public Services Dept. NO
Duke Energy NO
Sanitation District #1 YES
Cincinnati Bell NO
Owen Electric Cooperative, Inc. YES
Boone County Public Works Department YES
Kentucky Transportation Cabinet YES
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport) NO

(over)

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARING  
NOVEMBER 7, 2012  
7:30 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Ben Brandstetter, Temporary Presiding Officer  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Jim Longano  
Mr. Don McMillian  
Ms. Lisa Reeves  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Ms. Susan Schultz  
Mr. Bob Schwenke

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO

Mr. Rolfsen, Chairman, called the Public Hearing to order at 7:30 P.M. and introduced the item on the Agenda:

**ZONING MAP AMENDMENT - Mitch Light, Staff**

1. Request of **Michael R. Kirkwood and Carol W. Kirkwood (applicants)** for **Carol Whitson Kirkwood (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for a 36.3 acre site located on the north side of Williams Road to the immediate east and north of the property at 1246 Merrell Road, and approximately 360 feet east of the Williams Road/Merrell Road intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). Mr. Light stated that the proposed use is a subdivision for detached single family residences. The submitted Concept Development Plan shows 15 lots ranging in size from 1.9 to 3.8 acres. The proposed subdivision street is shown extending to the neighboring property to the east for possible future development. Public water is available on the east side of the proposed street. No sanitary sewer is being proposed. The only structure on the property is a barn, which will be removed. Mr. Light then proceeded to explain the dimensional requirements in an A-2 zoning district and described the surrounding zoning. On the north side, properties fronting on Merrell Road are zoned A-2. To the east, there are additional properties either owned or partially owned by Dr. Kirkwood that are zoned A-1. On the south side and across Williams Road, there is property zoned A-1. To the west, there are properties fronting on Merrell Road subject to a Concept Development and zoned A-2/CD. This plan was approved in 1998 and allowed for the construction of 3 houses. The Future Land Use Map shows that the subject property is mostly Rural Lands (RL) with a portion of Developmentally Sensitive (DS). The RL designation allows for wooded, agricultural, recreational and low density residential uses (up to 1 dwelling unit per 2 acres). Mr. Light described the DS land use classification on page 2 of the Staff Report. The Land Use Element refers to this general area by stating that "land in the Williams Road area, north of I-275 is suitable for some Suburban Density (SR) residential development now that Worldwide Boulevard is completed and water and sanitary sewer are available." Mr. Light showed photographs of the site and adjoining properties. Sanitary sewer service is not available at the site. The closest sanitary sewer location is Thornwilde Subdivision. Water service is located on the north side of Merrell Road. He showed the location of the current site access and the proposed public road, which will be located east of the existing driveway to where the barn is located. The proposed road will be stubbed to the adjacent property. A "T" turn around or a cul-de-sac will be built at the end of the proposed public road.

Mr. Light presented more photographs of Merrell Road including the curve and width of the road. Mr. Light noted the Staff Comments, which included the 16 foot width of Williams Road near the proposed subdivision street. Staff suggests there be no driveway access from the lots having frontage on Williams Road and that the existing tree cover (especially along the creek to the west) be retained. Further, a cul-de-sac or "T" turn around at the end of the proposed subdivision street be required and reviewed by Staff and the County Engineer. The County Engineer has submitted written

comments, which includes sight distance at the intersection of the proposed street with Williams Road and no driveway access from the lots with frontage on Williams Road. The proposed development will also require subdivision approval by the Planning Commission. Finally, Mr. Light stated that both the Planning Commission and the Fiscal Court must review the request on the basis of its relationship to the Comprehensive Plan and the three criteria necessary for a Zoning Map Amendment.

Chairman Rolfsen asked Staff to clarify the location of the proposed development. Mr. Light used the vicinity map and the Zoning Map to show the exact location of the site. Chairman Rolfsen asked which property would the site be stubbed into the future? Mr. Light stated it was property owned by Dr. Kirkwood or a future phase of the project. He explained that topography changes north and east of the project site.

Mr. Kevin Costello asked if the County had a concern about the width of Williams Road where the project site is located? The proposed project is considered relatively small and Williams Road has been widened at various times in the past. Mr. Light responded that the County Engineer expressed two concerns - site distance and if the road is public. Mr. Light stated that the width of Williams Road varies from 24 feet to 16 feet.

Mr. Bungler asked Mr. Light to point out where the width of Williams Road changes from 24 feet to a narrower width? Mr. Light referred to the photograph and noted that the 24 feet is near Thornwilde. It slowly tapers. It narrows to 16 feet once you pass the curve in the road.

Mr. Brandstetter asked Mr. Light to show the location of the existing driveway on the site? Mr. Light showed the driveway and the bend in the road and it has very good sight distance. Mr. Brandstetter inquired whether the developer was going to have only one access point? Mr. Light stated only one and no additional with this phase of the project.

