

STAFF REPORT

#1

REQUEST OF ANDY BURNS AND KENNETH D. JAMESON FOR A ZONING MAP AMENDMENT FOR PROPERTY ON U.S. 42, SOUTH OF UNION, KENTUCKY

JANUARY 25, 1989

This is a request for a Zoning Map Amendment by Andy Burns and Kenneth D. Jameson for a ±313 acre tract located on the west side of U.S. 42, between KY 536 (Frogtown Road) and Rice Pike, Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Rural Suburban Estates/ Recreation/Planned Development (RSE/R/PD), to allow the establishment of a residential subdivision and golf course. The property is owned by Walter, Shelley, and Cynthia Ferguson.

Surrounding Zoning and Land Uses

north: A-2 and RSE; agricultural uses and single-family residences
south: A-2; agricultural uses and single-family residences
east: RSE and A-2; a country store, single-family residences, and agricultural uses
west: A-2; agricultural uses

Site Features

This site consists of gently to steeply rolling hills and has been largely cleared for agricultural uses, with several large stands of trees remaining on the slopes and natural drainage areas. The elevation on the site varies from a high point of 940 feet to a low point of 840 feet. Soils on this site consist of Rossmoyne series, 0 to 6 percent slopes, on the relatively flat areas, and Faywood series soils, 12 to 20 percent slopes, in the streambeds; soils on the gentle slopes are of the Nicholson or Rossmoyne series, 6 to 12 percent slopes. These soils vary in erodibility from moderate on the hill tops to severely erodible on the slopes. The site generally sits above the elevation of U.S. 42. Agricultural uses on the site include tree-farming, corn, tobacco, hay, and cattle.

There are two areas of historical importance on the site; one is a house which is on the Kentucky Heritage Council's Historic Resources Data File, and the second is a cemetery. Further information on these sites is contained in the attachment to this report by the Boone County Historic Preservation Planner. A barn is also located on the site. The adjacent property to the south and fronting on U.S. 42 contains a house which is on the National Register of Historic Places. A portion of the property adjoins a county road, Meiman Lane.

Concept Development Plan

The submitted Concept Development Plan indicates residential and recreational use of this property in a Planned Development. The plan indicates a road network to be wholly contained on the site, with a single access point on U.S. 42 and no proposed connections to adjoining properties. Approximately 100 ±one acre

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residential lots are to be constructed on both sides of the proposed streets and cul-de-sacs. The residential lots would be surrounded by an 18 hole golf course. The Concept Plan also provides for a club house, tennis courts, and pool. Water service for the development would be by the extension of existing service on U.S. 42, and sanitary sewer service would be by individual septic systems on each lot.

Relationship to the Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Low Density Residential (up to 3 dwelling units per acre) on approximately half of the site, and Rural Lands (agricultural uses, woodlands, recreation uses, and residential uses of one dwelling unit or less per two acres) on the other half. The Land Use Element of the Plan makes the following statements about the general area:

"This section as a whole will experience considerable residential growth both because of Union's current residential nature and effects from the urbanized Florence area. Much of the development will be in the form of subdivisions of low to medium density. The construction of the Mt. Zion Interchange will provide another major connection to the urban points of the county. Improvements to Mt. Zion Road between Union and this interchange, along with other infrastructure provisions in the form of water and sewer service, will make the areas along the arterials favorable for some multi-family construction...

Additional local scale commercial goods and services with some office uses will occur in, and south of, the center of Union. Access management and parking will be crucial issues there because of the location of existing buildings very close to the roadways. Parking facilities should be adequately separated from the roadway and common access points used wherever possible to minimize conflicts.

As outlined in the Recreation Element, areas such as this section are ideal for the locating of recreational facilities before this favorable land is lost to development or becomes too highly priced... (pp. L-15, 16)"

The Transportation Element of the Comprehensive Plan states:

"As urbanized areas expand and increase in population, some rural roads experience enough through traffic that they become functionally more important in the road classification hierarchy. For this element and the comprehensive plan, several of the rural major collectors have been reclassified to rural major arterials. These include U.S. 25, U.S. 42-127, KY 18 from the urban line to Burlington, and KY 237 from I-275 to KY 18...

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The functional road classification forms a general guideline for future development. The arterials should be regarded as the roadways most suitable for planned land use development in the county... (p. T-3)."

The Housing Element states of the Union area:

"The expansion of public services into this area and the proposed Mt. Zion interchange will support considerable residential growth. Population projections show that very rapid growth will occur, and that the area will remain one of suburban character with single family residences being most common, except around the Mt. Zion interchange where higher density development may become feasible as infrastructure improvements are made... (p. H-21)."

Goals and Objectives for the Housing Element include:

"1. A broad range of housing opportunities (eg. size, type,) shall be provided at locations which meet the needs and desires of household types.

4. Housing opportunities in the county shall be fiscally sound, balanced against present and assumed commercial and industrial bases.

7. Residential development plans shall insure the continuity of the interior street system with the system already built or planned in the neighboring areas, as well as provide for the coordination of this local system with the major transportation network (p. G-2)."

Goals and Objectives for the Recreation, Open Space and Historic Sites Element include:

"3. Historically and culturally significant sites and structures of the county shall be protected and preserved, where possible.

6. Land with excessive slopes, prone to flooding, including stream-bed areas should be preserved where possible (p. G-5)."

Staff Concerns

1. TRANSPORTATION CONCERNS

The submitted Concept Development Plan indicates a single access point on to U.S. 42, to be located approximately 650 feet south of the intersection of U.S. 42 and Frogtown Road. This would be the only access provided for the golf course and the 103 proposed residential lots. The road network for the 313 acre site is essentially one long cul-de-sac. This design raises two concerns. First, the maximum length for a cul-de-sac in Boone County is 1200 feet; the proposed streets for this development would create a cul-de-sac of with a straight line distance of approximately 5500

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feet in length. At least one of the proposed cul-de-sacs within the development also exceeds the maximum length permitted by the regulations. Additionally, the proposed street configuration may create a difficult situation for police, fire, and other emergency services to the area, which will have to make a circular navigation of the development beginning and ending at the single access point rather than having the opportunity to approach the development from more than one existing roadway.

Second, the proposed streets isolate the property from surrounding properties; no access is provided to adjoining parcels to the north, west, or south. The importance of providing access coordination with adjoining properties is addressed in Article 17A of the Boone County Zoning Regulations. The Staff is concerned about the limitations this design will impose upon the potential transportation network of this entire area should properties to the north, west and south of the subject property develop in a similar residential fashion. The residential growth for this area of the county is anticipated by the Comprehensive Plan to be rapid and considerable as road improvements to the east are put in place. At a minimum, the Staff believes the provision of an access easement along the northern property line of this site is warranted for the possible future extension of KY 536 (Frogtown Road) across U.S. 42.

Finally, the property adjoins a county maintained road, Meiman Lane. Meiman Lane runs south to the subject property from KY 536 (Hathaway Road). The configuration of the subject property is ideal for providing access to the property from Meiman Lane at this point.

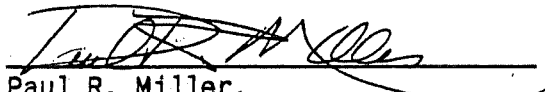
2. The submitted Concept Development Plan does not identify the location of the cemetery on the site. The applicant has indicated that, if the zone change is approved, the cemetery would be identified at the Preliminary Plat stage of development, and the lot and street configuration redesigned to preserve the cemetery. The Concept Development Plan also contains inaccuracies concerning the location of existing property lines, with portions of the proposed golf course shown on adjoining properties. The applicant has been informed of these errors. The Staff is concerned that these inaccuracies may affect the design and the Commission's perception of the proposed development at the Zoning Map Amendment stage because of the design changes that may take place as a result of correcting the drafting errors and rearranging street, lot, or golf course lay-out to reflect preservation of the cemetery.

Should the Planning Commission recommend, and the Fiscal Court subsequently approve, this Zoning Map Amendment, the 1986 Boone County Comprehensive Plan will not need to be amended. However, if approved, the Commission may want to consider requiring the applicant to provide access easements to adjoining properties at the Preliminary Plat stage of subdivision review, and the possibility of constructing a deceleration lane to minimize the traffic impact of southbound vehicles turning into the site.

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Attached to this report is a copy of an aerial photograph of the site, a portion of the Future Land Use Map, a portion of a topographical map of the site, and a reduction of the submitted Concept Development Plan. Also attached is a document submitted by the applicant addressing specifics of the Concept Development Plan.

