

ZONE CHANGE REQUEST BY RUTH J.
YODER FOR PROPERTY BETWEEN OLD TOLL
ROAD AND U.S. HIGHWAY 42, BOONE COUNTY

This is a zone change request by the property owner Ruth J. Yoder for a more or less 3.7 acre tract located between U.S. Highway 42 and Old Toll Road, Boone County being about 200 feet north-east from the corner of Pleasant Valley Road. The request is to change the current zoning of Commercial Services, C-3 to Suburban Residential One, SR-1.

The current zoning of adjoining properties to the east and west is Commercial Services, C-3. To the north across Old Toll Road is Industrial One, I-1 zoning. And to the south across U.S. Highway 42 is current Suburban Residential One, SR-1 zoning.

Current land use of adjoining property to the north and west is undeveloped. To the east is a mixture of residential and commercial. And to the south is undeveloped and residential.


The Land Use Map of the Boone County Comprehensive Plan shows a planned future land use of Medium Density Residential. Adjoining properties to the north, west and east are planned as Medium Density Residential. To the south, across U.S. 42, is planned Industrial land use.

The text of the plan states on page 3.4, "Medium density residential development could include the expansion of existing developments in the Florence and Walton service areas. As the Florence service area is expanded, new medium density development is encouraged adjacent to subdivisions existing and committed south of KY 18 and west of Hopeful Road; in the vicinity of Pleasant Valley Road; south of U.S. 42, west of I-75; south of Union along KY 536, and near the Richwood interchange with I-75."

There is no current public sanitary sewer or water supply available to the subject property.

This property does lie in the AEO district of the zoning regulations. However, the Boone County Comprehensive Plan shows the property does lie outside of the planned Noise Exposure Forecast level of 30, which could be unsuitable for single-family residential use.

Should the Planning Commission decide to recommend approval for or the legislative body would approve this request for rezoning, it would not be necessary to change the text or map of the Comprehensive Plan due to the request's conformity to the Plan.


ALVIN "CHIP" BLOCK
ZONING ENFORCEMENT OFFICER

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

JUNE 22, 1983

8:00 P.M.

Chairman Kroger called the Public Hearing to order at 8:00 P.M. to hear the request of Ruth J. Yoder for a zoning map amendment for property located at 8555 Old Toll Road, Florence, Kentucky from a zoning district of Commercial Services (C-3) to Suburban Residential One (SR-1) zoning district, containing 3.7 acres, for the purpose of constructing a residential dwelling. Mr. Block located the property on the map and presented the Enforcement Officer's Report. At Chairman Kroger's invitation, Mrs. Yoder stepped forward and stated that she lived on 3.7 acres which is divided into five (5) lots; she wished to give her son a lot upon which to build a home. Mrs. Yoder's son stated that the property was zoned residential and had been rezoned to Commercial without the Yoder's knowledge. Chairman Kroger noted that the entire county had been rezoned at the same time. Chairman Kroger asked if anyone else wished to speak in behalf of or in opposition to the request. No one responded. Mr. Berry, 8538 U.S. 42, asked if the zone change would affect his property, a commercial business; Mr. Wilson responded that it would not. Mr. Dave Snyder, attorney for R.C. Durr stated that he was not opposed to the zone change, but wished to go on record as having made an appearance as an adjoining property owner with a commercial designation. If further zone changes were requested which would affect Mr. Durr's property; he wished his silence on this matter not to be construed as disinterest. Hearing no further comments, Chairman Kroger closed the Public Hearing at 8:06 P.M., stating the action would be taken on the request on July 6, 1983, at 8:00 P.M..

