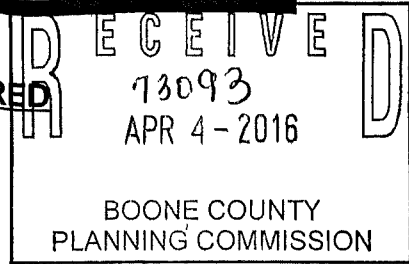


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project EAST BEND / LIMBAUGH
2. Location of Project EAST BEND & KELLY
3. Total Acreage of Site 4.3
4. Current Zoning of Site SR-1 / A-2
5. Proposed Zoning (Classification being requested) A-2
6. Proposed Uses (please specify each use)
NEW SINGLE FAMILY RESIDENCE + NEW POLE BARN
7. Names of Applicant(s) TERRI LIMBAUGH / LEE M. RICKEY do POTTER HOUSE GROUP, INC.
8. Phone No. 502-235-9607 Fax No. _____ E-Mail TERLIMB@GMAIL.COM
9. Address of Applicant(s) 4304 CHENOWETH RUN RD. / 189 WEBER LANE Florence, KY 40299
10. Name of Property Owner(s) SAME AS ABOVE
11. Proposed Building Intensities (please specify) NA
12. Are there any existing buildings on the site? NO
13. Deed Book 1067 Page No. 882 Group No. 2028
14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
15. Have you submitted a Concept Development Plan? NA
16. Have you had a pre-application meeting with BCPC Staff? _____
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

- _____ Boone County Building Department
- _____ Northern Kentucky Health District
- _____ USDA NRCS/Boone County Conservation District
- _____ KY Division of Water
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

18. Project Jurisdiction/Location
 Unincorporated Boone County
 Florence
 Walton Union
 Union

19. ORIGINAL Property Owner's Signature Terrill Ambrugh
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature Terrill Ambrugh
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 4/4/16
2. Review Fee \$ 1,646.50 R# 73093
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of Copies of Plan Received**
4. Date Application is **Administratively Complete** as Defined in KRS 100.211
5. Staff Reviewer Karen Wolf
6. Committee Chairman _____
7. Scheduled Public Hearing Date 5/4/16
8. Boone County Planning Commission Action:
 - Approval 6/1/16
 - Approval with Conditions
 - Denial
9. Other: _____ Resolution # _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

EXHIBIT

“A”

STAFF REPORT

Request of Lee Rickey (applicant) for Terri Limbaugh (owner) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for a 3.275 acre site located on the east side of East Bend Road between 8375 East Bend Road and 8406 Kelly Road, and across from 8496 East Bend Road, Boone County, Kentucky. The request is for a zone change to allow an accessory structure to be constructed larger than the single family residence.

May 4, 2016

PROPOSAL

This request is for a Zoning Map Amendment from SR-1 to A-2 for an approximate 3.3 acre area located on the east side of East Bend Road in unincorporated Boone County. The site is located near a 90 degree curve in East Bend Road which intersects with Kelly Road. The overall tract in question contains approximately 4.3 acres. Approximately 1 acre of this tract is already zoned A-2.

The site is currently vacant. The owner plans to build a detached single family residence with approximately 2,600 square feet of living space and a 5,000 square foot detached pole barn structure for personal use and storage. The purpose of the zone change application is to permit the construction of the pole barn in the portion of the site that is currently within the SR-1 zone. The agricultural zones (A-1 and A-2) permit much greater flexibility in the size and use of detached accessory buildings than the suburban residential zones (SR-1, SR-2, and SR-3).

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the site include the following.

- A. A combination of detached single residences on acreage lots, agriculture, and wooded areas are located to the east/northeast and to the north/northwest along both sides of Kelly Road (A-2).
- B. A pasture is located along the east side of East Bend Road to the immediate south, and several detached single family residences are located further to the south (SR-1 along the road frontage, and A-2 further to the east). A wooded area is located to the east of the pasture and residences.
- C. A combination of detached single residences on acreage lots, agriculture, and wooded areas are located to the west along both sides of the east-west section of East Bend Road (A-1 and A-2). A pasture is located to the southwest along the north-south section of East Bend Road (SR-1 along the road frontage, and A-1 further to the west).

SITE CHARACTERISTICS

As mentioned above, the overall tract contains approximately 4.3 acres, and the zone change area contains approximately 3.3 acres. The tract has approximately 351 feet of frontage along East Bend Road. The site is currently a vacant pasture. The elevation of the site ranges from approximately el 810 at both the road frontage and the east property line, to approximately el 828 at a crest in the eastern part of the site. The soil type on the site is Rossmoyne silt loam (RsB). Public water and sanitary sewer do not exist in the immediate vicinity. A public water main is located approximately 1,440 feet to the south at the intersection of East Bend Road and Locust Grove Road.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Rural Lands." This designation is described as "wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("23. East Bend Road," pg. 183).

- A. This section of Boone County contains a substantial part of East Bend Road. The greatest amount of growth in this section should occur along East Bend Road, mostly in the form of Open Space Design Residential development. The location and number of driveways should be controlled, and where possible, driveways should be shared. This development will require the realignment and improvement of East Bend Road. The small community of Waterloo may receive some limited residential growth as a result of growth in the Belleview and Burlington areas.

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The population of the "Western" region where the subject site is located is estimated to change to 15,184 in 2020, and to 20,468 in 2030.

The Housing Element states the following regarding the general area ("Petersburg/Belleview/Western Boone County Area," pg. 84).

- A. The existing road conditions in this area are not suitable for large scale residential development. The historic character of Petersburg, Belleview, and McVile should be preserved. Localized Transfer of Development Rights programs or a new type of zoning could be investigated for areas immediately surrounding these towns to continue the grid pattern of the towns while resulting in little housing development on the hillsides or bluff areas. Open Space Subdivision design should be the norm

rather than the exception in this area. Sewer for these town expansions should go to the nearly completed Sanitation District Number 1 (SD1) Western Regional Water Reclamation Facility, but not serve additional areas.

The Agriculture Element states the following regarding new residential development in agricultural areas ("Conclusion," pg. 101).

- A. New residential developments in agricultural areas should be closely correlated to adequate infrastructure. The proposed rural water line improvements through the rural areas of the county may be seen by property owners and developers as an encouragement for low density residential development to occur in mostly agricultural areas. However, other infrastructure, including sewer, adequate roads, fire hydrant water pressure, storm water management, fire and rescue, and law enforcement are necessary to support residential development in the long term. This adds to the cost of providing community services. Agriculture, on the other hand, enables an economic use of the land, and requires relatively little infrastructure support or public expenditure. Boone County needs to be careful not to allow residential development in areas without adequate existing or planned infrastructure to fragment existing agricultural land uses. When this type of development does occur, compact efficient land use development patterns should be encouraged to assure the availability of lands in the county for agricultural use. New residential development is further addressed in the Housing Element.

The 2010 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall," Objective 4).
- E. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).

- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Objective 2).
- H. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- I. In order to offer the citizens of Boone County maximum choice in living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units ("Housing," Objective 5).
- J. Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features ("Housing," Objective 12).
- K. Appropriate land for agricultural practices and agricultural related uses is protected due to its economic importance ("Agriculture," Goal).
- L. Specific areas, innovative land use planning concepts, and incentives shall be identified to encourage the preservation of existing agricultural lands ("Agriculture," Objective 1).

STAFF COMMENTS

The governing bodies need to determine whether the proposal is in agreement with the 2010 Boone County Comprehensive Plan or fulfills one of the alternate statutory findings for a zone change. The Comprehensive Plan's Future Land Use Map designates the site as "Rural Lands," which is described as "wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision." The Agriculture Element ("Conclusion," pg. 101) states "new residential developments in agricultural areas should be closely correlated to adequate infrastructure." The proposal is for a substantial down zoning from a density/intensity standpoint, and is for a site which does not have immediate access to public water or sanitary sewer service.

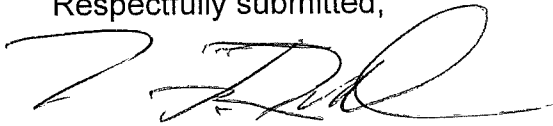
A similar zone change application was approved for a site directly across East Bend Road in 2004 (the property owners were Victor L. Boeschler and Mary A. Lane). The 2004

application was for a change from A-1 to A-2 for 7.8 acres, and from SR-1 to A-2 for 5.1 acres. A site map and the 5/19/04 Committee Report are attached for reference.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the application in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, the 2010 Boone County Comprehensive Plan, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



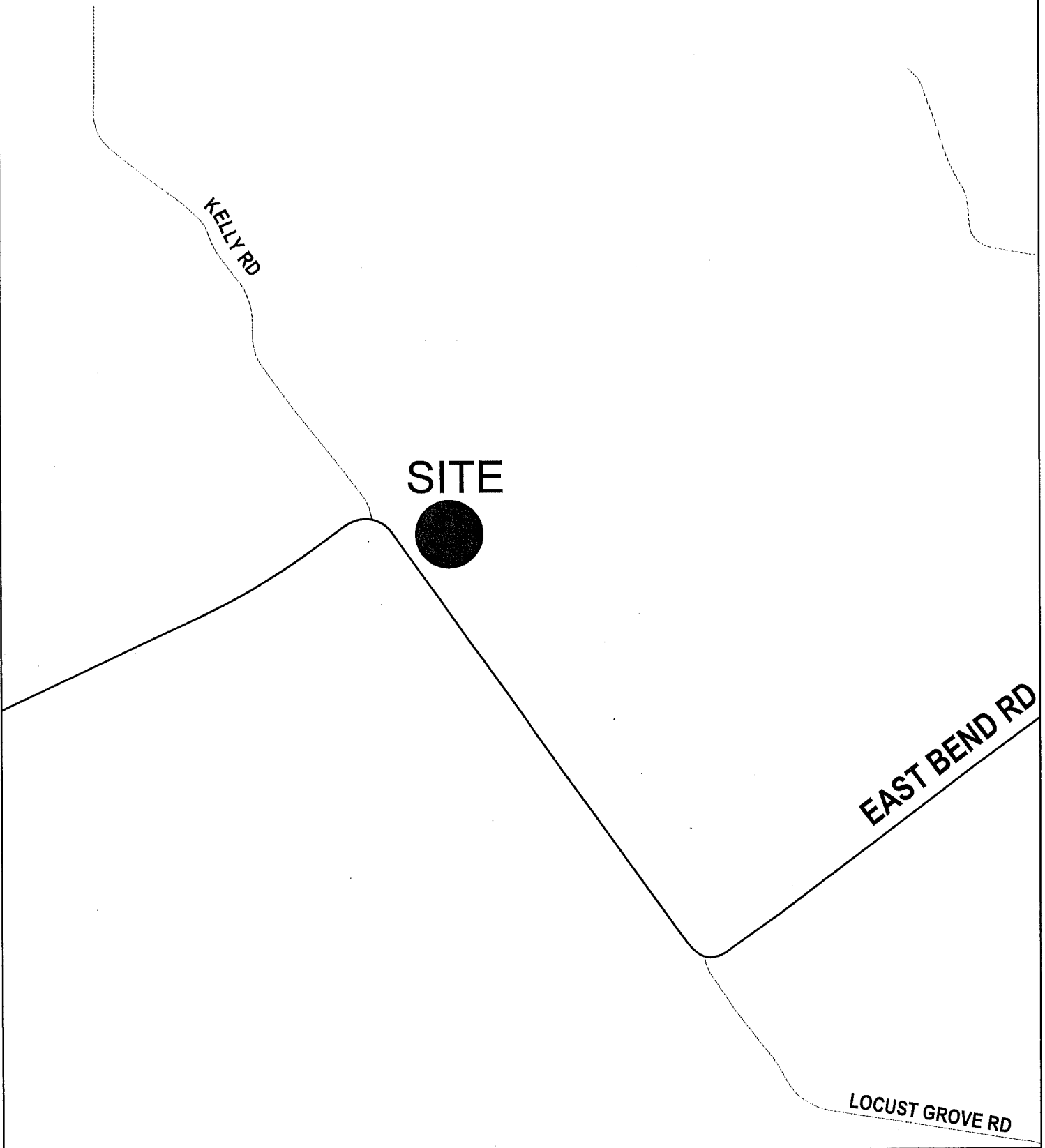
Kevin T. Wall, AICP
Director, Zoning Services

Attachments:

- Location Map
- Areawide Zoning Map
- Aerial Photograph with Zoning
- 2035 Future Land Use Map Excerpt
- Topographic Map
- Site Map and 5/19/04 Committee Report for 2004 Boeschler/Lane Zone Change
- Application Materials

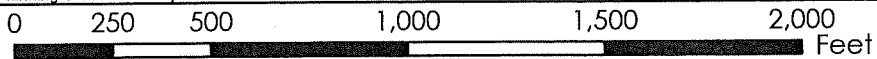
Location

www.boonecountygis.com



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1 inch = 490 feet



Boone County GIS - Putting Northern Kentucky on the Map

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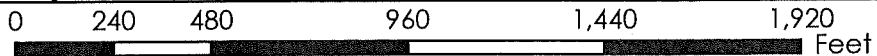
Areawide Zoning

www.boonecountygis.com



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1 inch = 472 feet

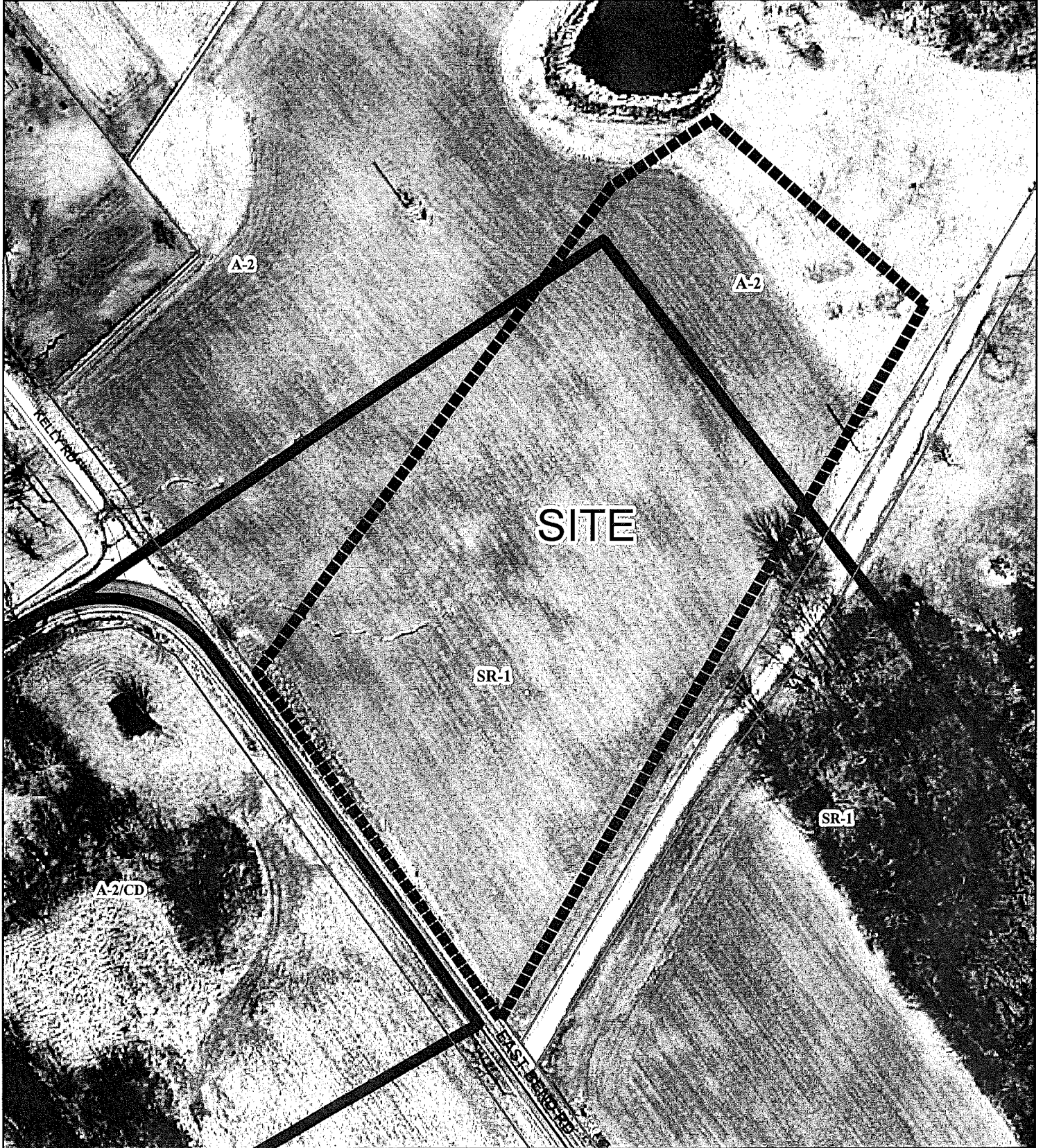


Boone County GIS - Putting Northern Kentucky on the Map



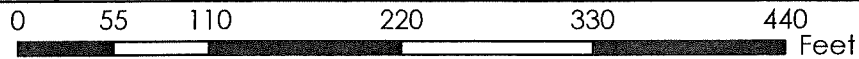
Zoning

www.boonecountygis.com



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1 inch = 111 feet



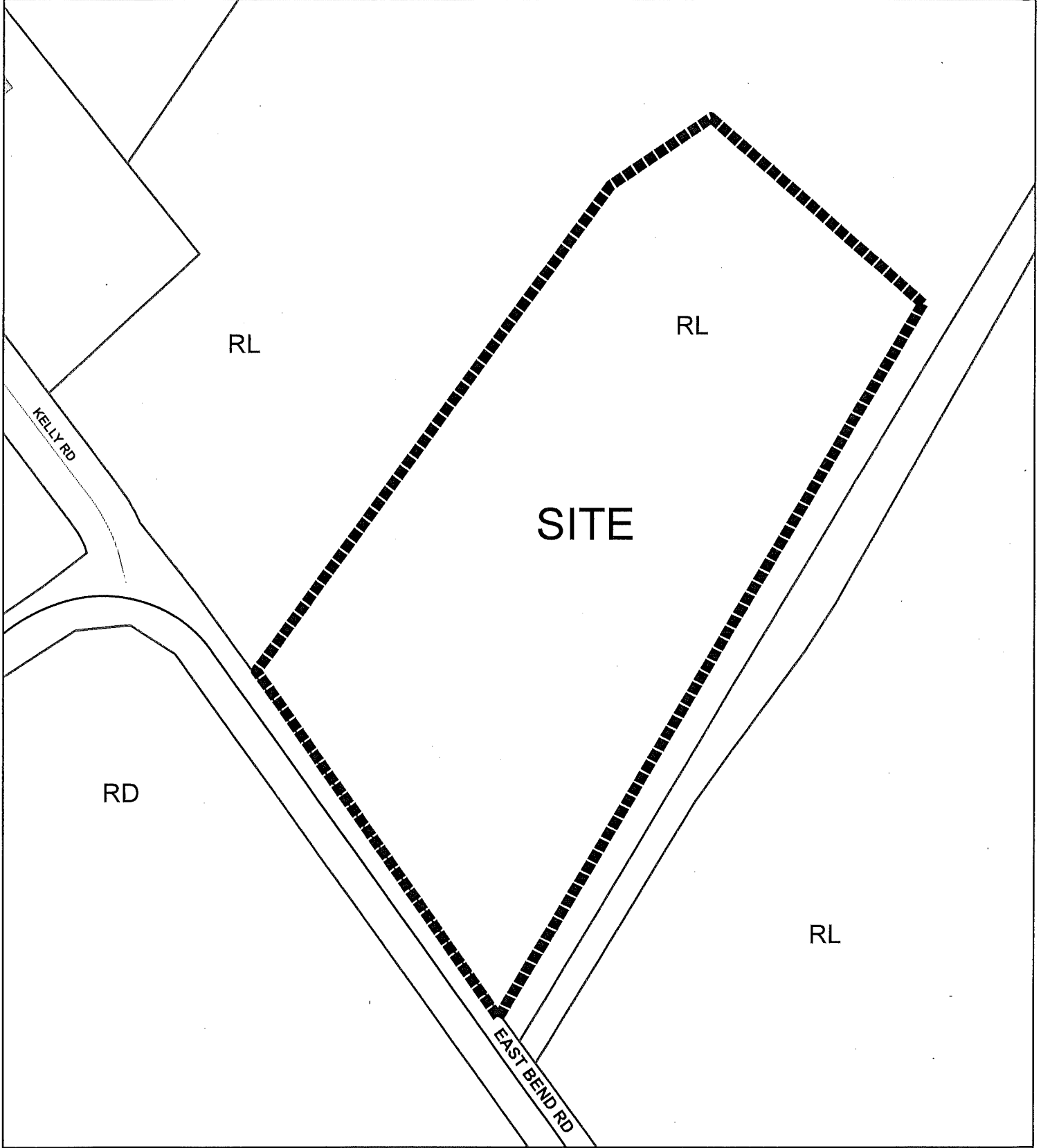
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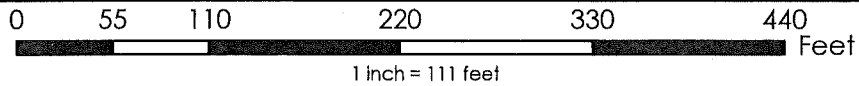
Future Land Use

www.boonecountygis.com



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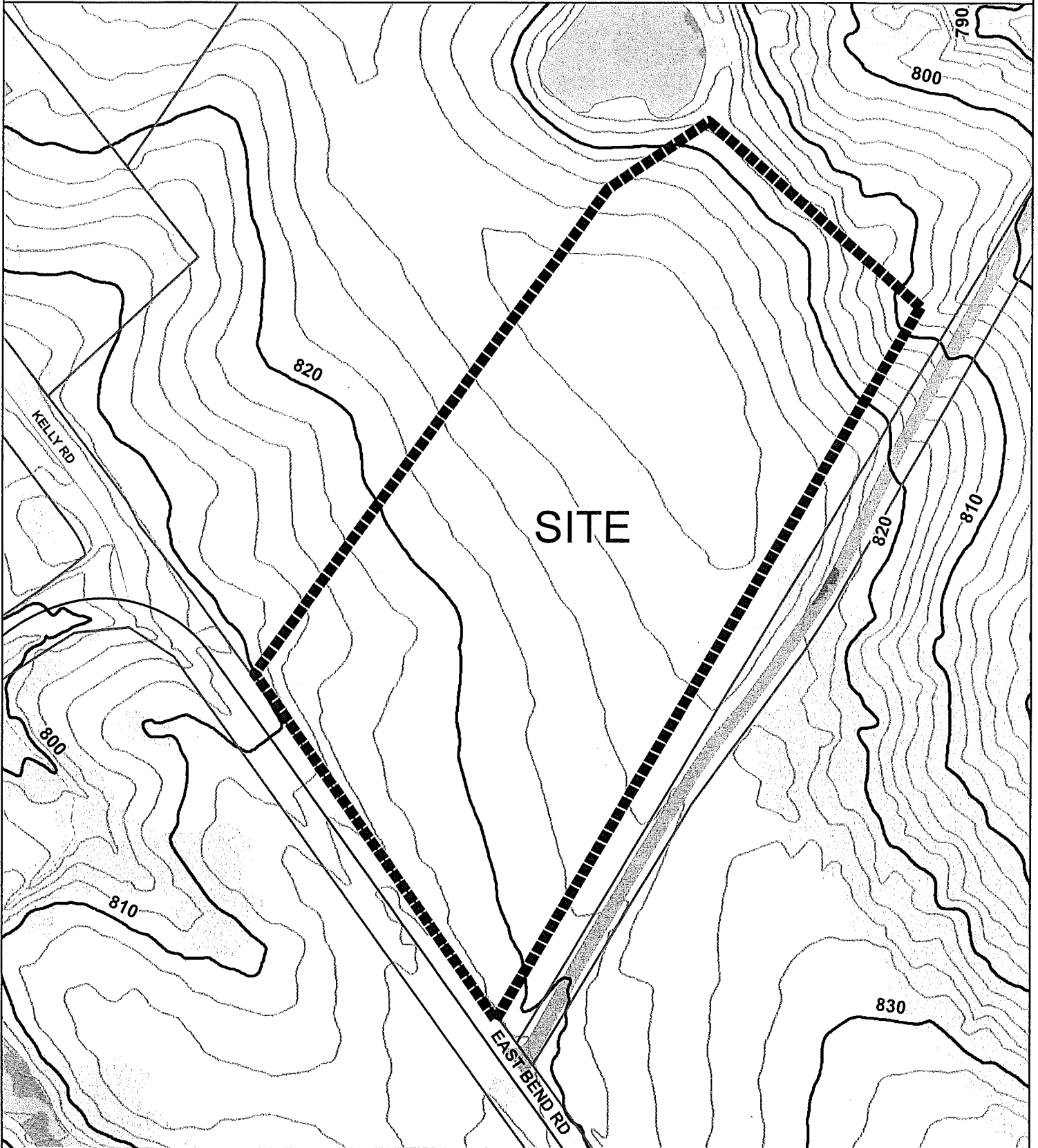
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

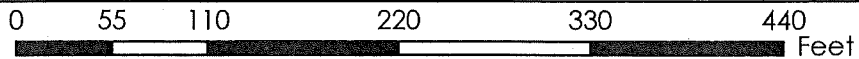
Topography

www.boonecountygis.com

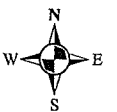


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1 inch = 111 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2015

Boone County GIS
ArcMap Document: BooneMap (file).mxd

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 19, 2004

RE: The request of Victor L. Boeschler and Mary A. Lane (owners) for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for 7.8 acres of the site, and a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for 5.1 acres of the site, both for a total 12.9 acre site located at 8496, 8538, and 8554 East Bend Road, Boone County, Kentucky. The request is for two zone changes to allow residential uses.

REMARKS

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact:

FINDINGS OF FACT

1. The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan are in agreement with the 2000 Boone County Comprehensive Plan. The majority of the subject site is designated as Rural Density Residential in the Future Land Use Map, which allows a density of one dwelling unit per acre. A small portion of the site is classified as Rural Lands, a designation applied to wooded, agricultural, and low density residential development that does not occur within a formal subdivision. The Land Use Element notes that the greatest amount of growth in the East Bend Road area should occur along East Bend Road in open space subdivisions and that driveways should be shared.

The Housing Element states that the roads in the general area are not appropriate for large scale housing developments. Open Space subdivisions should be encouraged, as noted above. If there are residential developments along East Bend Road, alternatives to routing traffic through the center of Burlington will need to be developed.

Goal #13 of the Housing Element states that residential developments should be designed to be compatible not only with the adjoining properties but also with the existing conditions on the site. The adjoining properties are rural in character, and some of them are used for agricultural purposes. The proposal allows a continuation of these rural land uses.

2. The existing zoning classification on a portion of the eastern parcel, Suburban Residential One (SR-1), is inappropriate, and the proposed zoning classification for the parcel is appropriate. The area in question is approximately 5.1 acres. While this zoning classification allows the development of up to 4 dwelling units per acre, the existing conditions of the property would not allow this level of development, as there are no water lines or sanitary sewer lines serving the property.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

RECEIVED
73093
APR 4-2016
BOONE COUNTY
PLANNING COMMISSION

SECTION A (To be completed by applicant)

1. Name of Project EAST BEND / LIMBAUGH
2. Location of Project EAST BEND + KELLY
3. Total Acreage of Site 4.3
4. Current Zoning of Site SR-1 / A-2
5. Proposed Zoning (Classification being requested) A-2
6. Proposed Uses (please specify each use)
NEW SINGLE FAMILY RESIDENCE + NEW POLE BARN
7. Names of Applicant(s) TERRI LIMBAUGH / LEE M. RICKY @ POTTER HOUSE GROUP, INC.
Phone No. 502-235-9607 Fax No. _____ E-Mail TERLIMB@GMAIL.COM
8. Address of Applicant(s) 4304 CHENOWETH RUN RD. / 189 WEBER LANE FLORENCE, KY 40299
LOUISVILLE KY 40299 KY 4022
City State Zip
9. Name of Property Owner(s) SAME AS ABOVE
Phone No. _____ Fax No. _____ E-Mail _____
10. Address of Property Owner(s) _____
City State Zip
11. Proposed Building Intensities (please specify) NA
12. Are there any existing buildings on the site? NO
How many? _____
13. Deed Book 1067 Page No. 882 Group No. 2028
14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
15. Have you submitted a Concept Development Plan? NA
16. Have you had a pre-application meeting with BCPC Staff? _____
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

- _____ Boone County Building Department
- _____ Northern Kentucky Health District
- _____ USDA NRCS/Boone County Conservation District
- _____ KY Division of Water
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

18. Project Jurisdiction/Location
- Unincorporated Boone County _____ Walton
 Florence _____ Union

19. ORIGINAL Property Owner's Signature Terry Zimlough
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature Terry Zimlough
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 4/4/16
2. Review Fee \$ 1,646.50 RA# 73093
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of Copies of Plan Received**
4. _____ Date Application is **Administratively Complete** as Defined in KRS 100.211
5. Staff Reviewer Kern Well
6. Committee Chairman _____
7. Scheduled Public Hearing Date 5/4/16
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
9. Other: _____ Resolution # _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.



ANDREW R. AMENT,
LAND SURVEYOR, PSC
 030 KENTUCKY
 445 Oak Lane
 Edgewood, Kentucky 40117
 amentlandsurveying@gmail.com
 c. (866) 341-7878 F. (866) 341-7827

PROPOSED SITE PLAN

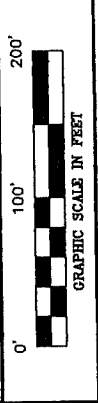
— EAST BEND ROAD
 BOONE COUNTY
 BURLINGTON, KY

SURVEYOR'S CERTIFICATE

I hereby certify that the survey depicted by this plat was done by me, Andrew R. Ament, or by persons under my direct supervision. The survey was made in accordance with the laws and regulations of the State of Kentucky. The survey as shown hereon is an Urban survey and the accuracy and precision of said survey meets all the specifications of this type.

Field work was completed on 3-24-2016.
 Date of Plat of Map is 3-28-2016.

Andrew R. Ament PLS
 Andrew R. Ament, Land Surveyor, PSC
 Registered Land Surveyor
 Registration No. OH 6684, KY 1729



LEGEND

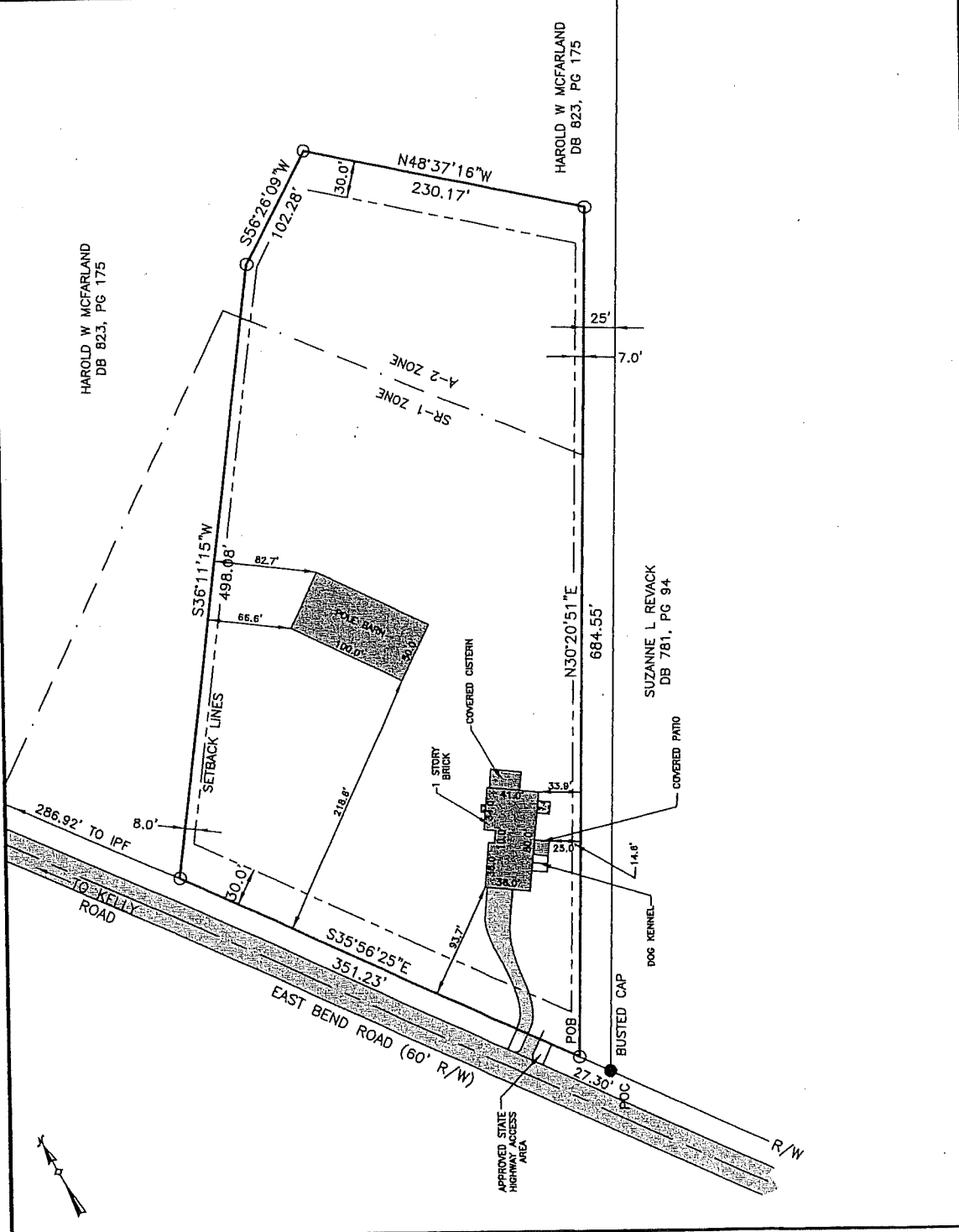
○	Iron Pin (6d)
○	Iron Pin (6d), being 1", 18" long with cap (#1729)
⊙	Iron Pipe (6d) 60 size per plan
⊗	Stone (6d)
▲	P.C., RR Stake or Meg Nail (6d)
△	P.C., RR Stake or Meg Nail (6d)
□	Hub or Stake (6d)

NOTES:

- All streets are public unless otherwise noted.
- Survey was performed using a dual frequency total station.
- Topographic contours are shown in brown.
- Reference is made to the Kentucky State Plane North Zone, NAD 83 & NAD 88.
- This is a boundary survey and it complies with 201 KAR 16:160.

ANDREW R. AMENT
 1729
 LICENSED PROFESSIONAL LAND SURVEYOR

DRAWN: CDM CHECKED: ARA SCALE: 1"=100'



EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Steve Turner, Chairman

DATE: June 1, 2016

RE: Request of **Lee Rickey (applicant)** for **Terri Limbaugh (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for a 3.275 acre site located on the east side of East Bend Road between 8375 East Bend Road and 8406 Kelly Road, and across from 8496 East Bend Road, Boone County, Kentucky. The request is for a zone change to allow an accessory structure to be constructed larger than the single family residence.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact:

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
 - A. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Rural Lands." This designation is described as "wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision." The requested A-2 zone permits a maximum gross density of one dwelling unit per two acres.
 - B. The Land Use Element ("23. East Bend Road," pg. 183) states "this section of Boone County contains a substantial part of East Bend Road. The greatest amount of growth in this section should occur along East Bend Road, mostly in the form of Open Space Design Residential development."

The Housing Element ("Petersburg/Belleview/Western Boone County Area," pg. 84) states "the existing road conditions in this area are not suitable for large scale residential development. The historic character of Petersburg, Belleview, and McVile should be preserved. Localized Transfer of Development Rights programs or a new type of zoning could be investigated for areas immediately surrounding these towns to continue the grid pattern of the towns while resulting in little housing development on the hillsides or

bluff areas. Open Space Subdivision design should be the norm rather than the exception in this area. Sewer for these town expansions should go to the nearly completed Sanitation District Number 1 (SD1) Western Regional Water Reclamation Facility, but not serve additional areas.”

The site in question is located directly on East Bend Road. The proposal is for a substantial down zoning from a suburban density residential district to an agricultural density district for a single home site. This would result in a low density development that is conducive to the surrounding rural character and agricultural uses, similar to the “Open Space Design Residential development” or “Open Space Subdivision design” that are recommended in the Land Use Element and Housing Element.

- C. The Agriculture Element (“Conclusion,” pg. 101) states “new residential developments in agricultural areas should be closely correlated to adequate infrastructure” and “Boone County needs to be careful not to allow residential development in areas without adequate existing or planned infrastructure to fragment existing agricultural land uses. When this type of development does occur, compact efficient land use development patterns should be encouraged to assure the availability of lands in the county for agricultural use.” Public water and sanitary sewer service are not available to this site. As discussed above, the proposal is for a substantial down zoning to an agricultural density for a single home site, and would result in a low density development that is conducive to the surrounding rural character and agricultural uses.
2. As stated immediately above, public water and sanitary sewer service are not available to this site. The current SR-1 zone permits a maximum density of four dwelling units per acre. Standard residential development in the SR-1 zone typically creates a suburban style setting. When considering these facts in relation to the subject site and the low density, rural/agricultural character of the surrounding area, the Committee has determined that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
MAY 4, 2016
7:15 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Matt Apke
Mr. Randy Bessler
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Kim Patton
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Mitchell A. Light, Asst. Zoning Administrator

Chairman Rolfsen called the Public Hearing to order at 7:15 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT - Kevin Wall, Staff

1. Request of **Lee Rickey (applicant)** for **Terri Limbaugh (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for a 3.275 acre site located on East Bend Road between 8375 East Bend Road and 8406 Kelly Road and across from 8496 East Bend Road Boone County, Kentucky. The request is for a zone change to allow an accessory structure to be constructed larger than the single family residence.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The request involves changing the zoning from SR-1 to A-2 for a 3.275 acre tract located off East Bend Road near Kelly Road. Most of the site is zoned SR-1 but some of it is currently zoned A-2. There is a parcel near the subject site that went through a similar process about a dozen years ago. It was changed to A-2. The purpose of the request is to allow the property owner to build a new house and a larger accessory structure or a pole barn. The applicant wants to construct a 5,000 square foot pole barn. This is not allowed in suburban residential zoning districts in terms of structure size like in agricultural zones. The Comprehensive Plan's Land Use Map recommends Rural Lands (RL) for the site. Mr. Wall showed photographs of the site and adjoining properties. He explained that the request involves a substantial down zoning of the property in terms of residential density and the site does not have access to public water and sanitary sewer.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with his presentation?

Mr. Lee Rickey, Potter House Group, stated he is the builder for the owners and the current zoning does not allow the accessory structure to be larger than the house. He explained that he will be building both the house and the accessory structure or pole barn.

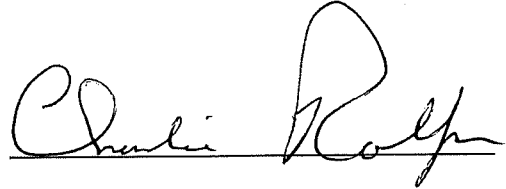
Chairman Rolfsen asked if any of the Planning Commission Members had any questions or comments?

Mrs. Heilman asked what was the planned use of the accessory structure? Mr. Rickey replied that the building will be used for storage and for family recreation. It will also be used for workouts and training dogs. It won't be used for a business. There will be no livestock in the pole barn.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

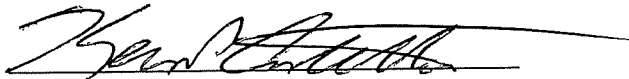
There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 18, 2016 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on June 1, 2016 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:22 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Steve Turner, Chairman

DATE: May 18, 2016

ZONING MAP AMENDMENT - Steve Turner, Chairman, Kevin Wall, Staff

1. Request of Lee Rickey (applicant) for Terri Limbaugh (owner) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for a 3.275 acre site located on East Bend Road between 8375 East Bend Road and 8406 Kelly Road and across from 8496 East Bend Road Boone County, Kentucky. The request is for a zone change to allow an accessory structure to be constructed larger than the single family residence.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Rickey/Limbaugh

May 18, 2016

Greg Breetz

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Steve Turner

Steve Turner, Chairman

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

Kim Bunger

Kim Bunger

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

Randy Bessler (Alternate)

For Project ___ Absent ___

Against Project ___

Janet Kegley

Janet Kegley

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

Mark Hicks, (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Kim Patton

Kim Patton

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

Lori Heilman

Lori Heilman (Alternate)

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

TOTAL: ___ DEFERRED ___ FOR PROJECT ___ ABSENT

 ___ AGAINST PROJECT ___ ABSTAIN

SUPPORTING INFORMATION

RETURN TO:

PROPERTY ADDRESS &: East Bend-Kelly Road
GRANTEE MAILING ADDRESS: Burlington, KY 41005
TAX MAILING ADDRESS: ~~East Bend-Kelly Road~~
~~Burlington, KY 41005~~

TERRI LIMBAUGH

PIDN: 028-00-00-019.09
Group: 2028

*4304 CHENOWETH RUN RD.
LOUISVILLE, KY 40299*

4.301 acres on East Bend Road
Burlington, Kentucky

Situated in the County of Boone, Commonwealth of Kentucky and being part of Deed Book 823, Page 175 as Recorded at the County Clerk's office in Burlington, Kentucky and being more particularly described as follows:

Commencing at a found iron pin (cap busted) along the northeastwardly right of way of East Bend Road, said point being a corner shared with Suzanne L Revack (Deed Book 781, Page 94); thence leaving Revack and with said right of way North 35°56'25" West 27.30' to a set iron pin,

{00206614.DOC/1}

Boone County
D1067 PG 882

TERRI LIMBAUGH

said point being the true place of beginning, said point being the beginning of a new division of grantor's land; thence leaving said right of way and along said new division for 4 calls:

North 30°20'51" East 684.55' to a set iron pin;
thence North 48°37'16" West 230.17' to a set iron pin;
thence South 56°26'09" West 102.28' to a set iron pin;
thence South 36°11'15" West 498.08' to a set iron pin,

said point being along the northeastwardly right of way of East Bend Road; thence with said right of way South 35°56'25" East 351.23' to the place of beginning, containing 4.301 acres and is subject to all legal easements and right of ways of record.

All iron pins set are ½" diameter and at least 18" in length, stamped "A.R. Ament 1729." This legal description is based upon an actual field survey made by me, Andrew R Ament, or under my direct supervision in January of 2016.

Basis of bearing being NAD 83 - Kentucky North Zone.

Being part of the same property conveyed to Harold W. McFarland by deed dated March 5, 2002 and recorded in Deed Book 823, page 175 of the Boone County Clerk's records at Burlington, Kentucky. Harold W. McFarland is married to Barbara Ann McFarland, who joins in this conveyance to convey any and all interest in the subject property that she may have. Harold W. McFarland is signing on behalf of Barbara Ann McFarland pursuant to the Durable Power of Attorney filed simultaneously herewith.

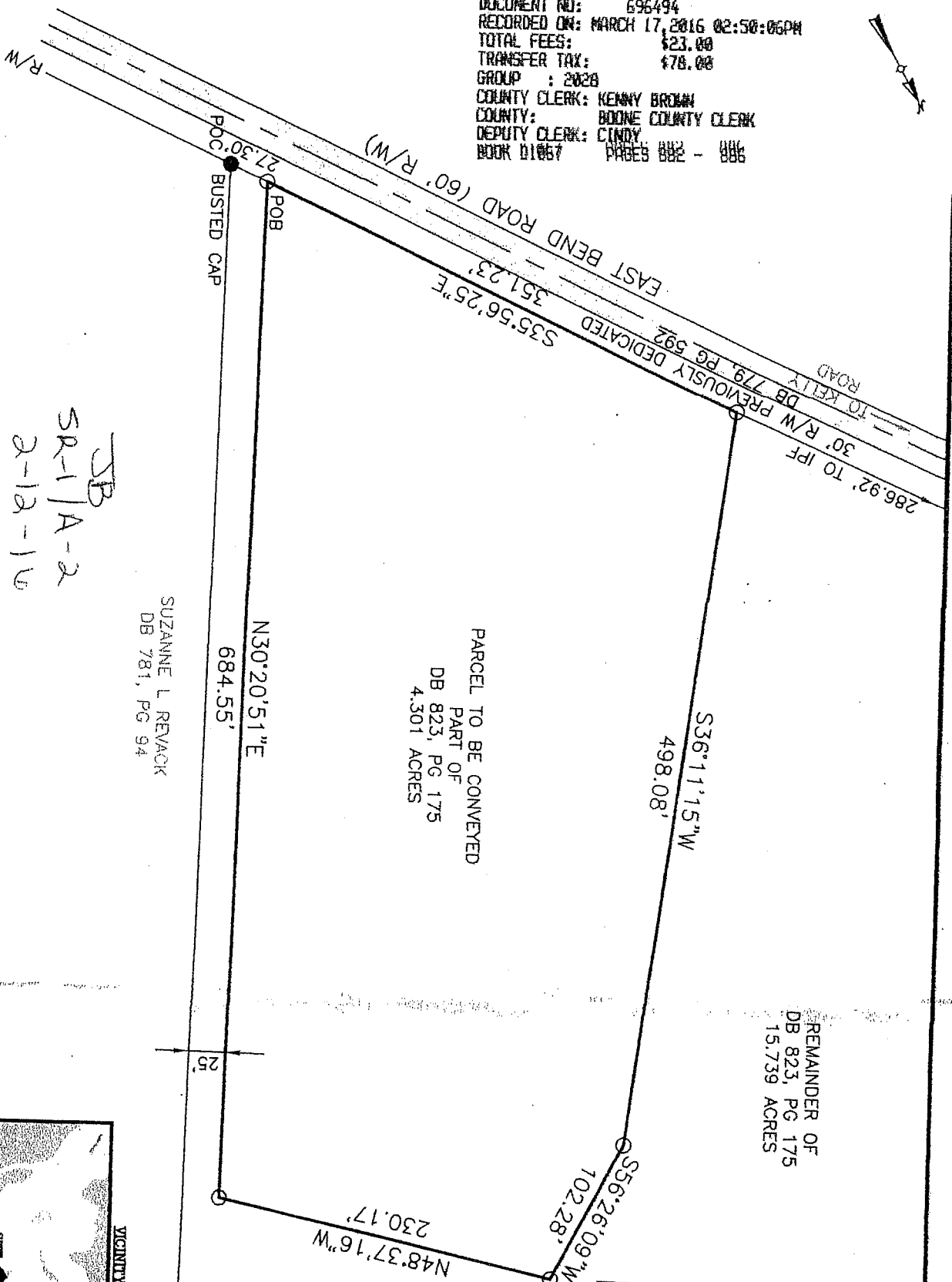
Subject to easements, conditions and restrictions of record and/or in existence.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the Grantee in the manner set forth

{00206614.DOC/1}

Boone County
D1067 PG 883

DOCUMENT NO: 696494
 RECORDED ON: MARCH 17, 2016 02:50:06PM
 TOTAL FEES: \$23.00
 TRANSFER TAX: \$78.00
 GROUP : 2028
 COUNTY CLERK: KENNY BROWN
 COUNTY: BOONE COUNTY CLERK
 DEPUTY CLERK: CINDY
 BOOK D1067 PAGES 882 - 886



PARCEL TO BE CONVEYED
 PART OF
 DB 823, PG 175
 4.301 ACRES

REMAINDER OF
 DB 823, PG 175
 15.739 ACRES

SUZANNE L. REVACK
 DB 781, PG 94

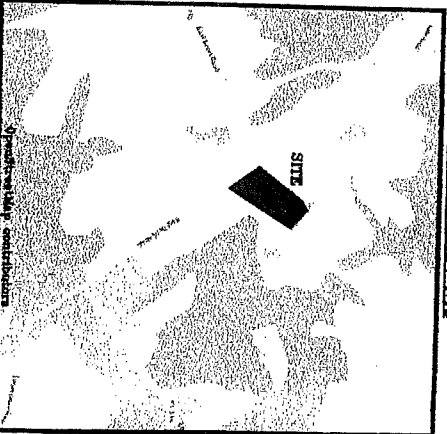
P & Z Code No. 5226

SB
 SR-1/A-2
 2-12-16

Field work was completed on 1-21-2016.
 Date of Plat of Map is 1-25-2016.
 Notes:
 4. This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval.
 5. I certify that I have examined the records of the Boone County Court Clerk and find that this is the first conveyance made under the present ownership of the parent tract.

APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this 12th day of February, 2016

[Signature]
 Chairman's signature
[Signature]
 Clerk's signature



R E C E I V E D
 APR 4 - 2016
 BOONE COUNTY
 PLANNING COMMISSION

Boone County
 D1067 PG 886

Notes:
 1. All sit unless of
 2. Survey using a Topoon H Kentucky Kentucky Zone, NAD utilizing 3. This is survey at 201 KAR:
 DRAWN: (

ORDINANCE NO. 2016 – 14

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A REQUEST OF LEE RICKEY (APPLICANT) FOR TERRI LIMBAUGH (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO AGRICULTURAL ESTATE (A-2) FOR A 3.275 ACRE SITE GENERALLY LOCATED ON EAST BEND ROAD BETWEEN 8375 EAST BEND ROAD AND 8406 KELLY ROAD, AND ACROSS FROM 8496 EAST BEND ROAD, BOONE COUNTY, KENTUCKY.

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 Suburban Residential One (SR-1) to Agricultural Estate (A-2) for a 3.275 acre site generally located on East Bend Road between 8375 East Bend Road and 8406 Kelly Road, and across from 8496 East Bend Road, 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 serving as a due process trial-type hearing and made findings recommending approval for the Zoning Map Amendment.

NOW, THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY.

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for a 3.275 acre site generally located on East Bend Road between 8375 East Bend Road and 8406 Kelly Road, and across from 8496 East Bend Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential One (SR-1) zone is more particularly described in Deed Book 1067, page no. 882 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That a basis for this approval for a Zoning Map Amendment request are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit 1."

The Boone County Planning Commission Committee recommended approval for this request based on the findings of fact as set forth in the Committee Report and same are marked as "Exhibit B."

Section Three

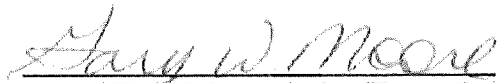
This ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

Adopted this 16th day of August, 2016.


First Reading – the 19th day of July, 2016.

Second Reading – the 16th day of August, 2016 Yes 4 No 0

BOONE COUNTY FISCAL COURT


**GARY W. MOORE, Judge/Executive
Boone County Fiscal Court**

ATTEST:


**Sharon Burcham,
Fiscal Court Clerk**

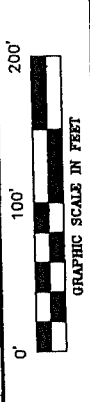
ANDREW R. AMENT,
LAND SURVEYOR, PSC
 OHIO-KENTUCKY
 248 West Kentucky 41017
 248 West Kentucky 41017
 amentsurveying@gmail.com
 O: (859) 341-7878 F: (859) 341-7827

PROPOSED SITE PLAN

EAST BEND ROAD
 BOONE COUNTY
 BURLINGTON, KY

SURVEYOR'S CERTIFICATE
 I hereby certify that the survey depicted by this plat was done by me, Andrew R. Ament, or by persons under my direct supervision. The unadjusted precision ratio meets or exceeds minimum standards. The survey as shown hereon is an Urban survey and the accuracy and precision of said survey meets all the specifications of this type.
 Field work was completed on 8-24-2018.
 Date of Plat of Map is 8-28-2018.

Andrew R. Ament PLS
 Andrew R. Ament, Land Surveyor, PSC
 Registered Land Surveyor
 Registration No. OH 5084, KY 1729



LEGEND

●	Iron Pin (60)
○	Iron Pin (set), being 1/2" 18"
⊙	Iron with cap (#1729)
⊗	Iron Pin (60) 50 size per plan
⊕	Stake (60)
▲	P.K., RR Stake or Mag Nail (60)
△	P.K., RR Stake or Mag Nail (set)
□	Hub or Stake (set)

NOTES:
 1. All streets are public unless otherwise noted.
 2. Survey was performed using a dual frequency Topcon Hiper SR, utilizing network adjusted RTK in Kentucky State Plane North Zone, NAD 83 & NAVD 86, utilizing Geoid12A.
 3. This is a boundary survey and it complies with 201 KAR 18:100.
 DRAWN: CDM CHECKED: ARA SCALE: 1"=100'