Respectfully submitted,

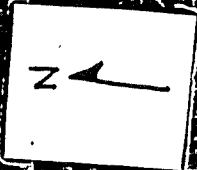

Paul R. Miller,
Plans Examiner/Planner

PRM:kat

FUTURE LAND USE
MAP
75-89

TO
UNION

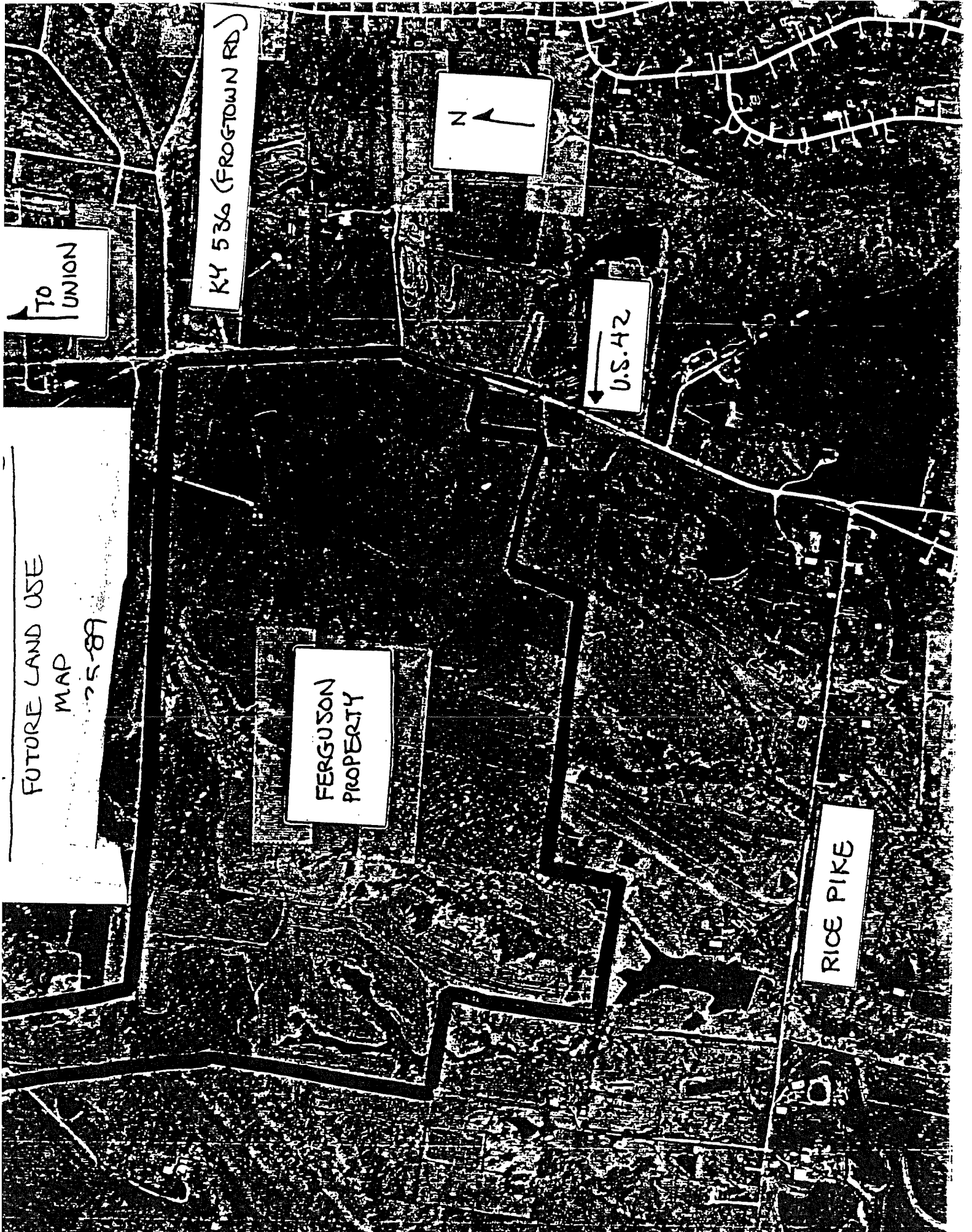
KY 536 (FROGTOWN RD)

