

REVIEW NO. _____

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 Barlow-Cutter Property
 2. Location of Development 1082 Cayton Road
 3. Total Acreage of Site 9.688 gross acres
 4. Current Zoning SR1 and RS
 5. Proposed Zoning (classification being requested) _____
SR1 with Planned Development overlay
 6. Proposed Uses (please specify each use) _____
Single family detached residences (zero lot line concept)
 7. Name of Applicant(s) James L. Barlow & Donald Cutter
Phone Number(s) (606) 272-3423 (606) 273-2006
 8. Address of Applicant(s) 3130 Custer Drive
Lexington, Kentucky 40517
City State Zip
 9. Name of Property Owner(s) Barlow & Cutter by contract to purchase
Phone Number(s) from Susan Travis
 10. Address of Property Owner(s) 1082 Cayton Road
Florence, Kentucky 41042
City State Zip
 11. Proposed Building Intensities (please specify) _____
6.07 D.U. per gross acre
 12. Are there any existing buildings on the site? shed
How many? one
 13. Deed Book 13 Page No. 110 Group No. 2032
 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:
- | | |
|------------|--|
| <u>yes</u> | Boone County Water and Sewer District |
| <u>yes</u> | Florence Water and Sewer Commission |
| <u>yes</u> | Union Light Heat and Power |
| <u>yes</u> | Cincinnati Bell |
| | Owen County Rural Electric |
| <u>yes</u> | Boone County Road Department |
| <u>yes</u> | Kentucky Transportation Cabinet |
| <u>yes</u> | City of Florence Public Works Department |
| | City of Walton Public Works Department |
| | Northern Kentucky Health District |
| | U.S. Soil Conservation Service |
| <u>yes</u> | Local School District |
| <u>yes</u> | Local Fire District |
| | Other: _____ |

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

STAFF REPORT

#4

REQUEST OF
JAMES L. BARLOW & DONALD CUTTER (applicants) FOR
SUSAN TRAVIS (owner) FOR A ZONING MAP AMENDMENT

April 25, 1990

This request is for a Zoning Map Amendment on a 9.68 acre site located at 1082 Cayton Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Rural Suburban (RS) to Suburban Residential One / Planned Development (SR-1/PD). The development of single family detached homes is to be named the Bradford Colony.

SURROUNDING LAND USES AND ZONING

North -	SR-1, vacant land to develop as Persimmon Grove Subdivision
South -	SR-1 & RS, residential development
East -	SR-1, residential development
West -	SR-1 & RS, residential development

EXISTING FEATURES OF THE SITE

The site is currently vacant, except a small outbuilding that is in disrepair. The home of the property owner, will be subdivided off and will not be part of the subdivision or part of this request. The property is heavily wooded at the rear and front portions of the property. Aerial maps show that upwards of one-half of the property is wooded. In the middle of the property is located an open area with little significant vegetation. The site slopes away from the middle to the front and rear; the rear grade being significant as it nears the rear property line. At the northwest corner of the site, at the lowest point, there is a small pond.

Public sewer service does not exist for the property at present. The applicant is planning to tie into the City of Florence sewer system. They are working on the necessary easements to make the connection. There is an existing water line that runs along the shoulder of Cayton Road. A fire hydrant is located along the frontage of the roadway.

PLANNED DEVELOPMENT

The 1986 Boone County Zoning Regulations allow for Planned Development Overlay zoning districts. The Planned Development Overlay is intended to encourage "a development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the comprehensive plan". The stated intention of the PD zone is to encourage:

"A maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements;

A more useful pattern of open space and recreation areas and,....;

A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;

A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;

A development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the comprehensive plan.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Boone County Comprehensive Plan does not specifically address this site, except the area will continue to develop residentially. The Future Land Use Map calls for the property to develop as High Suburban Residential density. There are however, several places where the development of property as related to this application is discussed:

HOUSING

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

"The differences in size, type, and cost of housing in the county are necessary to meet housing requirements of all income groups, age compositions, and marital status." (p H16)

"High density residential development help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. This provides a supply of affordable housing for county residents." (p H18)

"High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. Between high density and low density there should be a gradation or a buffer. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips. This serves a dual purpose in that woodland is becoming relatively scarce in the easter uplands of the county, ...while also buffering land uses." (p H18)

"While it is important to preserve the wooded areas in the less developed western portion [of the county}, it is more imperative to protect the scattered vegetation remaining in the urbanized portions of the easter uplands for both functional and aesthetic reasons." (p Env.20)

The 1990 Boone County Comprehensive Plan in the approved Goals and Objectives also makes pertinent comment.

ENVIRONMENT

2. "New development or redevelopment should be designed to utilize existing topography and preserve existing strands 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."

4. "Existing stands of mature and healthy trees in the highly developed and developing portions of Boone County should be preserved."

HOUSING

1. "A broad range of housing opportunities shall be provided at locations which meet the needs and desires for household types.

11. Clustering (increasing net density while not altering overall gross usable density of dwelling units on portions of an overall site is always acceptable. ...Clustered housing shall be permitted not only in planned developments, but in appropriately designed subdivisions under conventional zoning."

CONCEPT DEVELOPMENT PLAN

The Concept Development Plan presents a single-family development, the type commonly referred to as 'patio' or 'garden' homes. (Figure 1) The 59 homes will be placed on individual lots, with reduced setbacks. Figure 2 is a copy of the notes on the Plan that detail site data and restrictions. The applicant has also provided information regarding the design and elevations of the homes that will be included in the Public Record.

