

ZONING MAP AMENDMENT REQUEST BY CAMDER, INC. (APPLICANT)  
FOR H.R. BOOTH AND THOMAS B. KING (OWNERS), FOR PROPERTY  
LOCATED EAST OF THE INTERSECTION OF U.S. 42  
AND HICKS PIKE, BOONE COUNTY, KENTUCKY.

This request is for a Zoning Map Amendment for a 68 acre parcel, presently zoned Agricultural Estate (A-2) and requested to be rezoned Rural Suburban Estate (RSE). The subject parcel is located on the east side of the U.S. 42/Hicks Pike intersection. The present use of the site is a single family residence and open fields.

SURROUNDING LAND USES AND ZONING

Northeast of the subject parcel on the A-2 zone, is the right-of-way for Old Hicks Pike. This old road generally follows a northwest to southeast course, and intersects U.S. 42 at a point approximately 500 feet north of the northwest corner of the subject site. Three single family residences are located on the south side of Old Hicks Pike, directly north of the subject site. Two single family residences are located directly north of Old Hicks Pike.

East of the site, in the A-2 zone, are several single family residences in the Suburban Estates Subdivision. South of the site, in the A-2 zone, are several residences in the Harmony Hills Subdivision. Both of these subdivisions were platted and partially developed prior to 1980. The Suburban Estates Subdivision was designed at an intensity equal to the RSE zoning district of the 1980 and 1986 Boone County Zoning Regulations. The land should have been connected during the subsequent zoning map updates. This did not occur. Nevertheless, this zoning map classification to the actual intensity should be considered in this review. The Harmony Hills Subdivision was developed at an average intensity equal to the current zoning (A-2).

West of the site, in the A-2 zone, is a single family residence which fronts on Hicks Pike. On the west side of U.S. 42 are several single family residences and farms in the A-2 zone.

SOILS, TOPOGRAPHY AND VEGETATION

Soils on the site are predominantly Rossmoyne silt loam (0-12% slope) on the ridgetops, and Faywood silty clay loam (12-20% slope) in the drainage areas. These soils are generally poor for sewage septic systems. The Faywood series requires careful engineering practices for roads and building foundations.

The site is roughly centered on a drainage swale that slopes from northwest to southeast. The east and west perimeters of the site are on ridgetops that slope gently toward the center of the site. There are four small ponds located on a line paralleling the center of the site. There is very little natural vegetation

remaining on the site, as the majority of the site is well groomed pasture.

#### PUBLIC FACILITIES

The closest water service to the site is an 8 inch main located on the east side of U.S. 42.

Sanitary sewer service is not readily available to the site, although it may be feasible to provide a package sewage treatment system as an alternative to individual sewage treatment for each proposed lot.

Electric and telephone service are available to the site.

The New Haven Elementary School is located just west of Hicks Pike, approximately 1,000 feet southwest of the site.

There is an overhead power line that runs in a northwesterly direction across the southeast corner of the subject parcel.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

This Zoning Map Amendment must be reviewed on the basis of the 1986 Boone County Comprehensive Plan. The general area of the request is referred to in a number of ways:

1986 Future Lane Use Map - Borderline Medium Density Residential, Low Density Residential.

#### 1986 Land Use Element

Development in this area will occur along U.S. 42, KY 338, and Hicks Pike. This is also an area of prime agricultural land. Development within the area just described should be in subdivision form. The rate of growth in this area is largely dependent on the Richwood Interchange and the impact the Mt. Zion Interchange will have on Union. It is important that new residential development occur well off the major thoroughfare. Otherwise, growth potential in the area will be severely minimized. The residential development will add to the already crowded New Haven Elementary and will necessitate expansion of the facility. (p. L-16)

#### PROPOSED CONCEPT DEVELOPMENT PLAN

Because the requested zone change is for a residential zone, a Concept Development Plan is not required. However, the Applicant has submitted a Concept Plan for the site. This plan indicates a single street, intersecting with Hicks Pike approximately 300 feet south of U.S. 42, and is proposed to serve the development of 43 lots. The proposed street terminates in four cul-de-sacs. The proposed plan also indicates that a portion of Old Hicks Pike would need to be abandoned, or acquired

from the County. The proposed plan does not indicate any roadway connections to adjoining properties.

