

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 _____
2. Location of Development Richwood, Ky
3. Total Acreage of Site 161.4 AC
4. Current Zoning AGRICULTURAL (A-2) (C.H.)
5. Proposed Zoning (classification being requested) SR-1 & MS
6. Proposed Uses (please specify each use) RESIDENTIAL
7. Name of Applicant(s) NICK ZIMMERMAN
Phone Number(s) 331-3160
8. Address of Applicant(s) 1671 PARK Rd. Suite 11
FL. WRIGHT Ky 41011
City State Zip
9. Name of Property Owner(s) INDUSTERS TEN (Jim Berlin)
Phone Number(s) 331-9191
10. Address of Property Owner(s) 1671 PARK Rd. Suite 1
FL. WRIGHT Ky 41011
City State Zip
11. Proposed Building Intensities (please specify) _____
12. Are there any existing buildings on the site? YES
How many? Two
13. Deed Book 418 Page No. 123 Group No. 2064
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:

- _____ Boone County Water and Sewer District
- _____ Florence Water and Sewer Commission
- _____ Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County 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)

EXHIBIT "A"

STAFF REPORT

#1

REQUEST OF NICK ZIMMERMAN (APPLICANT) FOR
INVESTORS TEN INC. (JIM BERLING) (OWNERS) FOR A
ZONING MAP AMENDMENT ON A 161.4 ACRE SITE

March 28, 1990

This is a Zoning Map Amendment request by Nick Zimmerman (applicant) for Investors Ten Inc. (Jim Berling) (owners) on a 161.4 acre site located on the south side of Frogtown Road, east of Spacious Acres Subdivision and Suburban Estates Subdivision, and west of Triple Crown Country Club Subdivision, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS). The location of the existing Rural Suburban zoning district is on the north side of the site. The applicant would like to relocate this zoning district to the southwest side of the site. Approximately 146.8 acres is being proposed to be Suburban Residential One (SR-1) and the remaining acreage (14.55 acres) is planned to be Rural Suburban (see attached drawing). The request is to develop a single-family residential subdivision, which would be an extension of Triple Crown Country Club Subdivision. The site is presently being use for agricultural and residential purposes. Finally, the applicant is not submitting a Concept Development Plan because it is not a requirement in this residential zoning classification request.

SURROUNDING LAND USES AND ZONING

The surrounding land uses and zoning adjacent to the 161.4 acre tract consists of the following:

- North: Low Density Residential (single-family houses), Commercial (repair shop) and Public/Institutional (water tower) land uses Frogtown Road. Rural Suburban (RS) zoning on the north side.
- South: Agricultural and Woodland land uses and Agricultural Estate (A-2) zoning on the south side.
- East: Agricultural, Low Density Residential (2 residences) and Woodland land uses and Agricultural Estate (A-2), Rural Suburban (RS) and Suburban Residential Two/Recreation/Planned Development (SR-2/R/PD) zoning on the east side. (NOTE: Triple Crown Country Club adjoins this side of the site.
- West: Agricultural, Woodland and Low Density Residential (Spacious Acres and Suburban Estates Subdivisions) and other residential land uses and Agricultural Estate (A-2) and Rural Suburban (RS) zoning on the west side.

NATURAL FEATURES OF THE SITE

Generally, the 161.4 acre tract slopes from Frogtown Road to the southern portion of the site. The high point of the property is located in the northeast corner

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of the site. The site also consists of three major drainage swales, which are dispersed throughout the site. The 161.4 acre tract is partially rolling pasture land and in some areas is heavily wooded. Soil types of this site include Faywood Silty Clay (FdD3), Jessup Silt Loam (JeD), Nicholson Silt Loam (N1B & N1C) and Rossmoyne Silt Loam (RsB & RsC). Some of the above soil types have limitations which may affect building locations. These soil types are usually found in large drainage areas or sloped areas. One farm pond exists behind the existing residence on the site.

RELATIONSHIP TO COMPREHENSIVE PLAN

The proposed Zoning Map Amendment request should be evaluated in relationship to the Boone County Comprehensive Plan, which includes the 1989 - 1990 Goals and Objectives. The area is referred to in a number of ways:

1986 FUTURE LAND USE MAP

- Low Density Residential (LDR)
(1 - 3 residential units per acre)
- Rural Lands (RL)
(agricultural, woodlands, recreational uses)
(1 residential unit per 2 acres)

1989 - 1990 GOALS AND OBJECTIVES

ENVIRONMENT

OBJECTIVE

2. "New development or redevelopment should be designed to utilize existing topography and presume existing tree stands of vegetation. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially."