Chairman Kroger called the Public Hearing to order at 8:08 P.M. to hear the request of Anthony W. Erpenbeck for a zoning map amendment for property located at the north side of U.S. 42 and west side of Pleasant Valley Road, Florence, Kentucky from a zoning district of SR-1, RS, A-2 and AEO to SR-1/PD overlay at 4.38 units per acre to bring the property into conformance with the Comprehensive Plan, containing 228.3 acres. Mr. Block located the property on the map and presented the Enforcement Officer's Report. Chairman Kroger asked if there was a representative present on the applicant's behalf. Mr. Lanny Holbrook, attorney for Mr. Erpenbeck, stepped forward and stated that the Erpenbecks, builders since 1928,

had purchased the property 30 or 40 years ago for future development. Mr. Holbrook noted that a Concept Development Plan had been submitted, and that a great deal of thought had gone into its preparation. Mr. Holbrook continued that the purpose of a Comprehensive Plan was to consider all aspects of growth, and map out areas for future development. Mr. Holbrook stated that the Erpenbeck's Concept Development Plan completely followed the outline of the Comprehensive Plan which guides the Commission. He pointed out that 999 units in over 228 acres is below the maximum density permitted by the Comprehensive Plan; 4.38 units per acre is less than the permissible six (6) units per acre; the way it is divided is really not as much as it sounds. Mr. Holbrook noted that apartments and townhouses are providing homes for families in the area and that the proposal presents a housing mix. The proposal before the Commission is for a map amendment for Suburban Residential One/Planned Development (SR-1/PD). Mr. Holbrook invited the audience to review the Concept Plan. Mr. Holbrook pointed out that the property in question had been annexed by the City of Florence and that the Erpenbecks had met with the Public Works Department to work out sewage and utility problems. Mr. Holbrook pointed out that the Engineer for the project was present to answer any questions. Chairman Kroger asked if there was anyone else that would like to speak in behalf of the request. No one responded. He asked if anyone was present in opposition. Mr. Dennis Kelly, 8821 Pleasant Valley, stated his opposition to the density of the project fearing that the Boone County school system could not handle the educational needs of a project of this size. He also stated his opposition to increased traffic volume on Pleasant Valley and U.S. 42 which is already crowded. He continued that he felt that the crime rate would escalate, and that property values would drop. Mrs. Wilma Jo Meyers, Fowler Creek Rd., stated that her property was below the proposed development; she expressed concern regarding an increase in water run off. She said she already has a problem as the result of ponds located on the Erpenbeck property. Mrs. Meyers continued that she uses natural springs which are vulnerable to pollution from the project; loss of her water supply would render her property useless. She continued that she objected to the increase in population and also opposed an outlet road onto a dead end Fowler Creek Road. Mrs. Meyers stated that the Erpenbecks should buy her property since it would be useless to her if the project is approved. In response to Mr. Dennis Haudenchild, Valley View Drive, Chairman Kroger stated that the Concept Development Plan is public record and anyone is welcome to stop in the office and review the Plan. Mr. Erpenbeck displayed a drawing of the project and stated the access for the 295 units would be off of Pleasant Valley Rd., a minor arterial highway. Access for the remainder of the project would be U.S. 42. Fowler Creek Road would serve as an emergency secondary access. Area "I" comprised

