

## STAFF REPORT

REQUEST OF ARLINGHAUS BUILDERS (OWNERS BY CONTRACT) FOR  
A ZONING MAP AMENDMENT FOR PROPERTY LOCATED EAST OF  
PHEASANT RUN SUBDIVISION AND SOUTH OF  
CARPENTERS RUN SUBDIVISION, BOONE COUNTY, KENTUCKY

FEBRUARY 24, 1988

Applicant is requesting a Zoning Map Amendment from Rural Suburban (RS) to Suburban Residential One (SR-1) for approximately 5.74 acres. The subject property is part of the proposed Powder Creek Crossing Subdivision, located west of Cayton Road, Pheasant Run Subdivision, and south of Carpenters Run Subdivision, Boone County, Kentucky. Attached is the 2/3/88 Staff Report for Powder Creek Crossing Subdivision. The existing RS zone extends with a line 500 feet west of and parallel to Beemon Lane, south 500 feet of existing Cayton Road, and is roughly square in shape (see attached plan).

Surrounding Land Uses and Zoning

North of the subject site is a single-family residence in the RS zone. This residence is located on the west side of Beemon Lane. The subject site has approximately 200 feet of frontage on the west side of Beemon Lane. East of the site's frontage on Beemon Lane is another single-family residence in the RS zone. Adjacent to the east side of the subject property are seven single-family homes in the Pheasant Run Subdivision (zoned Residential One Family, R1F). Pheasant Run Subdivision is within the incorporated limits of the City of Florence.

South and west of the subject site is crop and pasture, zoned SR-1, which is part of the proposed Powder Creek Crossing Subdivision. Northwest of the site are several single-family homes, in the SR-1 zone, and Carpenters Run Subdivision.

Public Facilities and Existing Features of the Site

The majority of the site drains to the south into an intermittent tributary of Gunpowder Creek. A small portion of the site slopes toward Beemon Lane and the Pheasant Run Subdivision. Soils on the site are of the Rossmoyne and Jessup series common to Boone County. The existing use is crop and pasture land.

Sanitary sewer and water service are adjacent to the site and are planned for extension into the site with development of the proposed subdivision. There is an existing electric service line that bisects the site which served a former residence on adjacent property to the south.

The subject site will be served by the extension of Cayton Road west from its intersection with Beemon Lane (see attached plan). The extension of Cayton Road is proposed to be a subcollector

street with a pavement width of 28 feet. There is an old county right-of-way abutting the site's east property line. As far as staff can ascertain, this right-of-way has not been officially closed by the Boone County Fiscal Court.

Relationship to the 1986 Boone County Comprehensive Plan

This request must be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. The Future Land Use Map indicates future development in the area to be medium density residential (3 to 8 dwelling units per acre).


The Plan's Land Use Element, Camp Ernst Area (section C-4), refers to the areas as receiving primarily residential growth and subdivisions that utilize existing streets as collectors and not the principal roads for development (page L-14).

The Plan's Housing Element states:

"There is a desire of the population to live in rural areas that are convenient to the centers of commercial activity. This suggests a gradual outward movement of housing construction from the Florence area.... Residential development should occur around established areas as opposed to leapfrogging to isolated areas such as the western portion of the county.... Development in established areas takes advantage of existing services and lessens the strain on the transportation network." (page H-19)

Conclusion

This request should be reviewed on the basis its relationship to the 1986 Boone County Comprehensive Plan. 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



STAFF REPORT

DEVELOPMENT: Powder Creek Crossing Subdivision  
 APPLICANT: Arlinghaus Builder, Inc.  
 LOCATION: West of Cayton Road-Beemon Lane Intersection  
 ZONING: Rural Suburban (RS) and Suburban Residential One (SR-1)  
 DATE: February 3, 1988

## REMARKS:

Applicant is requesting Preliminary Plat Review for 119 lots on 44.62 acres. The site is located west of Pheasant Run Subdivision and south of Carpenter's Run Subdivision. Approximately 7 acres of the site is in the Rural Suburban (RS) zone.

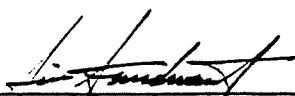
Access to the site is proposed to be through an extension of Cayton Road west of its intersection with Beemon Lane. Cayton Road and another proposed street will be built to the property line for future extension into the adjacent property (currently the Rehkamp Farm).

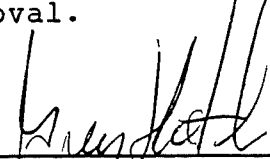
Staff has met with the applicant's engineer and a representative of the Boone County Road Department to discuss possible improvements to the Cayton Road-Beemon Lane Intersection. This intersection is presently a 90 degree curve. Staff recommended that it be reconstructed to a 90 degree "T" intersection. The applicant has indicated willingness to cooperate with the county to provide this improvement. Details for improvement of the intersection should be submitted with the Improvement Plan for the Commission's review.