At this time, Chairman Rolfsen asked for the applicant to proceed with their presentation. Mr. Bob Rothert, Abercrombie and Associates, stated that he is a civil engineer and is representing Mike and Carol Kirkwood. He reiterated that the site borders existing A-2 property on the north and west sides. In regard to site distance, there is a requirement of 360 feet based upon the 35 miles per hour speed limit. There shouldn't be a problem with meeting this requirement. The proposed street will be public and there will be no access from lots along Williams Road. There is only one single access point off Williams, which will be the interior street. The existing vegetation around the perimeter of the site will be saved. There will be minimal clearing for just the access road area. There is no public sanitary sewer planned for the development. It is not feasible since the closest sanitary sewer pump station is uphill for Thornwilde Subdivision. The lots will have on-site septic systems. Tom and Lynn Sutter will be partners in the project. Sutter Homes will be building the new houses.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Ms. Tracy Vanarsdale, 1120 Merrell Road, stated she has lived in the area for all of her life. She was not aware that she was zoned A-2. She thought she was still zoned A-1. Williams Road has problems. It is narrow, curvy and has a steep drop along the creek. The road should be relocated or else a guardrail could be installed. The road is slipping or falling away in 2 areas. The existing Williams Road is fill material because the road was relocated many years ago. Boone County Public Works did install some pylons to stabilize the road but not in the location that she has identified as the road "caving in" to the creek. Ms. Vanarsdale also expressed a concern about traffic. There is not a site distance issue based upon the proposed location of the public road. No one follows the speed limit of 35 miles per hour. She suggested that the site be developed based upon the existing zoning of A-1 or five acre lots. The recent development of the 3 lots in the area are estate-type lots. She prefers 3 - 4 acre lots. If the project is approved, there will be at least 2 neighbors who will be looking into her backyard.

Chairman Rolfsen asked if the Commissioners had any questions or comments about the project?

Mr. McMillian inquired about the proposed flag lot. He questioned whether they were permitted. Mr. Light responded that flag lots are permitted. Chairman Rolfsen asked if the applicant is adamant about keeping the flag lot? Mr. Rothert stated yes.

Mr. McMillian expressed a concern of the existing estate lots and the impact of the proposed development. There are a lot of backyards. Mr. Rothert stated that the lots adjoining the A-2 on the west side are 450 feet deep. There is a creek and a lot of vegetation in the area, which will separate the existing residents and the new residents. The houses will be placed based on the topography. The houses will have to be located close to the proposed road.

Ms. Peggy Taylor, 1084 Merrell Road, noted that her property is located on the back side of the proposed site. She expressed a concern about erosion control because of the steep topography and creek and a barrier to screen outdoor activity. Mr. Light identified Ms. Taylor's property and the impact of the lots closest to her property. Mr. Rothert explained that the area in question is heavily vegetated and has a steep slope. It will not be disturbed as they want to save as many trees as possible. Ms. Taylor also mentioned the improvement of Williams Road and the County's role to make improvements when Thornwilde Subdivision was expanded. She requested that the Planning Commission look into the issue with the County of widening Williams Road from the bend into the road near Mr. Kirkwood's residence to where it intersects with Merrell Road. Mr. Costello stated that the County owns the road and they will decide if and when the road is widened. He stated that he would forward the concern to the County. There have been some improvements to Williams Road in the past. There is a lane width issue which may affect safety.

Dr. Mike Kirkwood, applicant, stated that he lives on the property and he and his wife have a vested interest in the project because they live in the area. He feels that the proposed project is a responsible development for the area. He owns property from

Thornwilde to Northpointe. The density to the east is much higher than the proposed project. It is an extremely low density project. It is his neighborhood since he also lives there. Everyone in the area is already zoned A-2. They are not asking for anything different than what is in the area.

Ms. Virginia Plottel, 1246 Merrell Road, stated that the project is not a bad idea but expressed a concern about real estate taxes because of the proposed project. What will be the change in terms of assessment? Mr. Costello explained that the Planning Commission doesn't get involved in property tax rates, assessments or amounts.

Mr. Adam Vanarsdale, 1120 Merrell Road, emphasized that the road is a big issue. There is an old bridge near the curve. It was put in the 1970's and there will be issues with it due to its age and the increase in traffic. Expansion of the road is difficult because of the steep slope - a drop of 20 - 25 feet and the existing creek. Mr. Vanarsdale stated that the site is about 5,000 - 7,500 feet from Traditions Golf Course.

Mr. Bunger asked if there is a weight limit on the bridge? Mr. Vanarsdale responded yes but the sign is missing. Erosion occurs on both sides of the road. It is a difficult road to drive in the winter because of snow.

Dr. Kirkwood noted there were some storm water watershed issues from Thornwilde Subdivision. The County made some improvements along his property line and it has worked. He thought that the bridge won't be a problem especially with 16 lots.


Mr. Gerald Stewart, 1200 Merrell Road, asked if there is adequate septic systems for the lots? Mr. Rothert noted that the lots have not been tested. Mr. Costello explained that the proposed septic tank system has to be approved by the Northern Kentucky Health District. The developer and the Health District will decide the number of lots based upon soil conditions and the Planning Commission will determine a maximum number of lots based on zoning. The Building Department will require a private septic tank sewer permit prior to the issuance of a building permit.

Ms. Tracy Vanarsdale inquired about the 25 foot rear building setback? Mr. Light responded that it is a minimum requirement. Ms. Vanarsdale indicated a concern for Lot 17, retaining the existing vegetation and building closer to the rear lot line. Mr. Light explained that the Planning Commission could require an increase in the size of the setback or identify disturbed limits.

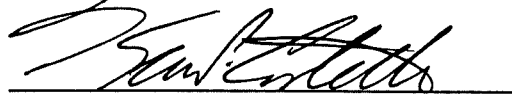
Ms. Angela Adams, 1246 Merrell Road, asked about the possibility of sidewalks on Williams Road? Chairman Rolfsen referred the sidewalk issue to the Zone Change Committee.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 21, 2012 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on December 5, 2012 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:20 P.M.