of 40 acres would be deeded to the City of Florence as a recreational area. Mr. Erpenbeck then described the types of development depicted by the plan. He noted that sewage would be provided by the City of Florence for the entire project. Mrs. Meyers asked what provisions had been made for runn off. Mr. Erpenbeck stated that provisions will be made and reviewed by the Planning Commission concerning the water run off. In response to Mr. Stephner's question, Mr. Erpenbeck stated there are 154 units in Section "G", and that no widening of Fowler Creek Road is currently planned by the developers. Mr. Erpenbeck noted that he has approximately 400 foot frontage on Fowler Creek Road. In response to Mr. Viox, Mr. Erpenbeck stated the preliminary phasing schedule is to develop sections "E, D, G, H then F". Development off of Pleasant Valley Road will be "B,C,A. Mr. Erpenbeck stated that Sections D and E will be developed first and that the entire project would be completed in approximately 8 to 10 years depending on economic conditions. He noted that Section "G" would probably be the last developed. Mr. Ralston expressed concern over increased traffic. Mr. Robert Cole inquired as to whether or not lots across from Pleasant Valley subdivision would have one (1) unit per two (2) acres. Mr. Erpenbeck stated that they would not, but would have a rear yard setback of 150 feet which would allow 300 feet from rear to rear. The density of the strip is 2.9 units per acre, that is approximately 1/3 acre lots. Mr. Block stated that the area north, east and south is planned medium residential (2 to 8 dwelling units per acre) and Fowler Creek Road is planned for low density residential (1 unit per acre). Mr. Cole stated that it was his understanding that during the hearing held by KZF it was planned for one (1) dwelling unit per acre. Mr. Kroger pointed out that the final adoption of the Comprehensive Plan provided for medium and low density residential use. Mrs. Hazel Poole stated that she purchased her property from Rose Erpenbeck Common and Mr. Snyder and at the time was told that the property behind them would not have more than one (1) house per acre. Mr. Snyder stated that he and Mr. Common had developed 110 acres which included Section "C" and that the preliminary plat for the 18 acres of Section "C" was planned as one (1) house per two (2) acres. In response to Chairman Kroger's question, Mr. Snyder stated there was no final plat recorded, but that a preliminary plat had been approved. In response to Mr. Schreiber's question, Mr. Erpenbeck stated that members of Florence Public works committee had walked the 40 acres proposed to be donated to the City and had accepted the land with the idea of developing it as a recreational facility. In response to Mr. Schreiber, Mr. Erpenbeck stated that the Department of Highway had timed the traffic approaching the proposed access onto Pleasant Valley Road. Mr. Hagedorn stated that the property proposed for recreational use had a polluted creek running through it. In response to Mr. Jacobsen's question, Mr. Erpenbeck stated that a temporary sewage treatment plant would have to be installed should

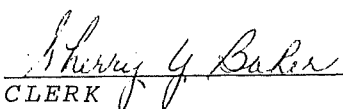
the City of Florence not have the sewage line ready for tie in. Mr. Jacobsen stated his total objection to the development. In response to Mrs. Hedges, Mr. Wilson stated that if the zoning is approved and the applicant agrees to specific lot sizes in the Concept Plan, the applicant would have to come before the Commission again before any revisions could be made. Mr. Erpenbeck stated to Mrs. Kelly that the homes in Section "B" would range in price from \$85,000.00 and up. In response to Mr. Don Stepner's question, Mr. Erpenbeck stated the lots in Sections "E and G" would be approximately 65 feet X 135 feet and up, with houses costing approximately \$75,000.00. In response to Mrs. Bamerole, Mr. Erpenbeck stated that Section "A" contained apartments which would be a maximum of 2½ stories. He continued that it was the most appropriate place to put multi family units since it abut an Industrial One (I-1) zone. Mr. Cole suggested that the board members visit the area; he beseeched each board member to deny the plan based on the fact that its not keeping with the present zoning and previous zoning of the area. An unnamed resident stated her objection to the Park which would increase traffic. Mr. Davis asked what had prompted the request for a zone change. Mr. Erpenbeck stated that the need for a variety of housing for our children and grandchildren in Norther Ky., as well as a change in the economy has made it difficult for many people to purchase homes. Mr. Dennis Kelly stepped forward and expressed his concern for the type people that live in apartments. He continued that apartments go down the tubes in about three or four years primarily due to the fact that they don't belong to them and they don't care. The only people that can afford to live in those areas he said are really not the kind of people he cared for his children to grow up with, or a grandmother or anyone else to live near as Mr. Erpenbeck has mentioned. He stated that he had seen too many areas where multi family dwellings had cropped up and things have really gone down hill. He stated that he did not wish this to happen in this area; it's too nice of an area. Mr. Kroger interjected that he could not let that statement go. Speaking as Chairman of the Planning Commission, Mr. Kroger stated that it was the Commissions duty to see that there is housing for people of all walksof life, in all realms of economic activity. He continued that simply because multi housing exists does not mean that an individual who resides in such housing is not an asset to the community. Mr. Kelly stated that had not intended to say that. Chairman Kroger replied that he did not think that those comments would be accepted by the Commission. Mr. Kroger pointed out that the Commission had heard such comments before and that the Commission's reaction is always the same. Mr. Kelly repeated that he had not stated it that way. In response to Mr. Snyder, Mr. Erpenbeck stated he had no comment pertaining to the development across U.S. 42. He said he had no definite figures, but that U.S. 42 and Ky. 18 would be probably seeing the largest increase in development in the County. In response to Mrs. Struckter, Mr. Erpenbeck stated there would be no government subsidized housing in the project. Mr. Bamborela expressed concern for adequate schools to