The Concept Development Plan shows a single street intersecting with Cayton Road, with three, short cul-de-sacs branching off. (Figure 3) The area in the middle of the Cul-de-sacs will be landscaped parking areas to serve the residences. In addition, all of the homes will have garages and driveways. Trees are to be planted along the roadways, with plantings screening the subdivision along Cayton Road. Along the southern boundary, a Plan note indicates that the existing vegetation will be used for a buffer, in addition to the construction of a fence.

The rear of the property is to remain vacant, to be used as a retention and conservation area. The 1.7 acres will be owned and maintained by a Home Owners Association (HOA). The HOA will also own and be responsible for maintaining the other public areas and the streets within the development.

STAFF CONCERNS

1. DESIGN

The Staff is concerned that the application, if approved, be subject to conditions that insure that eventually the development of the site will be as presented. As a Planned Development the impact of the development will be dependant upon following the details of the project. Staff suggests that all pertinent information and concerns be tied to the Concept Development Plan and adhered to in further development reviews and approvals.

2. TREES/SITE ATTRIBUTES

The Staff is concerned about the disruption of the existing features and trees on the site. The protection of trees could enhance the development and provide a buffer from adjoining properties. Further, the open space area should be protected to insure that it will not be disturbed during construction.

3. BUFFERING/FENCE

The Staff believes that the note regarding buffering should be further defined to insure that the desired result is achieved.

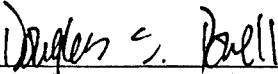
4. CURB-CUT LOCATION

The Staff is concerned about the location of the curb-cut along Cayton Road. To the east of the site, the roadway rises and turns to the south. The location as shown does not provide adequate site distance to insure the safety of vehicles entering and exiting the subdivision.

CONCLUSIONS

The request is unique in that it provides for a housing type not now found in Boone County. The Boone County Comprehensive Plan calls for a variety of housing types, to meet the various needs of county residents. The Comprehensive Plan also requires buffering between land uses, and the protection of tree stands in developed areas of the county. The site is currently zoned for typical residential development not needing a zone change. The Planning Commission needs to review this request in terms of Article 15 of the 1986 Boone County Zoning Regulations, Planned Development, to determine if the proposed development meets

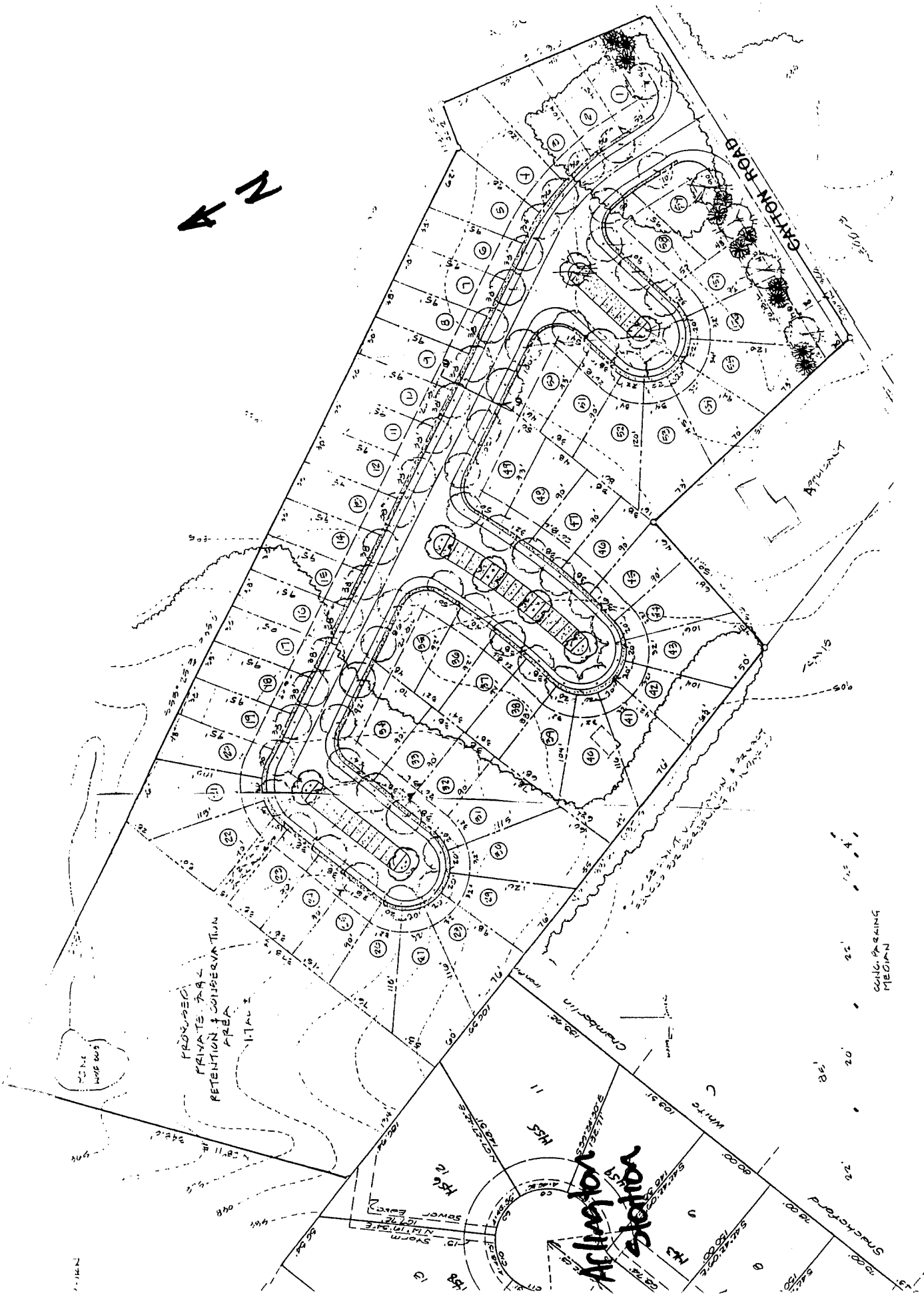
the intent as stated above. Should the request be approved, the Boone County Comprehensive Plan would not need to be amended.