HOUSING

OBJECTIVE

10. "Progression of intensities shall be encouraged. Where traditional progressions of high net density to low net density development cannot be followed, attention to visual impact and adequate buffering must accompany high net density usage."
12. "Residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access."

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PUBLIC SERVICES AND FACILITIES

GOAL: "Adequate public services and facilities exist for all development."

TRANSPORTATION

OBJECTIVE

2. "Proper access to adjoining property should be provided and/or retained when a property develops or redevelops."

The Land Use text suggests that the Union area will continue the trend of residential growth of low to medium density. The New Haven School area describes development along U.S. 42, KY 338 and Hicks Pike. Prime agricultural land is recognized in this area the Comprehensive Plan also suggests that future growth will be in the form of subdivisions.

STAFF CONCERNS

1. Sanitary Sewer - The applicant has not indicated when and where the sanitary sewer service will be available for the proposed development.
2. Street Design - The Staff has a concern on the design of the proposed street for the subdivision relative to the location along Frogtown Road (sight distance). In addition, the Staff would prefer a limited access road to move traffic in a north and south direction through Hicks Pike and ultimately to Richwood Road. Thus shared access would be recommended on the eastern and southern portions of the site.
3. Compatibility of Proposed Zoning Classification with Adjoining Districts - The Planning Commission shall evaluate whether the proposed zoning classifications are appropriate given the existing neighboring zoning districts and land uses on the west side of the site and in the general area. In some areas, existing residences in the Spacious Acres and Suburban Estates Subdivisions are located within 50-100 feet of the western fence row of the 161.4 acre tract. The residences in these subdivisions are located on a minimum one to two acre tract. In addition, the maximum building intensity possible on the site as stated in the Boone County Zoning Regulations is 619 dwelling units or 3.83 units per acre.

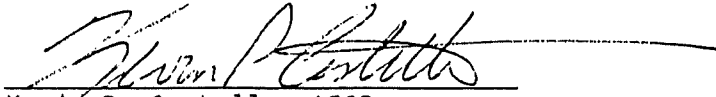
CONCLUSION

This request should be evaluated in terms of the criteria mentioned in Article 3 of the Boone County Zoning Regulations and its land use impact upon the area.

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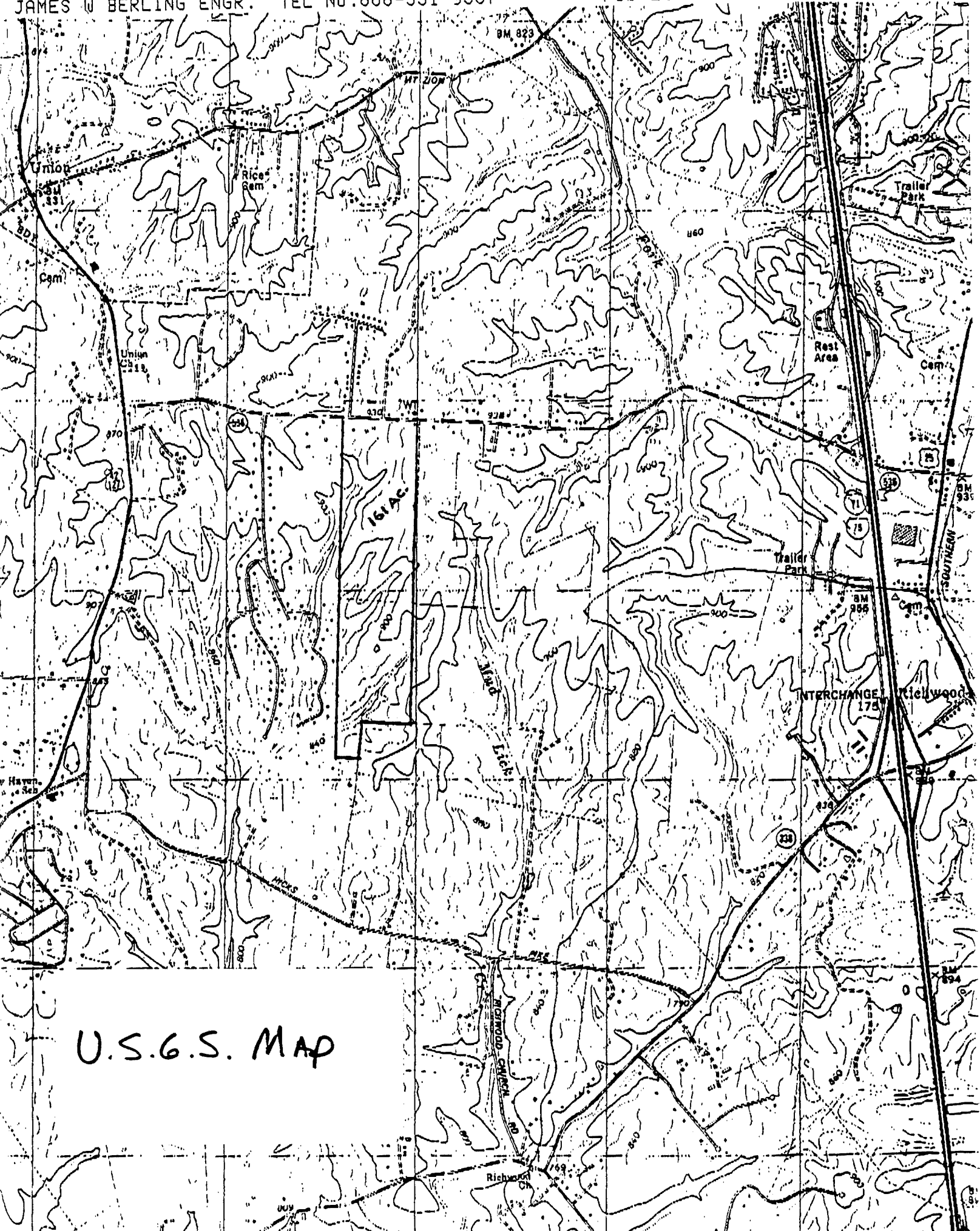
If the Boone County Planning Commission and the Boone County Fiscal Court approve this Zoning Map Amendment request as presented, the Future Land Use map would need to be amended.