accommodate the population of the project. Mr. Erpenbeck pointed out that a new high school was planned for the Union area and a new elementary school had been recommended in 1978 by the Boone County Advisory Committee. Mrs. Schreiber stated the apartments would not bring in the tax money needed to support the schools. Mrs. Meyers stated her objection to accessing the project onto Fowler Creek Road. An unnamed resident suggested that a member of the Highway Department be present at the next meeting to address traffic questions. Mr. Cummins, U.S. 42 stated that he was in favor of the project and felt Boone County would see that the children have adequate schools. Mrs. Bamborela expressed concern as to the quality of the buildings. Mr. Erpenbeck stated that the quality of the homes was important to them as developers in order to encourage sales of the properties. The Erpenbecks as owners of the apartments would maintain them personally. Mr. Puckett, Fowler Creek Road, expressed concern as to the ruinous impact of the development on adjoining farm land. Mrs. Strieber noted that the land donated to the City of Florence contains a creek which floods during rain. A resident noted that the townhouses are not depicted on the Plan shown and requested that a more detailed Plan be submitted for review. Mr. Poole presented the Commission with a petition, dated June 22, 1983, consisting of 46 residents in opposition to the request. Mr. Neltner noted that the developer indicated in his brochure that the park land would not be donated to the City of Florence until 500 units were completed. Mr. Erpenbeck stated in summary that the Commission review the Concept Plan submitted would reveal that the project conforms to the County Comprehensive Plan. Chairman Kroger pointed out that the application is available for review and that this request will be heard, July 6, 1983 at 8:00 P.M.. He pointed out that action could be possibly deferred.

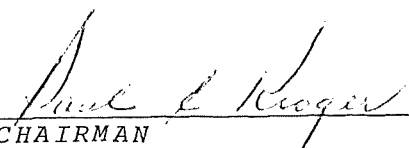
Mr. Holbrook stated that the owners have a right to develop their property to its best use and that apartments are economically feasible for the location. Mr. Holbrook pointed out that the Concept Plan has been well prepared and everything possible will be done to address anticipated traffic problems.

Chairman Kroger declared the Public Hearing closed at 10:15 P.M..

RESPECTFULLY SUBMITTED:


CLERK

APPROVAL DATE: 7-6-83


CHAIRMAN

BOONE COUNTY PLANNING COMMISSION

MINUTES

JULY 6, 1983

8:00 P.M.

Chairman Kroger called the meeting to order at 8:10 P.M.. Fourteen (14) members were present. Mr. Felty was absent. Staff members present were Ms. Sullivan, Mr. Jenkins, Mr. Wilson, Mrs. Ryan and Mrs. Baker. Mr. Block was absent. Mr. Godsey moved to approve the minutes of June 15, 1983 and Public Hearing minutes of June 22, 1983. Mr. Barnett seconded; the vote carried unanimously.

COMMUNICATIONS:

Ms. Sullivan presented the following communication: Letter from Judge Executive Terry Roberts regarding the Fiscal Year 1983/84 contributions to the Planning Commission.

BILLS:

Mrs. Baker presented the following bills: Staff salaries and benefits; \$3,512.79: Madison Office Supplies; \$98.52: Jerry Rouse; \$18.00: John R. Greene, xerox paper; \$26.30: Workers Compensation Premium; \$487.00: B.C. Printing; \$37.80: Sayre & Son; \$6.79: Quick Print; \$34.00: Boone Finance, xerox use; \$113.92: Boone Finance, postage; \$157.95: Boone County Recorder; \$1,000.00: Mr. Godsey moved that the bills be paid, Mr. McMillian seconded; the vote carried unanimously.

REPORTS:

Mr. Godsey presented the Treasurer's Report. Balance on hand July 6, 1983, \$24,644.29; Certificates of Deposit, \$20,000.00.