Douglas S. Powell
Transportation Planner

DSP:kat

FIGURE 1



• SITE RESTRICTIONS (PROPOSED)

ZERO LOT LINE RESIDENTIAL - ONE DWELLING PER LOT

MIN. LOT SIZE:	3400 S.F.
M. LOT FRONTAGE:	32 FT. AT BUILDING LINE
MIN. FRONT YARD:	20 FEET
MIN. SIDE YARD:	COMBINED TOTAL OF BOTH SIDES 10.6 FT.
MIN. REAR YARD:	10 FEET
MIN. USE. OPEN SPACE:	10% ON EACH LOT
MAX. LOT COVERAGE:	NO LIMIT EXCEPT AS ABOVE
MAX. HEIGHT OF BLDG.:	35 FEET
OFF STREET PARKING:	ONE SPACE PER D.U. BEHIND B.L.

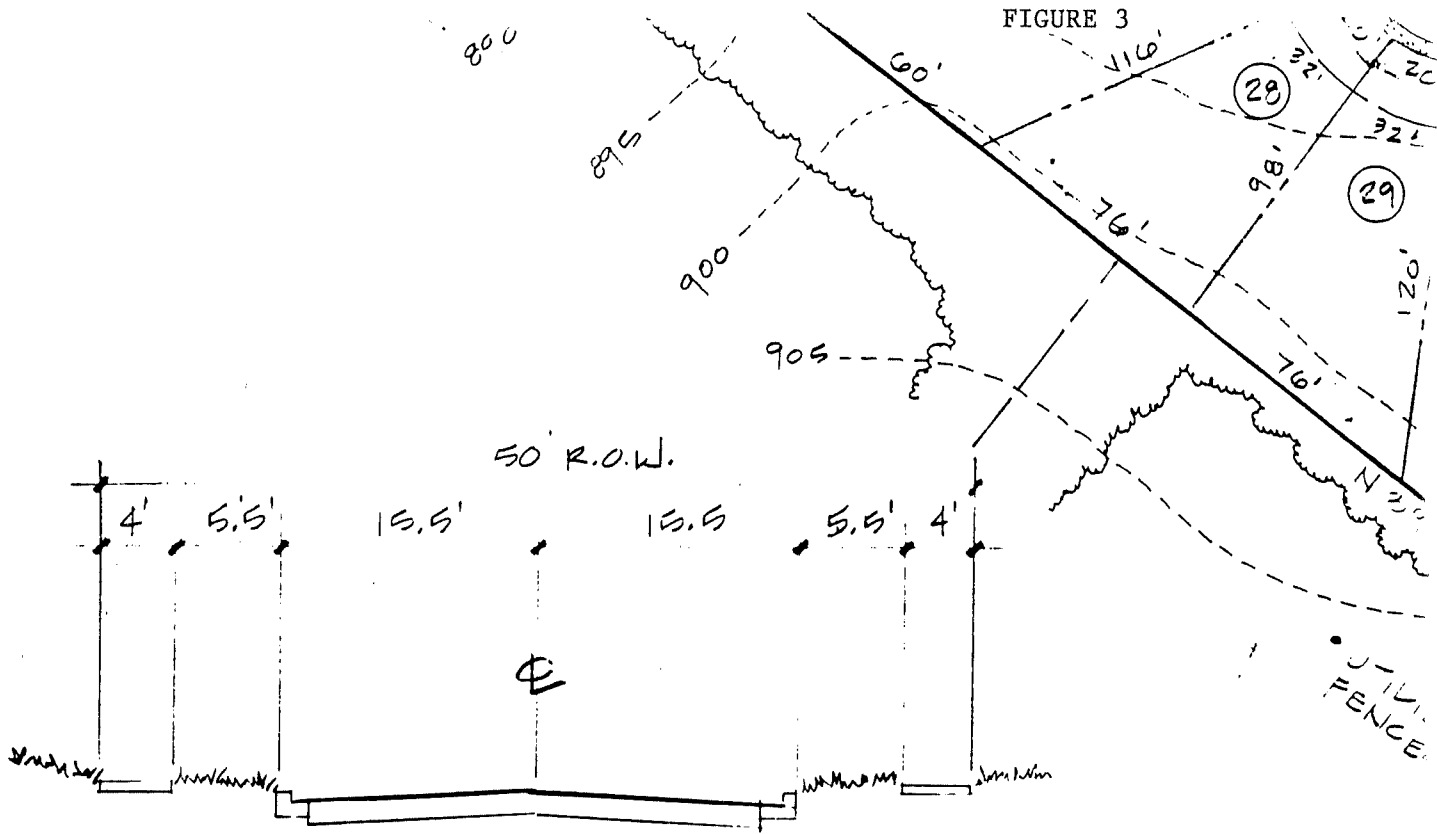
• SITE DATA:

SITE AREA:	9.688 AC.
ZONING:	SRI & RS
PROPOSED ZONING:	SRI-PD
NO. DWELLING UNITS:	59
DWELLING UNIT TYPE:	SINGLE-FAMILY DETACHED
DENSITY:	6 D.U./GROSS AC.
MIN. LOT SIZE:	3420 S.F.
PARK AREA:	1.7 AC. (17.5%)
OFF STREET PARKING:	59 GARAGE/36 MEDIAN/95 TOTAL

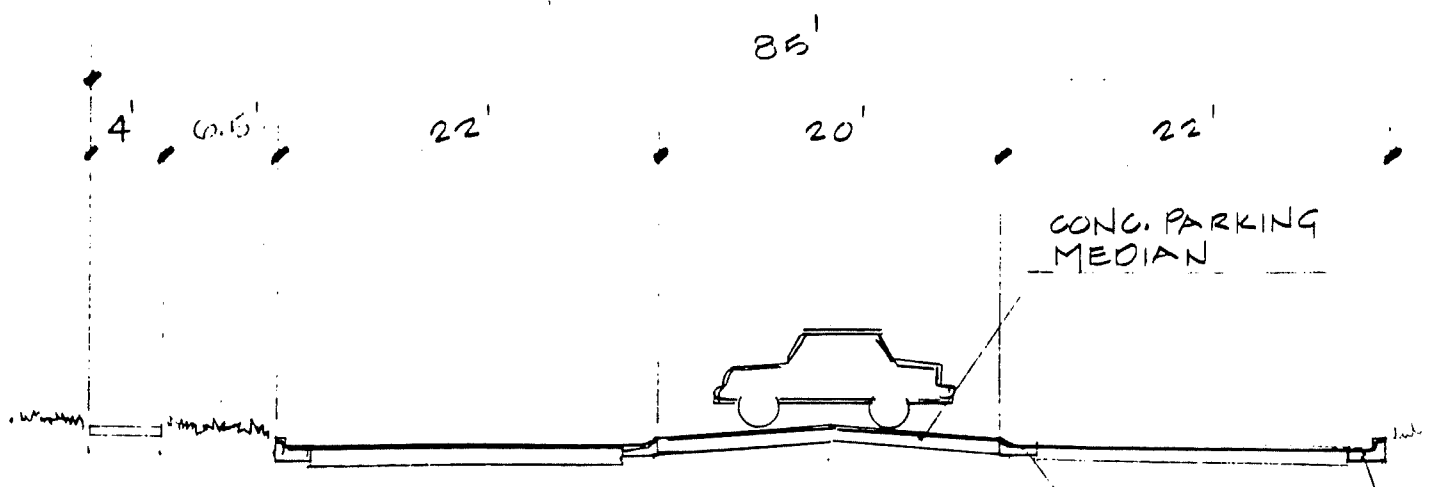
• NOTES:

1. LOT DIMENSIONS ARE APPROXIMATE.
2. MAINTENANCE OF PARK & PRIVATE STREETS SHALL BE BY HOME OWNERS ASSOCIATION COMPR. OF ALL LOT OWNERS IN THIS DEVELOPMENT.

FIGURE 3



SECTION B-B



SECTION A-A

ROLL CURB
MOUNTAB.

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #4
April 25, 1990

Page 1

The Chairman introduced the fourth item on the Agenda:

4. Applicant: James L. Barlow and Donald Cutter for
Susan Travis (owner)
Request: Zoning Map Amendment

The request of James L. Barlow & Donald Cutter (applicants) for Susan Travis (owner) for a Zoning Map Amendment on a 9.68-acre site located at 1082 Cayton Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Rural Suburban (RS) to Suburban Residential One/Planned Development (SR-1/PD).

Mr. Doug Powell, Transportation Planner, again announced that there is a sign-up sheet for those who wish to speak in regard to this request, which was passed around the audience.

Mr. Powell presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked if the applicant wished to make a presentation.

Mr. Terry McBrayer attorney, stated that he was representing Mr. Barlow and Mr. Cutter. He distributed to the Commissioners a brochure entitled, "Zoning Map Amendment, Boone County Planning Commission, Barlow-Cutter Property". Mr. McBrayer advised that Carol Gohs, the landscape architect, and Mr. Raney, the real estate agent were present. He added that Mrs. Barlow and Mrs. Cutter, who are residents of Lexington, were also present.

Mr. McBrayer stated that they have studied the Staff Report, which they accept, and will meet the conditions. He stated that the applicants will do the same thing on this site that they have done twice in Lexington and they have pictures of what they have done there. He added that anyone is welcome to see their developments in Lexington. He stated that this development meets the Goals and Objectives of the Comprehensive Plan and fits into Article 15. This is a unique concept that has worked well in Lexington and central Kentucky. Mr. McBrayer reviewed the exhibits contained in the brochure which had been distributed.

Mr. McBrayer stated that the detached single-family residences are a viable alternative to the townhouses and the higher density houses can make the American dream a reality. The complexes attract young professionals and retirees. They attract fewer families with children. He added that they have studied the market and want to do what is appealing to the community. A study done on their Chelsea Woods development showed the purchasers of the 73 homes to be bankers, business managers, a lawyer, a G.E. engineer, etc., and there were eleven children in the 73 homes.

Mr. McBrayer stated that this development will be exactly like the other developments and he distributed a brochure entitled, "The Bradford Colony". He added that because the money is in the house, not in the land, you generally end up with a higher quality house. The houses are priced from the high \$60,000's to the low \$70,000's. Mr. McBrayer also distributed information on Opera House Square, Wyndham Hills, and Barlow Homes. He added that they won the Homebuilder's award of the year for Opera Square in downtown Lexington.

At this time, Mr. McBrayer addressed questions to Mr. Cutter for his response.

Mr. McBrayer asked Mr. Cutter to explain the concept of cluster houses, their uniqueness, price range, etc.. Mr. Cutter stated that he has three children, the oldest being 30, and two at the University of Kentucky. He stated that he was involved in houses in the \$100,000 to \$200,000 price range and a lot of people said there were not a lot of choices under \$100,000. He stated that "starter homes" were typical square grid pattern subdivisions. He stated that there were people who had grown up in nice homes and were asking for a quality product they could afford. He stated that he found pictures of such houses in Houston and he and Mr. Barlow went there. They were surprised at the concept of zero lot lines, or cluster housing, where you congregate much of the exterior living space together into a usable area, rather than having it scattered; thereby reducing the lot cost and impacting the housing cost. He stated that the backyard is the primary focus. People rarely use the 30 feet in front or 12 feet on the side of their houses, and all of these areas are put together into a garden area. They came up with an architect who carefully used the space so that there is not a feeling of cramped quarters. He stated that they do not create housing and hope someone will buy it. They have to know the demands and the needs and create a product to address them. He stated that there is a group of people, such as his children, who do not have a lot of money for a downpayment and cannot make a \$1,000 a month house payment.

In response to questions from Mr. McBrayer, Mr. Cutter stated that they developed a ten-acre tract in Lexington for 76 housing units on 32' wide lots and sold all of them in less than one year. The buyers were primarily single -- professionals and retirees. Mr. McBrayer showed pictures of this project. He stated that they propose 38' lots for this development on Cayton Road and will preserve as many trees at the perimeter as they can, as well as in the scenic area at the back.

Mr. McBrayer stated that there is a 1.7-acre area at the rear that will belong to the Homeowners' Association. Mr. Cutter stated that the back area will be retained as an open area and owned by the residents. There will be a maintenance fee and it will be the residents' responsibility to maintain the area.

Mr. McBrayer asked that Mr. Cutter comment on the restrictions -- such as you cannot use your garage for anything except a garage.

Mr. Cutter stated that there is a one-car attached garage for each of the houses, with parking in front of the garage. There are also guest parking areas which he indicated on the drawing. There will be restrictions to prohibit long-term parking of campers and boats.

Mr. McBrayer asked that Mr. Cutter discuss the Housing Demand Index as indicated under Exhibit H of the brochure.

Mr. Cutter stated that housing demand is driven by employment. He uses a research company in California to track employment statistics in many communities. They evaluate what the demands will be six to twelve months in the future based on the employment statistics. They provide information in terms of affordability of housing. He stated that currently the Northern Kentucky and Greater Cincinnati area is about 20,000 housing units under built. The average price is about 6% above what the income level of the people can afford and there is a growing market in the lower price range. He added that their housing is innovative from anything here at this time. They are in conformance with the density provisions allowed. He stated that they will create open space and recreational areas within a small village-type community in accord with the Planned Development concept. They will try to save as much of the natural vegetation as they can. They feel that this development meets the spirit and the letter of the Comprehensive Plan.

Ms. Grohs, the landscape architect, stated that she has worked in development for about eleven years. She stated that she would address the Staff Concerns on Page 4 of the Staff Report. In regard to Concern #1, she stated that Mr. Barlow and Mr. Cutter have stated that the development will be built as planned and the Zone Change will be tied to the Concept Development Plan. In regard to the second Concern, using a copy of their plan, she indicated where the vegetation will be maintained and areas that will be filled. The plan also indicated trees that will be planted. In regard to the third Concern, Mr. McBrayer distributed pictures of fences that they have used.

Mr. Doug Powell commented that he met with the applicant prior to the Public Hearing and the applicant agreed to put up a fence to buffer existing homes along Arlington Station.

Ms. Grohs stated that they may not be able to put up the fence and maintain the existing trees. They may want to put in a hedge instead of a fence, or use a combination of both. Mr. McBrayer stated that they will do whatever the Staff suggests or requires.

Ms. Grohs stated that they are concerned about the sight distance and will agree to an engineering study to work out an entrance design in the best location. She added that they sod all of their lots and landscape the front yards. There will also be berms and vegetation along Cayton Road to screen from the road.

Mr. McBrayer asked that Ms. Grohs comment in regard to concerns for water pressure.

Ms. Grohs stated that she talked to Paul Kroger and he assured her that there would not be a water problem that would affect others in the area as they would be coming off Cayton Road and, if there is a problem with Arlington Station, they could put in a loop. Mr. McBrayer stated that they would cooperate in regard to the loop and the easements if it would improve the service. He added that the Water Company stated that their service would not cause any disruption. Ms. Grohs stated that they will negotiate to go south across Cayton Road through a drainage area to an existing sewer. They will be in the Florence Water District.

Chairman Viox asked if there was anyone else present who wished to speak in behalf of the request. There being no one, he advised that he would call the names off of the sign-up sheet of those who wished to speak, beginning with J. C. White.

Mr. White stated that there is one house between his house and this subdivision. He is opposed to the request. He paid \$80,000 for his house and does not want cheap houses close to him. He added that there is heavy traffic on Cayton Road and people wait ten or fifteen minutes to get on Hopeful Road in the business hours. He stated that, unless the road is widened, it could not contain the traffic.

Mr. Gene Taylor stated that he is concerned about traffic congestion on Hopeful Road and Cayton Road during the rush hours. He stated that this request is for spot zoning as there is single-family residential zoning all around it. He added that this development would depreciate the homes that are there.

Mr. Gary Cahall stated that he was opposed. Mrs. Cahall asked how many homes there will be in Persimmon Grove.

Mr. Scott Appleman, developer of Persimmon Grove, stated that there will be 121 homes with 75' to 85' frontages.

Mrs. Cahall stated that the road cannot handle the proposed development and Persimmon Grove.

Mr. Bill Lewis stated that he is concerned about water, traffic, sewage, and high density, low-cost homes. He paid \$100,000 for his home and will not get \$50,000 for it next year with this development.

Mr. Vic Lavender stated that he moved to Florence in 1968. He stated that he is a policeman and that people use the road as a cut through. He is clocking cars at 48 MPH in a 20 MPH zone. He stated that the professional single people will move the next day when they see the 5:30 in the morning traffic. He stated that he looked at his house three times and never saw an airplane, but now there are planes going over his house and the residents need a break. He stated that he was late getting here due to the traffic and it was not rush hour. He added that if husbands and wives move into the

houses, there will be two cars for each house. He noted that he has four drivers in his house. He added that there is no evasive action on the road, and if you go off the road, you are in a ditch. He noted that people who live there know the roads, but the implants do not know what is around the corner. He emphasized that the residents need a break.

Ms. Jean Shakleford, 1120 Cayton Road, stated that she lives two houses from the proposed zone change. The traffic is so heavy now that she cannot back out of her driveway. The fuel oil people are allowed to turn around on her grass because it is so dangerous. She asked that the Commissioners come to the top of Cayton Road and park at the Episcopal Church to see the traffic. She added that her family has diminished, but she has low water pressure and it is not in her system. She stated that this request is not compatible with the existing use of the area.

Belinda Grant agreed with what everyone else said and noted that the traffic is horrible.

Mr. Nguyen said "no" to the request.

Norm and JoAnn Coftensberry agreed with what the others said. He added that Bigg's was turned down because it was next to a four-lane highway, but this could go on a road that is 1½ lanes wide.

Bill and Judy Pecos agreed with the others and opposed the request. She added that the water pressure and the traffic are terrible.

Patricia Zimmerman stated that she is a single-parent living on Pheasant Drive. She stated that the traffic is heavy and she is opposed to this.

Cathy Mulberry stated that she is opposed to the subdivision.

Gary and Linda Mounts stated that it took five lights to get off Hopeful Road to KY 18 to come to this meeting and it was not rush hour.

Mrs. Cahall stated that she is not pleased with the way Boone County is putting in all of these multi-family residential facilities which is changing the flavor of Boone County. She stated that there has already been a shift due to overcrowding at Bailey Schoos. She stated that something needs to be done about the traffic and the schooling.

Ms. Lee Harp stated that she just moved here from California to get away from this type of problem. She stated that a lot of these subdivisions were approved in California which made it the mess it is today.

Mr. Robert Ray was no longer present.

Mr. Kirt Deferson stated that he and his wife worked for 15 years to afford their house. He stated that other subdivisions in the county are selling fine and questioned the need for this development. He added that water pressure in Arlington Station is terrible in the summer. He stated that there is a spokesperson for their area.

Mr. Paul Reynolds, the spokesperson, stated that he is an attorney. He stated that the residents had done a good job of saying why they do not want this. He stated that the applicant indicated there was a need for this type of housing, but he and the other residents feel that this need has been addressed by Oakbrooke and the Dress Subdivisions. He stated that Stonegate Meadows is about \$60,000 or \$70,000, with a regular size lot and a regular size house. He stated that the proposed entrance is in the middle of two blind spots and this cannot be corrected unless the road is straightened and the hill taken out. He added that no one yet knows the impact of the new apartment complex on Hopeful Road on the traffic. The traffic backs up to the cemetery. They are also concerned about the utilities. There were times last summer when he had no water. He questioned who would pay for the loop for the water and if the developer was committed to it. He stated that Hopeful Road was on the plan to be fixed and then taken off the plan. It is now on the six-year plan. They do not want to see the same thing happen with the water -- that they say it is not a problem and then do not fix it for eight years. He stated that he lived in Lexington for three years and this type of housing is in demand there. He asked that the zone change not be approved.

Mr. Darryl Wolking stated that he was opposed to the development.

Mr. John W. Butler was no longer present.

Mr. Mike Brogan stated that he is opposed.

Mr. Bob Chapend stated that he believes there is a need for this type of housing, but it is not needed here. It cannot work in Boone County where they are trying to put it. He stated that the development will go on less than 8 acres of land. There will be only six feet between each house, which is three feet on each side to walk through. He knows some people who are wider than three feet.

Norman Rae Brown, owner of the adjoining property, is concerned about a buffer zone between her property and this project. She agreed with the comments made by the others. She stated that Hopeful Road has been widened several times, as has Cayton Road. There is a problem with the traffic. She stated that the homes that will be built by Mr. Appleman on her property will be expensive homes and she would not want a wooden fence to look at. She would like pine trees that are close together.

Mr. John Newkirk submitted to the Chairman a petition of 170 signatures in opposition to the request on the grounds that have been mentioned.

Mr. Mark Hopkins stated that he shares a common property line with the property in question. He is against having a fence and against another project. He would like the water problems corrected. He does not see the need for this type of housing in the area.

Mr. Jerry Cook stated that he is against the project and asked that the Commission be consistent and stay with single-family residential housing.

Mr. Ray Bolling had no comments.

Mr. Don Amand stated that this development will make it difficult to sell your home and the Commission needs to make a stand to protect its integrity.

There being no further comments from the audience, the Chairman asked if there were any comments or questions from the Commission.

Mr. Kirby stated that the Commission is powerless to correct some of the problems that have been raised. The Commission cannot do anything about the water pressure and the residents should contact Mr. Kroger. The residents should contact the School Board in regard to the schools. The residents should show the same support at the Traffic Office on Buttermilk Pike in regard to the traffic. He added that, even if this project is turned down, they should continue to pursue these problems.

Mr. Kirby added that this type of housing is necessary in the county as many of the people earn \$5 to \$6 an hour and can buy one of these units. The typical unit today is over \$90,000 and cannot be supported on \$6 an hour. He stated that Cayton Road is not the place for the development.

Mr. DeLong questioned the parking, the width of the streets, and if they would be dedicated to the county.

Mr. Barlow stated that there will be three off-street parking spaces per house and guest parking in the islands. There is a 50' right-of-way with a 31' pavement, and the courts will be 22' and one-way. Ms. Grohs reviewed the drawing and stated that the main road will be dedicated, but the courts will be private.

Mr. DeLong asked that they submit a picture of the back yard, as well as the front yard. Mr. Barlow provided the picture.

Mr. Barlow stated that this will be a low-maintenance situation. They use solid vinyl siding with a 50-year warranty. There is no painting. The yards are small enough to be maintained by a widow. The concept is to put the improvements in the house. The houses are cute inside and out. They will not have families, only singles and couples.

Mr. Damstrom stated that with the narrow frontage of 360 feet on Cayton Road, there will still be a line of sight problem regardless of where the entrance goes.

Mr. McBrayer stated that they would agree to a condition that the entrance would get approval by the Staff and Planning Commission.

Chairman Viox asked that the applicant address the questions raised by the audience -- who would pay for the water loop, the buffer between the Raybourne property, etc..

Mr. Barlow stated that they will work out something with Miss Raybourne. He stated that they are reluctant to commit in regard to the water unless he knows what they are talking about. They would be willing to take the 6" line to the Arlington Drive right-of-way, assuming they can get an easement.

Mr. McBrayer read from his findings of fact, which were submitted in writing. He stated that Boone County is not going to be like it used to be as it is the growth area of the state. He noted that one person says there is traffic congestion and another says there is speeding -- he questioned how there could be both. He stated that these are quality houses and will meet all the requirements. He stated that the development is unique and meets the variations and uniqueness under Article 15. He stated that they did not create the water problem.

Mr. McBrayer stated that this is an unattractive tract of land and this will clean it up. The pond is unattended and children could drown. He added that there will be more dollars per square foot in these houses than in many of the other houses around there. He stated that the traffic and school situations will not go away and are part of the pains of a growing community. The only areas that do not have these problems, are areas of high unemployment.

Mr. McBrayer distributed copies of "Chelsea Woods, Resident Profile" and indicated the occupations and incomes of the residents. The incomes ranged between \$25,000 and \$40,000 annually.

In response to questions from Mr. Greene, Mr. Powell stated that Cayton Road is county maintained and has at least a 50-foot right-of-way.

At this time, Mr. Powell completed the Staff Report which is in the packet. He noted that the Staff's Concerns had been raised.

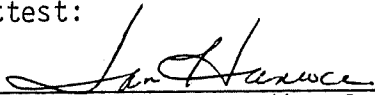
There being no further comments, Chairman Viox thanked the applicant, the Staff, and the Committee for their participation. He stated that this item will be on the Agenda for the Business Meeting on May 2, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

May 2, 1990

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:20 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
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. Rector Jones

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of April 18, 1990 and the Public Hearings of April 25, 1990. He asked if there were any comments or corrections.

Mr. Kirby stated that on Page 7, Paragraph 5, of Public Hearing Item #4, the last sentence should read, "He stated that Cayton Road may not be the place for the development."

Mr. Owens moved that the Minutes be approved as written for the Business Meeting on April 18, 1990 and approved as amended for the Public Hearings on April 25, 1990. Mrs. Smith seconded the motion and it carried unanimously.

BUSINESS MEETING AGENDA

Counselor Wilson advised that the public and the applicants have made the record for the first six items on the Agenda. The appointed Committees have reviewed the Minutes and made reports. The Commission will determine how it wishes to act in regard to those items. The Commission is a recommending body and a recommendation will be made to the legislative body or the Fiscal Court.

1. Zoning Map Amendment

The request of James L. Barlow and Donald Cutter (applicants) for Susan Travis (owner) for a Zoning Map Amendment on a 9.68-acre site located at 1082 Cayton Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Rural Suburban (RS) to Suburban Residential One/Planned Development (SR-1/PD).

Mr. Kevin Costello, Interim Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to four conditions (see Committee Report). He noted that the applicant has signed the letter agreeing to the conditions.

There being no discussion, Mr. Neltner moved by resolution that the request be approved based on the Staff and Committee Reports, including the conditions, and a letter sent to the Fiscal Court. Mrs. Smith seconded the motion.

The Chairman asked for a roll call vote on the motion which found Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. DeLong, Mr. Greene, Mr. McMillian, Mr. Neltner, Mrs. Smith and Chairman Viox in favor. Mr. Kirby, Mr. Owens, Mr. Rush, and Mr. Sharp were opposed. The motion carried by a vote of 9 to 4.

2. Annexation Request by the City of Walton

The request of the City of Walton to determine the impact of annexation upon the current zoning of a 2.13-acre (approx.) parcel on the west side of U.S. 25, next to Chris Chad Subdivision. The site is currently zoned Rural Suburban (RS).

Mr. Costello read the Committee Report which recommended that the annexation should not affect the current zoning based on the findings of fact (see Committee Report).

There being no discussion, Mr. McMillian moved that the Committee Report be approved. Mr. Greene seconded the motion and it carried unanimously.

3. Change in Concept Development Plan

The request of Charles W. Henne (owner) for a change in a previously approved Concept Development Plan for Lot #9 of Turfway Commercial Park located off Cavalier Boulevard, Florence, Kentucky. The 11-acre tract is zoned Office Two/Planned Development (O-2/PD). The proposed use is a 127,000 sq. ft. office-flex building.

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Barry Neltner, Committee Chairman

DATE: May 2, 1990

RE: Request of James L. Barlow & Donald Cutter (applicants) for Susan Travis (owner) for a Zoning Map Amendment on a 9.68 acre site located at 1082 Cayton Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Rural Suburban (RS) to Suburban Residential One/Planned Development (SR-1/PD).