Respectfully submitted,

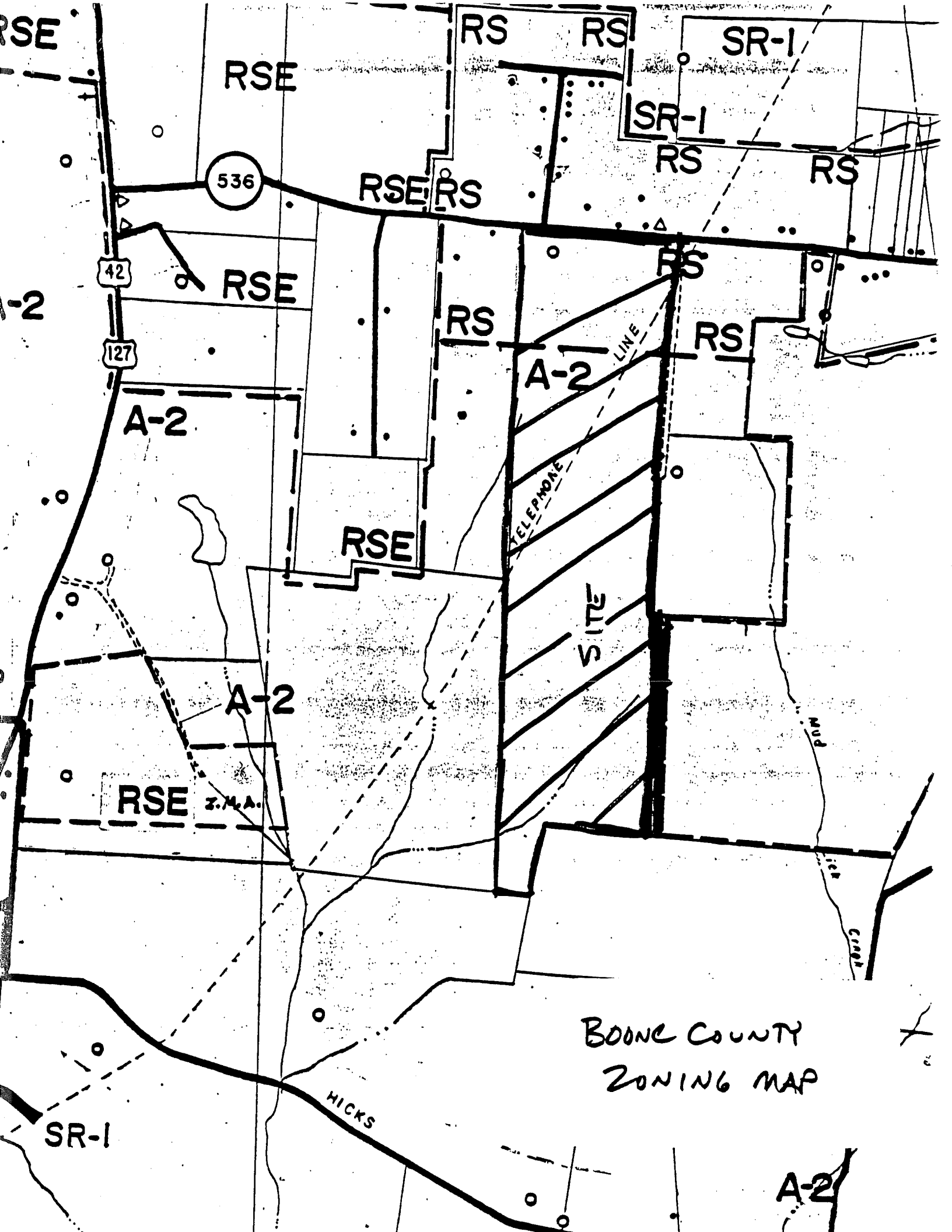


Kevin P. Costello, AICP
Assistant Director / Senior Planner

KPC:kat



U.S.G.S. MAP



RSE

RS

RS

SR-1

536

RSE

RS

SR-1

RS

RS

42

RSE

RS

RS

127

A-2

RS

A-2

RSE

TELEPHONE LINE

SITE

A-2

RSE

Z.M.A.