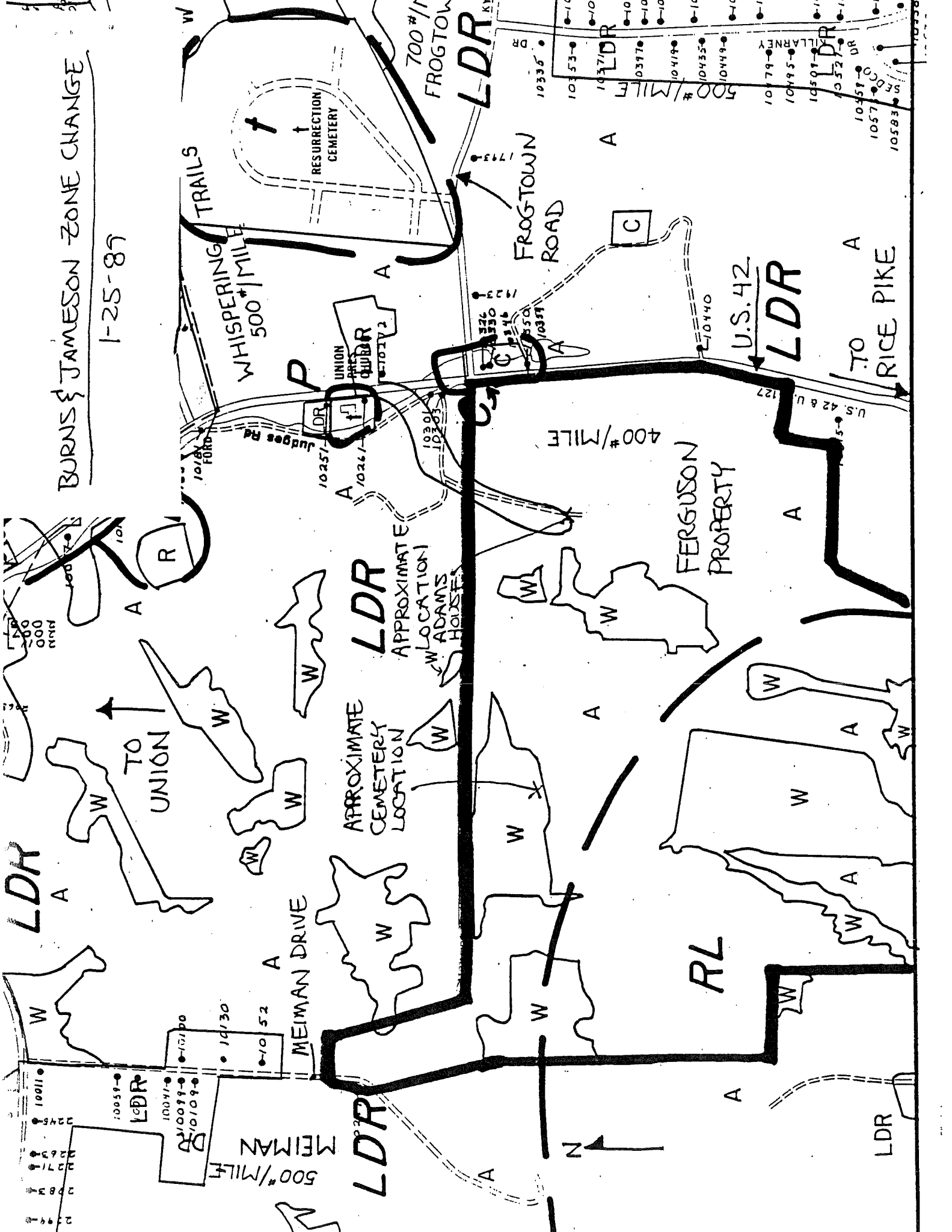


U.S. 42

FERGUSON
PROPERTY

RICE PIKE





BURNS & JAMESON ZONE CHANGE
1-25-87

WHISPERING TRAILS
500 #/MILE

APPROXIMATE CEMETERY LOCATION
APPROXIMATE W ADAMS HOUSES

FERGUSON PROPERTY
400 #/MILE

700 #/MILE
FROGTOWN

FROGTOWN ROAD

TO RICE PIKE

U.S. 42

LDR

LDR

RL

LDR

LDR

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MEIMAN DRIVE
500 #/MILE

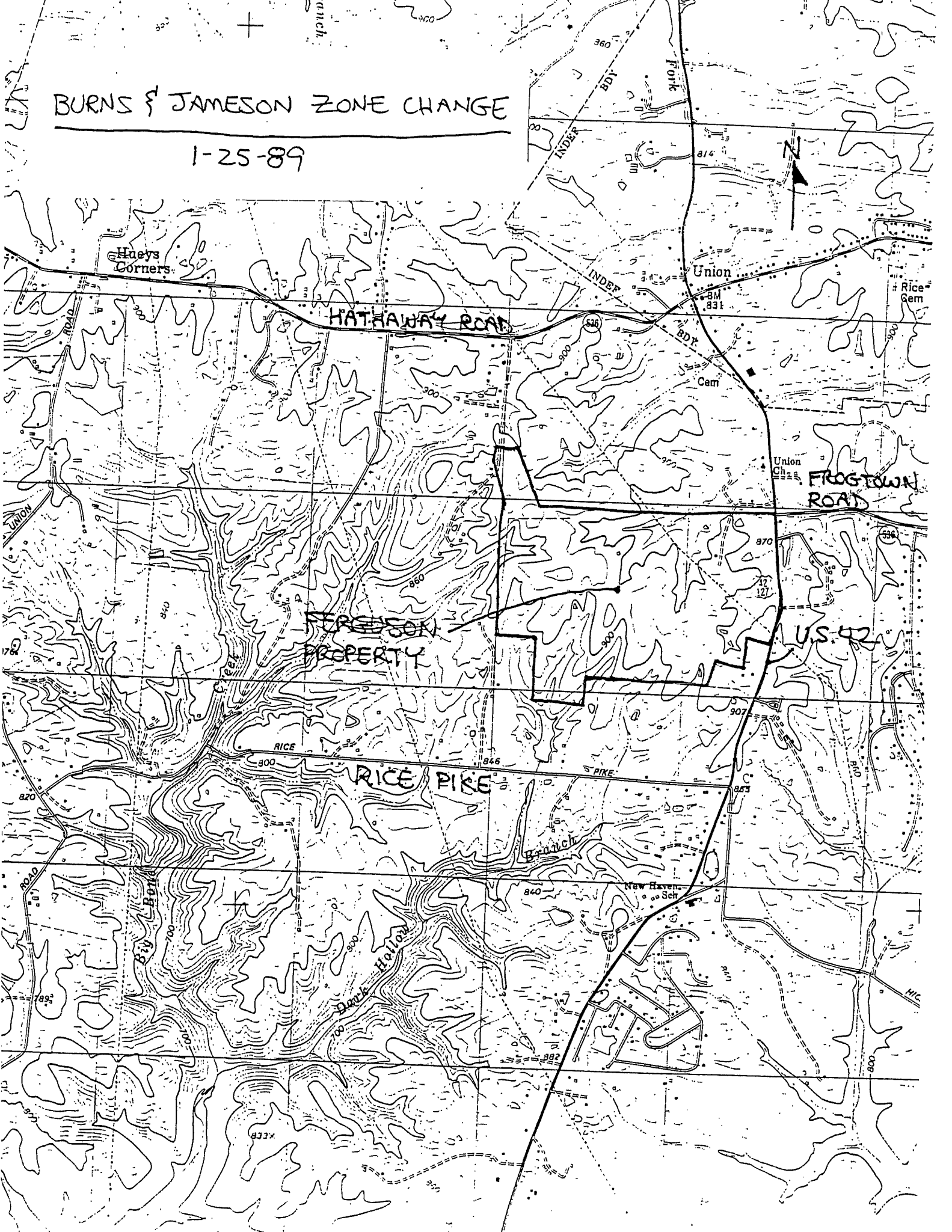
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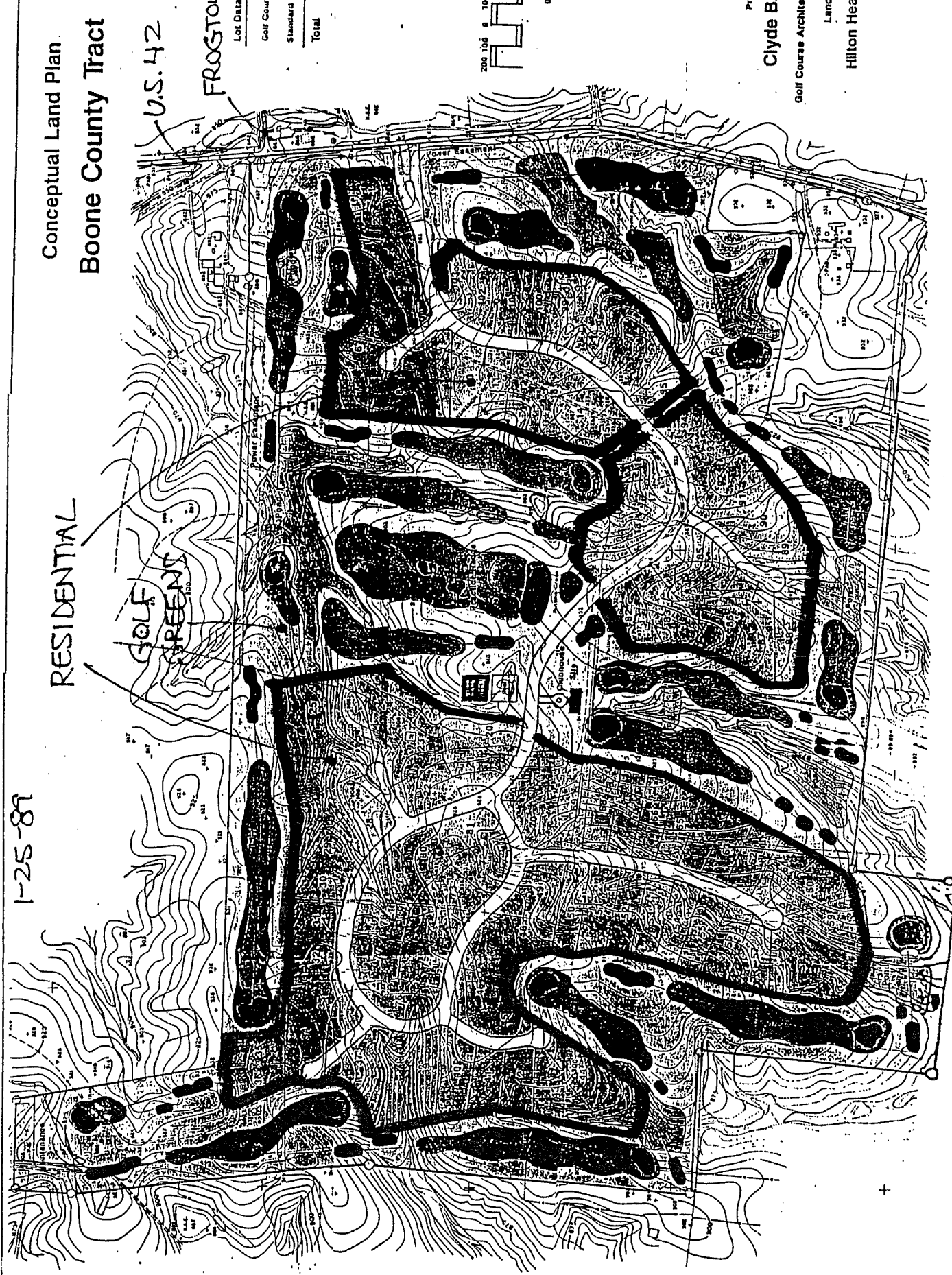
BURNS & JAMESON ZONE CHANGE

1-25-89



WINN-DIXIE ZONING
 MAP AMENDMENT
 CONCEPT DEVELOPMENT PLAN
 1-25-81

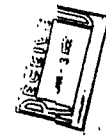
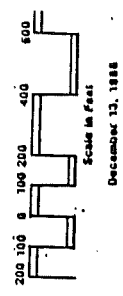
Conceptual Land Plan
 Boone County Tract



U.S. 42
 FROGTOWN RD.

Lot Data

Golf Course View	86
Standard View	17
Total	103



Prepared By
Clyde B. Johnston
 Land Planner
 Golf Course Architect - Landscape Architect
 Hilton Head Island, S.C.



PATTY HAYDEN
Historic Preservation Planner

P.O. Box 900
Burlington, KY 41005
(606) 334-2111

OFFICE OF
HISTORIC PRESERVATION
BOONE COUNTY, KENTUCKY

Memorandum To: Paul Miller
From: Patty Hayden, Historic Preservation Planner
Date: January 18, 1989
RE: Andy Burns/Kenneth Jameson Zoning Map Amendment A-2 to RSE/R/PD

After examining the property included in the Andy Burns/Kenneth Jameson zoning map amendment, I have identified one historic house and one cemetery located on the site and an adjoining National Register nominated property. The Steers-Fowler cemetery which is located in the wooded area on the northwestern edge of the property includes the graves of Hugh Steers, which was recently marked by the Sons of the American Revolution, Ann Fowler, daughter of Benjamin Fowler, and probably eight to twelve other persons only marked by fieldstones. The cemetery represents a unique cultural resource. In accordance with state law the cemetery should be avoided during construction activities. If this is not possible, it is recommended that the graves be disinterred and reburied elsewhere in a manner befitting human remains and following KRS 213.110.

The historic home is site Be-279, R. B. Adams House, and is listed on the Kentucky Heritage Council's Historic Resources Data File as an inventory site. The Adams House does have historic significance although at this time it does not meet National Register criteria. This office is interested in the future preservation of the home. However, if that is not possible, then this office would like to be informed of its disposition.

The Morris Lassing House, Be-274, is a National Register nominated property located adjoining the site on the southeast edge. The site's boundaries include about two (2) acres with approximately 220' adjoining the property include in the zoning map amendment.

UNION KENTUCKY GOLF COURSE PROJECT

CONCEPT DEVELOPMENT PLAN

1) General Site Characteristics

- Ownership - property currently owned by Walter B., Shelley T. and Cynthia Leigh Ferguson. Title acquired pursuant to deeds recorded in Deed Book 370, Page 43 and Deed Book 311, Page 21 of the Boone County Deed Records.
- Topography - property consists of undulating knolls and hillsides with relief extending upwards to 60+ feet in elevation difference. An elevation differential ranges from a general low of 875 feet to general highs of 938 + feet.
- Vegetation - property is characteristic of rolling pastures, emphasized by its long term use as grazing and various crop fields. There exists several large areas of dense woods.
- Drainage - property drains in various directions in conformity with undulating topography and contains several farm ponds.
- Soils - wooded areas consist primarily of faywood silty clay loams. Pasture areas consist primarily of rossmoyn silt loam. The soil is well suited for grass. Permeability is moderate to slow.

2. Transportation Patterns

- External - property has interstate highway access from two convenient points--Richwood and Florence exits. Beginning at the Florence interchange of I-75/I-71 and U.S. 42, one would take U.S.42 south approximately 4-1/2 miles directly to the site. From the Richwood exit, one would take Route 338 west to U.S. 42 and then travel on U.S.42 north directly to the site. The latter route is a distance of approximately 7-1/2 miles. The State of

Kentucky plans to eventually construct an interchange at the Mt. Zion Road intersection with I-75/I-71. This interchange would provide interstate access within approximately 3-1/2 miles.

Internal

- the project will have one point of ingress and egress - an essential characteristic for the successful development of a semi-private community. The internal roadway network will meander through the approximate center of the project with six (6) extensions ending in cul-de-sacs. The internal roadway system with one point of ingress and egress allows the golf course to surround the residential portion of the development and thereby creates an extended buffer area for surrounding property owners.

3. Land Use Characteristics

Existing

- project area is currently utilized for farming purposes and contains several small farm buildings and an unoccupied dwelling. The unoccupied dwelling is known as the Adams House and has been cleared by the Kentucky Heritage Council as property eligible for registration. However, the home is in a very dilapidated state and is currently under contract to be removed by an adjoining property owner. A small cemetery containing two tombstones and approximately twelve (12) graves is also located on the property. It is the developer's intent to design the preliminary development plan to accommodate this cemetery and to set it off with attractive fencing or by other appropriate means. Also, a portion of Stuart Ferguson's property which abuts the project at the project's southeasterly corner along U.S.42 is eligible for National Registrar status. The Concept Development Plan provides for the golf course to be contiguous with Mr. Ferguson's property at this location.