For the City of Florence, William Rieger, Building Inspector, issued 36 permits during June representing \$3,370,018.00 in estimated construction costs. Boone County Building Inspector, Conrad Tobergte, issued 64 permits during June representing estimated construction costs of \$2,111,975.00. Mr. Tobergte's collections from zoning and sign permits issued in the County totalled \$915.00 for the month of June.

Chairman Kroger reviewed the Convenience Plat Report submitted by Mr. Jenkins.

Chairman Kroger proceeded to the Agenda, first considering the request of William Viox for an Improvement Plan Approval of Hickory Glenn II, Sections 8 & 9, intersecting roads of Conners Lane and Ellen Avenue, Boone County, Kentucky, zoned Suburban Residential One (SR-1) containing 27.55 acres. Mr. Jenkins presented the Engineers report recommending approval. Mrs. Baker read the Committee Report recommending approval. Mr. Jones moved to approve the request based on staff and committee report; Mr. Greene seconded. Mr. Viox abstained due to being the Engineer of record. The vote carried unanimously.

Mr. Viox left the meeting at 8:20 P.M.

Chairman Kroger proceeded to the request of John Kirby for a Preliminary Plat approval of property located in the City of Walton, Kentucky, zoned Suburban Residential Two (SR-2) containing 6.5 acres. Mr. Jenkins presented the Engineer's Report stating that the request meets all requirements, with the agreement to move the sewer line right of way. Mrs. Baker read the Committee Report recommending approval. Mr. Hasselbring moved that the request be granted. In response to Mr. Wilson, Mr. Kirby agreed to sign the Concept Development Plan allowing only single family development. Mrs. Smith seconded the motion, the vote carried unanimously.

Chairman Kroger proceeded to the request of John Kirby for an Improvement Plan Approval of property located in the City of Walton, Kentucky, zoned Suburban Residential Two (SR-2), containing 6.5 acres. Mr. Jenkins stated the plan meets all requirements, with the same consideration of the sewer line right-of-way. Mrs. Baker read the Committee Report recommending approval. Mrs. Smith moved that the request be granted with the condition that the Concept Development Plan allowing only single family development be signed by Mr. Kirby. Mr. Jones seconded; the vote carried unanimously.

Chairman Kroger proceeded to the request of Anthony W. Erpenbeck for a zoning map amendment for property located at the north side of U.S. 42 and west side of Pleasant Valley Road, Florence, Kentucky from a zoning district of SR-1, RS, A-2 and AEO to SR-1/PD overlay at 4.38 units per acre to bring the property into conformance with the Comprehensive Plan, containing 228.3 acres. Mr. Neltner, Committee Chairman, stated the committee requested a two (2) week deferral until July 20, 1983, to allow the Committee ample time to review the request. In response to Chairman Kroger, Mr. Erpenbeck agreed to the deferral and waived the time limitation pertaining to the request. Mr. Godsey moved that the request be deferred until July 20, 1983. Mr. Jones seconded; the vote carried unanimously. Mr. Buse stated he would not be present at the July

20, 1983 meeting and stated that directly south of Valley View, north part of "B", he would recommend that section not be included in the rezoning to provide a buffer; Mr. Buse continued that access of the project onto Fowler Creek road not take place until the road can sufficiently handle the added traffic and that it be made a cul-de-sac until such time; lastly Mr. Buse stated that a park should not have access through a subdivision, but should have access either from Pleasant Valley Road or U.S. Highway 42.

Chairman Kroger called for a vote on the motion to defer the Erpenbeck request. The vote carried unanimously

Chairman Kroger proceeded to the request of All-Rite Concrete Co., Inc. for Site Plan Review, for property located at Stephenson Mill Road, Walton, Boone County, Kentucky, in an Industrial One (I-1) zoning district, containing 4.78 acres. Ms. Sullivan summarized the Enforcement Officer's Report. Mrs. Baker read the Committee Report recommending approval. Mr. McMillian moved to approve the request. Mr. Greene seconded, the vote carried unanimously.