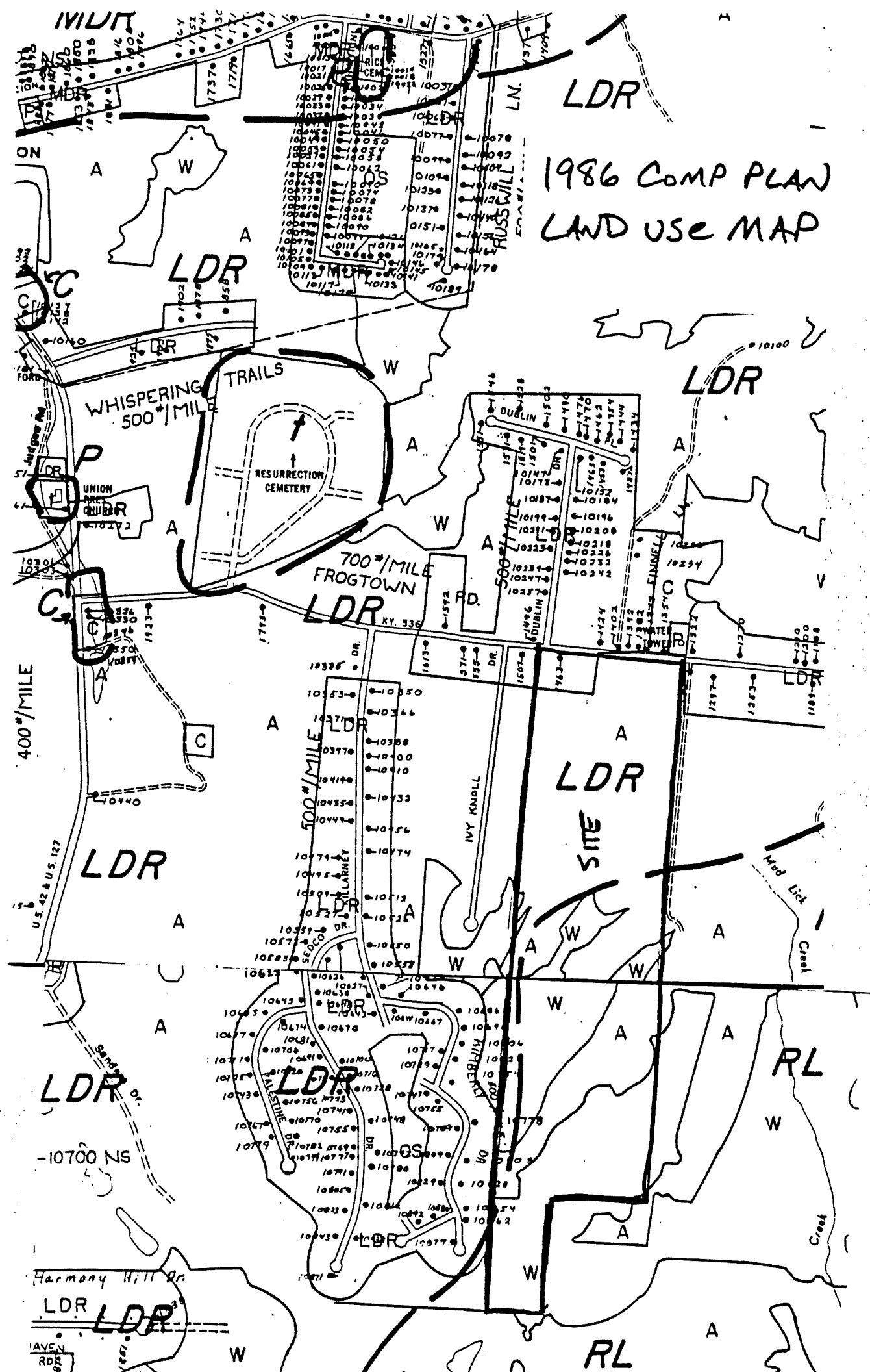
BOONE COUNTY
ZONING MAP

SR-1

HICKS

A-2

1986 COMP PLAN LAND USE MAP