#### SPECIAL CONCERNS


Residential developments similar to, and in the vicinity of, the proposed development utilize individual sewage treatment facilities on each building site. This trend towards residential development in the area suggests a possible need for a sanitary sewer system served by a package sewage treatment plant. This may be particularly important for the proposed development because of the types of soils found on the site, and to maintain the integrity of the existing lakes on the site.

Another possibility would be to consider the feasibility and practicality of a street connection between the subject site and the adjacent Suburban Estates Subdivision, as the proposed and existing developments will be of similar density and character. This would be accomplished by constructing a street through to the end of Palestine Drive. The benefit/impact to both subdivisions should be carefully considered.

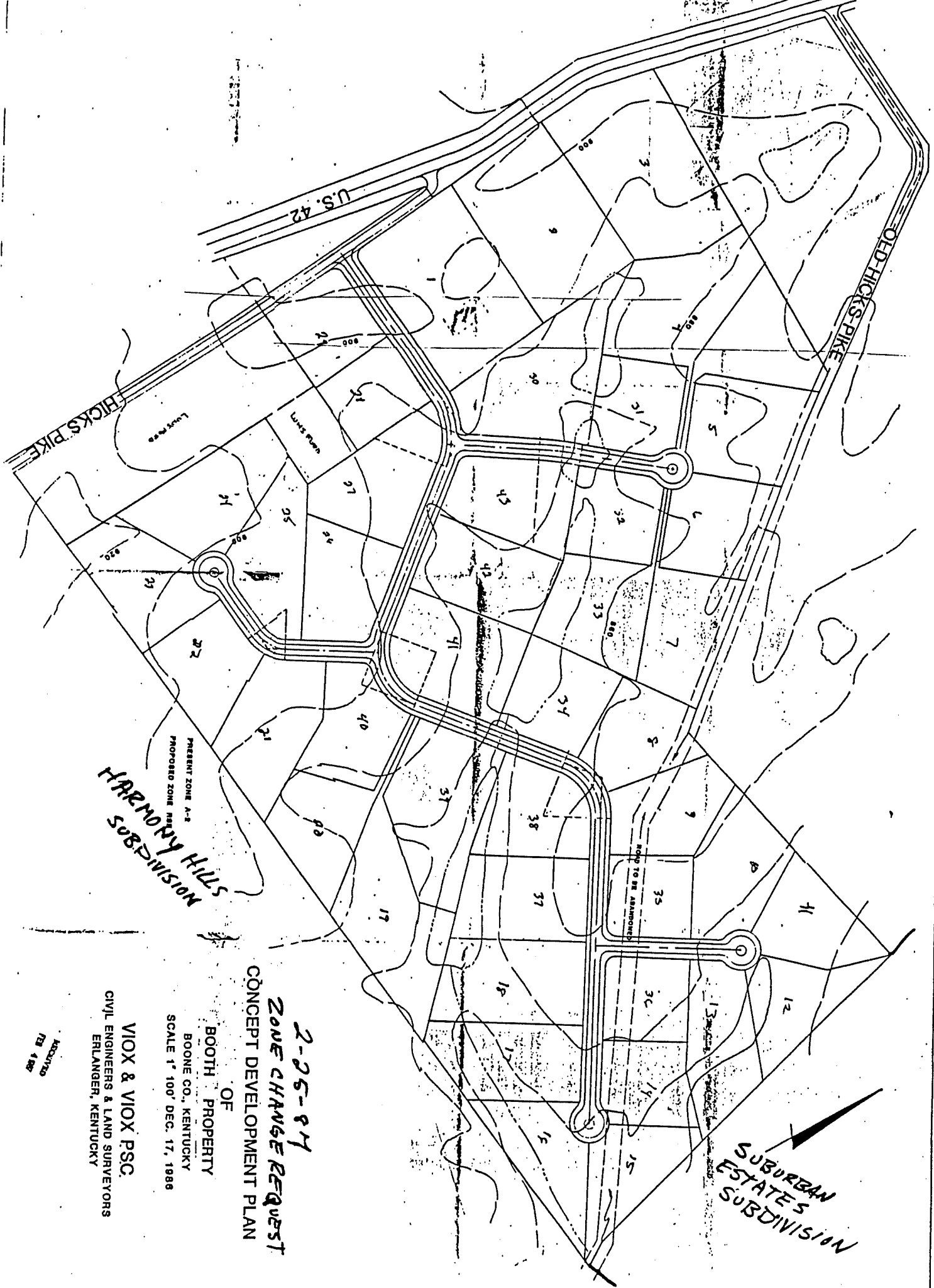
Furthermore, the proper procedures should be initiated for the acquisition of the right-of-way for Old Hicks Pike before review of subdivision plans for development of the site.