The proposed Preliminary Plat indicates that the applicant intends to apply for a zone change for the RS zoned portion of the site. The merits of this request must be reviewed when the application for the zone change is filed with the Planning Commission.

The applicant will need to provide alternative street names for proposed Knob Court and Meadow Creek Drive with the Improvement Plan as these names resemble existing roads in the county.

This Preliminary Plat meets the minimum requirements of the Boone County Zoning and Subdivision Regulations with the staff's recommendation regarding the Cayton-Beemon intersection improvement. Staff recommends approval.

  
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 Jim Sturdevant,  
 Plans Examiner/Planner

  
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 Greg Sketch,  
 Engineer

JS/GS:mcb

KAC 2/3/88





APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Union Board of Adjustment
- City of Florence Board of Adjustment
- City of Walton Board of Adjustment
- Boone County Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Zoning Map Amendment
- Comprehensive Plan Change
- Planned Development Overlay Change
- Preliminary Plat Review
- Improvement Plat Review
- Conditional Use Permit
- Final or Deed Plat Review
- Concept Development Plan Change
- Site Plan Review
- Preliminary Development Plan
- Historic District Overlay
- Change of Non-Conforming Use
- Appeal or Variance
- Design Review Board and Certificate of Appropriateness
- Sign or Zoning Permit

Applicant: Arlinghaus Builders

- Owner *by option*
- Agent

Address: 794 Dudley Road

Edgewood, Ky.

Telephone: 341-8051

Location: Cayton Rd and Beemon Rd

Name of Property Owner: \_\_\_\_\_

Address of Property Owner: \_\_\_\_\_

Zoning District: RS Area in Acres: 8.0

Deed Book: 196 Page Number: 649 Group Number: 2039

Description of Request: Zoning map amendment from RS to SR-1

*Ray will bring copy of option later.*

Applicant's Signature: *Joe Arlinghaus*

Property Owner's Signature: \_\_\_\_\_

Application Fee: \$ 437.00 FOR PLANNING COMMISSION USE ONLY Date Received: 2-3-88 By: *MB*

Referred To: *fin* Meeting Date: *Public Hearing 2/24/88 7:00PM*

Action Taken: *Approved* Date of Action: *3/2/88*

EXHIBIT "A"

# Raymond Erpenbeck Consulting Engineers

ENGINEERS • SURVEYORS • PLANNERS

February 1, 1988

4205 DIXIE HIGHWAY • ELSMERE, KENTUCKY 41018 • (606) 727-4200

ARLINGHAUS BUILDERS, INC.  
ZONE CHANGE REQUEST  
RS TO SR-1  
legal description

Beginning at a point on the south right of way line of Beemon Lane and being a corner between Dolley and Anderson; thence with the said south right of way line S 29° 03' E, 740 feet more or less; thence leaving said south right of way line S 51° 03' W, 470 feet more or less, thence N 29° 03' W, 740 feet more or less to the common line between Dolley and Anderson; thence with said line N 51° 03' E, 470 feet more or less and containing approximately 8.00 acres.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2  
February 24, 1988

Page 1

Following a ten minute recess, Chairman Viox opened the Public Hearing for Item No. 2 on the agenda:

2. Applicant: Arlinghaus Builders  
Request: Zoning Map Amendment

This was a Public Hearing on a request of Arlinghaus Builders for a Zoning Map Amendment from Rural Suburban (RS) to Suburban Residential One (SR-1). The 5.74 acre site is located at Cayton Road and Beemon Lane, Boone County, Kentucky.

Staff Member, Jim Sturdevant, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked the applicant for his comments.

Mr. Ray Erpenbeck presented a copy of the approved Preliminary Plat and indicated the section currently zoned Rural Suburban (RS), which is a corner of the larger tract. The subdivision is being developed in 75' X 150' lots and the RS Zone requires 20,000 sq. ft. lots. They are requesting the change to SR-1 to make this tract compatible with the rest of the subdivision. He stated that the request is in agreement with the Comprehensive Plan which calls for three to eight units per acre. They will be developing approximately three lots per acre.

There being no one else present in favor of the request, Chairman Viox asked if there was anyone present in opposition to the request or if there were any questions.

Mr. Randy Smith, a resident of Pheasant Run Subdivision, stated that he is concerned about an old county road that abuts his property. He stated that if Arlinghaus Builders does not develop this property as proposed, then another developer may change the subdivision and open up the county road.

Mr. Sturdevant stated that the county road Mr. Smith mentioned is 30' wide, which would not be adequate to develop a street to current specifications. There is a possibility of the roadway being used for some type of access.