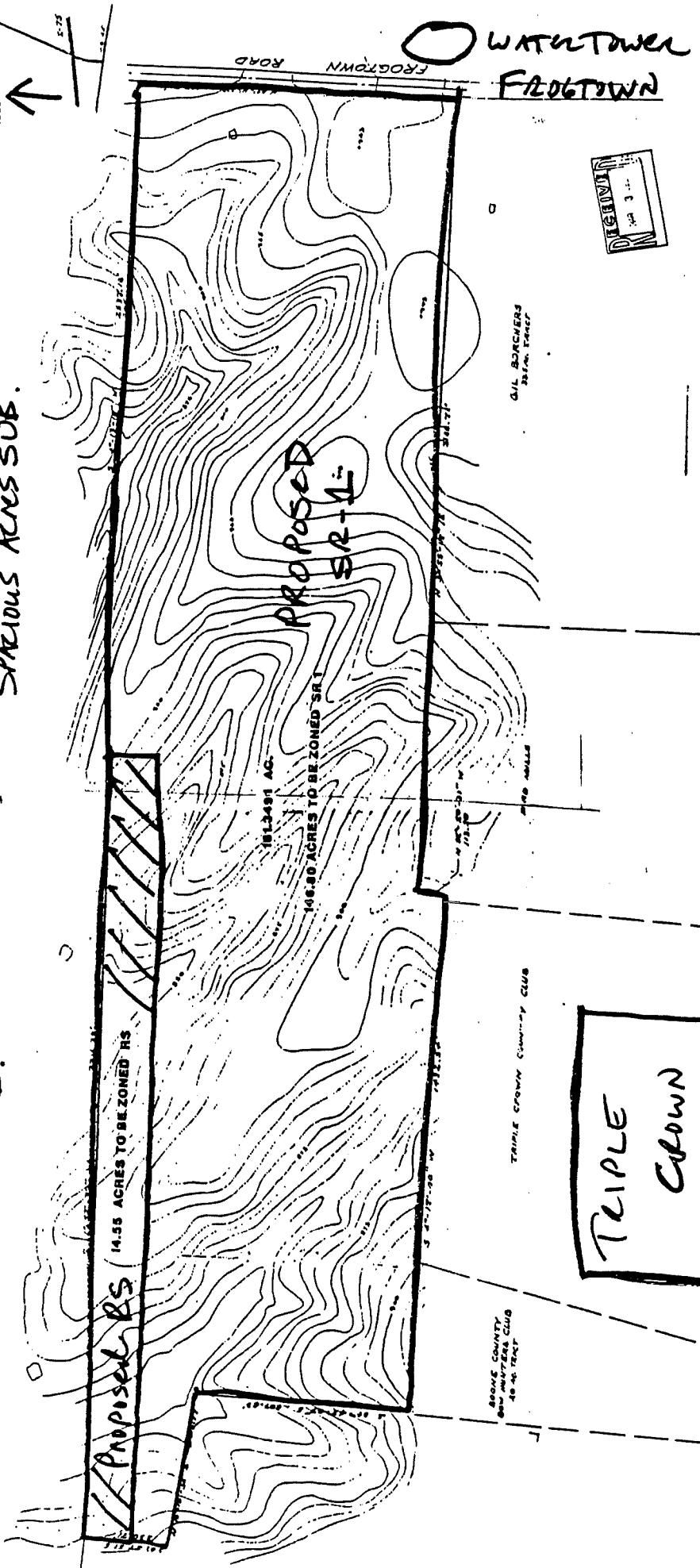
ZIMMELMAN ZONING MAP AMENDMENT
INVESTORS TEN
3/28/90

TO UNION

SUBURBAN ESTATES SUB.