#### CONCLUSIONS

This Zoning Map Amendment Request should be reviewed in regard to its relationship with the 1986 Boone County Comprehensive Plan. The Commission may also want to consider staff's concerns as mentioned above. If the Planning Commission and Boone County Fiscal Court should approve this request, the Comprehensive Plan need not be amended.

  
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Jim Sturdevant  
Plans Examiner/Planner

JS:mcb



**HARMONY HILLS  
SUBDIVISION**

**SUBURBAN  
ESTATES  
SUBDIVISION**

**2-05-84  
ZONE CHANGE REQUEST  
CONCEPT DEVELOPMENT PLAN**

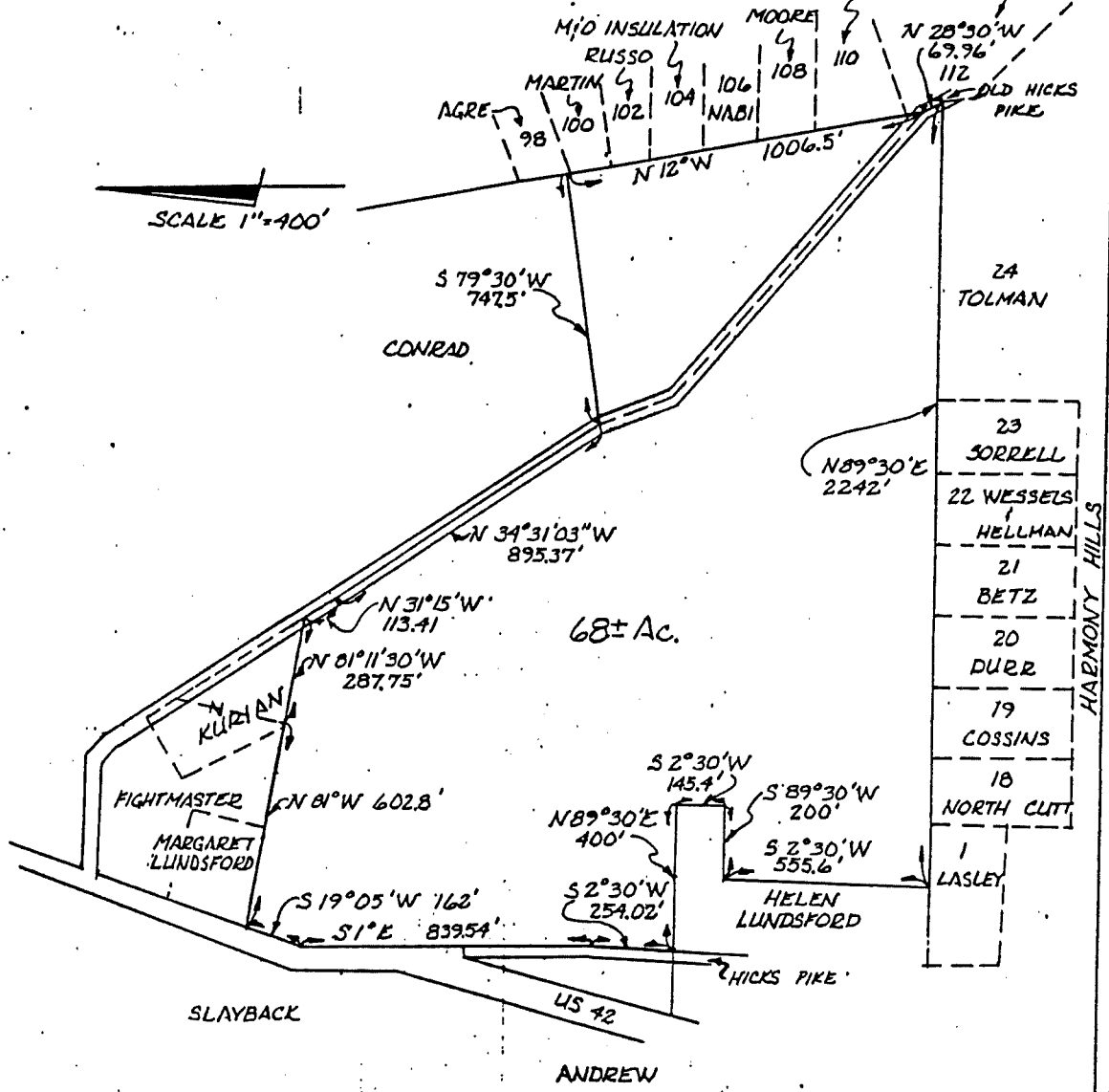
**OF  
BOOTH PROPERTY  
BOONE CO., KENTUCKY  
SCALE 1" = 100' DEC. 17, 1988**

