

STAFF REPORT

APPLICANT: Camder, Inc. for Rev. Thomas Middendorf
LOCATION: Ky. 237 west to Limaburg Road
DATE: February 26, 1986

This is a Zoning Map Amendment by Camder, Inc. (applicant) for Rev. Thomas Middendorf and Camder, Inc. for a 26.735 acre parcel located on the northeast side of Ky. 237, Boone County, Kentucky. The property is currently zoned Suburban Residential Two, SR-2 and is being requested to be changed to Suburban Residential Two/Planned Development Overlay.

Current Zoning Of Adjoining Property

The current zoning of the property is the following:

North- Suburban Residential Two (Boone Creek Subdivision is located to the north of the site under review.)
South- Recreational
East- Rural Suburban
West- Suburban Residential Two

Boone County Comprehensive Plan Land Use Map and Text

The land use map indicates a future land use of medium density residential for the site under review. For adjoining properties, the following is planned:

North-medium density residential and commercial
South-recreational
East-medium density residential and public institutional
West-medium density residential and recreational

The Comprehensive Plan Text does not specifically discuss the site under consideration but does refer to the area in general as follows:

Residential

Three densities of residential development are distinguished in the plan, including a variety of development types. They are:

Low Density - Minimum one acre lot sizes or larger are planned with single family housing types, including estate type development.
Medium Density - Densities range from two to eight (2-8) dwelling units per acre and a wide variety of housing types are anticipated, including single-family detached and attached, multi-family, including townhouse and garden apartments, and mobile homes in designated planned areas.

High Density - More than nine dwelling units per acre are planned in multi-family developments as townhouses, garden apartments, or high-rise apartments.

The density classifications are guidelines, for planning purposes only, and are not meant to translate directly into zoning classifications. Within each area identified on the plan for a particular density of residential uses, the actual density of development may vary. (pages 3.3 & 3.4)

Residential

Large scale medium density development (2-8 dwelling units) is planned in the future urban service areas of Hebron and Burlington. In the Hebron area, the development would be widespread south of I-275 and east and west of Ky. 237 along Ky. 20. A ring of medium density development would encompass the existing Burlington center, within the service area. (page 3.5)

INDUSTRIAL

Industrial uses are also planned in several areas in the vicinity of the Airport where higher levels of Airport noise make residential uses less desirable. These areas may be developed for industrial purposes once adequate infrastructure is made available or provided as part of the proposed development. One area is northeast of the Airport, along Mineola Pike, both north and south of I-275. Another area is north of the Airport and Ky. 20, west of Ky. 212. Northwest of the Airport, south of Conner Road and east of Ky. 237, industrial uses are planned adjacent Airport boundaries. Development of this area must be buffered from existing residential uses and the Conner School complex, and traffic circulation must be planned to avoid conflicts with residential and school traffic. Finally, industrial uses are planned directly west of the Airport on both sides of new Ky. 237. (pages 3.5 & 3.6)

Commercial

Future community commercial districts are planned at the intersection of Ky. 20 and Ky. 237 in Hebron, and KY. 237 and Ky. 18 east of Burlington to serve residential growth planned in those areas. (page 3.7)

Public Institutional

The dominant public/institutional land use planned to continue in the County is the Greater Cincinnati International Airport. The Airport plans to construct a new north-south runway east of existing facilities and is continuing a program of land acquisition to allow safe operation of the expanded facility. Land acquisition is reflected in the plan north and east of the I-275/Ky. 212 interchange, on KY. 237 west of the Airport, and south to industrial development planned along Ky. 18.

Recreation

The Boone Woods Park on KY. 18 east of Burlington is recommended for expansion to serve growing population in that area. The park may be expanded west to incorporate open space land as far as Burlington-Bullittsville Road. This expansion would surround much of the Burlington historic district with buffers from newer development to the north. East of Boone Woods Park, the Beechland Golf Course is recommended for continuation in its present use.

Infrastructure

The Hebron and Bullittsville communities, extending east and west along Ky. 20, and extending north on Ky. 237 to incorporate the interchange area of I-275 is planned for development of a new sewer service area. The Conner School complex, development along Conner Road, and the planned commercial development at the Ky 20/Ky 237 intersection would all be included in this service area.

The Burlington center and surrounding community is also planned for development as an independent service area, apart from Florence to the east or Hebron to the north. This will help to maintain the distinctive Burlington community. The sewer service area would encompass residential development to the north, east, and southeast. (page 5.2)

Tall Trees Concept Development Plan

The Tall Trees Concept Development Plan for residential development on the site under consideration can be summarized as follows:

Scale Total area - 26.74 acres
Total units - 167, 6.25 dwelling units per acre

The development is divided into two main sections: a) on the western portion of the site off Ky. 237, a town home area of 146 dwelling units on 13.5 acres (10.8 dwelling units per acre) and b) on the eastern portion of the site off Limaburg Road, a single-family home area of 21 dwelling units on 13.24 acres (1.59 dwelling units per acre). The SR-2/PD overlay allows a maximum development of 12 dwelling units per acre, and hence the above scale of development is within the limit set by the PD Overlay designation.

Design

The overall design of the Tall Trees Concept Development Plan includes in the town home section an interior open space of green area with pathways, a pool, and a recreation building. The heavily wooded site provides potential for an attractive and innovative physical design and clustered mixed use residential development proposal. Landscaping and/or buffering in appropriate areas is also part of the development proposal. In this regard, both the scale and design of the Tall Trees development proposal are in agreement with the intent and provisions of Article 15, of the Boone County Zoning Regulations, Planned Development Overlay.

Infrastructure and Community Facilities

The Boone County Water and Sewer Commission provides water supply and sewage disposal services to the area of the Tall Trees development site. The area is in close proximity to both the Hebron and Burlington Fire Stations. The Boone County Board of Education includes the area of the site within its school district boundaries and owns land on the west side of Ky. 237 in the general area across from the site. It is expected that schools will be built on these lands owned by the Board of Education. Both private and public recreational facilities are located nearby - the Beechland Golf Course and Boone Woods Park respectively.

Access and Parking

There are two proposed main access points to the development site - one on the east side of KY. 237 and the other on the west side of Limaburg Road. The access drive onto Ky. 237 will be approximately 36 feet wide to provide for turning lanes. The interior roadway system within the townhome area will be 20 feet wide. The access drive onto Limaburg Road and the interior roadway system within the single-family home area will be 25 feet wide (public) with a 60 feet wide right-of-way. Harvest Lane, a county maintained road, borders part of the single-family home area and issues out onto Limaburg, and it is now and may continue to be used as an access point to some of the development's parcels. According to some of the terms of the development proposal, Harvest Lane will not be used by this development unless one of the home buyers on Lots 1-5 wish to have a driveway onto Harvest Lane. Parcel No. 6, an existing residence on the site, currently uses Harvest lane for ingress and egress and will continue to do so. The developer plans to provide two off-street parking spaces per unit in the town home area.

Phased Construction

Construction is planned in five phases:

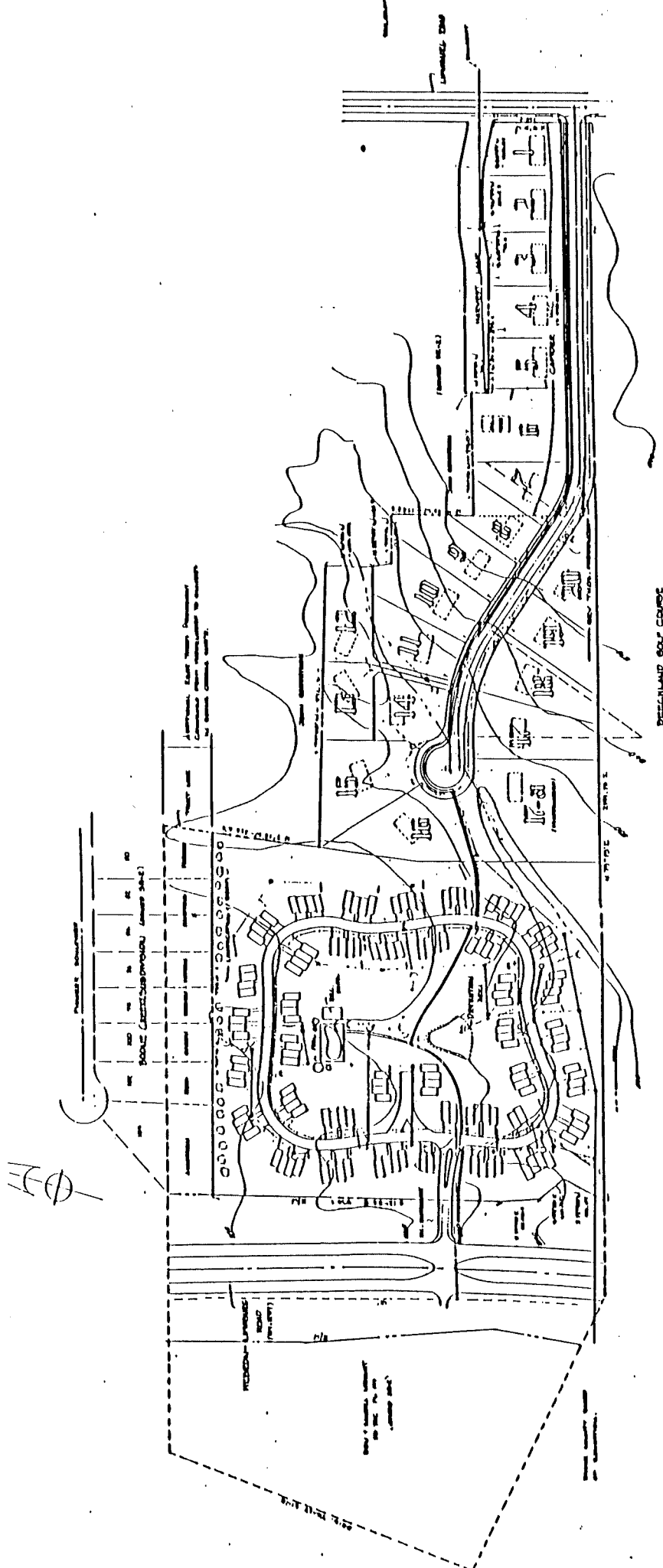
- Phase 1 - 30 townhomes, 10 single-family
- Phase 2 - 30 townhomes, 11 single-family
- Phase 3 - 30 townhomes
- Phase 4 - 30 townhomes
- Phase 5 - balance

Summary

In summary, neither a change in the Land Use map nor in the Comprehensive Plan text would be necessary if this zone change request is approved by the Planning Commission and adopted by the Fiscal Court.

Christopher Cribaro

Christopher Cribaro, Planner



CONCEPT DEVELOPMENT PLAN
WALL TREES
 Boone County, Kentucky
 Scale 1" = 100' Jan 14, 1986

VIDX & VIDX P.S.C.
 CIVIL ENGINEERS & LAND SURVEYORS
 EVANSVILLE, KENTUCKY

QUANTITY:
 CONCRETE, T.I.C. — 9,079 AC.
 WITH THUNDER DRIVE
 PAVED WITH ASPHALT
 200 THOMPSON MICROLOOPER — 27.7 AC.
 AND GRASS AND SOIL
 PREPARATION, 2000
 OPTION VALUE OF 27.7 AC.
 CONCRETE T.I.C.

RECEIVED
 JAN 15 1986

DEERLAND GOLF COURSE
 (20000-01)

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

FEBRUARY 26, 1986

8:00 P.M.

#5

Vice-Chairman David Martin opened the Public Hearing on the request of Camder, Inc., for a Zoning Map Amendment on a 26.735 acre parcel located on the northeast side of KY 237, Boone County, Kentucky. The property is currently zoned Suburban Residential Two, SR-2. A request is being made to rezone the property Suburban Residential Two/Planned Development Overlay, SR-2/PD Overlay.

Mr. Jim Viox, representative for the proposed request, stated the 26.735 acres would include two different housing types; (1) townhouses - 146 townhouses and (2) 21 single-family homes. Mr. Viox explained the sewer system was an extension of the sewer system in the park and will be available to the land. Mr. Viox described the storm water run-off. Mr. Viox described the phasing of the development: Phase I - 30 townhomes and 10 single-family; Phase II - 30 townhomes and 11 single-family; Phase III - 30 townhomes; Phase IV - 30 townhomes; and Phase V - will be the balance of the site. Mr. Viox noted the area was unincorporated Boone County and the proposed site would be very close to the Boone County School expansion across the highway.

Staff member, Chris Cribaro stated the staff report indicated the development in the area is consistent with the Planned Development Overlay. (See staff report/Exhibit C)

Mr. Martin called for audience participation in support, opposition or for information on the proposed development.

Mr. Ted Williams, Jr., inquired of a fence along the Golf Course boundry line.

Mr. Viox inquired what type of fence Mr. Williams was referring to.

Mr. Williams stated he would like to see a 6 foot fence to keep the children from coming onto the Golf Course property because of the lake located on the Golf Course and also because there are greens located on the course and some children have already caused considerable damage.

Mr. Viox noted he would discuss the fence with Mr. Hoxby the owner.

Mr. Hoxby, owner, stated he had not given the fence much thought and noted there was already a fence located on a portion of the Golf Course boundary line. Mr. Hoxby stated that possibly where the multi-families will be located there could be something done in that area.

Ms. Mary Mitten, property owner, expressed concern of the water run-off and also inquired of some type of buffering or screening to prevent children from cutting through her property.

Asst. Director, Kevin Costello noted buffering and screening would be reviewed under the Preliminary Development Plan.

Mr. Wayne Bridges, property owner, expressed concern of the backyards, garbage, etc., of the proposed houses to be built decreasing the value of his property and other property owners along Harvest Lane.

Mr. Jim Viox stated the problem had been discussed earlier with the property owners and noted the owner did recognize the problem. Mr. Viox stated they would commit to putting an earth berm to screen the rear of the property.

Mr. Bridges inquired if the name of the whole subdivision would be changed or only the new part being proposed.

Mr. Viox stated only the proposed part of the subdivision.

Mr. Don Addikin, property owner, expressed concern of the density in the area and noted there would be a lot of people in such a small area.

Mr. Viox stated the townhomes would be 13½ acres and stated he believed that did conform to the Land Use Plan for that area.

Staff Hopper stated the SR-2 district normally permitted 8 dwelling units per acre but noted with the Planned Development Overlay they could go to 12 dwelling units per acre.

Mr. Cribaro noted there could be 12 dwelling units per acre in a SR-2/PD Overlay zone and stated the townhomes would have 10.8 units per acre on 13½ acres. Mr. Cribaro stated the applicant was within the requirements of the PD/Overlay zone.

Mr. McMillian inquired how far apart would the existing curb cut be from the proposed curb cut.

Mr. Cribaro stated approximately 200 feet.

Mr. Barnett inquired if Harvest Way was a dedicated street.

Mr. Viox responded affirmatively.

Mr. Barnett inquired if the proposed street would be maintained by the county.

Mr. Viox responded he did not know.

Mr. Barnett stated he would like to see the street continue on through even if a left-hand turn would be required.

Mr. Viox stated lot #6 had a home located on it and stated the lot was created around the house to prevent the house from being torn down.

Mrs. Smith inquired if approval had been obtained for the road off of New 237 going into the project.

Mr. Viox stated there would be a curb cut at that particular location.

Mrs. Smith requested clarification on an emergency lane from the single-family dwellings over to the townhouses.

Mr. Viox stated there would be a walk system in front of the houses all the way from Old 237 all the way down to the end of the cul-de-sac and through the open area into the townhome area and on through. Mr. Viox noted the lane would be wide enough for fire vehicles, police, or life squad in the event they would be needed. Mr. Viox stated the lane would not be open to the public.

Further discussion followed on the reason for the emergency lane.

Mrs. Smith requested clarification on the sewers.

Mr. Viox stated Mr. Hoxby had already been to the Boone County Water & Sewer District and stated commitments were made to bring sewers from the park and increase the sewer system in Hebron to service the new school site.

Mr. Bridges inquired if Harvest Lane could be serviced by the sewers.

Mr. Viox stated perhaps Mr. Hoxby could negotiate and make the sewers available for the property owners.

Ms. Enlene Burk inquired what road would be used during construction.

Mr. Viox stated it is not the intention to use Harvest Lane for the construction purposes.

Hearing no further comments or questions, Mr. Martin closed the Public Hearing.

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

MARCH 5, 1986 8:00 P.M.

Chairman Kroger called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. 13 members present. Absent: Messrs: Slusher and Viox. All staff members present. Atty. Dale Wilson was also present.

Minutes were considered of the Business Meeting of February 19, 1986 and the Public Hearings, #1,2,5,6 & 7 of February 26, 1986. Mr. Collins noted on Page 8 of the Business Meeting minutes, 1st paragraph the word mobile should be changed to modular. Mr. McMillian moved the Minutes of the February 19, 1986 Business Meeting and the February 26, 1986 Public Hearings, #'s 1,2,5,6 & 7 be approved noting the change. The motion was seconded by Mr. Collins. After further discussion, the motion carried unanimously.

Chairman Kroger inquired if there were bills to be paid. Staff member Dee Ann Brewer read the bills to be paid: Staff Salaries and Benefits, \$11,702.83; The Picture Place, \$8.19; Fiscal Court (postage), \$149.34; Scot Business Machines (Transcriber), \$209.45; The Enquirer, \$37.25; Dixie Vending, \$25.50; Jerry Rouse (conditional use permits), \$7.00; Budge Print (Zoning Regulations), \$600.00; Morris & Bressler, \$200.00; Ohio Blue Print, \$83.52; Boone County Recorder, \$1,326.11; Fred Felix Company, \$396.35; and Village Square Office Products, \$67.70 for a total of \$3,110.41 for an overall total of \$14,813.24. Mr. Jones moved the bills be paid as presented. The motion was seconded by Mr. Davis. After further discussion, the motion carried unanimously.

Administration

Chairman Kroger noted correspondence received by Mr. Bruce Jankins; Norther Kentucky Area Planning Commission; Northern Kentucky Area Development District; the Greater Cincinnati Airport; and the Transportation Cabinet, State of Kentucky. Chairman Kroger noted the correspondence would be discussed at the end of the meeting.

Reports

Chairman Kroger noted the Convenience Plats Report; Enforcement Officer's Report for the Commission review.

Hearing no discussion on the reports, Chairman Kroger proceeded to the items on the Agenda.

Zoning Map Amendment

A request of R. C. Durr (owner) for a Zoning Map Amendment for a 33.1749 acre tract located $\frac{1}{4}$ mile south of Mt. Zion Road and west of U.S. 25, Boone County, Kentucky. The site is currently zoned Urban Residential One, UR-1 and the request is to rezone the property Mobile Home Park, MHP.

Director Newton read the Committee Report. (see "Exhibit C")

Mr. Jim Berling, representative for the request, stated he did not have any problems with the conditions within the Committee Report and he stated the applicant accepted the conditions.

Chairman Kroger inquired how the applicant proposed making right of the sanitary problem.

Mr. Berling stated there was an existing facility there and explained there would be a plant adjacent to the one already in the area. Mr. Berling stated the plant would be 20,000 gallons and he felt that would be satisfactory for all needs.

Chairman Kroger inquired what Mr. Durr felt about the sanitary being placed under a public system somehow or other and inquired if Mr. Durr would be willing to get together with the Boone County Water and Sewer District to discuss the matter.

Mr. R. C. Durr, owner, stated they could get together to discuss the matter.

Mr. Barnett moved to approve the request of R. C. Durr for a 33.1749 acre tract located $\frac{1}{4}$ mile south of Mt. Zion Road and west of U.S. 25, Boone County, Kentucky by Resolution to the Boone County Fiscal Court based upon Committee and Staff reports. The motion was seconded by Mr. Jones.

Mr. Neltner stated the Committee Report indicated on the 4' earth berm there would be plantings and such and he inquired if the applicant could be more specific.

Mr. Berling explained they would build a earth berm and place some plantings and trees on it. Mr. Berling stated the area would probably grow back to a natural buffer. Mr. Berling noted the top soil had a lot of locust seed in it and inquired if the Commission had any suggestions.

Mr. Neltner inquired if the applicant planned to let the locust seeds grow as a buffer.

Mr. Berling stated they planned to plant trees such as maple, oak, etc. on the site.

Mr. Neltner stated that would be fine.

Chairman Kroger inquired if the questions was coming from the request made by Mrs. Adams.

Mr. Berling stated they had agreed to build an earth berm behind her property line.

After further discussion, the motion carried unanimously.

Zoning Map Amendment

A request of Camder, Inc. for a Zoning Map Amendment on a 26.735 acre parcel located on the northeast side of KY 237, Boone County, Kentucky. The property is currently zoned Suburban Residential Two, SR-2. A request is being made to rezone the property Suburban Residential Two/Planned Development Overlay, SR-2/PD Overlay.

Director Newton read the Committee Report. (See "Exhibit D")

Mr. Jim Viox, representative of Camder, Inc., agreed to the Committee Report and the findings of fact within the report.

Mr. Barnett moved to approve the request of Camder, Inc. for a 26.735 acre parcel located on the northeast side of KY 237, Boone County, Kentucky by Resolution based upon Committee and Staff reports and forwarded to the Boone County Fiscal Court and also based upon the findings of fact. The motion was seconded by Mr. Greene. After further discussion, the motion carried unanimously.

Zoning Map Amendment

A request of Raymond Gaines for a Zoning Map Amendment on a 5.0 acre parcel located on the west side of Bullittsburg Church Road, approximately 0.2 miles north of KY 20, Boone County, Kentucky. The property is currently zoned Rural Suburban Estates, RSE. A request is being made to rezone the property to Rural Suburban, RS.

Director Newton read the Committee Report. (See "Exhibit E")

Mr. Tim McNeely, representative for the applicant, stated they agreed with the Committee Report.

Mr. Collins moved to approve the request of Raymond Gaines for a 5.0 acre parcel located on the west side of Bullittsburg Church Road, approximately 0.2 miles north of KY. 20, Boone County, Kentucky by Resolution based upon Committee and Staff reports and forwarded to the Boone County Fiscal Court. The motion was seconded by Mr. Delong. After further discussion, the motion carried unanimously.

Site Plan Review

A request of Jeff Simpson (applicant) for B. David (owner) for Site Plan Review to construct a 464 square foot building and a miniature golf course located off KY 18, Boone County, Kentucky. The 1.1 acre site is currently zoned Recreation, R.

COMMITTEE REPORT

TO: Boone County Planning Commission
FROM: Donald Davis, Chairman
DATE: March 5, 1986
RE:

Request of Camder, Inc. for a Zoning Map Amendment on a 26.735 parcel located on the northeast side of KY 237, Boone County, Kentucky. The property is currently zoned Suburban Residential Two, SR-2 and the request is to rezone the property Suburban Residential Two/Planned Development Overlay, SR-2/PD Overlay.

REMARKS:

We the Committee recommend approval of the zone change request from Suburban Residential Two, SR-2 to Suburban Residential Two/Planned Development Overlay, SR-2/PD Overlay, with submitted Concept Development Plan based on the following:

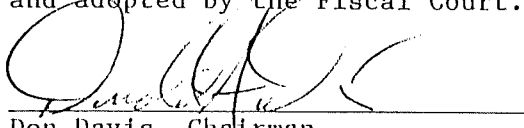
Findings of Fact

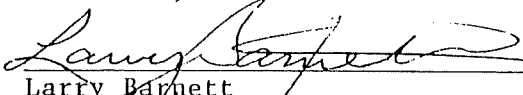
1. That this request conforms to the Boone County Comprehensive Plan which indicates a planned future land use of medium density residential for the site under review.
2. That the Tall Trees Concept Development Plan is in accord with the provisions of Article 15 of the Boone County Zoning Regulations, Planned Development Overlay.

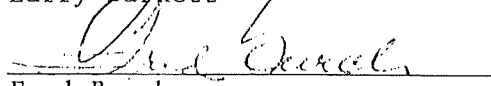
Conditions

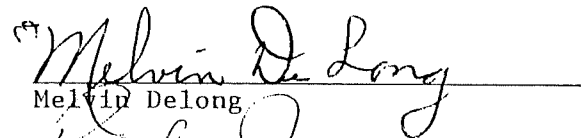
1. That an earth berm be put in place to screen the rear of the property along Harvest Lane.
2. That an emergency lane wide enough for fire, police, life squad and other such emergency vehicles be provided to connect the single family home area and the townhouse section of the development.

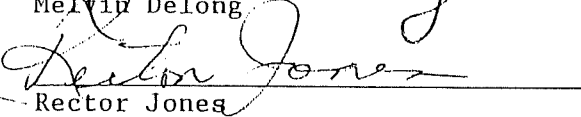
In summary, neither the Comprehensive Plan text nor the Land Use map would have to be changed should this request be approved by the Planning Commission and adopted by the Fiscal Court.

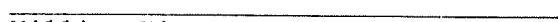

Don Davis, Chairman


Larry Barnett


Fred Burch


Melvin DeLong


Rector Jones


William Viox

ORDINANCE NO. 930.87

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP ADMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO, SR-2 TO SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT OVERLAY, SR-2/PD OVERLAY LOCATED ON THE NORTHEAST SIDE OF KY 237, IN BOONE COUNTY, KENTUCKY, AS REQUESTED BY CAMDER, INC. AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION VIA RESOLUTION NO. R-18-86.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission for a Map Amendment for a zone change from Suburban Residential Two, SR-2 to Suburban Residential Two/Planned Development Overlay, SR-2/PD located on the northeast side of KY 237, in Boone County, Kentucky, which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has recognized the conducted Public Hearing by the Boone County Planning Commission, serving as a due process trial-type hearing, and its findings of fact recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

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

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby approved and adopted, this map amendment being a zone change from Suburban Residential Two, SR-2 to Suburban Residential Two/Planned Development Overlay, SR-2/PD Overlay. The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.

(ATTACHMENT - EXHIBIT "A")

SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning & Zoning Commission, as set forth in its Minutes and official records for this zone change request, shall and are hereby incorporated by reference if fully set out in this Ordinance.

(ATTACHMENT - EXHIBIT "B")

THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the 8th day of April 1986.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 22nd day of April, 1986, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be full force and effect.

Bruce Ferguson
Bruce Ferguson
Boone County Judge/Executive

ATTEST:

Jerry W. House
Jerry W. House
Boone County Clerk

Submitted:

Larry Crigler
Larry Crigler
County Attorney

May 15, 1986
(DATE PUBLISHED)