Proposed

- proposed use will include approximately 103 one acre lots with one single family dwelling unit per lot and a high-caliber 18 hole golf course including a clubhouse of approximately 10,000 square feet and the additional

amenities of a swimming pool and tennis courts.

4. Utilities and Infrastructure

- the project area is currently served by the following utilities: water, electric and telephone. Each dwelling unit will include an aerobic residential sewage treatment system which purifies the discharge before distributing the same onto the golf course or eventually into ponds which will service the golf course.

the roadways envisioned for the project will consist of asphalt paving and, where appropriate, brick pavers which service golf carts and provide pedestrian walkways. The absence of curb and gutter will enhance the rural atmosphere. Surface runoff will be handled through a system of shallow swails. Golf course ponds will be utilized for storm water retention.

5. Relationship of Proposed Zone Change With Comprehensive Plan

Land Use -

the project complies with the 1986 Boone County Comprehensive Plan ("Plan"). The property is located within areas indicated as ideal by the Plan for recreational facilities and low to medium density subdivisions. Attached hereto as Exhibit 1 is a copy of County Section C-5 (Union area) which appears on page L-15 of the Plan. The property is identified by hatch marks and lies within areas designated as LDR (low density residential) and RL (rural lands). The LDR designation suggests residential development of up to three dwelling units per acre. The project calls for only one dwelling unit per three acres of land. The RL designation calls for recreational uses and residential uses of one dwelling unit or less per two acres and is intended to characterize a rural environment. Again, the project specifically meets this criteria. Moreover, Section C-5 of the Plan (see page L-16), indicates that this area is "ideal for the locating of recreational facilities...".

Housing - the housing section of the Plan recognizes the need for single-family housing and an increasing need for units of a larger household size. (see page H-16) The Plan also recognizes that the project area is ideal for more expensive homes because of the tendency of Boone County residents to locate first in the incorporated urban areas and then move outward to more rural areas once they establish a footing. (see page H-16) Finally, the Plan also indicates that the Union area will support considerable residential growth. (page H-21)

Public Facilities
and Services -

as indicated in Paragraph 4 above, the project area is currently served by water, electric and telephone. The aerobic residential sewage treatment system for each dwelling unit is ideal for supplying water to the golf course land surrounding the residential section of the project and is consistent with the Plan which calls for this type of sewage treatment system as opposed to the collective sewage treatment systems called for in existing and future urban service areas. (see page L-6) Also, the Plan recognizes that sewerage services should be extended only to areas of sizeable urbanization so they are cost efficient. (see page I-6)

the Concept Development Plan is also consistent with the fire protection objective identified in the Goal section of the Public Services and Facilities element. (Objective 11, page G-5) This is so because the main entrance to the project is on U.S. 42 in very close proximity to the fire station located on U.S. 42 just south of Union.

Recreation - as indicated above, the Land Use element of the Plan generally calls for a recreational use in the Rural Lands (RL) category. Additionally, the Plan indicates that the Boone County Golf Course receives heavy usage in the summer months and additional golf course facilities would be feasible in the county. (see page R-10)

Transportation the external and internal transportation

patterns for the project are detailed in paragraph 2 above. The internal transportation pattern was specifically designed to have one point of ingress and egress because this is an essential characteristic for the successful development of a semi-private community. The proposed entrance/exit on U.S.42 for the project was located to ensure maximum visibility for entrance into and exit from U.S. 42 to the project. The roadway system is also consistent with objective 6 identified in the Goal section of the Transportation element. (see page G-6) Objective 6 indicates that major streets and arterials should avoid penetrating viable neighborhoods and, instead, should form neighborhood boundaries. If, for example, the entrance/exit to the project was located on U.S.42 across from Frogtown Road, it might encourage the extension of Frogtown Road adjacent to or through the land of Bruce Ferguson. This would constitute an unwise and unwarranted penetration of the neighborhood, especially since Mt. Zion and Hathaway Roads run parallel to Frogtown Road and constitute an excellent east-west arterial.

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Development Union Kentucky Golf Course Project
- 2. Location of Development West side of U.S. 42 between Ky. 536 and
- 3. Total Acreage of Site 313± acres Rice Pike
- 4. Current Zoning A 2
- 5. Proposed Zoning (classification being requested) RSE /
Recreation/PD
- 6. Proposed Uses (please specify each use) Single family
residential and golf course

- 7. Name of Applicant(s) Andy Burns / Kenneth D Jameson
Phone Number(s) (606) 525 7971 621-1935 *
- 8. Address of Applicant(s) 1423 Boone Aire Road
Florence Kentucky 41042
City State Zip
- 9. Name of Property Owner(s) Walter/Shelley/Cynthia Ferguson
Phone Number(s) (606) 252-7511
- 10. Address of Property Owner(s) 228 Woodspoint Road
Lexington Kentucky 40502
City State Zip

- 11. Proposed Building Intensities (please specify) 103
single family lots of 1 acres or more; 1 golf clubhouse of
approximately 10,000 sq feet; swimming pool; tennis courts

- 12. Are there any existing buildings on the site? yes
How many? 5 small farm buildings

- 13. Deed Book 303 * Page No. 167 Group No. 2055

- 14. Have you had a pre-application meeting with BCPC staff? Yes

- 15. Please check the following organizations/agencies which you
have discussed the proposed development with in the last
several months: Deed 370, Page 43
Use both of these Note Deed 311, Page 21 corrects deed 303, Pg. 167

KPC

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

(COMPLETE OTHER SIDE OF APPLICATION)

16. Are you also applying for:
 _____ Conditional Use Permit
 _____ Dimensional Variance
17. Applicant's Signature: Kenneth O. Jameson
18. Property Owner's Signature: Andrew J. Burns
19. Have you submitted a Concept Development Plan? Yes

SECTION B (To be completed by BCPC Staff)

1. Date Received 1/3/89
2. Fee Received \$ 1,657.00
3. Check what has been submitted:
- | | | | | | |
|-------------------------------------|--------------------------|-------------------------------------|-----|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Application | <input checked="" type="checkbox"/> | Fee | <input checked="" type="checkbox"/> | Legal Description |
| <input checked="" type="checkbox"/> | Concept Development Plan | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | Addresses of Adjoining Property Owners |
- 5 No. of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
- _____ Approval
- _____ Approval With Conditions
- _____ Disapproval
9. Other: _____
- _____
- _____

** FIVE (5) COPIES ARE REQUIRED

BCPC:7/11/88

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

334-2196

MR. WILLIAM R. VIOX
CHAIRMAN

MR. LARRY BARNETT
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

February 28, 1989

RE: Conditions of approval for the following Zoning Map Amendment review.

Dear Andy Burns:

The following represents the conditions deemed necessary by the Zone Change Committee. If you, as the applicant, will agree to these conditions, please indicate so by signing your name at the end of this form and returning it to our office by 3:00 p.m., Wednesday, March 1, 1989.

1. The Committee recognizes the applicant's desire that the project be designed as a private development or a golf course residential community. However, the Committee also believes that a property of this size cannot be developed without provisions being made for coordinating its development with the anticipated development of adjoining properties. Therefore, the applicant shall dedicate sufficient right-of-way for the future extension of Frogtown Road across U.S. 42. This shall consist of a 60 foot wide right-of-way at that portion of the property immediately opposite the existing intersection of Frogtown Road and U.S. 42, and shall extend for a length of 300 feet and then taper for 100 feet to terminate at the northern property line. Additionally, the applicant shall provide sufficient right-of-way to allow access to the proposed sanitary sewage treatment plant.
2. The proposed streets for the project shall be dedicated for public use. These streets shall have a 50 foot right-of-way, and a minimum 24 foot wide pavement width.
3. The proposed golf course and clubhouse shall be completed and operational by the Summer of 1990.
4. The applicant shall install a breakaway gate at Meiman Lane in order to allow emergency vehicles to access the project from the west. A gravel or cinder road shall be constructed and maintained by the applicant from Meiman Lane to the paved cul-de-sac proposed to terminate at lot #36.
5. The applicant shall provide adequate screening to insure the proposed sanitary sewage treatment plant is screened from the view of any existing

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or proposed public right-of-way. The proposed screening shall be reviewed as part of the subdivision review process.

6. The applicant shall preserve, where possible, existing stands of trees on the site. Such preservation shall take the form of an inventory of the location and area of tree stands prior to development to be included at all stages of subdivision review so that tree stands proposed to be reduced or removed can be readily identified.

Sincerely,

Paul R. Miller
Plans Examiner/Planner

I, the applicant, agree to the above listed conditions for approval of my request for a Zoning Map Amendment from Agricultural Estates (A-2) to Rural Suburban Estates/Recreation/Planned Development (RSE/R/PD) for ±313 acres located on the west side of U.S. 42, south of Frogtown Road and north of Rice Pike, Boone County, Kentucky.



Andy Burns

PRM:

EXHIBIT "A"

JOHN W ROSS JR
ENGINEER/LAND SURVEYOR

P.O #246
FT THOMAS, KY 41075
(606)441-1445

DESCRIPTION

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, DULY LICENSED IN COMPLIANCE WITH THE LAWS OF THE COMMONWEALTH OF KENTUCKY, THAT THIS DESCRIPTION AND THE ATTACHED PLAT REPRESENT A SURVEY, AS PERFORMED BY ME IN DECEMBER 1988 AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THIS DESCRIPTION IS ACCURATELY PREPARED.