**VIOX & VIOX PSC.  
CIVIL ENGINEERS & LAND SURVEYORS  
ERLANGER, KENTUCKY**

ADMITTED  
FB 1987

SUBURBAN ESTATES SUB.

SECTION VIII KACHLER



BOOTH PROPERTY to be REZONED

PREPARED BY:  
VIOX AND VIOX, P.S.C.  
Civil Engineers & Land Surveyors  
Erlanger, Ky.

to the request, with the curb cut as the major issue.

Mr. Hemmer asked why this has to go through a Public Hearing rather than a Business Meeting and the Site Plan.

Mr. Newton stated that when the City of Florence adopted the Parkway Corridor Study, certain parcels within that study area need to come through for utilization of the underlying zone. This is one of those sites.

Chairman Kroger asked if there was anyone else wishing to speak.

Chairman Kroger stated that action would be taken on the March 4, 1987 meeting. That meeting begins at 8:00 P.M. Hearing no further questions, Chairman Kroger declared the Public Hearing closed.

#### PUBLIC HEARING

#4 ZONING MAP AMENDMENT - Rector Jones, Chairman; Jim Sturdevant, Staff

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A request of Camder, Inc. (applicant) for H.R. Booth and Thomas B. King (owners) for a Zoning Map Amendment on a 68+ acre parcel located southeast of the intersection of Old Hicks Pike and U.S. 42, Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Rural Suburban Estates.

Staff member Jim Sturdevant read the Staff Report. (See Staff Report). Mr. Sturdevant also gave a brief history of the site and a slide presentation.

Chairman Kroger asked Mr. Jim Viox, engineer for Camder, Inc., if he was going to speak for Camder. He stated yes and that he wanted to point out that this particular zone change application does not require a Concept Development Plan. However, in light of the concerns expressed by some of the Commission and the fact that the property owner is Dr. Booth who used to be related to this Commission decided to present a Concept Plan. Mr. Viox stated that this was a plan presented through Camder, Inc. Mr. Viox pointed on the sketch that the area in green is the property that the zone change request is being made. The blue areas represent lakes that exist on the farm. The white stretch represents the streets and driveways and the brown represents the proposed buildings projected for site. He pointed to the top of the sketch to explain that the area was