Chairman Kroger proceeded to the request of A. Meyers Davis Development Co., for an Improvement Plan Approval on property located in Burlington, Kentucky for the purpose of extending Tessie Circle, zoned Suburban Residential One/Planned Development (SR-1/PD), containing 5.5 acres. Mr. Jenkins presented the Engineer's Report stating the request meets all requirements. Mrs. Baker read the Committee Report recommending approval. In response to Mr. Kroger, Mr. Erpenbeck stated the Preliminary Plat was submitted in May of 1981 and was approved at that time, but the time limitation had expired and needed to be resubmitted. Mr. Collins moved that the request be granted along with any conditions contained in the original request. Mr. Buse seconded; the vote carried unanimously.

Chairman Kroger proceeded to the request of Eagle Investment Company for an Improvement Plan Approval for property located at Hopeful Road and Kelley Dr., Boone County, Florence, Kentucky zoned Suburban Residential One/Planned Development (SR-1/PD) on a 14.5 acre tract. Mr. Jenkins stated that correspondence from the City of Florence stated that the applicant agreed to move the pumping station and supply additional sewer facilities. Mr. Jenkins stated the request meets all requirements and recommended approval. Mrs. Baker read the Committee Report recommending approval. Mr. Collins moved to approve the request. Mr. Buse seconded, the vote carried unanimously.

Chairman Kroger proceeded to the request of Ruth Yoder for a zoning map amendment for property located at 8555 Old Toll Road, Florence, Kentucky from a zoning district of Commercial Services (C-3) to Suburban Residential One (SR-1) zoning district, containing 3.7 acres, for the purpose of constructing a residential dwelling. Ms. Sullivan summarized the Enforcement Officer's Report.

Mrs. Yoder stated that she had no comment. Mrs. Baker read the Committee Report recommending approval and advising the applicant that surrounding commercial and industrial uses would be allowed. Chairman Kroger stated that a Site Plan of commercial and industrial use would be required to be submitted to the Planning Commission. Mr. Greene pointed out to Mrs. Yoder that she could eventually be surrounded by commercial uses. Mrs. Yoder acknowledged the fact. Mrs. Smith moved by Resolution R-13-83 to recommend approval of the request based on the findings of fact that the request is compatible with the current Comprehensive Land Use Plan, and that the recommendation be forwarded to the appropriate legislative body. Mr. Mitchell seconded. Mr. McMillian expressed concern of no sewer facilities and future property uses stated that he would vote against the request. Chairman Kroger called for a roll call vote. The request was approved; 12 yes, Mr. McMillian voted no. Chairman Kroger noted there would be no change in the Land Use Map.

Chairman Kroger proceeded to new business item, the request of William H. Settle, agent for Robert C. Kratz, M.D. for Site Plan Review, for property located at the NW corner intersection of Oakwood & Turfway, Florence, Kentucky, zoned Commercial Two (C-2) on a 1.2 acre site, for the purpose of constructing a new professional building. The request was referred to Committee.

The second item; the request of D. Brigham Roberts, Architect & Assoc. Inc., Agent, for a zoning map amendment for property located at 1033 Limaburg Road, Burlington, Kentucky from a Commercial One (C-1) zoning district to an Industrial One (I-1) zoning district, containing .32 acres. Mr. Buse moved to set the request for Public Hearing on July 27, 1983. Mr. Godsey seconded, the vote carried unanimously.

The third item; the request of Florence Christian Services, Inc. for zoning map amendment for property located at 300 Main Street, Florence, Kentucky to bring the property in conformity with the Boone County Comprehensive Plan containing 1.118 acres. Mr. Buse moved to set the request for Public Hearing on July 27, 1983. Mr. Godsey seconded, the vote carried unanimously.

Fourth item; the request of Hayes, Wittenmyer, Tanner & Partners for Site Plan Review for property located on Hopeful Road, Florence, Kentucky, containing 16.25 acres. Referred to Committee.

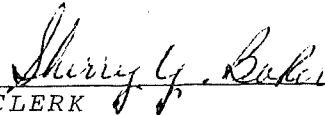
Fifth item, the request of James Berling for an Improvement Plan Approval for property located at Evergreen Drive, Florence, Kentucky containing 5.28 acres. Referred to Committee.