JOHN W ROSS JR
KY PROFESSIONAL ENGINEER No 10653
KY REGISTERED LAND SURVEYOR No 2135

DATE

BURNS, ANDY
[FILE BURN1]
WALTER FERGUSON PROPERTY
PROPOSED GOLF COURSE
UNION, KY

DECEMBER 31, 1988

SITUATED ON THE WESTERLY SIDE OF US #42, OPPOSITE THE INTERSECTION OF KY 536 (EAST) WITH SAID US#42 AND ON THE SOUTHERLY SIDE OF THE CITY OF UNION IN BOONE COUNTY OF THE COMMONWEALTH OF KENTUCKY. BEING A PART OF THE PROPERTY CONVEYED IN DEED BOOK 303 PAGE 167 AND ALL OF THE PROPERTY AS CONVEYED IN DEED BOOK 370 PAGE 043 IN THE RECORDS OF THE BOONE COUNTY CLERK AT BURLINGTON, KENTUCKY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE (SET) AT THE INTERSECTION OF THE CENTERLINE OF US #42 AND THE CENTERLINE OF KY #536 (EAST). THENCE WITH THE CENTERLINE OF SAID US #42 N SDEG 56MIN 00SEC W 58.00 FT TO A RAILROAD SPIKE (SET). THENCE DEPARTING SAID CENTERLINE AT RIGHT ANGLES S 84DEG 04MIN 00SEC W 37.50 FT TO A STEEL PIPE (SET) AND THE REAL PLACE OF

BEGINNING. THENCE WITH THE WESTERLY RIGHT OF WAY OF SAID US #42 S 5DEG 56MIN 00 SEC E 1536.28 FT TO A STEEL PIPE (SET) IN SAID RIGHT OF WAY. THENCE WITH A CURVE IN SAID RIGHT OF WAY, RADIUS 675.73 FT (CONCAVE WEST) AN ARC DISTANCE OF 223.00 FT (CHORD S 3DEG 31MIN 16SEC W 221.99 FT) TO A STEEL PIPE (SET). THENCE CONTINUING WITH SAID RIGHT OF WAY, ON A TANGENT OF THE PRECEDING CURVE S 12DEG 58MIN 32SEC W 495.77 FT TO A STEEL PIPE (SET). THENCE DEPARTING SAID RIGHT OF WAY N 79DEG 08MIN 16SEC W 323.18 FT TO A STEEL PIPE (SET) NEXT TO A STEEL PIN (FOUND BENT OVER) AND PASSING A STEEL PIN (LS 2030 FOUND) AT 5.65 FT. SAID POINT BEING THE NORTHWESTERLY CORNER OF A PARCEL CONVEYED TO STUART FERGUSON IN DEED BOOK 378 PAGE 038. THENCE WITH THE WESTERLY LINE OF SAID PARCEL S 1DEG 14MIN 54SEC W 467.81 FT TO A STEEL PIN (LS 2030 FOUND) AT THE SOUTHWESTERLY CORNER OF SAID PARCEL AND IN THE NORTHERLY LINE OF A PARCEL CONVEYED TO STUART FERGUSON IN DEED BOOK 335 PAGE 134. THENCE WITH SAID NORTHERLY LINE OF PARCEL CONVEYED IN DEED BOOK 335 PAGE 134 N 78DEG 59MIN 58SEC W 904.09 FT TO A STEEL PIPE (SET) AT THE NORTHWESTERLY CORNER OF SAID PARCEL. THENCE WITH THE WESTERLY LINE OF SAID PARCEL S 13DEG 33MIN 08SEC W 583.93 FT TO A STEEL PIPE (FOUND) AT THE SOUTHWESTERLY CORNER OF SAID PARCEL AND IN THE NORTHERLY LINE OF SLAYBACK. THENCE WITH SLAYBACK'S NORTHERLY LINE AND A NORTHERLY LINE OF SELTMAN N 86DEG 42MIN 52SEC W 1867.84 FT TO A STEEL PIPE (SET) AT A CORNER OF SELTMAN. THENCE WITH A LINE WITH SELTMAN S 4 DEG 40MIN 58SEC W 517.67 FT TO A STEEL PIPE (SET) AT A CORNER WITH SELTMAN. THENCE WITH ANOTHER OF SELTMAN'S LINES N 85DEG 08MIN 12SEC W 897.14 FT TO A STEEL PIPE (SET) AT A CORNER TO SELTMAN AND IN AN EASTERLY LINE OF MEIMAN. THENCE WITH THE EASTERLY LINES OF MEIMAN, AS FOLLOWS:

N 3DEG 51MIN 32SEC E 1109.46 FT TO A STEEL PIPE (SET)
S 89DEG 00MIN 20SEC W 700.46 FT TO A STEEL PIPE (SET)
N 2DEG 56MIN 00SEC E 1557.26 FT TO A STEEL PIPE (SET)
N 5DEG 30MIN 58SEC W 1390.00 FT TO A STEEL PIPE (SET)
N 4DEG 06MIN 40SEC E 307.68 FT TO A STEEL PIPE (SET)
AT THE NORTHWESTERLY CORNER OF LOT 4 OF THE FERGUSON
LAND DIVISION SUBDIVISION AT THE SOUTHEASTERLY
TERMINUS OF MEIMAN LANE AND THE SOUTHERLY CORNER
OF PARCEL 'A' AS CONVEYED IN DEED BOOK 370 PAGE 43.

THENCE WITH THE EASTERLY RIGHT OF WAY OF SAID MEIMAN LANE (25 FT EAST OF CENTERLINE) N 4DEG 06MIN 40SEC E 50.00 FT TO A STEEL PIPE (SET) AT THE NORTHERLY CORNER OF SAID PARCEL 'A'. THENCE WITH A SEVERANCE LINE THROUGH SAID LOT 4 S 41DEG 31MIN 44SEC E 71.51 FT TO A STEEL PIN (LS2030 FOUND) AT THE WESTERLY CORNER OF THE PARCEL CONVEYED IN DEED BOOK 370 PAGE 47 PARCEL 'B'. THENCE WITH THE SOUTHWESTERLY LINE OF SAID PARCEL 'B' S 41DEG 32MIN 08SEC E 108.52 FT TO A STEEL PIN (LS2030 FOUND). THENCE WITH THE SOUTHEASTERLY LINE OF SAID PARCEL N 79DEG 00MIN 26SEC E 291.14 FT TO A STEEL PIN (LS2030 FOUND) AT THE NORTHEASTERLY CORNER OF LOT 4 OF THE FERGUSON LAND DIVISION SUBDIVISION AND THE EASTERLY CORNER OF SAID PARCEL 'B'. THENCE WITH THE LAND OF BRUCE FERGUSON AS

FOLLOWS:

S 18DEG 03MIN 20SEC E 1000.00 FT TO A STEEL PIPE (SET)
S 89DEG 52MIN 45SEC E 3410.55 FT TO A STEEL PIPE (SET)
N 85DEG 41MIN 14SEC E 140.71 FT TO A STEEL PIPE (SET)
N 89DEG 34MIN 00SEC E 507.00 FT TO THE PLACE OF
BEGINNING.

EXHIBIT "B"

Mr. Jameson agreed with Counselor Wilson's comment and stated that a letter has been prepared for agreement with the owners adjacent to the maintenance area. He stated that they are aware that they will have to satisfy the Commission at the time of Site Plan review in regard to screening. He stated that they are making a commitment to the adjoining property owners in advance.

There being no further discussion, the Chairman asked for a vote on the amended motion made by Mr. Barnett and it carried unanimously

2. Comprehensive Plan

The request of the Boone County Planning Commission Comprehensive Plan Committee to consider the adoption of the Boone County Open Space Master Plan in order to replace the current Recreation Element of the Boone County Comprehensive Plan.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request (see Committee Report).

There being no discussion, Mr. Neltner moved by resolution that the Open Space Master Plan be submitted to the Boone County Fiscal Court, and the cities of Florence, Union, and Walton. Mr. DeLong seconded the motion and it carried unanimously.

3. Boone County Subdivision Regulations

The request of the Boone County Planning Commission Subdivision Regulations Update Committee to consider amendments or minor revisions to the 1988 Boone County Subdivision Regulations and the Street and Storm Drainage Construction Specifications.

Mr. Kevin Costello, Assistant Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions or changes as indicated in the report (see Committee Report).

There being no discussion, Mr. Collins moved the amendments be approved, and that resolutions be sent to the cities of Walton, Union and Florence allowing them to acknowledge the newly adopted regulations based on the Staff and Committee Reports. Mr. Burch seconded the motion and it carried unanimously.

4. Zoning Text Amendment

The request of Boone County Fiscal Court to consider amendments to Section 1940 of the 1986 Boone County Zoning Regulations regarding the placement of OFF-PREMISES SIGNS in Boone County, Kentucky.

Mr. Barnett noted that there are separate contractual agreements between the applicants and the neighbors -- Mrs. Seltman, Mrs. Meiman, and Mrs. Kantner -- which should be a part of the record.

Mr. Jameson stated that signed letters were given to Mrs. Meiman and Mrs. Seltman. The letters indicate that their livestock will not come onto the golf course and that the people from the golf course will not go onto their property. They are not opposed to the letters being a part of the record.

Mr. Barnett moved by resolution to the Boone County Fiscal Court that the request be granted based on the findings of fact in the Staff and Committee Reports, including the conditions, and including the contracts mentioned by Mr. Jameson. Mr. Jones seconded the motion.

Mr. McMillian stated that he was concerned about the private contracts being in the record.

Counselor Wilson stated that the contracts are for informational purposes.

Mr. Barnett stated that he was assuming the contracts are part of the Concept Development Plan.

Mr. Jameson stated that they consider the letters binding and intend to live up to them. He stated that they are agreeable to whatever the Commission prefers.