the subdivision known as Suburban Estates, plus adjoining Harmony Hill Subdivision, both of which have been developed prior to this application. Some of the concerns as he understands that exist pertaining to this request are the fact that Old Hicks Pike runs through the site, and they know they must address that existing road or right-of-way prior to the recording of any lots that affect the building sites there. There has been a concern regarding the onsite sewage disposal because there are no central sewage systems in the area, and he did not feel there were any in the future. However, the systems that are being planned for this site are the same systems that are being installed at Southhampton Estates off of Mt. Zion Road and they are actual on-site treatment facilities, not septic tanks, which would be acceptable for discharge to a stream. The site would meet the Health Department requirements.

Chairman Kroger asked if there was anyone else who would like to speak.

Mrs. Mickey Deckenhart stated she had four acres and they are zoned A-2. She stated they had come from 2 acre lots. She is very disappointed regarding this request and would like to keep the same acreage at least 2 acres.

Mrs. Jo Wendell stated she lived on Hicks Pike. She stated it was a very narrow road. She stated she would like the site to remain as is.

Mrs. Sue Tollman stated she would like to see this site not change. She owns nine (9) acres and stated most everyone had two (2) or more acres for their lots.

Mrs. Linda Sorrell stated she had two acres on Hicks Pike. She stated when two cars meet, one would have to get in the grass in order for them to pass each other. She also stated she would like to see two (2) acre lots in this area.

Mrs. Debbie O'Daniel stated she had moved from Elsmere to this area in order to have more acreage.

Mr. Ralph Northcutt stated he was planning on building in Harmony Hill and felt at the time it would interface with Hicks Pike.

Chairman Kroger asked if there was anyone else wishing to speak.

Mr. Melvin Wilson stated he lived in Harmony Hill and wanted to know where the sewage would be going.

Chairman Kroger asked Mr. Jim Viox to explain.

Mr. Viox stated the system planned here would have each home on their own treatment plant. Mr. Viox further elaborated on the process.

Mr. Paul Lassley stated that he owned the first house that abuts Mrs. Lunsly and wanted to know how far the leach fields go from the property. Mr. Viox stated they have to be discharged on their own property and it turns out all the land that exists here drains naturally into the large swale that goes through the property.

Mr. Mike Setters wondered if the law required 2 acres for installation of a septic tank.

Chairman Kroger referred to the staff for this answer.

Mr. Newton recommended that the individual contact the Northern Kentucky Health Department.

Chairman Kroger asked if there was anyone else wishing to speak.

Mr. Derek Hoxby, President of Camder, Inc. stated he would be the developer of the site. His intentions are to build a very beautiful development. Most homes will be 2,600 square feet or more. Mr. Hoxby builds custom homes.

Mr. Wilson stated when you turn off U.S. 42 onto Hicks Pike and if there is a car coming on U.S. 42, you have to stop. He stated a stopped car at this point was in a "hole" and not totally visible to traffic on U.S. 42.

Chairman Kroger asked if there was anyone else wishing to speak.

Mr. Mike Hemmer asked what the minimum lot size would be. The answer was 40,000 square feet. Chairman Kroger stated there was 65 acres in the site they are proposing, but there will be 43 homes.

Chairman Kroger asked if there was anyone else.

Mr. Don McMillian stated there was a lot of discussion on the entrance, and asked if this would be off Old Hicks Pike. Mr. Jim Viox stated that part of Old Hicks Pike would have to be abandoned.

After further discussion, Chairman Kroger asked for any further discussion. There being none, the Public Hearing was closed. This request will be heard at the March 4, 1987 Business Meeting. He stated that everyone might check to see if it would be on the agenda for this date.

#### CONCEPT DEVELOPMENT PLAN

A request of Imants Rutens (applicant) for Robert and Joanna West (owners) for the utilization of an underlying zone in Planned Development. The 0.45 acre site is currently zoned Commercial Services/Planned Development (C-3/PD) as recommended in the Parkway Corridor Study.