SPACIOUS ACRES SUB.

SCALE 1"=200'



TRIPLE CROWN COUNTRY CLUB

PROPOSED RE-ZONING



INVESTOR'S TEN INC.
FROGTOWN ROAD, BOONE CO., KY.

SCALE 1"=200'

2/7/90



BOONE COUNTY PLANNING COMMISSION

March 28, 1990
7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:10 P.M..

Chairman Viox stated that this was the last Public Meeting that Mr. Newton, the Director, would be attending and presented him with a Planning Appreciation Award in recognition of his service and leadership from 1984 to 1990.

Following Mr. Newton's acceptance of the award, the Chairman gave an explanation of the Public Hearing process and introduced the first item on the Agenda:

1. Applicant: Nick Zimmerman for
Investors Ten Inc. (owner)

Request: Zoning Map Amendment

This was a Public Hearing on the request of Nick Zimmerman (applicant) for Investors Ten Inc. (owner) for a Zoning Map Amendment on a 161.4-acre site located west of Triple Crown Country Club Subdivision, south of Frogtown Road and north of Richwood Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) and Agricultural Estate (A-2) to Suburban Residential One (SR-1) and Rural Suburban (RS).

Assistant Director, Kevin Costello, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked if the applicant was present.

Mr. Jim Berling stated that he is the engineer for the project. The owner of the project is Investors Ten, which is basically the same people who developed Triple Crown Country Club. They are interested in developing single-family homes on the site. They believe this to be a straight forward subdivision and that a Planned Development concept is not needed. They anticipate development to be about 2.3 units per acre, which is less than what is indicated as possible in the Staff Report (619 units). They know the land and the topography and have done some preliminary work to show how the site could be developed to use the ridges and valleys and keep as many trees as possible. They were scheduled for a Public Hearing on this request a month ago, but had to withdraw the request due to notification of adjoining property owners. This gave them time to meet with the adjacent property owners and they have entered into some agreements which will be discussed by the property owners.

Chairman Viox asked if there was anyone else present who wished to speak in behalf of the request.

Mr. Len Rowekamp, attorney representing the adjoining property owners, stated that there are ten property owners immediately adjoining the proposed development on Kimberly Drive. They have met with Mr. Berling and some of the principals in the group and the result was a signed agreement between the ten adjoining property owners and the developer. The agreement sets out seven conditions which they would like included with the Staff's concerns as part of the development. Mr. Rowekamp gave a copy of this agreement to the Chairman. Mr. Rowekamp stated that the conditions address the concerns in regard to the setback of the proposed development. Also, there is a 200 foot strip of land beyond the Suburban Estates property proposed for the Rural Suburban zoning which is not to be rezoned to SR-1 for a period of ten years. There is to be a minimum sale price of \$150,000 on the land bordering this estate. There is also a condition regarding construction of an access to allow access to a ten-acre parcel and they have agreed on an Option to Purchase. They have also agreed that the rear tail portion, not a part of this request, would be developed consistent with the SR-1 zoning. He stated that, with the conditions, the property owners are not opposed to the proposed map amendment.

Counselor Wilson questioned the applicant's position in regard to the seven conditions and Mr. Rowekamp stated that it is a signed document. Mr. Berling stated that they agree to these items.

Counselor Wilson asked if these items were intended to be deed restrictions.

Mr. Rowekamp stated that they have not discussed this, but it is their intent that they be legally enforceable as part of the zone change approval or as deed restrictions.

Counselor Wilson stated that he feels that they are talking about private deed restrictions. He stated that the Commission may not want the conditions, or may not want to enforce them. He stated that the Committee will take a position on this.

There being no one else present in favor of the request, Chairman Viox asked if anyone wished to speak in opposition or if there were any questions. There being no response, he asked if there were any comments from the Commissioners.

Mr. Collins stated that he was concerned about a ten-year deed restriction.

Counselor Wilson advised that a private deed restriction is enforced by the private parties. He emphasized that deed restrictions are separate from land use restrictions.

Mr. Rowekamp stated that the agreement would be picked up as restrictive covenants. He commented that some items, such as the setbacks, may be able to be part of the zone change.

Rebecca Strunk questioned the value of the proposed houses and Mr. Berling advised that they will be \$150,000 and up.

Mr. Neltner noted that there could be as many as 619 units on the site. Mr. Berling stated that they anticipate developing at 2.3 units per acre for about 370 units. Mr. Neltner questioned if they would be willing to commit to a number similar to 370 units and Mr. Berling stated that they have no intention of developing in excess of 370 units and would commit to this.

In response to a question from Mr. Sharp regarding shared access, Mr. Berling stated that they would open their roadway system to the east and the south.

Mr. Collins noted that nearly every house is \$150,000 to \$250,000 which puts many people into the category of not being able to afford them. He questioned if this was legal and Counselor Wilson stated that his advice is always "no" when asked if there should be a monetary figure as part of the zoning. He added that the Commission would not impose a monetary figure as a zoning regulation.

Mr. Paul Kroger commented in regard to shared access, that the road from Richwood Road to Frogtown may be private going through the golf course.

Mr. Berling advised that Mr. Jensen had said that the roads would be public. During construction and on visits to other communities, there was concern and they thought that, for the purposes of protection and security, they should have the right to control who goes through the golf course community. They have talked to the Staff about the possibility of private roadways. He stated that it may be that the main road will be public and the other roads private. He stated that he thinks the road needs to be public and connected to Frogtown Road. In response to comments from Mr. Kroger, Mr. Berling added that the roadway going into this parcel will come off the main roadway through Triple Crown about 7,500 feet north of Richwood Road -- right where the driving ranges are.

Mr. Kroger stated that his concern is with the development approaching from the Richwood Road side. Mr. Berling concurred that they will develop from the Richwood Road side.

Chairman Viox stated that Mr. Kroger is referring to phasing. He asked if Phase I would get to Frogtown Road and if they would develop from the public road to the private roads.

Mr. Berling stated that he did not think you could have private road connecting to two public roads. He stated that he believes the road will be public. He stated that they will go from Richwood Road north and move into the site in a central location and develop both ways. One of the latter phases will tie it to Frogtown Road.

Mr. Tom Lundon questioned if the traffic on Frogtown Road had been considered and if it would be widened. He stated that a lot of people will go down Frogtown Road as it will be easier and this should be addressed.

Mr. Costello stated that this was reviewed when Triple Crown was evaluated and there will be some improvements. He stated that most of the traffic will use Richwood Road which will be upgraded substantially. There are no current plans for a major upgrade on Frogtown Road. He stated that they would like to get a connection from Frogtown Road to Mt. Zion Road to the new interchange.

Mr. Rush noted that the development to the east is a private golf course with all forms of recreation being private. He noted the size of this development and questioned if there had been consideration of recreation for this area.

Mr. Berling stated that this will be a part of the Triple Crown community and there will be recreation. There will be an area adjacent to this complex for a community center, swim club, pool, picnic tables, recreation field, tennis courts, etc., which will be available to the residents. This is being done for them as many of them may not want to join the country club.

Mr. Rush noted that these items are private and must be joined. They are not shared as a community.

Mr. Berling stated that they are not condominiums and they are not providing public parks. It will be operated as a private enterprise and they will sell memberships. The people in Heritage Trails may also be eligible for membership.

Mr. Rush questioned the provisions for people who do not want membership and Mr. Berling advised that there will be hiking trails and picnic areas available. He added that formal recreation needs to be maintained and have ownership.

There being no further comments, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on April 4, 1990 at 8 P.M..

Mr. Rowekamp stated that many of the property owners involved will be out of town on April 4 and questioned when the next date would be. He stated that they would like this request to be on the Agenda on April 18, 1990. Mr. Berling stated that he was agreeable to this when asked by the Chairman.

Chairman Viox stated that this item will be on the Agenda for the Business Meeting on April 18, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:


William R. Viox, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

April 18, 1990

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett
Mr. Lawrence Collins
Mr. Rector Jones

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Public Hearings and Business Meeting of April 4, 1990 and asked if there were any comments or corrections.

Mr. Neltner noted that on Page 5 of the Minutes of the Business Meeting, his reply to Mr. Kirby's question was intended to indicate that the wall and the fence on top should be constructed in such a way that the line of sight would be consistent across the back of the property. Mr. Kirby stated that this was his understanding.

Mr. McMillian moved that the Minutes of the Business Meeting be approved as amended and the Minutes of the Public Hearings be approved as written. Mrs. Smith seconded the motion and it carried unanimously.

There being no discussion, Mr. Greene moved that the request be approved based on the Committee Report, including the conditions. Mrs. Smith seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of James R. Rice, Jr. (owner) for a Zoning Map Amendment on a 3.34-acre site located on the north side of KY 14 and east of I-71, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Commercial Services (C-3) in order to allow an auto body shop.

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

There being no discussion, Mr. McMillian moved that the request be denied based on the Committee Report. Mr. Neltner seconded the motion.

Chairman Viox asked if there was anyone present in behalf of the applicant. Mr. Rice was present but did not wish to speak.

Chairman Viox asked for a vote on the motion made by Mr. McMillian and it carried unanimously.

7. The request of Nick Zimmerman (applicant) for Investors Ten (owner) for a Zoning Map Amendment on a 161.4-acre site located west of Triple Crown Country Club Subdivision, south of Frogtown Road, and north of Richwood Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) and Agricultural Estate (A-2) to Suburban Residential One (SR-1).

Mr. Kevin Costello, Acting Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has agreed to the conditions by letter dated April 18, 1990.

There being no discussion, Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report, including the conditions. Mr. Sharp seconded the motion.

Mr. Rush questioned the development intensity -- would there be large clusters of development. Mr. Costello advised that it is single-family detached housing, not condominiums. Mr. Berling agreed.

There being no further questions, Chairman Viox asked for a vote on the motion made by Mr. Kirby and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

#7

TO: Boone County Planning Commission

FROM: Fred Burch, Committee Chairman

DATE: April 18, 1990

RE: Request of Nick Zimmerman (applicant) for Investors Ten Inc. (owner) for a Zoning Map Amendment on a 161.4 acre site located west of Triple Crown Country Club Subdivision, south of Frogtown Road and north of Richwood Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) and Agricultural Estate (A-2) to Suburban Residential One (SR-1) and Rural Suburban (RS).

REMARKS:

We, the Committee, recommend approval of the request based upon the following findings of fact and subject to the conditions mentioned below.

FINDINGS OF FACT

1. The proposed project is in agreement with the Boone County Comprehensive Plan, which recommends Low Density Residential (LDR) uses for the site. References to the Comprehensive Plan are made in the Staff Report.
2. The proposed zoning classifications, Suburban Residential One (SR-1) and Rural Suburban (RS), are appropriate for the site because they allow a transition of building intensities from the adjoining properties to the east and west. The proposed zoning classifications also allow a transition of zoning in comparison with the current zoning of the properties to the east and west of the site.

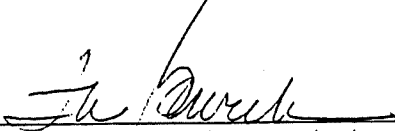
The applicant is also being asked to agree to the following conditions, which further clarify the request which was presented at the March 28, 1990 Public Hearing.

CONDITIONS

1. The maximum building intensity for the entire 161.4 acre site shall be 2.3 units per acre or a maximum total of 371 single-family dwelling unit lots.
2. The proposed development shall have public sanitary sewer.
3. The proposed development shall connect to the adjoining properties to the west, east and south.

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4. The proposed road system within the development shall be public and the primary road serving the development shall be designed to have limited access in order to keep the number of driveways fronting on such road at a minimum.

In addition, the Future Land Use Map will need to be amended to change the Rural Lands designation to Low Density Residential.

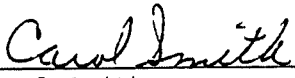


Fred Burch, Committee Chairman

Rector Jones




Barry Neltner



Carol Smith

Larry Barnett



Floyd Sharp

FB:jdh

Boone County Recorder

06-27-90

Resolution # R-15-90

Ordinance # 920.201

Nick Zimmerman

**LEGAL NOTICE
ORDINANCE NO. 920.201**

The Boone County Fiscal Court at its meeting held Tuesday, July 10th, 1990, at 10:00 A.M., third floor courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY NICK ZIMMERMAN (APPLICANT) FOR INVESTORS TEN (OWNER) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS) AND AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) & RURAL SUBURBAN (RS) FOR A 161.4 ACRE PARCEL GENERALLY LOCATED WEST OF TRIPLE CROWN COUNTRY CLUB SUBDIVISION, SOUTH OF FROGTOWN ROAD AND NORTH OF RICHWOOD ROAD, BOONE COUNTY, KENTUCKY AS RECOMMENDED BY THE PLANNING COMMISSION VIA RESOLUTION R-15-90 ON A UNANIMOUS VOTE.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the content of same. A copy of said Ordinance is on file in the office of the County Judge/Executive and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK
P.O. #FC 33296

BRUCE FERGUSON
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY

Incorrect
June 19th