Chairman Viox stated that there could be an enforcement problem with the contracts and he did not want to get involved in this. Mr. McMillian stated that he also did not want Mr. Breidenstein to have to get involved in the enforcement of the contracts. He stated that the agreements between the two parties should be kept between the two parties and enforced by them.

Mr. Barnett amended his motion to include that the applicant will provide screening for adjoining property owners as mentioned by Mr. Jameson and agreed upon by the parties. This would include the screening and the fencing.

Mr. Jameson read a copy of the letters constituting the agreements between the parties, which discussed the construction and repair of the fencing. He stated that they consider the letter to be a binding contract.

Mr. Jones seconded the amended motion made by Mr. Barnett.

Mr. Damstrom questioned if the motion made by Mr. Barnett would limit additional screening that may be required -- such as in the area of the maintenance building.

Counselor Wilson stated that the condition is in regard to specific screening and there may be other areas that require screening.

Kathleen Werle (refund)	\$ 60.50
Jerry W. Rouse (Recording Fees)	33.00
S & H Consulting Co., Inc.	180.00
U.S. Post Office (box rental)	10.00
URISA (pro-rated membership for 2/1/89 - 7/1/89)	<u>27.09*</u>

TOTAL BILLS DUE: \$ 19,051.49

GRAND TOTAL: \$ 43,663.03

* denotes paid item (Total: \$16,572.92)

Mr. Jones moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of the bills which have been paid. Mr. Sharp seconded the motion and it carried unanimously.

REPORTS:

Chairman Viox noted that the Zoning Enforcement Officer's Report, the Building Inspector's Report, the Record of Convenience Plats, and the Statement of Income for the Period Ended January 31, 1989 had been distributed for the Commission members to review.

Following discussion of the reports, the Chairman proceeded to the items on the Agenda.

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Andy Burns/Ken Jameson (applicants) for Walter/Shelley/Cynthia Ferguson (owners) for a Zoning Map Amendment on a 313-acre (approx.) site located west of U.S. 42 and north of Rice Pike, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban Estates/Recreation/Planned Development (RSE/R/PD) for a residential/golf course planned development.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to six conditions (see Committee Report). Mr. Newton stated that Mr. Burns and Mr. Jameson have agreed to the conditions in a letter to the Staff Office.

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

March 1, 1989

8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Charles Moore

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received copies of the Minutes of the Business Meeting of February 15, 1989 and the Public Hearings of February 22, 1989. He asked if there were any comments or corrections.

Mr. McMillian noted a correction to Public Hearing Item #6, on Page 4, line 3, the word "Sam's" should be Wal-Mart. Mrs. Bushelman noted that in Public Hearing Item #3, the name "Howard Regenbocker" should be Ragenbogen.

Mr. McMillian moved that the Minutes be approved as amended. Mr. Damstrom seconded the motion and it carried unanimously.

BOONE COUNTY PLANNING COMMISSION

January 25, 1989

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:00 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. Applicant: Andy Burns and Ken Jameson for Walter, Shelley and Cynthia Ferguson (owners)
Request: Zoning Map Amendment

This was a Public Hearing on the request of Andy Burns/Ken Jameson (applicants) for Walter/Shelley/Cynthia Ferguson (owners) for a Zoning Map Amendment on a 313-acre (approx.) site located west of U.S. 42 and north of Rice Pike, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban Estates/Recreation/Planned Development (RSE/R/PD) for a residential/golf course planned development.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report). Mr. Doug Powell, Transportation Planner, reviewed Staff's Concerns in regard to transportation and access.

Mr. Ken Jameson stated that he is an attorney handling the legal work for this request. He introduced the other members of their team: Mr. Danny McQueen, former University of Kentucky Golf Coach and an active member of the PGA, involved in three golf course developments in the Lexington area; Mr. Clyde Johnston, owner and operator of a golf course architectural firm in Hilton Head that won an award in 1987 for a golf course; Mr. Dan Wheeler, a professional engineer with experience in residential and other development; and Mr. Andy Burns who is an expert in the management and operation of a pro shop and is the Kentucky representative for a sporting goods company.

Mr. Jameson stated that this project has one access, which is seven-tenths of a mile from the firehouse on U.S. 42. There are 103 one-acre lots in the development, and more lots would be permitted. He stated that there is a cemetery on Lot #28 which will not be moved. He stated that when the topography was put on the Plan it was slightly distorted. They have had a

complete survey done and the golf course can go on their land without being changed. The property extends 58' beyond Frogtown Road and there should not be a concern as indicated by the Staff members as there is a distortion in the Plan. The Adams House, which is eligible for the Historic Register, will be removed by Bruce Ferguson as it is dilapidated and will not fit into the course. They feel that the proposed project is consistent with the Boone County Comprehensive Plan. The Land Use Plan calls for low-density residential and rural lands. Their project calls for one dwelling unit per three acres. The Plan indicates that the area is ideal for a recreational facility. The Housing Plan recognizes a need for single-family houses of a larger household size. Water, electric, and telephone are currently available. There should not be a concern for fire protection due to the proximity of the fire station. There will be an aerobic sewage treatment system.

Mr. Jameson stated that their plan is also consistent with the Transportation Element of the Plan. The internal transportation system is designed for one point of ingress and egress for a semi-private development. He noted other developments in Boone County having one point of ingress and egress, such as Boone Links on Boone Aire Road. He stated that one entrance allows good visibility and allows the homes to be in the middle of the project, with the golf course surrounding the project and acting as a buffer. The golf course is designed so that the balls will not interfere with motorists, and will accommodate the "slicer". He stated that the project has a low transportation impact. He stated that the golf course is used only in the summer time and maximum Saturday and Sunday traffic is about 150 cars over an eight-hour period. They do not want to design the roadway to connect to surrounding streets as it will penetrate the neighborhood. They believe the Comprehensive Plan favors the type of internal road system proposed. They want a top quality golf course with a supporting residential area that complements it. He stated that his analysis is attached to the Staff Report and asked that it be made a part of the record, along with pictures of the Adams house.

The Chairman asked if anyone else wished to speak in favor of the request. There being no response, he asked if anyone wished to speak in opposition to the request or if there were any questions.

Mrs. Sarah Ferguson stated that she and her family have lived in the house on the Historic Register mentioned by Mr. Jameson for the last three years. The house was built in the 1830's and is one of the most substantial log homes in Boone County. They feel that this project is a significant change to the Plan in their area and would adversely affect their land and the quality of their everyday life. She questioned the amounts and types of pesticides from the development which would go into the pond, which is the only water supply for the animals. She asked what research had been done in regard to the effects of these chemicals on farm animals. Mrs. Ferguson also asked if an Environmental Impact Statement would be done. She stated that the project will destroy the Lassing Woods which has trees about 150 years old. She questioned where the wildlife would live. She noted a study recently

done by students from U.K. regarding the wild flowers in the area. She stated that the grave of the Revolutionary War soldier should be preserved. Mrs. Ferguson questioned the effect of the housing units on the water pressure. She asked where the raw sewage would be dumped when the sewage treatment plant was down. She stated that they are against the proposed zone change and submitted a written copy of her position.

Mr. Jameson stated that they are trying to address her concerns. They will address the fencing. They will shrink the pond and will only cut down trees that have to be cut down. They do not have residential lots where the woods are. He stated that the raw sewage is not of concern as the sewage will be piped into a central aeration system and the effluent will be purified before it goes into the irrigation system. He added that the 18-hole golf course will not be used in the evening hours.

Mr. McQueen stated that the Lexington Golf Course borders a thoroughbred operation and there have not been problems with chemicals. He stated that Mr. John Floyd could be contacted in this regard. He stated that the chemicals stay on the fairways and there is no problem with runoff. He stated that he would provide Mrs. Ferguson with a list of the chemicals used.

Mr. Joe Meiman questioned the fencing. He asked who would be responsible for the erection and maintenance of the fence. He stated that he did not want to be held liable for the golfers if they cross the fence to where his cattle are.

Mr. Jameson indicated the location of a fence which was put up by Bruce and Walter Ferguson and indicated how it would be extended. He stated that they will share the cost with the Fergusons for the extension. They will make sure the fence is in good shape as they do not want cattle on the golf course.

Mr. Ron Miller stated that water pressure is a problem and asked how much water the golf course will require. He stated that at times he is not able to get water because the water haulers shut down. He questioned the location of the maintenance building and the buffer for that building.

Mr. McQueen stated that they will mound around the maintenance building and screen it with trees. He stated that the water consideration is one of the reasons they have so many lakes built in. They do not want to buy water and in that situation, they would set up a series of transfer pumps. Mr. Jameson added that they have talked with the EPA about an irrigation system.

Mrs. Brenda Selton stated that her concerns about the fencing are the same as Mr. Meiman's. She stated that she would not be willing to share the expense as she does not have cattle.

Mr. Jameson stated that they would reach agreement in regard to the fencing before the request gets out of the Committee.

Chairman Viox asked if there were any comments or questions from the Commission members.

Chairman Viox questioned the track record of this group in working together on a project of this type. He asked if the ground would be irrigated when it is frozen and also questioned runoff when the ground is frozen. He asked if the streets would be publicly maintained and dedicated. He questioned the phasing of the project.

Mr. Jameson stated that they will start with the golf course. He stated that the first phase of the residential development will be done in phases and this can be delayed up to two years. They have an arrangement with Bruce Ferguson to work the land until they need it. He stated that they will have the appropriate easement for the golf course.

Mr. Wheeler stated that the sewage treatment system will have a central plant on the site. They talked with the EPA about this today. The plant could be abandoned in the future and they could tie into a sewage line. He stated that the sewage will be piped into a central location and indicated where the effluent would be pumped into the pond. They would not have a need for irrigation in the winter. They will not irrigate when the ground is frozen. He stated that there would not be a great deal of run off from the homes and it would go into Fowlers Creek that runs into Gunpowder Creek. If they can get a rural type set up for the roads, i.e., without curb and gutter, they will probably dedicate the roads. If not, the roads will be private.