REMARKS:

We, the Committee, based on the statements made and facts gathered at the April 25, 1990 Public Hearing, recommend approval of this request.

Finding of Fact

1. The proposed use of this property is in conformance with the 1986 Boone County Comprehensive Plan. The Future Land Use Map calls for the property to develop as High Density Residential. Further, there are several places where the development of property as related to this application is discussed. A Goal of the Housing Element states: "a broad range of housing opportunities (eg. size, type,) shall be provided at locations which meet the needs and desires of household types." (G-1) Other references to the 1986 Boone County Comprehensive Plan are included in the Staff Report.
2. The proposed use of this property is in conformance with the adopted Goals and Objectives of the 1990 Boone County Comprehensive Plan. A Goal of the Housing Element is to meet "a broad range of housing opportunities shall be provided at locations which meet the needs and desires for household types." Other references to the Goals and Objectives are included in the Staff Report.
3. The proposed use of this property is in conformance with Article 15, Planned Development of the 1986 Boone County Zoning Regulations. The Planned Development Overlay is intended to promote "a maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements." Also, important is to encourage "a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns". Further references to Article 15 are included in the Staff Report.

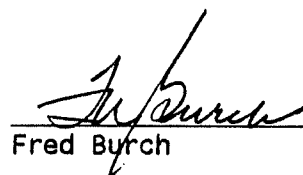
The applicants are being asked to include the following conditions as part of the submitted Concept Development Plan in order to address concerns and clarify questions raised at the April 25, 1990 Public Hearing.

Conditions

1. The applicants agree to work with Staff to insure the preservation of existing tree stands where appropriate, and where indicated by the Concept Development Plan. The disturb limits shall be clearly marked on the Preliminary Development Plan phase of development. Prior to any development taking place, the disturb limit will be flagged on site by the applicants and Staff. Existing trees along the property lines shall not be disturbed and will be maintained throughout the construction of the subdivision. The streets and parking areas will be landscaped as shown on the Concept Development Plan.
2. The applicants agree to work with Staff to develop a plan to screen the subdivision from Cayton Road, as part of the Preliminary Development Plan. The existing trees near the southwest corner of the property will be retained where possible as part of the screening/buffering plan. An earthen berm and landscaping will be incorporated into the plan. The building setback line of 20 feet from the ROW will be increased to 40 feet.
3. The applicants shall move the street location a minimum of 120 feet to the west to insure proper sight distance for turning vehicles. A deceleration lane will be required to be constructed by the applicants at this intersection.
4. The applicants agree that the homes built will be of the type shown at the Public Hearing.

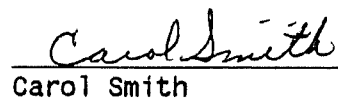


Barry Neltner, Chairman



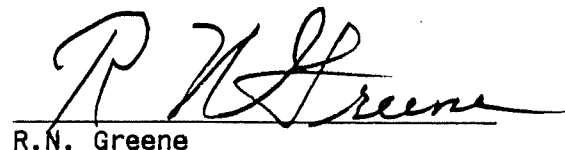
Fred Burch

Rector Jones



Carol Smith

Larry Barnett



R.N. Greene

BN:kat

MINUTES
BOONE COUNTY FISCAL COURT
JULY 10, 1990
10:00 A.M.

Solid Waste within Boone County, Kentucky and repealing all ordinances in conflict herewith.

Mr. Tom Nienabor, attorney at law, was present to represent Bavarian Trucking Company, Inc.

There was a lengthy discussion relative to changes requested by Bavarian Trucking in their letter dated July 2nd, 1990. (Exhibit "G")

Subsequent to the discussion, Commissioner Davis moved, seconded by Commissioner Meihaus, to table second reading of Ordinance 1010.8 to July 24th. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

ORDINANCE 840.2F - ANIMAL CONTROL

Commissioner Meihaus moved, seconded by Commissioner Davis, to approve on second reading Ordinance 840.2F, an ordinance relating to amending Ordinance 840.2E to provide for the care, treatment, handling and population control of animals within Boone County and to provide for the disposition of stray animals found in Boone County. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. (Exhibit "A")

ORDINANCE 920.205 - CAYTON ROAD Q-16-90

Judge Ferguson presented for first reading Ordinance 920.205, 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 James L. Barlow & Donald Cutter (Applicants) for Susan Travis (Owner) and such map amendment being a zone change from Suburban Residential One (SR-1) and Rural Suburban (RS) to Suburban Residential One/Planned Development (SR-1/PD) for a 9.68 acre site located at 1082 Cayton Road, Boone County, Kentucky as recommended by the Boone County Planning Commission.

Judge Ferguson recognized Mr. Terry McBrayer, attorney representing the developers, and Mr. McBrayer deferred to Mr. Walt Ramey who has been involved extensively with the Cayton Road project.

Mr. Ramey said he had set down with the neighborhood and proposed a compromise, however, the compromise had met with resistance even though there was a dire need for affordable housing in Boone County. Mr. Ramey said that he had spoken with the developers and they had agreed to resubmit their plan with only forty homes in the area of \$80,000 to \$100,000.00.

Mr. McBrayer stated that even though the plan submitted by his client had been approved by the Boone County Planning Commission and offered quality work, due to the sentiment of the residents in the community, he would request that his clients' application be withdrawn at this time.

Commissioner Patrick moved, seconded by Commissioner Davis, to accept the withdrawal of the application of Mr. Barlow and Mr. Cutter relative to the affordable patio homes. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Judge Ferguson declared a recess at 11:15 A.M. and reconvened at 11:30 A.M.

ORDINANCE 610.3 - SEWER ORDINANCE

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on first reading Ordinance 610.3, an ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building