APPROVED:

  
Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
JANUARY 2, 2013  
7:10 P.M.**

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Chairman Rolfsen welcomed the audience to the Planning Commission's January 2nd Business Meeting. He invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Ben Brandstetter, Temporary Presiding Officer  
Mr. Greg Breetz  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Jim Longano  
Mr. Don McMillian  
Mr. Charlie Rolfsen, Chairman  
Ms. Susan Schultz  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Ms. Lisa Reeves  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO  
Mr. Todd K. Morgan, AICP, Senior Planner

**Approval of the Minutes:**

Mr. Rolfsen stated that the Commissioners received copies of the Minutes of the December 5, 2012 Business Meeting and Public Hearings. He asked if there were any comments or corrections. There being no changes to the Minutes, **Mr. Ford moved that the Minutes be approved as written. Mr. Turner seconded the motion and it carried unanimously.**

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT - Mitch Light, Staff; Ben Brandstetter, Chairman

1. Request of Michael R. Kirkwood and Carol W. Kirkwood (applicants) for Carol Whitson Kirkwood (owner) for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for a 36.3 acre site located on the north side of Williams Road to the immediate east and north of the property at 1246 Merrell Road, and approximately 360 feet east of the Williams Road/Merrell Road intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

Staff Member, Mitch Light, read the Committee Report, which recommended approval with conditions (see Committee Report). Mr. Light noted that the Committee voted unanimously for the project with Mr. Brandstetter, Mr. Bunger, Ms. Schultz and Mrs. Kegley voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience, who wanted to speak in favor or against the request for a 5 minute time limit.

Mr. Bob Rotherth, Abercrombie and Associates, stated that he had no other comments but would be available to answer any questions on behalf of the applicants. Seeing no one else in the audience who wanted to speak, **Mr. Brandstetter moved to approve the request subject to conditions by Resolution to the Boone County Fiscal Court. Mr. Bunger seconded the motion.** Chairman Rolfsen asked the Commission members if they had any further questions or comments?

Mr. Hicks questioned condition #4. Is it really necessary? It gives the adjoining property owners a false hope - many existing trees as possible? If they cut a tree down, you can't make them put one up. The applicant will cut down the fewest amount of trees possible because it will cost them money anyway. Mr. Light stated that it only affects the construction period. Mrs. Kegley stated that the trees were important to the neighbors. The condition is an attempt to address their concern. The developer will act in good faith. The idea is not to prevent someone from trimming a tree or removing a dying tree. Mr. Hicks agreed that they will not take more trees out than they need to in order to build a house. He expressed a concern that every time a tree is removed may result in a phone call to Staff and time spent to respond. It is their property and they shouldn't be told what to take out. Ms. Carole Kirkwood, (applicant) stated she agreed with Mr. Hicks and it is a voice of reason. She showed some photos of the area. The vegetation is heavy and one could remove some trees and you would never know the difference. They really want to remove the existing walnut trees based upon the recommendation of the Kentucky Division of Forestry. They are okay with the condition. They met with the adjoining property owners and they are on the same page or are in agreement.

**At this time, Chairman Rolfsen asked for a vote on the original motion made by Mr. Brandstetter and seconded by Mr. Bunger. The motion passed unanimously.**

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Ben Brandstetter, Chairman

**DATE:** January 2, 2013

**RE:** Request of **Michael R. Kirkwood and Carol W. Kirkwood (applicants)** for **Carol Whitson Kirkwood (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for a 36.3 acre site located on the north side of Williams Road to the immediate east and north of the property at 1246 Merrell Road, and approximately 360 feet east of the Williams Road/Merrell Road intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

**REMARKS:**

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

Findings of Fact

1. The Committee has concluded that the request is in agreement with the 2010 Boone County Comprehensive Plan for the following reasons:
  - A. The Future Land Use Map of the 2010 Comprehensive Plan shows the subject property as Rural Lands (RL) and Developmentally Sensitive (DS):  
  
RL: "Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."  
  
DS: "Areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character."
2. The Committee has concluded that the request is in agreement with the 2010 Goals and Objectives of the Boone County Comprehensive Plan for the following reasons:

Overall, Objective 4, states "Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed."

Environment, Objective 2, states "New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community."

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

#### CONDITIONS

1. The Property Owner agrees that there be no driveway access from the lots with frontage on Williams Road.
2. The Property Owner agrees to construct a temporary t-turn around at the end of the proposed public street. The t-turn around shall be in place until such time as future development requires that the street be extended. The t-turn around shall be removed at that time.
3. The Property Owner agrees to increase the rear yard building setback for the principal structure from 25' to 50' for lots 7-15 only.
4. During construction, the Property Owner agrees to retain as many of the existing trees as possible to the rear of the proposed lots and along the creek to the west on Lots 7-15. However, a total of eighteen (18) walnut trees on the property will be harvested. Eight (8) of those trees are within the 50' rear yard setback. A "Disturb Limits" line will be shown on the preliminary plat and improvement plans to ensure compliance with these items.

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

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARING  
NOVEMBER 7, 2012  
7:30 P.M.**

---

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Ben Brandstetter, Temporary Presiding Officer  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Jim Longano  
Mr. Don McMillian  
Ms. Lisa Reeves  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Ms. Susan Schultz  
Mr. Bob Schwenke

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO

Mr. Rolfsen, Chairman, called the Public Hearing to order at 7:30 P.M. and introduced the item on the Agenda:

**ZONING MAP AMENDMENT - Mitch Light, Staff**

1. Request of **Michael R. Kirkwood and Carol W. Kirkwood (applicants)** for **Carol Whitson Kirkwood (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for a 36.3 acre site located on the north side of Williams Road to the immediate east and north of the property at 1246 Merrell Road, and approximately 360 feet east of the Williams Road/Merrell Road intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). Mr. Light stated that the proposed use is a subdivision for detached single family residences. The submitted Concept Development Plan shows 15 lots ranging in size from 1.9 to 3.8 acres. The proposed subdivision street is shown extending to the neighboring property to the east for possible future development. Public water is available on the east side of the proposed street. No sanitary sewer is being proposed. The only structure on the property is a barn, which will be removed. Mr. Light then proceeded to explain the dimensional requirements in an A-2 zoning district and described the surrounding zoning. On the north side, properties fronting on Merrell Road are zoned A-2. To the east, there are additional properties either owned or partially owned by Dr. Kirkwood that are zoned A-1. On the south side and across Williams Road, there is property zoned A-1. To the west, there are properties fronting on Merrell Road subject to a Concept Development and zoned A-2/CD. This plan was approved in 1998 and allowed for the construction of 3 houses. The Future Land Use Map shows that the subject property is mostly Rural Lands (RL) with a portion of Developmentally Sensitive (DS). The RL designation allows for wooded, agricultural, recreational and low density residential uses (up to 1 dwelling unit per 2 acres). Mr. Light described the DS land use classification on page 2 of the Staff Report. The Land Use Element refers to this general area by stating that "land in the Williams Road area, north of I-275 is suitable for some Suburban Density (SR) residential development now that Worldwide Boulevard is completed and water and sanitary sewer are available." Mr. Light showed photographs of the site and adjoining properties. Sanitary sewer service is not available at the site. The closest sanitary sewer location is Thornwilde Subdivision. Water service is located on the north side of Merrell Road. He showed the location of the current site access and the proposed public road, which will be located east of the existing driveway to where the barn is located. The proposed road will be stubbed to the adjacent property. A "T" turn around or a cul-de-sac will be built at the end of the proposed public road.

Mr. Light presented more photographs of Merrell Road including the curve and width of the road. Mr. Light noted the Staff Comments, which included the 16 foot width of Williams Road near the proposed subdivision street. Staff suggests there be no driveway access from the lots having frontage on Williams Road and that the existing tree cover (especially along the creek to the west) be retained. Further, a cul-de-sac or "T" turn around at the end of the proposed subdivision street be required and reviewed by Staff and the County Engineer. The County Engineer has submitted written

comments, which includes sight distance at the intersection of the proposed street with Williams Road and no driveway access from the lots with frontage on Williams Road. The proposed development will also require subdivision approval by the Planning Commission. Finally, Mr. Light stated that both the Planning Commission and the Fiscal Court must review the request on the basis of its relationship to the Comprehensive Plan and the three criteria necessary for a Zoning Map Amendment.

Chairman Rolfsen asked Staff to clarify the location of the proposed development. Mr. Light used the vicinity map and the Zoning Map to show the exact location of the site. Chairman Rolfsen asked which property would the site be stubbed into the future? Mr. Light stated it was property owned by Dr. Kirkwood or a future phase of the project. He explained that topography changes north and east of the project site.

Mr. Kevin Costello asked if the County had a concern about the width of Williams Road where the project site is located? The proposed project is considered relatively small and Williams Road has been widened at various times in the past. Mr. Light responded that the County Engineer expressed two concerns - site distance and if the road is public. Mr. Light stated that the width of Williams Road varies from 24 feet to 16 feet.

Mr. Bunger asked Mr. Light to point out where the width of Williams Road changes from 24 feet to a narrower width? Mr. Light referred to the photograph and noted that the 24 feet is near Thornwilde. It slowly tapers. It narrows to 16 feet once you pass the curve in the road.

Mr. Brandstetter asked Mr. Light to show the location of the existing driveway on the site? Mr. Light showed the driveway and the bend in the road and it has very good sight distance. Mr. Brandstetter inquired whether the developer was going to have only one access point? Mr. Light stated only one and no additional with this phase of the project.

At this time, Chairman Rolfsen asked for the applicant to proceed with their presentation. Mr. Bob Rothert, Abercrombie and Associates, stated that he is a civil engineer and is representing Mike and Carol Kirkwood. He reiterated that the site borders existing A-2 property on the north and west sides. In regard to site distance, there is a requirement of 360 feet based upon the 35 miles per hour speed limit. There shouldn't be a problem with meeting this requirement. The proposed street will be public and there will be no access from lots along Williams Road. There is only one single access point off Williams, which will be the interior street. The existing vegetation around the perimeter of the site will be saved. There will be minimal clearing for just the access road area. There is no public sanitary sewer planned for the development. It is not feasible since the closest sanitary sewer pump station is uphill for Thornwilde Subdivision. The lots will have on-site septic systems. Tom and Lynn Sutter will be partners in the project. Sutter Homes will be building the new houses.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Ms. Tracy Vanarsdale, 1120 Merrell Road, stated she has lived in the area for all of her life. She was not aware that she was zoned A-2. She thought she was still zoned A-1. Williams Road has problems. It is narrow, curvy and has a steep drop along the creek. The road should be relocated or else a guardrail could be installed. The road is slipping or falling away in 2 areas. The existing Williams Road is fill material because the road was relocated many years ago. Boone County Public Works did install some pylons to stabilize the road but not in the location that she has identified as the road "caving in" to the creek. Ms. Vanarsdale also expressed a concern about traffic. There is not a site distance issue based upon the proposed location of the public road. No one follows the speed limit of 35 miles per hour. She suggested that the site be developed based upon the existing zoning of A-1 or five acre lots. The recent development of the 3 lots in the area are estate-type lots. She prefers 3 - 4 acre lots. If the project is approved, there will be at least 2 neighbors who will be looking into her backyard.

Chairman Rolfsen asked if the Commissioners had any questions or comments about the project?

Mr. McMillian inquired about the proposed flag lot. He questioned whether they were permitted. Mr. Light responded that flag lots are permitted. Chairman Rolfsen asked if the applicant is adamant about keeping the flag lot? Mr. Rothert stated yes.

Mr. McMillian expressed a concern of the existing estate lots and the impact of the proposed development. There are a lot of backyards. Mr. Rothert stated that the lots adjoining the A-2 on the west side are 450 feet deep. There is a creek and a lot of vegetation in the area, which will separate the existing residents and the new residents. The houses will be placed based on the topography. The houses will have to be located close to the proposed road.

Ms. Peggy Taylor, 1084 Merrell Road, noted that her property is located on the back side of the proposed site. She expressed a concern about erosion control because of the steep topography and creek and a barrier to screen outdoor activity. Mr. Light identified Ms. Taylor's property and the impact of the lots closest to her property. Mr. Rothert explained that the area in question is heavily vegetated and has a steep slope. It will not be disturbed as they want to save as many trees as possible. Ms. Taylor also mentioned the improvement of Williams Road and the County's role to make improvements when Thornwilde Subdivision was expanded. She requested that the Planning Commission look into the issue with the County of widening Williams Road from the bend into the road near Mr. Kirkwood's residence to where it intersects with Merrell Road. Mr. Costello stated that the County owns the road and they will decide if and when the road is widened. He stated that he would forward the concern to the County. There have been some improvements to Williams Road in the past. There is a lane width issue which may affect safety.

Dr. Mike Kirkwood, applicant, stated that he lives on the property and he and his wife have a vested interest in the project because they live in the area. He feels that the proposed project is a responsible development for the area. He owns property from

Thornwilde to Northpointe. The density to the east is much higher than the proposed project. It is an extremely low density project. It is his neighborhood since he also lives there. Everyone in the area is already zoned A-2. They are not asking for anything different than what is in the area.

Ms. Virginia Plottel, 1246 Merrell Road, stated that the project is not a bad idea but expressed a concern about real estate taxes because of the proposed project. What will be the change in terms of assessment? Mr. Costello explained that the Planning Commission doesn't get involved in property tax rates, assessments or amounts.

Mr. Adam Vanarsdale, 1120 Merrell Road, emphasized that the road is a big issue. There is an old bridge near the curve. It was put in the 1970's and there will be issues with it due to its age and the increase in traffic. Expansion of the road is difficult because of the steep slope - a drop of 20 - 25 feet and the existing creek. Mr. Vanarsdale stated that the site is about 5,000 - 7,500 feet from Traditions Golf Course.

Mr. Bunger asked if there is a weight limit on the bridge? Mr. Vanarsdale responded yes but the sign is missing. Erosion occurs on both sides of the road. It is a difficult road to drive in the winter because of snow.

Dr. Kirkwood noted there were some storm water watershed issues from Thornwilde Subdivision. The County made some improvements along his property line and it has worked. He thought that the bridge won't be a problem especially with 16 lots.

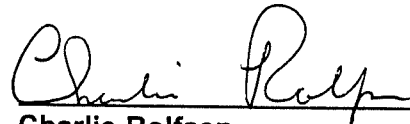
Mr. Gerald Stewart, 1200 Merrell Road, asked if there is adequate septic systems for the lots? Mr. Rotherth noted that the lots have not been tested. Mr. Costello explained that the proposed septic tank system has to be approved by the Northern Kentucky Health District. The developer and the Health District will decide the number of lots based upon soil conditions and the Planning Commission will determine a maximum number of lots based on zoning. The Building Department will require a private septic tank sewer permit prior to the issuance of a building permit.

Ms. Tracy Vanarsdale inquired about the 25 foot rear building setback? Mr. Light responded that it is a minimum requirement. Ms. Vanarsdale indicated a concern for Lot 17, retaining the existing vegetation and building closer to the rear lot line. Mr. Light explained that the Planning Commission could require an increase in the size of the setback or identify disturbed limits.

Ms. Angela Adams, 1246 Merrell Road, asked about the possibility of sidewalks on Williams Road? Chairman Rolfsen referred the sidewalk issue to the Zone Change Committee.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 21, 2012 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on December 5, 2012 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:20 P.M.

APPROVED:

  
\_\_\_\_\_  
Charlie Rolfsen  
Chairman

Attest:

  
\_\_\_\_\_  
Kevin P. Costello, AICP  
Executive Director

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman


DATE: November 21, 2012

RE: Request of Michael R. Kirkwood and Carol W. Kirkwood (applicants) for Carol Whitson Kirkwood (owner) for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for a 36.3 acre site located on the north side of Williams Road to the immediate east and north of the property at 1246 Merrell Road, and approximately 360 feet east of the Williams Road/Merrell Road intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

### REMARKS:

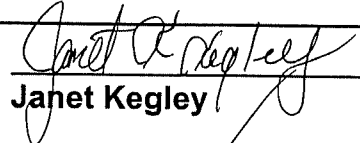
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Kirkwood  
November 21, 2012

  
**Ben Brandstetter, Chairman**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

**Greg Breetz**  
 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 Schultz**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

**Mark Hicks (Alternate)**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

**Jim Longano (Alternate)**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

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

**TOTAL:**  DEFERRED 2 FOR PROJECT 3 ABSENT  
 AGAINST PROJECT  ABSTAIN

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: December 19, 2012

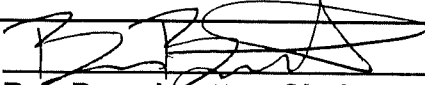
RE: Request of **Michael R. Kirkwood and Carol W. Kirkwood (applicants)** for **Carol Whitson Kirkwood (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for a 36.3 acre site located on the north side of Williams Road to the immediate east and north of the property at 1246 Merrell Road, and approximately 360 feet east of the Williams Road/Merrell Road intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

### REMARKS:

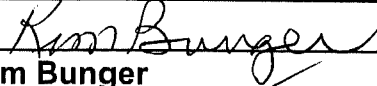
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

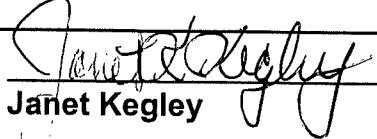
**Kirkwood**

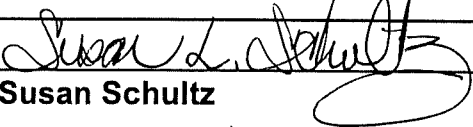
December 19, 2012

  
**Ben Brandstetter, Chairman**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

**Greg Breetz**  
 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 Schultz**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

**Mark Hicks (Alternate)**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

**Jim Longano (Alternate)**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

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

**TOTAL:**  DEFERRED 4 FOR PROJECT 1 ABSENT  
 AGAINST PROJECT  ABSTAIN

# **SUPPORTING INFORMATION**



# **BOONE COUNTY PLANNING COMMISSION**

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

December 21, 2012

Michael R. & Carol W. Kirkwood  
1354 Williams Road  
Hebron, KY 41048

RE: Request of **Michael R. Kirkwood and Carol W. Kirkwood (applicants)** for **Carol Whitson Kirkwood (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for a 36.3 acre site located on the north side of Williams Road to the immediate east and north of the property at 1246 Merrell Road, and approximately 360 feet east of the Williams Road/Merrell Road intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

Dear Mr. & Mrs. Kirkwood:

The following represents the conditions of approval for the above referenced application as recommended by the Boone County Planning Commission at their December 19, 2012, Zone Change Committee Meeting. Please provide the property owner's signature in the space provided at the end of this letter, and return to the Planning Commission office by Monday, December 31, 2012.

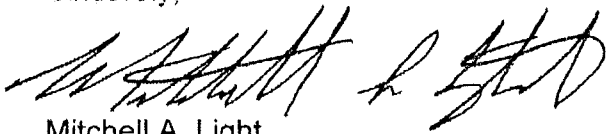
## **CONDITIONS**

1. The Property Owner agrees that there be no driveway access from the lots with frontage on Williams Road.
2. The Property Owner agrees to construct a temporary t-turn around at the end of the proposed public street. The t-turn around shall be in place until such time as future development requires that the street be extended. The t-turn around shall be removed at that time.
3. The Property Owner agrees to increase the rear yard building setback for the principal structure from 25' to 50' for lots 7-15 only.

Michael R. & Carol W. Kirkwood  
December 21, 2012  
Page 2

4. During construction, the Property Owner agrees to retain as many of the existing trees as possible to the rear of the proposed lots and along the creek to the west on Lots 7-15. However, a total of eighteen (18) walnut trees on the property will be harvested. Eight (8) of those trees are within the 50' rear yard setback. A "Disturb Limits" line will be shown on the preliminary plat and improvement plans to ensure compliance with these items.

Sincerely,



Mitchell A. Light  
Assistant Zoning Admin/Enforcement Officer

MAL/dw

AGREEMENT

I, Carol Whitson Kirkwood, do hereby agree to the recommended conditions of approval stated above for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for a 36.3 acre site to allow a subdivision for detached single family residences, Boone County, Kentucky.

Carol W. Kirkwood      December 28, 2012  
Carol Whitson Kirkwood      Date  
(owner)

Sycamore tree; thence north  $24^{\circ} 47' 06''$  east a distance of 239.43 feet across Sand Run Creek to a point near an old stone wall (Mill Race); thence with said wall north  $29^{\circ} 42' 52''$  east a distance of 152.18 feet to a point; thence along the east bank of Sand Run Creek North  $34^{\circ} 48' 49''$  east a distance of 188.00 feet; thence north  $26^{\circ} 27' 39''$  east a distance of 227.20 feet to a point; thence North  $02^{\circ} 48' 48''$  east a distance of 281.36 feet to a point; thence North  $28^{\circ} 23' 53''$  west a distance of 90.60 feet to a point near an old stone wall; thence with said stone wall north  $47^{\circ} 32' 08''$  west a distance of 236.54 feet to a point; thence leaving said stone wall across Sand Run Creek south  $19^{\circ} 59' 45''$  west a distance of 75.96 feet to a Sycamore Tree on the west bank; thence north  $50^{\circ} 33' 00''$  west a distance of 102.69 feet to a set iron pin; thence leaving Sand Run Creek on a new division line with Parcel 1 herein, south  $86^{\circ} 38' 40''$  west a distance of 1,137.33 feet to an iron pin set in an old fence line on the common line of the Elliott and Wainscott Farms; thence with said fence south  $32^{\circ} 27' 40''$  west, a distance of 572.61 feet to an old stone in said fence line; thence on a new division line and with Parcel 1, South  $46^{\circ} 31' 58''$  west, 883.07 feet; South  $19^{\circ} 58' 33''$  west 651.02 feet; South  $30^{\circ} 32' 05''$  west 240.54 feet; South  $24^{\circ} 08' 15''$  east, 234.48 feet; South  $22^{\circ} 17' 21''$  east 165.88 feet; South  $50^{\circ} 01' 32''$  east 263.25 feet; South  $61^{\circ} 07' 20''$  east, 208.03 feet; South  $43^{\circ} 43' 02''$  east 186.59 feet; South  $63^{\circ} 17' 25''$  east, 250.84 feet, to the northwesterly Right of Way of Williams Road and the POINT OF BEGINNING for the herein conveyed parcel.

The herein described parcel contains 104.9519 acres and was surveyed by Cardinal Engineering in December of 1990.

**PARCEL TWO:** Beginning at a point in the northwesterly line of Williams Road at the common corner of a 10.315 acre tract conveyed to Robert Miller by deed recorded in Deed Book 274, page 179, Boone County records, and more particularly described as follows: THENCE with said Miller tract north  $41^{\circ} 25' 06''$  west a distance of 1,421.76 feet to an iron pin in the common line of Van Arsdale as recorded in Deed Book 128, page 508; thence with the Van Arsdale line and that of Taylor and Merrell north  $49^{\circ} 18' 42''$  east a distance of 1,634.65 feet to an old fence corner; thence on a new division line with Parcel 1 herein, South  $29^{\circ} 26' 58''$  east 12.00 feet; South  $19^{\circ} 58' 33''$  west 520.31 feet, South  $30^{\circ} 32' 05''$  west 261.77 feet; South  $24^{\circ} 08' 15''$  east 259.52 feet, South  $22^{\circ} 17' 21''$  east 177.42 feet, South  $50^{\circ} 01' 32''$  east 280.46 feet; South  $61^{\circ} 07' 20''$  east 205.24 feet, South  $43^{\circ} 43' 02''$  east 187.57 feet; South  $63^{\circ} 17' 25''$  east 256.35 feet, to the northwesterly Right of Way of Williams Road; said point lies 30 feet north west of the center line of Williams Road; thence with the northwesterly Right of Way of Williams Road South  $30^{\circ} 16' 16''$  west a distance of 75.22 feet to a point of curve; thence with said curve on a radius of 650.00 feet an arc distance of 528.48 feet the chord of said arc bears south  $53^{\circ} 33' 41''$  west a distance of 514.04 feet to a point; thence south  $77^{\circ} 19' 10''$  west a distance of 481.03 feet to the POINT OF BEGINNING.

The herein described parcel contains 36.2993 acres of land and was surveyed by Cardinal Engineering in December of 1990.

**PARCEL THREE:** That portion of the lands of the grantor lying southeast of Williams Road and being more fully described as follows: COMMENCING at a point in the south line of Williams Road at a point which is north  $49^{\circ} 05' 52''$  east a distance of 589.91+ feet along the original Elliott Farm common line with Earl Souther as recorded in Deed Book 184, page 76, Boone County records; thence from said point along Williams Road north  $75^{\circ} 45' 39''$  east a distance of 26.84 feet to the real POINT OF BEGINNING OF THE herein described parcel; thence

REMINDER ONE

PARCEL 3

**ORDINANCE 13-07**

**AN ORDINANCE RELATING TO APPROVING, WITH CONDITIONS, A REQUEST OF MICHAEL R. KIRKWOOD AND CAROL W. KIRKWOOD (APPLICANTS) FOR CAROL WHITSON KIRKWOOD (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1) TO AGRICULTURAL ESTATE (A-2) FOR A 36.3 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF WILLIAMS ROAD TO THE IMMEDIATE EAST AND NORTH OF THE PROPERTY AT 1246 MERRELL ROAD, AND APPROXIMATELY 360 FEET EAST OF THE WILLIAMS ROAD/MERRELL ROAD INTERSECTION, BOONE COUNTY, KENTUCKY.**

**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 Agriculture (A-1) to Agricultural Estate (A-2) for a 36.3 acre site generally located on the north side of Williams Road to the immediate east and north of the property at 1246 Merrell Road, and approximately 360 feet east of the Williams Road/Merrell Road intersection, Boone County, Kentucky, which is more particularly described below; and,

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

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

## **SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved with conditions, this Zoning Map Amendment being a zone change from Agriculture (A-1) to Agricultural Estate (A-2) for a 36.3 acre site generally located on the north side of Williams Road to the immediate east and north of the property at 1246 Merrell Road, and approximately 360 feet east of the Williams Road/Merrell Road intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agriculture (A-1) zone is more particularly described in DEED BOOK 443, PAGE NO. 290, (as supplied by the applicant) as recorded in the Boone County Clerk's office.

## **SECTION II**

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


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

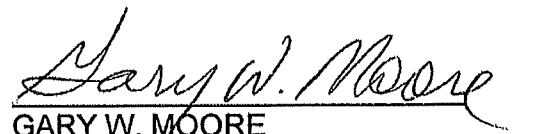
## **SECTION III**

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

Introduced and given First Reading on February 19, 2013

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on March 26, 2013 and signed by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

  
\_\_\_\_\_  
DAPHNE KORNBLUM  
FISCAL COURT CLERK

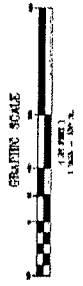
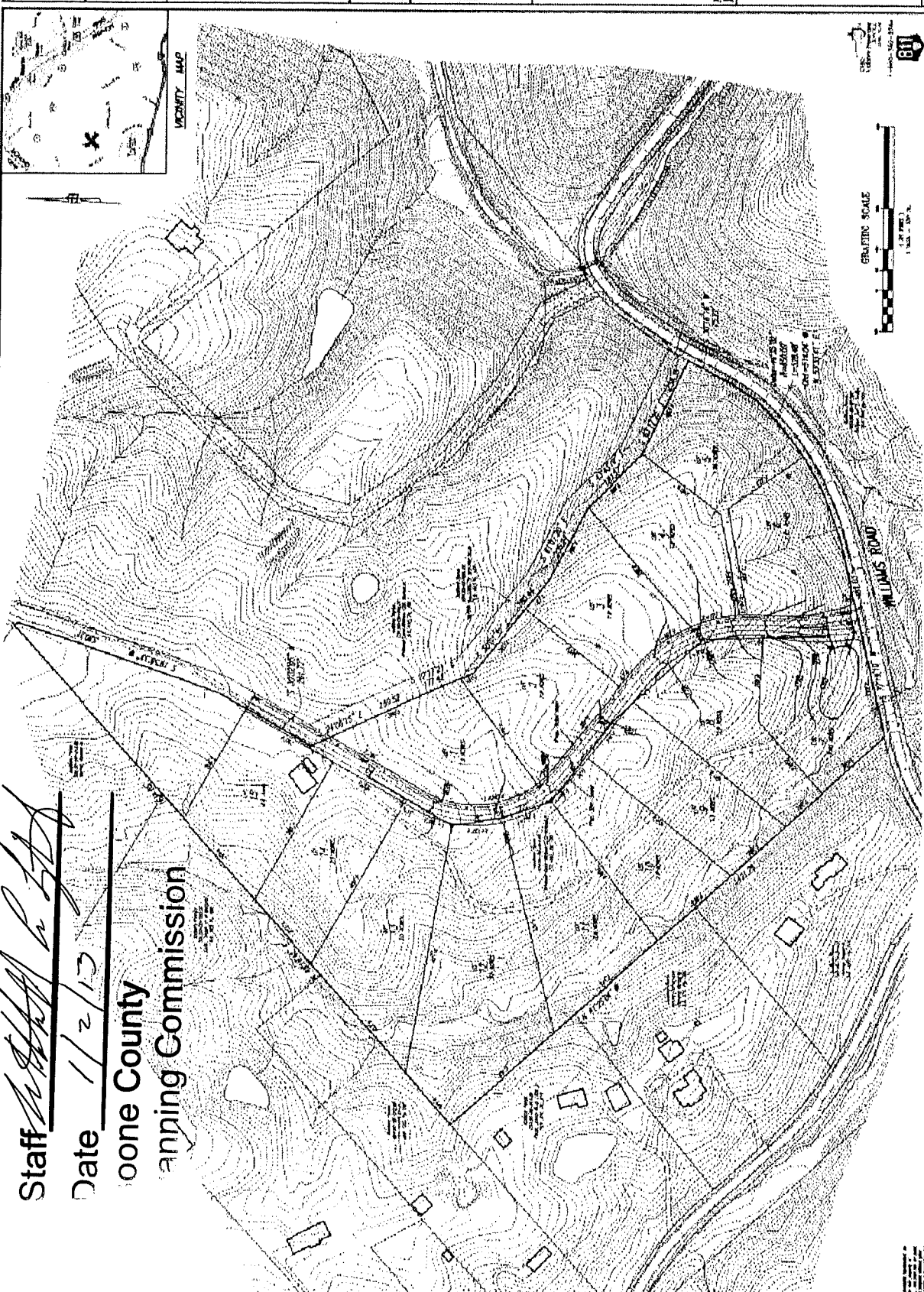
  
\_\_\_\_\_  
GARY W. MOORE  
BOONECOUNTY JUDGE/EXECUTIVE

**APPROVED**

Staff *[Signature]*

Date 11/2/13

Boone County  
Planning Commission



1" = 100'  
1" = 100'

PRELIMINARY	DEVELOPMENT	BOONE COUNTY	PLANNING COMMISSION
11-24-13	J.C.	J.R.	1" = 100'

**A**  
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**CONCEPT DEVELOPMENT PLAN**