Mr. Gerald Newton read the Committee Report which recommended deferral based upon the applicant's desire to renegotiate his contract with the property owner and to address the concerns mentioned at the Public Hearing and at the Committee Meeting.

Mr. Collins made a motion that this request be deferred until the March 18, 1987 meeting. Motion was seconded by Mr. Burch. All agreed. Motion carried.

#### ZONING MAP AMENDMENT

A request of Camder, Inc. (applicant) for H.R. Booth and Thomas B. King (owners) for a Zoning Map Amendment on a 68+ acre parcel located southeast of the intersection of Old Hicks Pike and U.S. 42, Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Rural Suburban Estates (RSE).

Mr. Gerald Newton read the Committee Report which recommended approval based upon the following findings of fact and with the following condition:

#### FINDINGS OF FACT

1. The map amendment is in agreement with the 1986 Boone County Comprehensive Plan, which indicates a future land use of low density residential for the general vicinity of the subject site, and which also states that residential development in the area should be in subdivision form.

#### CONDITIONS

That the applicant agree to dedicate additional right-of-way for Hicks Pike and construct street improvements to Hicks Pike between U.S. 42 and the entrance road to the proposed subdivision as necessary to bring this portion of roadway into conformance with the specifications for streets as outlined in the Boone County Subdivision Regulations. This may include, but is not necessarily limited to; realignment of the U.S. 42-Hicks Pike intersection to provide better vehicle storage and turning movements for traffic utilizing the street intersection; and widening of the width of pavement and necessary drainage

improvements for this portion of Hicks Pike.

Chairman Kroger recognized Mr. Jim Viox in the audience to speak in behalf of this request. Mr. Viox stated that they would go along with the Committee's findings of fact and with the conditions hereinto described.

Mr. Rector Jones made a motion that the Zoning Map Amendment be approved as read. Ms. Smith seconded the motion. All agreed. Motion carried.

#### ZONING MAP AMENDMENT

A request of John Robertson (owner) for a Zoning Map Amendment on a 0.92 acre parcel located southeast of the intersection of Limaburg Road and Distribution Drive, Boone County, Kentucky. The request is to rezone the property from Industrial One (I-1) to Commercial One (C-1). The intended use is a convenience store.

Mr. Gerald Newton read the Committee Report which recommended approval of the Zoning Map Amendment based upon the following findings of facts and with the following conditions:

#### FINDINGS OF FACT

1. The requested Zoning Map Amendment is in conformance with the Goals and Objectives and Business Activity Element of the 1986 Boone County Comprehensive Plan, pages G-3 and B-15, as outlined in the Staff Report.

2. The proposed development would not be incompatible with surrounding land uses. Furthermore, it would serve to provide convenience goods and services to residential and industrial activities in the vicinity of the site.

#### CONDITIONS

That any access points to the property from a public street meet the minimum requirements of Article 17A, Access Management, of the 1986 Boone County Zoning Regulations, which would allow additional control over access and turning movements at these points.

Mr. Don Davis made a motion that the Zoning Map Amendment be approved. Motion was seconded by Mr. R. Jones. All agreed. Motion carried.

#### SITE PLAN REVIEW

~~A request of James Viox (applicant) for William C. Anderson~~

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rector Jones, Chairman

DATE: March 4, 1987

RE: Request of Camder, Inc. (applicant) for H.R. Booth and Thomas B. King (owners) for a Zoning Map Amendment on a 68+ acre parcel located southeast of the intersection of Old Hicks Pike and U.S. 42, Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Rural Suburban Estates.

REMARKS:

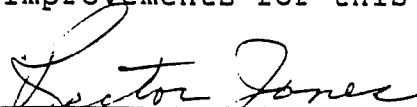
We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following finding of fact and with the following condition:

Finding of Fact


1. The map amendment is in agreement with the 1986 Boone County Comprehensive Plan, which indicates a future land use of low density residential for the general vicinity of the subject site, and which also states that residential development in the area should be in subdivision form.

Condition

That the applicant agree to dedicate additional right-of-way for Hicks Pike and construct street improvements to Hicks Pike between U.S. 42 and the entrance road to the proposed subdivision as necessary to bring this portion of roadway into conformance with the specifications for streets as outlined in the Boone County Subdivision Regulations. This may include, but is not necessarily limited to; realignment of the U.S. 42-Hicks Pike intersection to provide better vehicle storage and turning movements for traffic utilizing the street intersection; and widening of the width of pavement and necessary drainage improvements for this portion of Hicks Pike.

  
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 Rector Jones, Chairman

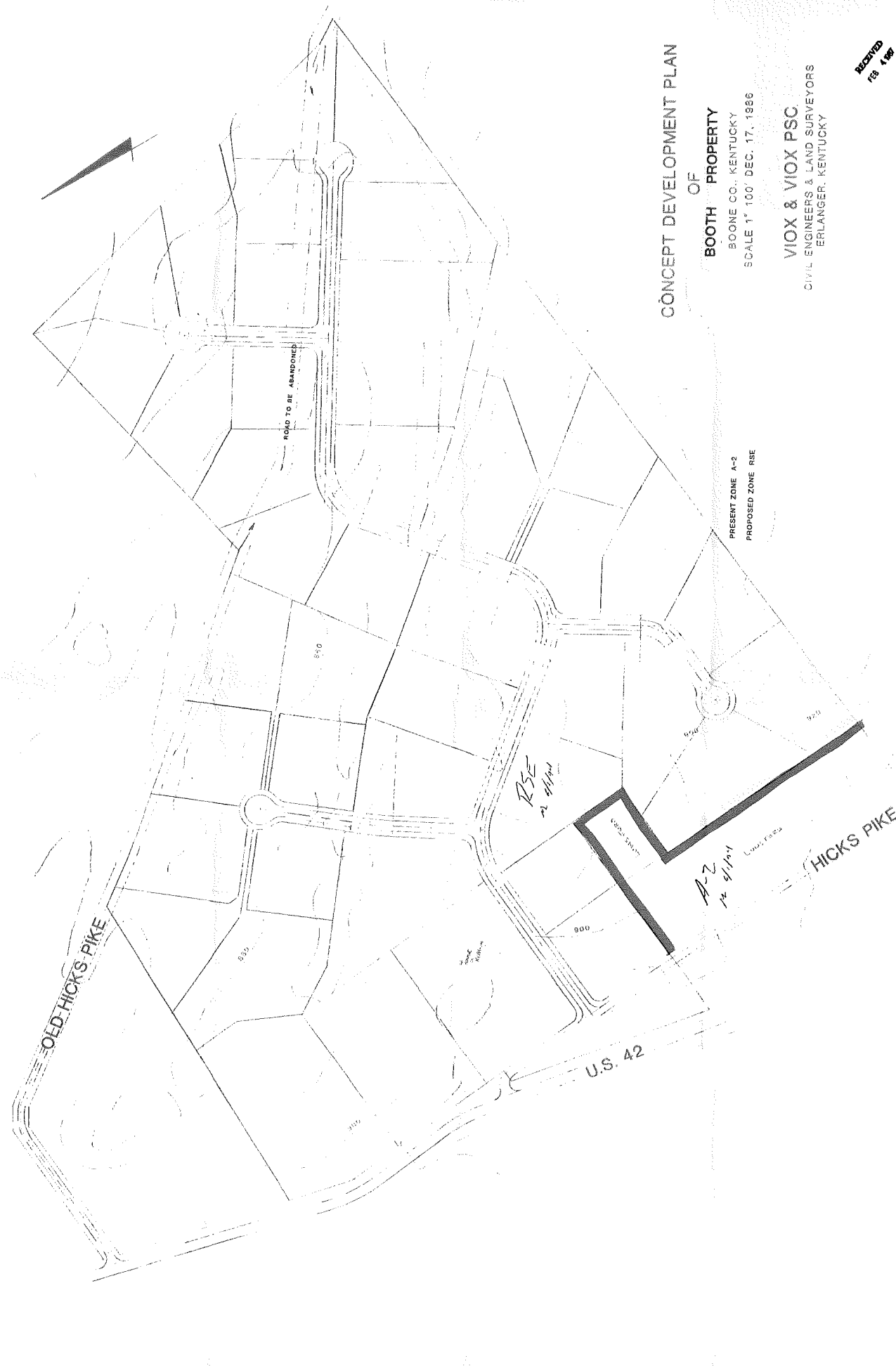
\_\_\_\_\_  
 Donald Davis

  
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 Melvin Delong

  
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 Fred Burch

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 William Viox

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 Larry Barnett



CONCEPT DEVELOPMENT PLAN

OF  
BOOTH PROPERTY

BOONE CO., KENTUCKY  
SCALE 1" = 100' DEC. 17, 1986

VIOX & VIOX PSC  
CIVIL ENGINEERS & LAND SURVEYORS  
ERLANGER, KENTUCKY

RECEIVED  
FEB 4 1987

PRESENT ZONE A-2  
PROPOSED ZONE RSE

OLD HICKS PIKE

U.S. 42

HICKS PIKE

ROAD TO BE ABANDONED

RSE  
1/2 4/1/11

A-2  
1/2 4/1/11

Lower Falls

800

900

920

ORDINANCE 920111

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 AGRICULTURAL ESTATE (A-2) TO RURAL SUBURBAN ESTATES (RSE) LOCATED SOUTHEAST OF THE INTERSECTION OF OLD HICKS PIKE AND U. S. 42, BOONE COUNTY, KENTUCKY AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION (R-13-87).

WHEREAS, the Boone County Planning Commission received a request for approval and adoption for a map amendment for a zone change from Agricultural Estate (A-2) to Rural Suburban Estate (RSE) located southeast of the intersection of Old Hicks Pike and U. S. 42, Boone County, Kentucky 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 agricultural Estate (A-2) to Rural Suburban Estate (RSE) for property located southeast of the intersection of Old Hicks Pike and U.S. 42, Boone County, Kentucky. 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 "A")

SECTION II

That as a basis for the recommendation of approval of the zone change request is the findings of fact of the Boone County Planning Commission as set forth in its Minutes and official records for this change request shall be and are hereby incorporated by reference as if fully set out in this Ordinance.

(ATTACHMENT - EXHIBIT "B")


SECTION III

That a copy of this Ordinance recommending approval of a map amendment for a zone change from Suburban Residential One (SR-1) and Commercial Two (C-2) to Commercial Services (C-3) for property located on the south side of KY 18 and west of Hopeful Road, City of Florence and Boone County, Kentucky shall be forwarded to the Boone County Fiscal Court, Kentucky having jurisdiction over the property fo its action on the recommendation of the Boone County Planning Commission.

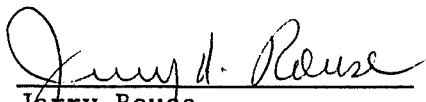
THAT, the Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the 07<sup>th</sup> day of April, 1987.

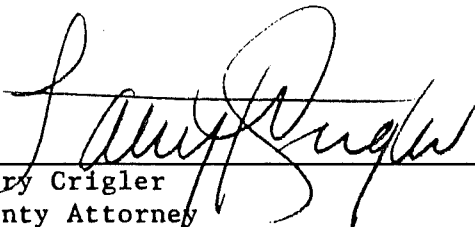
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 05<sup>th</sup> day of May, 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

  
\_\_\_\_\_  
Bruce Ferguson  
Boone County Judge/Executive

ATTEST:

  
\_\_\_\_\_  
Jerry Rouse  
Boone County Clerk

SUBMITTED BY:

  
\_\_\_\_\_  
Larry Crigler  
County Attorney

\_\_\_\_\_  
DATE PUBLISHED