Chairman Kroger proceeded to outline the Planning Commission budget for 1983/84 Fiscal Year. The Commission proceeded with further discussion. Mr. Godsey moved to adopt the budget as submitted. Mr. Davis seconded, the vote carried unanimously.

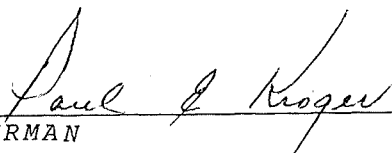
Chairman Kroger asked if there was further business, no one commented.

Mr. Greene moved to adjourn, Mr. Jones seconded, the vote carried unanimously. The meeting adjourned at 9:30 P.M.

RESPECTFULLY SUBMITTED:


CLERK

APPROVED: 7-20-83


CHAIRMAN

COMMITTEE REPORT

DATE: July 6, 1983

TO: Boone County Planning Commission

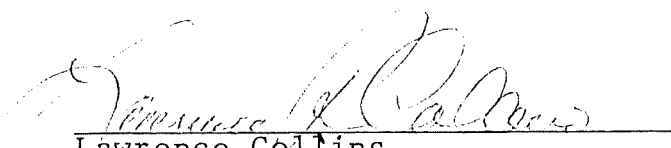
FROM: Barry Neltner, Chairman

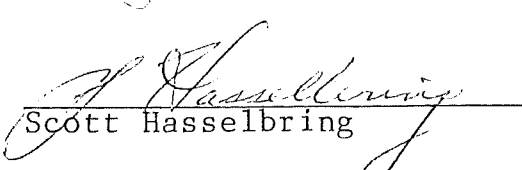
SUBJECT: Request of Ruth J. Yoder for a zoning map amendment for property located at 8555 Old Toll Road, Florence, Kentucky from a zoning district of Commercial Service (C-3) to Suburban Residential One (SR-1) zoning district, containing 3.7 acres.

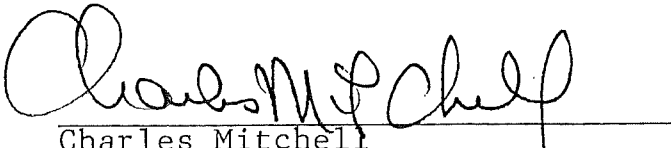
CONCLUSION:


Based on the staff report, conformance to the Comprehensive Plan, and current residential land use in the immediate area, we recommend approval of the request to SR-1. However, we must be on record of advising the applicant that to the east and west adjoining properties are currently zoned C-3, and that to the north is I-1 and that any use currently allowed in these zones could be developed without any further action from the Commission.

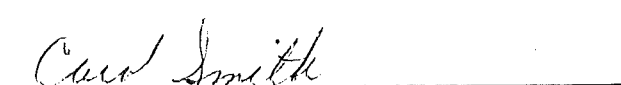

Barry Neltner, Chairman


Lawrence Collins


Scott Hasselbring


Charles Mitchell


R. N. Greene


Carol Smith

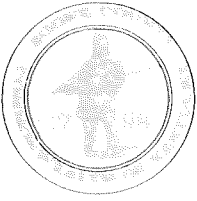
JOHN WEAVER
COMMISSIONER

IRENE PATRICK
COMMISSIONER

RONALD ROBINSON
COMMISSIONER

TERRY ROBERTS
COUNTY JUDGE/EXECUTIVE

TELEPHONE: (606) 334-2240



COUNTY OF BOONE

2950 EAST WASHINGTON SQUARE • BURLINGTON, KENTUCKY 41005

August 29, 1983

Mr. Paul Kroger, Chairman
BOONE COUNTY PLANNING &
ZONING COMMISSION
2950 Washington Square
Burlington, Kentucky 41005

Dear Paul:

The Boone County Fiscal Court, at its meeting held 08/16/83 unanimously approved Ordinance No. (920.36), an Ordinance adopting a Map Amendment to the Boone County, Kentucky, Zoning Map, Such Map Amendment being a zone change from Commercial Three (C-3) to Suburban Residential One (SR-1) for property located at 8555 Old Toll Road, Florence, as recommended by the Planning & Zoning Commission via Resolution No. R-13-83.

A copy of Ordinance No. (920.36) is enclosed for your files. Should you have any questions, please let me know.

With kindest regards,


Terry Roberts
COUNTY JUDGE/EXECUTIVE

TR:rm

ENCLOSURE - Ordinance 920.36

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM Commercial Three (C-3) to (SR-1) LOCATED 8555 Old Toll Road, Florence Suburban Residential 1 for 3.7 acres

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning Commission for a map amendment for a zone change from C-3 to SR-1 for certain real estate which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has recognized the conducted public hearing by the Boone County Planning Commission serving as a due process trial-type hearing and its findings recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

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

SECTION 1

That the zone change for the real estate which is more particularly described below shall be and is hereby approved and adopted, this map amendment being a zone change from C-3 SR-1. The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.
(ATTACHMENT - EXHIBIT #1)

SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this zone change request shall be and are hereby incorporated by reference as if fully set out in this Ordinance.
(ATTACHMENT - EXHIBIT #2)

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

Introduced, seconded and given first reading on the 2nd day of August, 1983.

Adopted by the Fiscal Court of Boone County after second reading at a regular meeting on the 10th day of August, 1983, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

Terry Roberts
Terry Roberts
Boone County Judge/Executive

ATTEST:

Jerry W. Rouse
Jerry W. Rouse
Boone County Clerk

Submitted by:
Larry Crigler
Larry Crigler
County Attorney

08/25/83
(DATE PUBLISHED)

Exhibit 1

RESOLUTION NO. R-13-83

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL THREE (C-3) ZONE TO A SUBURBAN RESIDENTIAL ONE (SR-1) ZONE, AND PROVIDING THAT THE RECOMMENDATION BE FORWARDED TO THE BOONE COUNTY FISCAL COURT.

WHEREAS, the Boone County Planning Commission received a request for a map amendment for a zone change from Commercial Three (C-3) zone to Suburban Residential One (SR-1) zone for certain real estate which is more particularly described below, and

WHEREAS, the Boone County Planning Commission has conducted a public hearing serving as a due process trial-type hearing and made findings recommending approval of the zone change request.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval and adoption, this map amendment being a zone change from Commercial Three (C-3) zone to Suburban Residential One (SR-1) zone. The real estate which is the subject of this zone change recommendation is more particularly described as follows:

Located generally in Boone County Group # 115 on the West side of U.S. Highway #42, directly North of Pleasant Valley Road and being all of lots numbers 2 to 6 inclusive of the Midway Place Subdivision as shown in Plat Book 1 at page 74 and described thus; BEGINNING at the common corner of lots numbers 1 and 2 of said Midway Place Subdivision in the Northwest line of U.S. Highway # 42; thence therewith in a Northeasterly direction 475 feet to the common corner of lots numbers 6 and 7 therein; thence in a Northwesterly direction with the common line of lots numbers 6 and 7, 330 feet to the East line of the

old Toll Road; thence in a Southerly direction therewith 477 feet to the common West corner of lots 1 and 2 of said subdivision; thence therewith in a Southeasterly direction 275 feet or sufficient to reach the place of beginning containing 3.7 acres more or less and subject to legal easements of record and in existence.

SECTION II

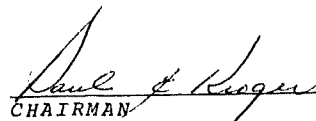
That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this zone change request shall be and are hereby incorporated by reference as if fully set out in this Resolution, a copy of these findings being attached to this Resolution and marked as Exhibit "A".

SECTION III

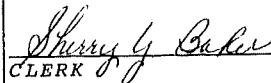
That a copy of this Resolution recommending a map amendment for a zone change from Commercial Three (C-3) zone to a Suburban Residential One (SR-1) zone for the subject real estate shall be forwarded to the legislative body or fiscal court having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 6th day of July, 1983.

APPROVED:


CHAIRMAN

ATTEST:


CLERK

FINDINGS OF FACT

This request conforms to the Map and
Text of the Boone County Comprehensive
Plan.