Mr. Erpenbeck stated that the Preliminary Plat has been submitted and approved. They do not intend to use the right of way indicated by Mr. Smith. He stated that Mr. Arlinghaus would not object to the property owners approaching the Fiscal Court in regard to closing the roadway.

Mr. Charles Cannon, a resident of Pheasant Run Subdivision, questioned the division of the lots and asked if Lots #56 and #57 would be changed. He asked if a restriction could be placed on the approval of the request which would prohibit low-price homes.

Mr. Erpenbeck indicated the division of the lots on the Preliminary Plat for Mr. Cannon and stated that Lots #56 and #57 will not be changed.

Counselor Wilson advised the Commission cannot impose restrictions regarding the pricing of a development.

Mr. Lavender questioned how many lots there would be in the development and noted his concerns regarding traffic problems on Cayton Road.

Mr. Erpenbeck stated that the intersection of Cayton Road and Beemon Lane would be changed to provide a properly aligned intersection during the first phase of the development.

Chairman Viox asked if there was anyone else present who wished to speak. There being no one, he asked if there were any questions or comments from the Commission.

Mrs. Bushelman asked if the developer would be willing to pay for the closing of the county roadway.

Mr. Erpenbeck stated that he was unaware of the costs involved but would talk with the county. Mr. Arlinghaus stated that whether or not they would be willing to pay for this would depend on the cost.

Mrs. Bushelman noted that the Agenda indicates this site to be 8 acres and the Staff Report indicates that it is 5.74 acres. Mr. Sturdevant advised that the Staff Report is correct.

Mr. Neltner questioned why this parcel is currently zoned Rural Suburban.

Mr. Sturdevant advised that the zoning map indicates Rural Suburban zoning parallel to Cayton Road and Beemon Lane for 500 feet from the roadways in order to create larger lots and decrease the number of access points on the roadways.

Chairman Viox advised that Pheasant Run Subdivision was built after this zoning was in place and the zoning was not changed during the last update.

Mr. Erpenbeck stated that the county road problem exists irregardless of the zoning and should not affect the zone change request.

Mr. Cannon asked that the water from the site be directed away from Pheasant Run Subdivision.

Mr. Erpenbeck noted a ravine on the Preliminary Plat which will be used for drainage and stated that the water will be drained away from Pheasant Run Subdivision.

There being no further comments or questions, Chairman Viox advised that this item will be on the agenda for the Business Meeting on March 2, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
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William Viox, Chairman

ATTEST:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

March 2, 1988

8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman  
Mr. Fred Burch  
Mrs. Rita Buselman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. Rector Jones  
Mr. Don McMillian  
Mr. Charles Moore  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. R. N. Greene

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of February 17, 1988 and the Public Hearings of February 24, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Barnett moved that the Minutes of the Business Meeting of February 17, 1988 and the Public Hearings of February 24, 1988 be approved as mailed. Mr. McMillian seconded the motion and it carried unanimously.

Mr. Sharp stated that he was concerned about the applicant's ability to tie into the sewage system. He noted that should the applicant not be able to tie into the system, then the chances of the project proceeding as planned are almost nil.

Mr. Moore stated that he was in agreement with the concerns expressed by Mr. Prodoehl. He questioned how a future development could be turned down by the Commission if the number of units was in conformance with the SR-2 zone.

Counselor Wilson stated that a subsequent owner would be required to come before the Commission and request a change in the Concept Development Plan should he wish to exceed the number of dwelling units indicated in the condition of approval of this request. He added that if the Commission and the legislative body could substantiate that the increased density is inappropriate, then a future request could be denied.

Mr. Moore stated that he is concerned about the number of units proposed for the site and the question of the sewer provision. He added that he believes the proposed development is not appropriate for the site and the zone change is inappropriate.

Mr. Neltner questioned if there were any guidelines regarding the costs the applicant might incur for road improvements.

Mr. Burch stated that the Highway Department is considering two options in regard to roadway improvement, one is to widen the road and the other is to straighten the curve. He added that at this time, the applicant's commitment to cooperate is sufficient as a decision has not been reached by the Highway Department. He added that there may be other developers involved in the roadway improvements as the area develops.

Mr. Neltner commented that an intent to cooperate may be difficult to enforce.

There being no further discussion, Chairman Viox stated that he will abstain from voting in regard to this request as the firm he is employed by represents one of the adjoining property owners. The Chairman asked for a roll call vote on the motion made by Mr. DeLong which found Mr. Barnett, Mr. Burch, Mr. DeLong, Mr. Jones, Mr. McMillian, Mr. Neltner, Mr. Rush, and Mrs. Smith in favor. Mrs. Bushelman, Mr. Collins, Mr. Damstrom, Mr. Moore, and Mr. Sharp were opposed. Chairman Viox abstained. The motion carried.

## 2. Zoning Map Amendment

A request of Arlinghaus Builders for a Zoning Map Amendment from Rural Suburban (RS) to Suburban Residential One (SR-1). The 8.0-acre site is located at Cayton Road and Beemon Lane, Boone County, Kentucky.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the finding of fact, but subject to one condition (see Committee Report).

Chairman Viox asked if there was a representative of the applicant present.

Mr. Ray Erpenbeck stated that they are in agreement with the condition.

Chairman Viox asked if there was anyone present who wished to speak in regard to this request.

There being no response, Mr. Collins moved by resolution to the Fiscal Court that the request be approved as recommended by the Committee Report, based on the finding of fact, and subject to the condition. Mr. Burch seconded the motion and it carried unanimously.

3. Revision of a Concept Development Plan

A request of Corporex Parks of Kentucky, Inc. (owner) for a Revision of a previously approved Concept Development Plan on a 4.3-acre site located at Lot 1, Circleport I, off Mineola Pike, Boone County, Kentucky. The current zoning of the site is Industrial One (I-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the findings of fact, but subject to conditions (see Committee Report).

Chairman Viox asked if there was a representative of the applicant present.

Mr. Tom Banta stated that they are in agreement with the conditions.

Chairman Viox asked if there was anyone else present who wished to speak.

There being no response, Mr. Burch moved by resolution to the Fiscal Court that the request be approved as recommended by the Committee Report, based on the findings of fact and subject to the conditions. Mr. DeLong seconded the motion and it carried unanimously.

4. Zoning Map Amendment

A request of John Cummins (dba Insurance Distribution Center) for Richard Ammon and Robert Maddox (owners) for a Zoning Map Amendment for a 7-acre (approx.) parcel located at 1840 Florence Pike, Boone County, Kentucky. The request is to rezone the property from Commercial Two (C-2) to Commercial Services (C-3) to allow the sale of pre-owned automobiles.

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

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

RE: Request of Arlinghaus Builders for a Zoning Map Amendment from Rural Suburban (RS) to Suburban Residential One (SR-1). The 8.0 acre site is located at Cayton Road and Beemon Lane, Boone County, Kentucky.

DATE: March 2, 1988

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:

The requested Suburban Residential One zoning is in conformance with the 1986 Boone County Comprehensive Plan, which indicates a future land use of medium density residential for the subject property. Other references to the Comprehensive Plan are made in the Staff Report.

Condition:

Any change in the plan as presented at the February 24, 1988 Public Hearing must be reviewed by the Planning Commission's Technical Committee to determine if such changes constitute a major or minor change. If the Committee determines any changes to be major, a new application and public hearing for Concept Development Plan approval will be required.

Carol Smith  
Carol Smith, Chairwoman

Fred Burch  
Fred Burch

\_\_\_\_\_  
Larry Barnett

Rector Jones  
Rector Jones

Don McMillian  
Don McMillian

JS:kam

ORDINANCE 920.146

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 RURAL SUBURBAN (RS) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR AN EIGHT (8) ACRE SITE GENERALLY LOCATED AT CAYTON ROAD AND BEEMON LANE, BOONE COUNTY, KENTUCKY, AS REQUESTED BY ARLINGHAUS BUILDERS AND RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION R-13-88.

WHEREAS, the Boone County Planning Commission received a request for approval for a Zoning Map Amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change from Rural Suburban (RS) to Suburban Residential One (Sr-1) for an eight (8) acre site generally located at Cayton Road and Beemon Lane, 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 was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for the zoning amendment.

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

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map amendment being a zone change from Rural Suburban (RS) to Suburban Residential One (SR-1) for an eight (8) acre site generally located at Cayton Road and Beemon Lane, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in attached "Exhibit A".

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 and Zoning Commission as set forth in its Minutes and official records for this zone change request, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, 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 (ATTACHED - exhibits "B and C").


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 5<sup>th</sup> day of April, 1988.

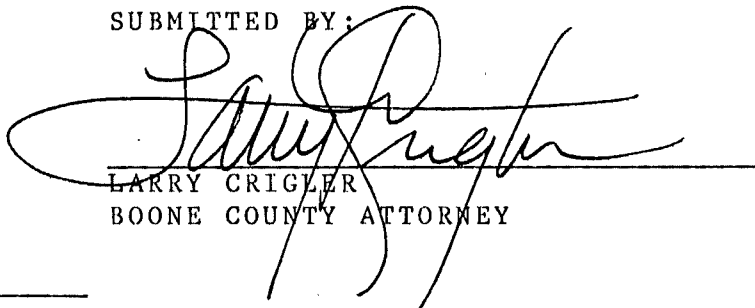
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting of the 19<sup>th</sup> day of April 1988, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

  
BRUCE FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

  
R. SCOTT KIMMICH  
FISCAL COURT CLERK

SUBMITTED BY:

  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

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