Mr. Neltner questioned the number of acres devoted to residential development and streets. He stated that the Plan does not appear to be to scale. He questioned the significance of the Adams house.

Mr. Wheeler estimated that 140 acres is for residential and 165 acres to 170 acres is the golf course. Mr. Jameson noted his conversations with Patty Hayden in regard to the Adams House and stated that it has been cleared by the Kentucky Heritage Council and is eligible for registration.

Mr. Barnett noted Chairman Viox' question regarding the experience of this group in working together.

Mr. Jameson stated that their individual track records are impressive and they must convince the bank of their ability to work together. They have not worked as a team in the past.

Mr. Johnston stated that he has worked on projects up to 6,000 acres and has chosen to specialize in golf courses. He has 18 years of resort and country club experience. He has also done engineering work on roads and sewers. Mr. Wheeler stated that his company has \$50 million worth of construction underway. This is his first golf course project.

Mr. Sharp stated that he would like the applicant, the Committee, and the Staff to look at the single access. He stated that he believes there is a way to provide access to adjacent property.

Mr. Barnett stated that he would like to see plans and pictures of other projects they have developed.

Mr. Collins stated that he is concerned about emergency access and would like to see an access road from the cul de sac. He noted that the fire department is a volunteer agency and he would like to see another access point.

Mr. Tom Huey, representing Walter Ferguson as his realtor, stated that the road has been closed off Rice Pike and does not run all the way through.

Mr. Jameson stated that fire protection is important and it is their challenge to try to address it.

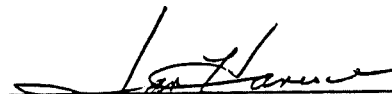
There being no further comments, the Chairman stated that this item will be on the Agenda for the Business Meeting on February 1, 1989 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

(606) 334-2196

FAX (606) 334-2264

MR. WILLIAM R. VIOX
CHAIRMAN

MR. FRED BURCH
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

March 15, 1989

Honorable Bruce Ferguson
Boone County Judge/Executive
P.O. Box 900
Burlington, Kentucky 41005

Dear Judge Ferguson:

This letter is written to advise you of the action by the Boone County Planning Commission in regard to the request of Andy Burns/Ken Jameson (applicants) for Walter/Shelley/Cynthia Ferguson (owners) for a Zoning Map Amendment on a ±313 acre site located west of U.S. 42 and north of Rice Pike, Boone County, Kentucky. The request is to rezone the site from Agriculture Estate (A-2) to Rural Suburban Estates/Recreation/Planned Development (RSE/R/PD) for a residential/golf course planned development.

At their meeting of March 1, 1989, the Boone County Planning Commission voted unanimously to recommend approval by Resolution R-14-89. This action was taken upon hearing the recommendations of the Committee and based on the findings of fact and conditions attached to the enclosed Resolution.

The approved minutes of the January 25, 1989 Public Hearing, along with the pertinent information regarding this request are enclosed.

If you need any further information, please do not hesitate to call the Planning Commission office.

With Kindest Regards,

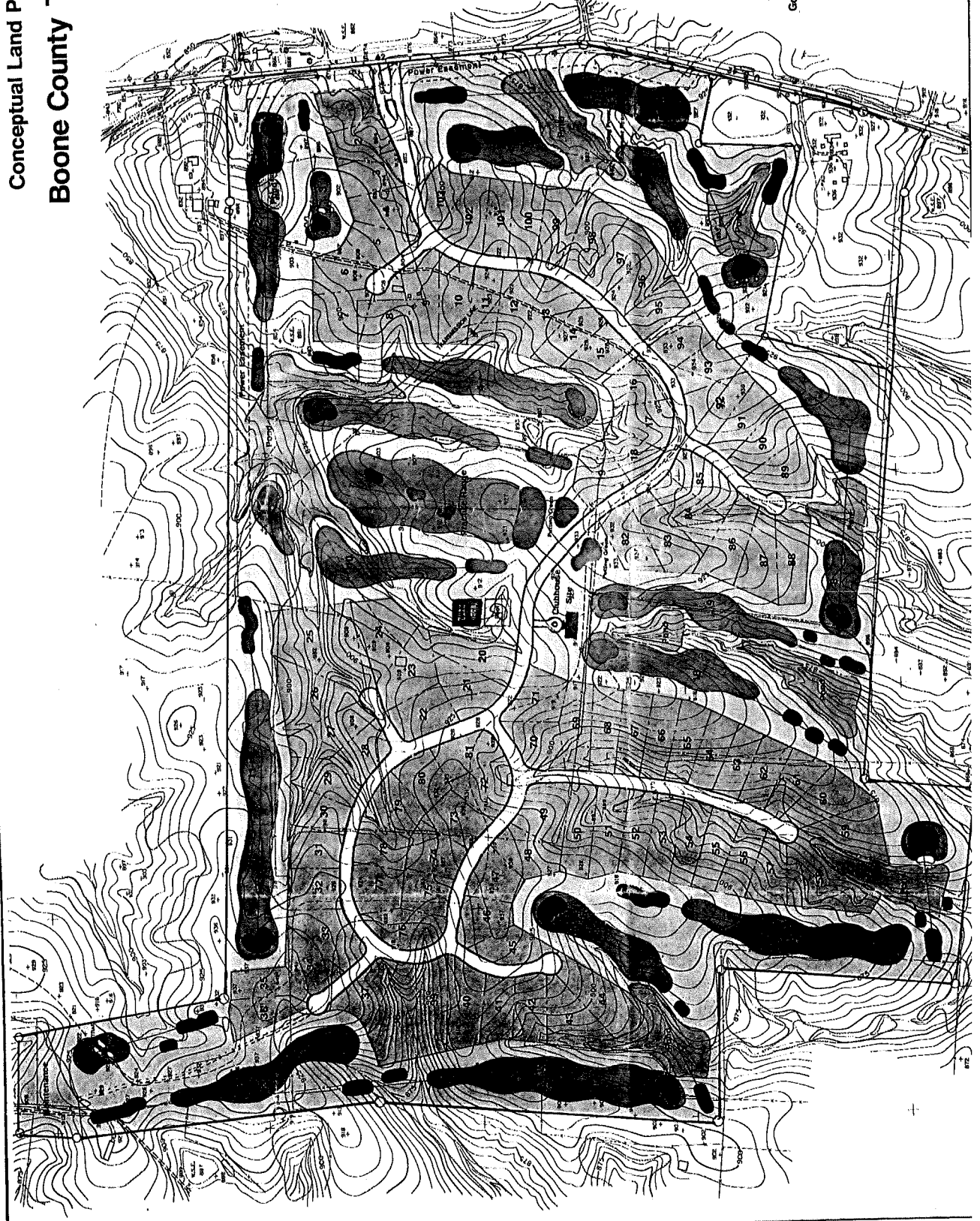


William R. Viox
Chairman

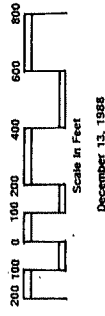
WRV:jdh

Enclosures

Conceptual Land Plan Boone County Tract



Lot Data	
Golf Course View	86
Standard View	17
Total	103



December 13, 1988



Prepared By
Clyde B. Johnston
Golf Course Architect - Landscape Architect
Land Planner
Hilton Head Island, S.C.

R-14-89

ORDINANCE 920.178

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/RECREATION/PLANNED DEVELOPMENT (RSE/R/PD) FOR A 313 ACRE SITE GENERALLY LOCATED WEST OF U.S. 42 AND NORTH OF RICE PIKE, BOONE COUNTY, KENTUCKY AS REQUESTED BY ANDY BURNS/KEN JAMESON (APPLICANTS) FOR WALTER, SHELLEY, AND CYNTHIA FERGUSON (OWNERS) AND RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING COMMISSION.

SECTION I

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 Agricultural Estates (A-2) to Rural Suburban Estates/Recreation/Planned Development (RSE/R/PD) for a 313 acre site generally located west of U.S. 42 and north of Rice Pike, 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 as a due process trial-type hearing and made findings recommending approval for the zoning map amendment.

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

SECTION II

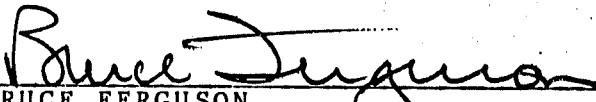
That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, 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 the 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 21st day of March, 19 89.

Adopted by the Fiscal Court of Boone County after Second Reading, at a regular meeting on the 4th day of April, 19 89, and on the same occasion signed

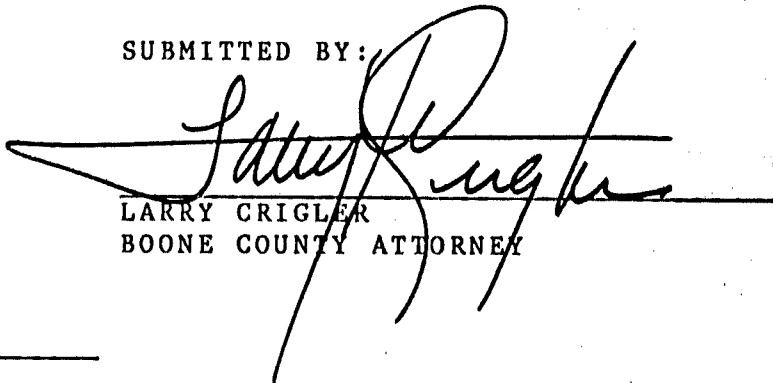
in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.


BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:


LARRY CRIGLER
BOONE COUNTY ATTORNEY

4/26/89
DATE PUBLISHED

w/conditions
4-4-89 Fiscal Court
minutes

MINUTES
BOONE COUNTY FISCAL COURT
APRIL 4, 1989
3:00 P.M.

VOTED AYE.

ITEM V.

ORDINANCES & RESOLUTIONS

ORDINANCE 920.178 - BURNS/JAMESON

Judge Ferguson presented for second reading Ordinance 920.178, 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/Recreation/Planned development (RSE/R/PD) for a 313 acre site generally located west of U.S. 42 and north of Rice Pike, Boone County, Kentucky, as requested by Andy Burns/Ken Jameson (Applicants) for Walter, Shelley, and Cynthia Ferguson (Owners) and recommended for approval by the Boone County Planning Commission.

Mr. Ken Jameson, attorney for the developer, was present before the court and stated that he would have the entire course built by 1990. He stated that the road to the clubhouse, the water and sewer would be in place before lots can be sold.

Commissioner Robinson questioned whether there would be appropriate grading and seeding done and Commissioner Raverty stated that he would like the grading and seeding done by December, 1989.

Commissioner Robinson said that he would like to have September, 1990 in Condition #3 and Commissioner Raverty further included that the pesticide storage must be stored in the maintenance building on the course.

There was a lengthy discussion regarding fencing, roadways and access to this facility after which Commissioner Raverty made a motion approving the second reading of Ordinance 920.178 with the conditions of the Planning & Zoning set forth as conditions of the fiscal court in the zone change and:

Condition #3 be changed to state:

The proposed golf course and clubhouse shall be completed and operational by September, 1990; if not, the sale of all lots shall be suspended.

Amendment to Condition #4:

That the applicant shall install a breakway gate at Meiman Lane in order to allow emergency vehicles to access the project from the west. A gravel or cinder road shall be constructed and maintained by the applicant from Meiman Lane to the paved cul de

MINUTES
BOONE COUNTY FISCAL COURT
APRIL 4, 1989
3:00 P.M.

sac proposed to terminate at lot #36 and that said gravel road shall not be used for construction traffic.

Condition #7 would be added as follows:

The maintenance building, which includes pesticide storage, shall be constructed within four hundred feet of the clubhouse.

Condition #8 would be added as follows:

If the adjoining property owners determine that the existing fence cannot be repaired properly to restrict people land livestock, the applicant shall construct a new fence at the applicant's cost. The new fence shall consist of nonflammable wire, at least forty eight inches in height and shall have a one inch by six inch board on top. If the applicant elects to construct a more decorative fence, they shall obtain the approval of the design from the adjoining property owner prior to construction. Also, the applicant agrees to provide any maintenance of the fence for perpetuity.

Commissioner Robinson seconded the motion. Hearing no further discussion on the motion, Judge Ferguson called for a vote, Commissioner Raverty voted AYE, Commissioner Robinson voted AYE, Commissioner Davis voted AYE, Judge Ferguson ABSTAINED.

Following the vote, Judge Ferguson made a statement regarding his feelings on this particular zone change. Judge Ferguson stated that he had invested most of his life on this farmland and had done so as if it were his own even though an individual never really owns the land, but merely keeps the land in trust. Judge Ferguson said he regrets to see this change take place as he feels that farmland is beautiful, however, he realizes that the natural order of things is change and he believes that this plan is a good one. He said that he hoped this would be of benefit to Boone County in the long range and he wished the developers the best of luck.

Mr. Ken Jameson said that Judge Ferguson had been fair and reasonable in his discussions regarding the fencing and regarding the zone change application. He further stated that the other property owners have been reasonable in their requests.

ORDINANCE 920.179 - OFF PREMISE SIGNS

Judge Ferguson presented for second reading Ordinance 920.179, an ordinance of the Boone County Fiscal Court adopting an amendment to the Boone County Regulations and such amendment being a change to Article 19, Section 1940 regarding the placement of off premises signs in Boone County.

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: March 1, 1989

RE: Request of Andy Burns/Ken Jameson (applicants) for Walter/Shelley/Cynthia Ferguson (owners) for a Zoning Map Amendment on a ±313 acre site located west of U.S. 42 and north of Rice Pike Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban Estates/Recreation/Planned Development (RSE/R/PD) for a residential/golf course planned development.

REMARKS:

We, the Committee, based upon the statements made and the facts gathered at the January 25, 1989 Public Hearing, recommend approval of this Zoning Map Amendment based on the following findings of fact and subject to the following conditions.

Findings of Fact

1. The requested zone change for the property from Agricultural Estates (A-2) to Rural Suburban Estates/Recreation/Planned Development (RSE/R/PD) is in agreement with the 1986 Boone County Comprehensive Plan, which indicates the future use of this property to be Low Density Residential and Rural Lands. The Rural Lands designation includes recreational uses, and recreational facilities are encouraged in this portion of the county, as stated on page L-16 of the Land Use Element. Subdivisions of low to medium density are likewise anticipated. Other references to the Comprehensive Plan are made in the Staff Report.
2. The submitted Concept Development Plan indicates an innovative and imaginative blend of residential and recreational uses for the subject property, which meets the intent of Planned Developments to allow mixed land uses.

The applicant is being asked to include the following Conditions as part of the submitted Concept Development Plan in order to address concerns and clarify questions raised at the January 25, 1989 Public Hearing.

Conditions

1. The Committee recognizes the applicant's desire that the project be designed as a private development or a golf course residential community. However, the Committee also believes that a property of this size cannot be developed without provisions being made for coordinating its development with the anticipated development of adjoining properties. Therefore, the applicant shall dedicate sufficient right-of-way for the future extension

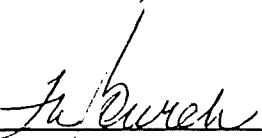
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of Frogtown Road across U.S. 42. This shall consist of a 60 foot wide right-of-way at that portion of the property immediately opposite the existing intersection of Frogtown Road and U.S. 42, and shall extend for a length of 300 feet and then taper for 100 feet to terminate at the northern property line. Additionally, the applicant shall provide sufficient right-of-way to allow access to the proposed sanitary sewage treatment plant.

2. The proposed streets for the project shall be dedicated for public use. These streets shall have a 50 foot right-of-way, and a minimum 24 foot wide pavement width.
3. The proposed golf course and clubhouse shall be completed and operational by the Summer of 1990.
4. The applicant shall install a breakaway gate at Meiman Lane in order to allow emergency vehicles to access the project from the west. A gravel or cinder road shall be constructed and maintained by the applicant from Meiman Lane to the paved cul-de-sac proposed to terminate at lot #36.
5. The applicant shall provide adequate screening to insure the proposed sanitary sewage treatment plant is screened from the view of any existing or proposed public right-of-way. The proposed screening shall be reviewed as part of the subdivision review process.
6. The applicant shall preserve, where possible, existing stands of trees on the site. Such preservation shall take the form of an inventory of the location and area of tree stands prior to development to be included at all stages of subdivision review so that tree stands proposed to be reduced or removed can be readily identified.



Phil Damstrom, Chairman




Fred Burch

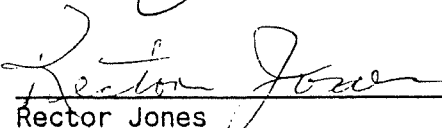


Barry Nejtner


PD:kat



Larry Barnett



Rector Jones



Carol Smith

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

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VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

February 28, 1989

RE: Conditions of approval for the following Zoning Map Amendment review.

Dear Andy Burns:

The following represents the conditions deemed necessary by the Zone Change Committee. If you, as the applicant, will agree to these conditions, please indicate so by signing your name at the end of this form and returning it to our office by 3:00 p.m., Wednesday, March 1, 1989.

1. The Committee recognizes the applicant's desire that the project be designed as a private development or a golf course residential community. However, the Committee also believes that a property of this size cannot be developed without provisions being made for coordinating its development with the anticipated development of adjoining properties. Therefore, the applicant shall dedicate sufficient right-of-way for the future extension of Frogtown Road across U.S. 42. This shall consist of a 60 foot wide right-of-way at that portion of the property immediately opposite the existing intersection of Frogtown Road and U.S. 42, and shall extend for a length of 300 feet and then taper for 100 feet to terminate at the northern property line. Additionally, the applicant shall provide sufficient right-of-way to allow access to the proposed sanitary sewage treatment plant.
2. The proposed streets for the project shall be dedicated for public use. These streets shall have a 50 foot right-of-way, and a minimum 24 foot wide pavement width.
3. The proposed golf course and clubhouse shall be completed and operational by the Summer of 1990.
4. The applicant shall install a breakaway gate at Meiman Lane in order to allow emergency vehicles to access the project from the west. A gravel or cinder road shall be constructed and maintained by the applicant from Meiman Lane to the paved cul-de-sac proposed to terminate at lot #36.
5. The applicant shall provide adequate screening to insure the proposed sanitary sewage treatment plant is screened from the view of any existing

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or proposed public right-of-way. The proposed screening shall be reviewed as part of the subdivision review process.

6. The applicant shall preserve, where possible, existing stands of trees on the site. Such preservation shall take the form of an inventory of the location and area of tree stands prior to development to be included at all stages of subdivision review so that tree stands proposed to be reduced or removed can be readily identified.

Sincerely,

Paul R. Miller
Plans Examiner/Planner

I, the applicant, agree to the above listed conditions for approval of my request for a Zoning Map Amendment from Agricultural Estates (A-2) to Rural Suburban Estates/Recreation/Planned Development (RSE/R/PD) for ±313 acres located on the west side of U.S. 42, south of Frogtown Road and north of Rice Pike, Boone County, Kentucky.



Andy Burns

PRM: