

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Martin J. Horwitz, William J. Kathman, Jr.  Owner  
 Agent  
 Address: 226 Main Street, Florence, Kentucky 41042  
 Telephone: 606-371-3600

Location: Mt. Zion Road, Florence, Kentucky 41042

Name of Property Owner: Howard Beeson & Elaine Beeson

Address of Property Owner: 96 Circle Drive, Apt. 2, Florence, Kentucky 41042

Zoning District: SR-1 Area in Acres: 58 (+)

Deed Book: 182 Page Number: 424 Group Number: 2058

Description of Request: Applicants request a Zone change from SR-1 to C-3 and UR-1 in order to develop the subject real estate per the attached development plan.

Applicant's Signature: *W. Kathman* *Martin J. Horwitz*  
 Property Owner's Signature: \_\_\_\_\_

FOR PLANNING COMMISSION USE ONLY  
 Application Fee: \$761.90 Date Received: 3/2/88 By: K. Costello  
 Referred To: Dave G. Meeting Date: 3/23/88 Public Hearing  
 Action Taken: Approved w/conditions Date of Action: 4/6/88

REQUEST OF HORWITZ AND KATHMAN FOR A ZONING MAP AMENDMENT  
FOR PROPERTY LOCATED SOUTH OF MT. ZION ROAD AND  
EAST OF HIGHLAND ACRES SUBDIVISION

March 30, 1988

This request is by Martin J. Horwitz and William J. Kathman, Jr. for a Zoning Map Amendment for property owned by Howard and Elaine Beeson. The 58.27 acre site is located on the south side of Mt. Zion Road, east of Highland Acres Subdivision and west of U.S. 25, Boone County, Kentucky. The site is presently zoned Suburban Residential One (SR-1) and is proposed to be rezoned to Commercial Services (C-3) and Urban Residential One (UR-1) to allow mini-warehouse, retail, and apartment uses.

Surrounding Land Use and Zoning

North of the subject site in a Commercial Services (C-3) zone, are two single-family residences and an automobile repair facility associated with one of the residences. Northeast of the site and the C-3 zone is an extensive area of undeveloped land which is zoned Industrial Two (I-2).

East of the site and on the south side of Mt. Zion Road are several single-family residences in the SR-1 zone. East of these residences is the Green Lawn Mobile Home Park. Directly east of the site is the White Pine Village Mobile Home Park and a large undeveloped parcel which is zoned Suburban Residential Two (SR-2). Both of these adjacent parcels front on the west side of Dixie Highway (U.S. 25). The Lakewood Mobile Home Park is located nearby on the east side of U.S. 25. South of the site is a portion of the above mentioned SR-2 zone. Further south along U.S. 25 are the Kentucky Aire Estates and Mosby's Point Mobile Home Parks. Combined, the five above mentioned mobile home parks provide sites for approximately 760 mobile home units. West of the subject site are several single-family homes in the Highland Acres Subdivision (zoned SR-1).

Existing Features of the Site

The present use of the site is agricultural. There is a barn located at the north end of the site near Mt. Zion Road. East of the barn is a residence which is on the original Beeson farm tract but is excluded from this request.

Topography of the site is gently rolling with drainage occurring in generally an east to west direction via three existing drainage swales. With the exception of a large pond within the northern most drainage, all three drainage swales are wooded with mature second growth timber. The ridge top area is used for corn and hay fields.

Soils on the site are of the Rossmoyne and Jessup series which range in slope from zero to 12 percent and 12 to 20 percent, respectively. These soils are commonly found throughout the developing portion of the county, and their limitations are accounted for through proper engineering measures.

### Public Facilities

Water service to the site is available through an 8 inch water main located along Mt. Zion Road. There is presently no public sanitary sewer service to the site; however, the package sewage treatment plant, which services the Green Lawn Estates trailer park, is located on the adjacent property just east of the existing pond. The outfall from this treatment plant is located on the subject property just downstream from the pond's dam. The Boone County Water and Sewer District is in the process of constructing a sanitary sewer facility that will be able to serve the site and surrounding areas.

Storm water drainage from the site flows into an intermittent stream which follows a course through the Highland Acres Subdivision and into a branch of the south fork of Gunpowder Creek.

The subject site is within the Florence Fire Department and Rescue Squad district. The Comprehensive Plan classifies Mt. Zion Road as a rural minor collector; however, this road should be reclassified as a major arterial when the I-75/Mt. Zion Road interchange is completed. A portion of the right-of-way for this interchange is adjacent to the north portion of the subject property.

### Relationship to the Comprehensive Plan

This Zoning Map Amendment request must be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. The Future Land Use Map depicts the site as future Medium Density Residential (three to eight dwelling units per acre) with commercial and industrial to the north of Mt. Zion Road and High Density Residential for the existing mobile home parks to the east and south of the subject site.

The Goals and Objectives of the Comprehensive Plan's Environment, Housing, Business Activity, Public Facilities, Transportation, and Land Use Elements outline specific objectives relevant to the subject request. Housing objectives include providing a maximum choice of living environments and housing alternatives; provision of adequate public facilities; promoting conservation of sound residential neighborhoods; and location of high density development with immediate or convenient access to major transportation links, public facilities, and service areas (page G-2). A Business Activity objectives states that mixing of commercial and non-commercial uses shall occur only in planned developments (page G-3). Another encourages future commercial development to occur in the form of shopping centers or other compact aggregations having an integrated design. The Public Services and Facilities objectives relevant to this request include prioritizing infrastructure growth depending upon the availability of funds; and integration and coordination of utilities on the basis of county-wide service areas and networks (page G-4). Transportation objectives include design of transportation networks to provide growth consistent with the land use plan and implementation of access management principles and controls (page G-6). The Land Use objectives state that land use shall occur in environmentally suitable

areas, where adequate infrastructure exists for development, and that there shall be hierarchy of land uses with less intense uses occurring progressively outward from centers of higher density use (page G-6).

The text of the Comprehensive Plan contains several references to the Mt. Zion area:

- "1. Extensive residential development should not be permitted to the east of this new interchange (I-75/Mt. Zion Road) because of Northern Kentucky Industrial Park traffic. A separation of residential and industrial traffic would avoid some of the traffic problems evident at the nearby U.S. 42 interchange (page H-21).
2. The Mt. Zion interchange will have the single largest impact on this area. The west side of the interchange will develop rapidly with the new accessibility, but must do so in a manner so as not to disrupt much of the existing residential development. As outlined in the Housing Element, the west side of the interchange would be an ideal location for higher density residential development. This is compatible with the residential character of the area, as well as providing housing opportunities for employees of the Florence urban area, and providing a limit to over expansion of commercial activity towards Union." (page L-21)

Pages H-20 and H-21 discuss the area:

"This area is projected to experience great population growth in the western area and some along I-75. The I-75 area is capable of supporting high density residential development, although open space buffers have to be provided because of the desirability of I-75 access to industrial and commercial interests. A proposed interchange at Mt. Zion Road will ensure very easy access to the area."

#### Concept Development Plan

The request is to rezone a 58.27 acre parcel to Commercial Services (C-3) and Urban Residential One (UR-1) to allow retail, mini-warehouse, and apartment uses. The commercial uses would occupy 10.03 acres and would include 25,000 square feet of convenience-oriented retail with gas pumps near Mt. Zion Road. In addition, 75,000 square feet of mini-warehouses are proposed in the northeast corner of the site and would be located approximately 200 feet from Mt. Zion Road. One access is proposed for the site.

The Concept Development Plan proposes 576 rental apartment units consisting of 24 buildings at 24 units per building on the remaining 48.24 acres. An existing lake on the site is to be retained for aesthetic and storm water retention

purposes. A recreational area and community building are to be provided for the apartment complex. Additional information has been submitted by the applicant in the form of a 15 page letter, and is attached to this request.

Staff Concerns

1. The overall density of the proposed residential portion of the plan is 11.94 units per acre. Adjacent residential densities include approximately 5 units per acre for the Green Lawn Mobile Home Park, while Highland Acres is largely comprised of lots approximately one-quarter acre in size, many of which are undeveloped. The Planning Commission needs to consider if the proposed density is appropriate at this site, especially since the Concept Development Plan indicates usage of the entire site.
2. Impact of the proposed development on the Boone County Public School District is dependent primarily on the type of unit and the type of occupants. In the event that the property changes hands and is developed by others for subsidized or lower rent housing, the impact on the school system would be profound. The site is within the Ockerman Elementary and R.A. Jones Junior High enrollment areas, which the Board of Education notes as being the most critical in terms of classroom capacity in Boone County.
3. Traffic generation data has been supplied by the applicant, and is attached to this report. The following calculations are staff's analysis:

*Mini-warehouse, 75,000 square feet	
- average weekday trips	175
- average p.m. peak hour (street) trips	18
*576 Apartments	
- average weekday trips	3,461
- average p.m. peak hour (street) trips	284
(ITE Trip Generation, 4th Edition)	
*Convenience shopping	
- average weekday trips	8,065
(ITE Trip Generation, 3rd Edition)	
- Large percentage of trips are in area already.	

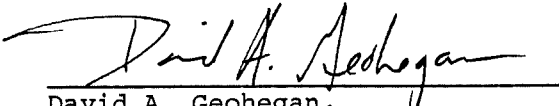
Staff is primarily concerned with access management in this area. With the proposed Mt. Zion Road interchange, the Mt. Zion Connector, and improvements to Mt. Zion Road itself, the area should experience much future development and increased traffic volumes. Access points should be minimized along the proposed three-lane Mt. Zion Road. A drawing that indicates proposed improvements to the road system is attached to this report. From this drawing several potential connections to relocated Biltmore Boulevard and/or the Mt. Zion Connector become apparent. The proposed access point for this site does not meet the minimum spacing of 230 feet required by the Boone County Access Management Regulations, and will need to be reviewed by the

Planning Commission in relation to access to adjoining parcels. The proposed access point would also require fully designated left-turn lanes on Mt. Zion Road.

4. The submitted Concept Development Plan indicates a recreational area. Staff believes that the recreation needs of the proposed apartment development should be provided for, as much as possible, on this site to avoid adding to the demand on other county facilities. The future accessibility of this site may also make it suitable for some public recreation. The applicant should provide further definition of plans for recreation facilities.
5. The applicant should note whether any of the streets will be publicly dedicated.
6. The Planning Commission needs to closely examine buffer needs between this development and adjacent land uses. The proposed community building and swimming pool area may impact adjacent residences. Also, storm water drainage of the southern portion of the site would need to be carefully addressed at subsequent review stages because of existing drainage problems where the drainage proceeds into Highland Acres Subdivision.
7. Phasing of the project (page 3 of applicant's letter) is important to the water and sanitary sewerage improvements in the area, as well as the school system.

#### Conclusion

The Boone County Planning Commission and Boone County Fiscal Court need to evaluate this request on its relationship to the Boone County Comprehensive Plan, three criteria necessary for a Zone Change, adjacent land uses, and overall development/infrastructure of the Mt. Zion area. Should this request be approved, the Comprehensive Plan's Future Land Use Map would need to be adjusted.

  
\_\_\_\_\_  
David A. Geohegan,  
Planner/Plans Examiner

DAG:mcb

Attachments

8-10-70

085 1120

MEAD ROAD

C-3

E-2

HIGHLAND  
APES

SITE

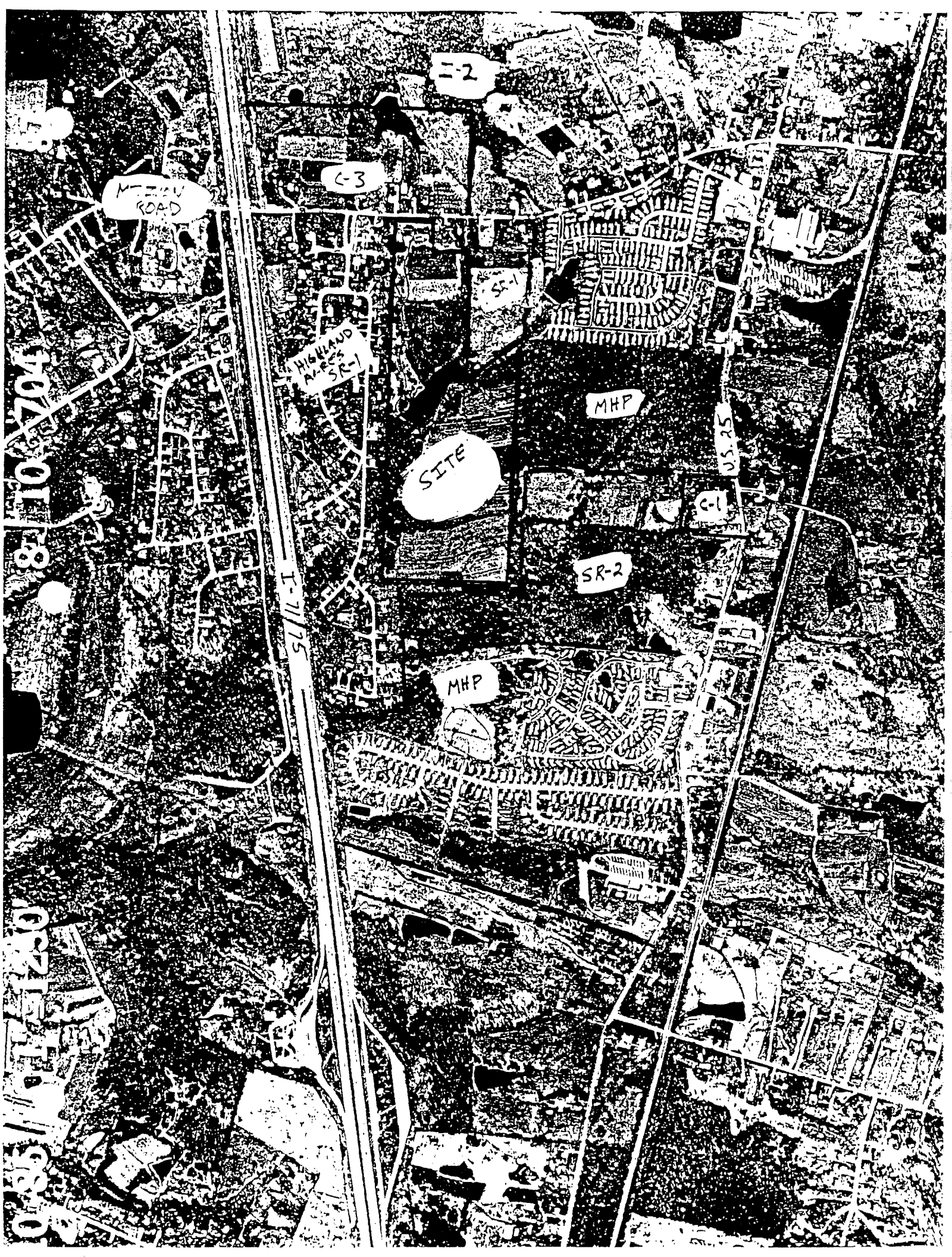
MHP

US 25

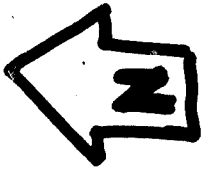
SR-2

1-7/75

MHP







KENTON COUNTY  
BOONE COUNTY

MT ZION ROAD

I-1

I-1

MHP

I-2

TRANSMISSION

RAILROAD

MHP

I-1

SR-2

MHP

SR-1

SITE

SR-1

C-3

MT ZION ROAD

SR-1



SR-1

75

TP 12  
C-3

C-1

I-1

TP 30

1950'

52

SOUTHERN

1000'

846'

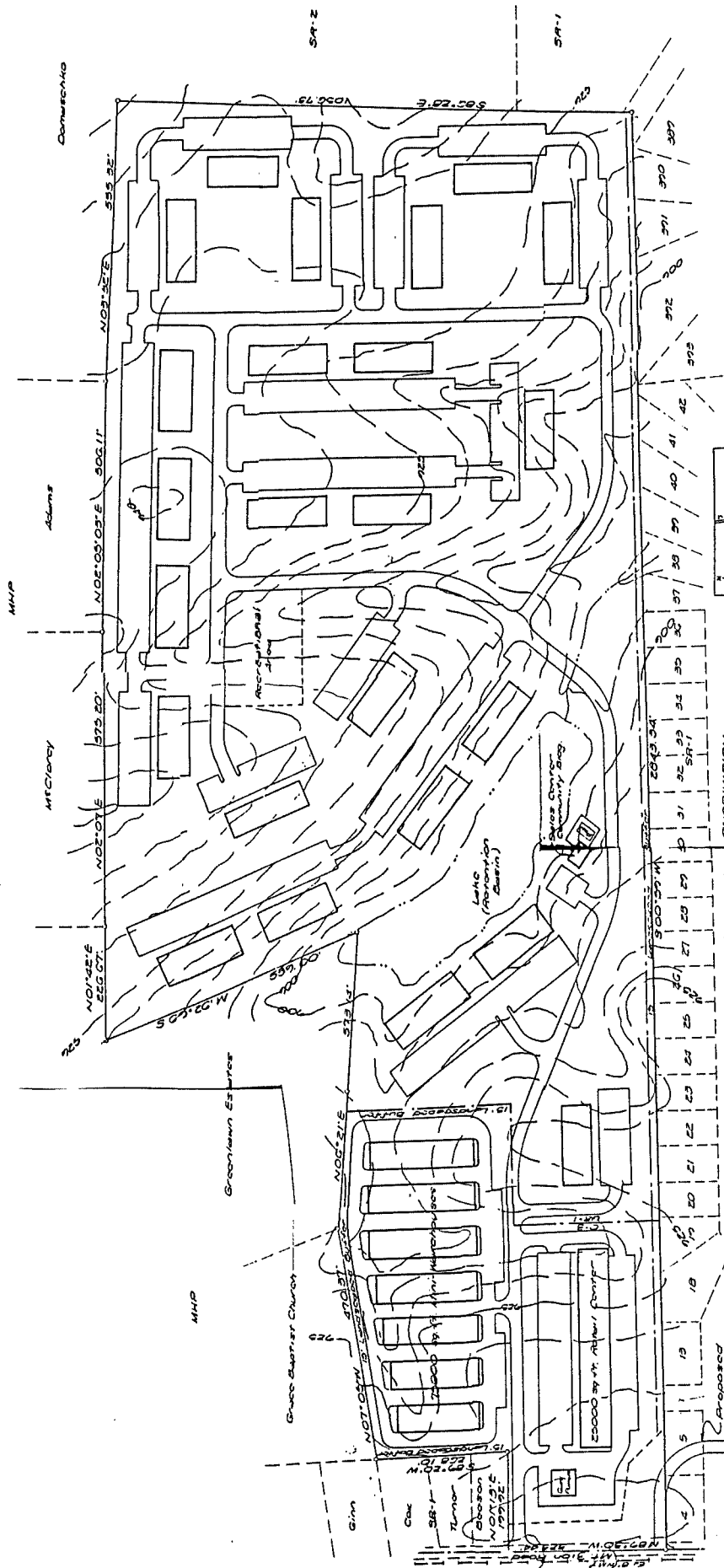
MT ZION ROAD

US 25



M7 ZION RD

I-75



Total Area: 50.27 Acres  
 C-3 Area: 10.03 Acres  
 U-1 Area: 40.24 Acres  
 Total Units: 575 Units  
 Water and Sewer: Sewer to be provided by the Boone County Water and Sewer District

CONCEPT PLAN  
PROPOSED ZONE CHANGE

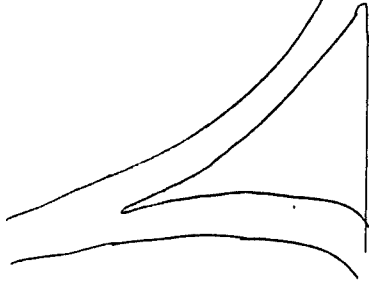
Case No. 08	Project No. 08
Scale 1"=100'	Project Name: M7 Zion Rd
Client: M7 Zion Rd	Prepared by: M7 Zion Rd
Engineer: M7 Zion Rd	Checked by: M7 Zion Rd
Date: 11/12/13	Project Location: Boone County, MO

# HORWITZ & KATHMAN

PROPOSED MT. ZION - US42-25 CONNECTOR



NB ENTRANCE RAMPS



PROPOSED FRONTAGE RD.

MT. ZION RD.

746'

290'

340'

PROPOSED RELOCATED R/W

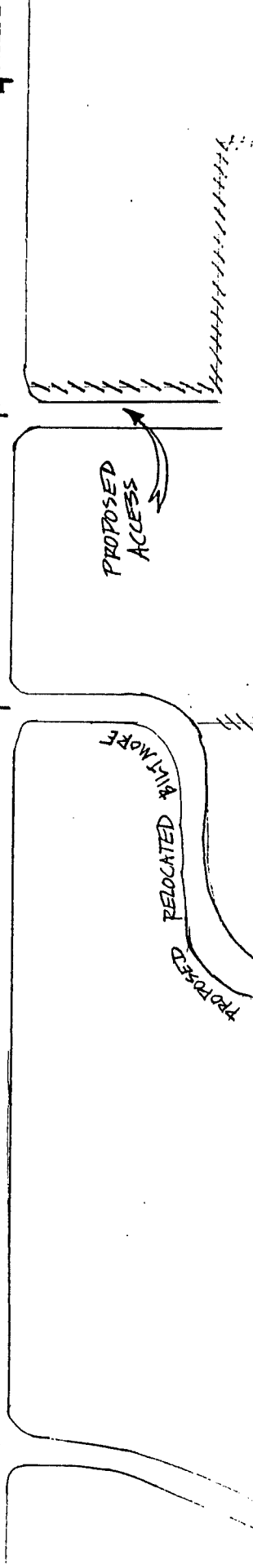
EXISTING 50' R.O.W.

HIGHLAND ACRES SUPPLY

PROPOSED ACCESS

SITE

NB EXIT RAMP



# BUSALD FUNK ZEVELY

P.S.C.

ATTORNEYS AND COUNSELORS AT LAW

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FLORENCE, KENTUCKY 41042-6910

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CINCINNATI, OHIO

SUITE 1140

38 EAST FOURTH STREET

CINCINNATI, OHIO 45202-4080

(513) 241-3600

March 23, 1988

SEND REPLY TO FLORENCE

Mr. David Gohegan  
Boone County Planning and Zoning Commission  
Boone County Courthouse  
Burlington, Kentucky 41005

\*\*\* LL.M. TAXATION: ADMITTED IN OHIO

Re: Beeson / Mt. Zion Road Zone Change

Dear Mr. Gohegan:

Pursuant to our conversation of Wednesday, March 15, 1988 this is to formally respond to the issues which you have raised relative to the requested zone change. I have made every effort to address the issues which you had raised in our meeting as well as though issues which had been raised at our previous Zone Change Request which we filed in October, 1987.

As in our previous zone request, a great deal of the information which you had requested is not available at this time as it would require a substantially greater amount of work by engineers and other experts. As in the past, we hope to have a more firm answer on whether or not our Zone Change Request will go through prior to expending these substantial sums of money.

As you will recall, we had requested a Mobile Home Park Zone Change in late 1987. Due to the adverse reaction which was expressed by the adjoining property owners, we withdrew that request. This Zone Change Request is being made in light of and in response to the comments and concerns expressed by various members of the Planning and Zoning Commission and adjoining property owners. After a careful study and examination of this particular property, we feel that our new request is more compatible with the adjoining property owners while still remaining consistent with the Comprehensive Plan and other Development Factors concerning this area of the County. Furthermore, we feel that our requested zone change provides the ONLY economically feasible development of the property, all factors being considered. The requested Zone Change provides a logical and gradual zoning mix from Mobile Home Park (high density residential) to the east and single family residential dwellings ("subdivision development") to the

E. ANDRE' BUSALD

C. WILLIAM FUNK

\* WILBUR M. ZEVELY

JOHN A. BERGER

WILLIAM J. KATHMAN, JR.

THOMAS R. NIENABER

BURR J. TRAVIS

\*\*\* MARTIN J. HORWITZ

GREGORY N. SCHABELL

MICHAEL J. MCMAN

BARRY J. TUEMLER

STEVEN N. HOWE

\*\* CARLO R. WESSELS

\* ADMITTED IN OHIO

\*\* LL.M. TAXATION

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west in an area which has undergone significant and substantial changes over the last fifteen (15) years.

#### I. ZONE CHANGE OVERVIEW

The total area involved in this Zone Change Request is approximately 58 acres. Of that total, approximately 10 acres is being requested for a C-3 zone change. That portion of the proposed development lies to the north side of the property which fronts on Mt. Zion Road. The remaining 48 acres lies to the south and is bounded on the west by Highland Acres Subdivision; to the south by SR-1 and SR-2 zoning; and to the east by Mobile Home Park zoning. A small portion of the C-3 area is bounded by Mobile Home Park zoning and SR-1.

The area designated for C-3 zoning will consist of approximately 75,000 square feet of mini warehouse space with a 25,000 square foot retail center. The small area fronting on Mt. Zion Road will be developed into perhaps a gasoline/convenience store center.

The UR-1 development consists of approximately 24 apartment buildings containing 24 living units per building. A mix of one and two bedroom apartments will be developed with the majority being two bedroom units. Each building will be two and one-half stories high. A brick veneer construction will be used. Our objective is to provide as much open space between the apartment buildings as possible as evidenced by the Concept Development Plan submitted with our Zone Change Application. It is also anticipated at this time that the existing lake will be retained. It is anticipated at this time that a pool and clubhouse/community building will be constructed and maintained. A designated Recreational Area will be provided as identified on the concept Development Plan.

The apartments to be constructed will be designed primarily for occupancy by middle income tenants with rents beginning in the neighborhood of \$400.00 to \$450.00 per month. There will be no Section 8 Housing or other federally subsidized housing. The tenant mix will most likely consist of

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working married couples with no children or infant children. Initial stages of development will be targeted towards the C-3 area and the northern most section of UR-1 area. It is anticipated that the apartment complex development will occur in three to five phases over a period of five to ten years. The actual development of the UR-1 property will depend largely on consumer demand, based upon past experience of the developer involved in this project.

## II. IMPACT ON EDUCATIONAL FACILITIES

It is anticipated that the proposed development of the UR-1 property would not present any significant impact on the educational facilities in the Boone County area. Although the majority of the apartments will be two bedroom units, it has been the experience of the Developer that occupancy of such apartments by families with school age children is very low. More precisely, the Developer has experienced approximately 15% to 18% occupancy of two bedroom apartments by families with children of school age. Less than 90 of the total number of units would be occupied by families with school age children. Based on apartment size limitations, any family with school age children would in all probability have only one school age child.

This week, I have spoken with Mr. William Jones of the Boone County Board of Education, regarding the potential impact of this development on the school system in the County. Mr. Jones indicated to me, after discussion, that he does not feel that this proposed development would place any burden upon the educational facilities now offered in the County. Mr. Jones in essence agreed with our analysis of the number of people who would probably have school age children in these apartments considering the apartment mix, tenant mix, and rental rates.

A review of the comprehensive plan would indicate that the subject real estate is marked for MDR (medium density residential) single family unit dwellings. Obviously, the percentage of school age children occupying any such single family unit development would be considerably higher than that

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anticipated for the proposed apartment complex project. Furthermore, and most importantly, the anticipated project is to be phased in over a number of years. As indicated earlier, the project will consist of approximately three to five phases to be completed over a period of five to ten years. The proposed development would not create an excessive or immediate demand for additional educational facilities due to the very nature of the proposed development. From a tax generation standpoint, the proposed development will have a total project cost (excluding commercial development in the C-3 area) in excess of \$15,000,000.00. The increased school tax revenues generated by this development would more than adequately offset the significantly lower demand and drain upon educational facilities in the county when compared to a single family residential development for the same area. If in fact the 48 acres in question would develop as single family dwellings with a density of 4 units per acre the total tax base generated (assuming each single family unit would have a average value of \$50,000.00) would be \$9,600,000.00. On the other hand, the demand on the educational facilities within the county would be significantly greater if single family dwellings were constructed.

### III. RECREATION FACILITIES AND AREAS

The overall objective in formulating our Concept Development Plan, was to retain wide open spaces throughout the entire apartment complex. As you can see from the Concept Development Plan, there are reserved green areas throughout the entire complex many of which are one to two acres. This project was designed with the goal of retaining and preserving as many open areas as possible. In addition, an area has been reserved for recreation which is greater than two acres in size. It is further anticipated that the lake area will remain in tact with an adjoining clubhouse/community building and pool facility. All preserved green areas can be incorporated into development wide recreational facilities such as bike paths, jogging paths, and the like. It should be noted that the demand for traditional "children" recreation areas should be minimal as to the majority of the residents occupying the apartments in this complex will not have older children.

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### III. TENANT/APARTMENT MIX

The majority of the units will consist of two bedroom apartments. The projected tenant mix will consist primarily of younger working couples with infant children or no children at all and older couples who have opted for an apartment lifestyle as opposed to single family dwellings.

There will be no federally subsidized housing of any type. Rents will begin in the \$400.00 to \$450.00 range.

### IV. C-3 LAND USE

Our objective in this area of development is to provide retail and commercial facilities designed to service those residents in the surrounding areas. With respect to the "mini warehouses", there is a significant and substantial need for such a facility in this area. The vast majority of all mini warehouse space is utilized by individuals living in apartments or mobile homes due to the limited storage space which each of those facilities provide. The area immediately surrounding the proposed C-3 area, is the highest concentration of mobile home dwellings in Boone County if not all of Northern Kentucky. These mini warehouses would provide a needed service for those individuals in the immediate area. In addition, the proposed mini warehouses would provide an excellent complimentary use to the proposed development of apartments as planned.

The proposed retail center will provide services and retail facilities which would compliment and service those residents in the general area. For example, there are no service station/convenient stores in the immediate area other than the Convenience Store and Stop-N-Go on U.S 25 both of which have extremely limited gas facilities. There are little or no complimentary services and retail facilities available in the immediate area for use by the residents in this particular area. It is anticipated that facilities as a florists, barber shop, dry cleaner, general merchandise store, and the like would be developed. Such facilities presently existing in the area are extremely limited.

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#### V. TRAFFIC

The retail development in this project is not intended to draw from expressway traffic but rather to provide retail conveniences for residents in the adjoining area. With the development and expansion of Mt. Zion Road and the construction of the Mt. Zion/I-75 interchange, this area will be accessible alleviating any potential traffic problems. The development of the C-3 area should not create any significant additional demands on traffic patterns for the reason stated above. With respect to the UR-1 area, it is not anticipated that significant traffic demands will be generated in light of the anticipated tenant mix. In addition, the total development would not be completed for at least five to ten years which would avoid any immediate impact on traffic patterns in the area. This is particularly true in light of the development of the proposed C-3 area planned for mini warehouses as they create minimal traffic flow. The proposed retail space would likewise create a minimal traffic demand in that it is anticipated that the retail space will provide services mainly for those residents already in the area as opposed to generating additional traffic from outside the immediate area. With respect to the UR-1 area, apartments have traditionally generated lower traffic demands than have single family dwelling units particularly where those apartments are occupied by working couples with no children.

#### VI. BUFFER ZONE

Our ultimate objective in designing the apartment complex project as well as the commercial development to the north was to minimize the impact upon the adjoining residential areas to the west, east and south. In achieving that end, we have minimized development along the west boundary line of the proposed project. The nearest apartment building to the property line is approximately 125 to 150 feet. The development was designed to retain as much vegetation along that property line as possible. It is not anticipated that any of this vegetation will be disturbed except as is reasonably necessary to locate roadways as indicated on the Development Plan. With respect to the east boundary line, we have restricted apartment building units to approximately 100 feet from the property line. Again, the only disturbance of

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existing vegetation along those property lines will be that which is reasonably necessary to locate the necessary parking facilities and roadways. The same is true for the south boundary line. With respect to commercial development, we have planned to remain as near Mt. Zion Road as possible. As you can see from a visual inspection of the premises, there are no existing residential dwellings within approximately 500 feet or so from the Mt. Zion Road. In those areas where the proposed development in the C-3 zone does abut residential property, every step necessary will be taken to protect all existing vegetation which will be supplemented with additional new planting as may be required. With respect to the east boundary line of the C-3 zone, we have provided for a 15 foot landscape buffer zone which will be supplemented with new planting. Within the development project, every effort will be made to retain all existing vegetation where possible and that supplemental planting will be undertaken to improve and enhance the aesthetic appearance of the complex in general.

#### VII. TRANSPORTATION

Per earlier requests of the Planning and Zoning Staff, we have already made available the appropriate right of way plans which we have received from the Transportation Cabinet of the Commonwealth of Kentucky relative to Mt. Zion Road and the Mt. Zion Road interchange. As indicated in our previous Public Hearings, and as stated elsewhere herein, we do not feel that the proposed development will create any excessive or unreasonable transportation or access problems.

#### VIII. STREET DEVELOPMENT

At the present time, the street development plan for the UR-1 development will be to maintain private streets 25 feet in width.

#### IX. WATER AND SEWER SERVICE

With respect to water service, Boone County water lines presently front on Mt. Zion Road and will be adequate to provide water service to the development. It is our understanding at the present time that there is an 8 inch

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water main fronting the Mt. Zion Road and that these would be sufficient to adequately service the proposed development.

As indicated to the Planning and Zoning Staff in the past, it is our understanding that sewer lines will be installed at the proposed project location no later than mid summer 1988. I have heard nothing from the Water and Sewer Commission to the contrary which would indicated otherwise. At the present time, we would welcome any sewer service which would adequately serve our development and would participate in all reasonable ways to see that such sewer service is made available.

#### X. DENSITY

It is anticipated by the developers that there will be 12 apartment units per acre with a total of 48 acres being developed in the UR-1 zone. This would provide for a total of 576 units consisting primarily of two bedroom apartments. Tenant mix and family size has been discussed previously.

#### XI. RELATIONSHIP OF COMPREHENSIVE PLAN TO PROPOSE DEVELOPMENT

It is our opinion that the proposed zone change is consistent with the Comprehensive Plan. As it relates to both our C-3 and UR-1 zoning.

##### A. C-3 ZONE:

The proposed development for the C-3 zone would provide services and facilities compatible and complimentary to the existing residential mix of the immediate surrounding areas. It is not anticipated that any type of retail or commercial development would create any significant additional traffic to this particular area.

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B. UR-1 ZONE:

Boone County has in the past has undergone considerable population growth. This trend will continue to increase significantly in the future. Due to the relatively young age of those married couples in the county as well as the increasing elderly population, high density housing developments and particularly multifamily developments will provide a major source of housing in Boone County. (H-16) The PLAN indicates that single family homes while being the most numerous, are decreasing in their importance and dominance of the Boone County housing market. Specifically, various areas should see increasing multi-family construction provided such higher density development occurs close to arterials and urban services. It is further noted in the PLAN that multi-family construction will take place increasingly in the Florence - Burlington - Hebron area because of easy access and the spread of urbanization. It is noted in the PLAN that as the Mt. Zion Road interchange area develops, the western quadrants of this interchange may be appropriate for sites of multi-family development provided adequate infrastructure is available. It is also noted that high density residential areas should be located, where developed, near and with convenient access to major streets, highways, shopping and public facilities. As a result of the significant development and growth of the Mt. Zion area and particularly in light of the expansion and redevelopment of Mt. Zion Road and the construction of the Mt. Zion Road interchange, this particular area is particularly suitable for multi-family development. With the completion of the Mt. Zion Road interchange and redevelopment and restructuring of Mt. Zion Road, the area in question will be approximately 2 miles from the core of most public facilities offered in the county (the U.S. 42 and Kentucky 18 interchanges on I-75). In addition, the area in question is in geographic proximity to the major industrial areas and employers located within Boone County.

The PLAN also recognizes that the Florence - Walton area as an area capable of supporting high density

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residential development and with the development of the proposed Mt. Zion interchange, this desirability will be enhanced. Although the real estate in question is marked for future development in the PLAN as MDR (3 - 8 units per acre) the area in question can not feasibly be developed from an economic stand point in terms of single family dwellings. The only economically feasible alternative to development of this property is either commercially or residentially as multi-family.

Further changes have occurred in the area in the recent past which would justify our Zone request. The PLAN recognizes that the Mt. Zion Road interchange and expansion and improvement of Mt. Zion Road between the interstate highway and U.S. 25 will be a major and substantial factor in providing for development in this particular area. It is recognized that this increasing significance and attractiveness will be particularly keen in the area of residential development.

Another major change which has recently occurred in this area is the availability of sewer service for handling increased residential growth. As indicated earlier, there is already adequate water service and with the completion of the new sewer service in this area high density residential development could be more sufficiently serviced.

In conclusion, it is our contention that the request in zone change is appropriate for the following reasons:

1. That the requested zone changes are consistent with the PLAN.
2. That the density requirements are within acceptable norms for this particular area as dictated by the PLAN.
3. That more than adequate infrastructure will be available to permit the requested development.
4. That there is adequate transportation and road facilities available in the area.

Re: Beeson / Mt. Zion Road Zone Change

5. That the requested zone change will not create or place upon public facilities such as education, police and fire any significant or burdensome demands.

XII. APPLICATION OF GENERAL STANDARDS AND  
CRITERIA APPLICABLE TO PROPOSED ZONE CHANGE

1. As indicated earlier, the developers believe that the requested zone change with respect to C-3 and UR-1 requests are harmonious with the objectives, criteria and long range plans as contained in the PLAN.
2. Based upon the existing concentration of residential facilities in the general vicinity, the applicant believes that the maintenance and development of the proposed apartment complex would be harmonious and appropriate in light of existing and intended character of the general area. Although the property is ear marked for MDR (medium density residential) development, the developer does not feel that the requested density at 12 units per acre is inappropriate due to the tenant mix anticipated for this particular project. When comparing the total population generated by a SR-1 development (5.5 units per acre x 4.3 members per household) versus a UR-1 development (12 units per acre with 2.3 individuals per unit) the population differences are not that great. On the one hand, an SR-1 development could generate a total population of approximately 1,150 as compared to the total population generated by our proposed UR-1 of approximately 1,350.
3. Based upon the make up of residential facilities in the general vicinity, the applicant believes that the development of the C-3 portion of the real

MDR

SR-1  
permits 4/acre

Re: Beeson / Mt. Zion Road Zone Change

estate would be harmonious and appropriate in light of the existing and intended character of the general area. As indicated earlier, the commercial/retail area to be developed will compliment and provide services and facilities to the population in the general vicinity as opposed to generating additional or outside traffic. It is not expected or anticipated that the placement of the retail center or the mini warehouses would anyway diminish or alter the residential character of the general vicinity.

4. With the development and expansion of the Mt. Zion Road interchange and the restructuring and enlargement of Mt. Zion Road itself through U.S. Highway 25, the proposed area in question will be readily accessible by essential public facilities and services. This accessibility and serviceability will be enhanced even further by the development and expansion of U.S. Highway 42 and and the extension of Hopeful Road which will extend through and on the perimeter of the Industrial Park.
5. With respect to storm water drainage, there is a natural lake located on the property as indicated on the Concept Development Plan. Preliminary engineering and inspection of the premises would not indicate any serious storm water drainage problems. Refuse disposal is also readily available through conventional trash collections services offered in the area. With respect to sewer service, it is anticipated that the sewer line extensions will be at the development site by mid summer 1988. With respect to the availability and serviceability by such public services as police, fire, ambulance and the like, the developer will fall well within the density requirements and guidelines established by the PLAN. It should also be noted that the proposed development lies within the Florence Fire

Mr. David Gohegan  
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Re: Beeson / Mt. Zion Road Zone Change

District. Based upon the projected costs of development, the Florence Fire Department will receive substantial revenues based on the fire district tax imposed upon real estate in this area. At the rate of \$1.00 per 1,000, more than sufficient tax dollars would be generated to offset any costs of servicing this particular area.

6. The proposed development will not involve any use, activity, process, materials, equipment or conditions in operation that will be detrimental to anyone of the proposed development. With respect to excessive traffic, the developer feels that the additional traffic that will be generated will be more than adequately handled by the proposed development and expansion of the Mt. Zion Road interchange area. It should be noted that the proposed development will be introduced in phases so as to provide a gradual and systematic development of the project. In doing so, the increase in traffic will likewise follow a gradual and systematic process. By the time the proposed development is underway, the Road improvement and interchange will be completed.

With respect to the retail/mini warehouse development, it is not anticipated that there will be any significant increase in traffic demands.

Again, it should be noted that the retail/mini warehouse facilities are going to be directed for use to those residents now living in the general vicinity. They are not designed nor intended to provide services or facilities for outsiders.

*Clarify*

### XIII. TRAFFIC ACCESS

During our meeting on March 15, 1988 you had inquired as to whether or not we would be amenable to working with the state and or county relative to the development of a plan which would provide a joint access to Mt. Zion Road with the proposed Biltmore Blvd. At this time, we would open to any

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suggestions which the county or the state might have relative to access and curb cuts to Mt. Zion Road.

#### XIV. UTILITIES

The developer will install underground electrical services with city water being made available to all residents. It is not anticipated or expected the gas service will be available in this development.

#### XV. PRELIMINARY ASSESSMENT OF EXCAVATION AND FILL REQUIREMENTS

At this time, no engineering project has been undertaken to determine the exact extent of the excavation and fill which will be required to develop the project as planned. A formal assessment of this topic can not be undertaken until a final plan has been developed with respect to the layout and configuration of the Mobile Home Park. Our engineer has made a preliminary review, inspection and survey of the premises which would indicate that minimal excavation and fill would be required. It is not anticipated that this will present any significant problem or concern throughout the development of the project.

#### XVI. STAGING AND PHASING OF PROJECT

It is the intent of the developer that the construction of the apartment project will be undertaken within the next year or two. The total development will be phased in three to five phases over a period of five to ten years depending upon demand.

With respect to the commercial development, work would begin as soon as the appropriate zoning matters have been undertaken and approved. The actual construction may be delayed due to the construction plans for Mt. Zion Road expansion and the interchange construction.

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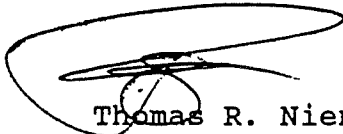
Re: Beeson / Mt. Zion Road Zone Change

I hope that this writing answers some of the questions which you have regarding our proposed development. I can appreciate that some of the responses have been incomplete, however, I am sure that you can likewise understand our position in that a number of the items which you had requested would require a considerable amount of planning, engineering and costs. At such time as we are of the opinion that the zoning change will be approved, then those additional costs will be incurred and more definite answers will be made available. Rest assured that the developer will cooperate with you and your department in anyway possible to expedite the approval of the requested zone change.

Should you have any questions, please do not hesitate to call.

Very truly yours,

BUSALD FUNK ZEVELY, P.S.C.

A handwritten signature in black ink, appearing to read 'Thomas R. Nienaber', is written over a circular stamp or mark.

Thomas R. Nienaber

TRN/krl

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

March 30, 1988

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M.. Following an explanation of the public hearing process, Chairman Viox introduced the first item on the agenda:

1. Applicant: Martin J. Horwitz and William J. Kathman, Jr. for Howard and Elaine Beeson (owners)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of Martin J. Horwitz and William J. Kathman, Jr. (applicants) for Howard and Elaine Beeson (owners) for a Zoning Map Amendment on a 58-acre (approx.) site located south of Mt. Zion Road and east of Highland Acres Subdivision, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3) and Urban Residential One (UR-1).

Staff Member, Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked the applicants for their comments at this time.

Mr. Tom Nienaber, representing the applicants, stated that they were before the Commission several months ago requesting a zone change for the site to allow a mobile home park. He noted the current zoning of the site and the adjacent land uses. He stated that approximately ten acres to the front of the site would be used for C-3 uses and the remaining acreage would be Urban Residential. Access would be off Mt. Zion road and there would be no other access to the property. He stated that their proposal includes approximately 75,000 sq. ft. for mini-warehouses and 25,000 sq. ft. of retail space, with a convenient store and gas station, in the C-3 area. There would be 576 apartment units, with the majority being two-bedroom units, in the Urban Residential area. He noted the location of a lake that will be retained. He stated that they are trying to provide an economically feasible development for the property and retail services for the consumers in the area. He noted that there are no retail services in the area at this time. They are

trying to prepare a Development Plan that will have minimum impact on the people in the area and the public services in the area, such as fire protection, police protection, and schools. He has spoken with a representative of the Boone County school system and their opinion is that there will be minimum impact on the school system. He stated that the project will be phased over five to ten years depending on demand. He added that based on their experience, approximately 15% of the apartments would have children of school age. There will be no Federally subsidized housing in the project to reduce the impact on the educational system. He stated that the revenues generated from the tax base would exceed the demand on the school system. He stated that there would be a recreational area in excess of two acres which would include a pool, bike paths, and jogging paths. He added that most children in the complex will be pre-school age. He stated that there are traffic study figures included in the Staff Report. He noted that the self-storage area will have minimum impact on the traffic. He added that they will leave as much open space as possible, noting that there will be a 150-foot strip along the Highland Acres side. They will also leave as much vegetation as possible. He noted the location of Biltmore Boulevard as proposed by the Transportation Cabinet and noted that there will be a need to integrate and coordinate the access to the Mt. Zion Connector. They will work with the Highway Department in this regard. The interior streets will be private and paved with no on-street parking. Mr. Nienaber stated that he has talked with the Water and Sewer Department of Boone County and the development will not place any excessive demand on their services. He indicated the location of the sewers and stated that the water line is adequate. He stated that the density of the project is approximately 12 units per acre and there would be approximately 2.3 people per apartment, for a total population of 1,330 people. He stated that they believe the project is in compliance with the Comprehensive Plan as this area is intended for high density residential development in consideration of the changes that have occurred in the area, including the interchange and road improvements. He stated that the apartment rents would be \$400 to \$500 per month. He stated that land values in the area have changed as a result of the road improvements making the area more convenient to major retail, employment, and industrial areas in Florence and Boone County. He stated that at this time the area could not support single-family residential development. He noted that they have retained the lake in consideration of the drainage and stated that there would not be major excavation problems as the area is relatively flat. He discussed the Staff Concerns and noted his earlier comments regarding the density, the school system, and the traffic. He stated that the retail area will not bring traffic off the expressway, but will serve the local consumers. He noted his earlier comments regarding the buffering and vegetation. He stated that there will be no residential development to the front of the property and noted a house that will be razed when Biltmore Boulevard is relocated. He stated that they will work with the County in structuring their access to be consistent with the Mt. Zion Connector on Biltmore Boulevard. He noted his earlier comments regarding the recreational area, phasing, water and sewer.

Chairman Viox asked if there was anyone else present who wished to speak in behalf of this request. There being no one, he asked if there was anyone present in opposition to the request or if there were any questions.

Lorie Clark stated that she is concerned about what the apartments will look like and asked if pictures of a similiar development were available. She asked what assurance they would have that the project will be developed as it has been presented and what would keep the development from changing.

Mr. Nienaber stated that the commercial area to the front will not be requested to be moved further back. The apartments will be 2½ stories high and of masonry frame construction and will not be Federally subsidized. The rents will be \$400 to \$500 per month. There will be 24 units per building with a mix of one and two bedroom apartments. They do not have pictures available at this time.

Chairman Viox asked if anyone else wished to speak. There being no one, he asked if there were any comments from the Commission.

Mr. Jones asked for clarification of Mr. Nienaber's statement that the area would not support single-family development.

Mr. Nienaber stated that he was referring to the land values. He stated that the area could not be developed with four single-family residences per acre as the cost of the lots would be so high that it would not be economically feasible.

Mr. Jones asked if they had considered single-family homes for the side of the project adjoining the single-family area.

Mr. Nienaber stated that they had not considered this and noted that at a previous meeting in regard to the mobile home development for the site, some of the people suggested apartments for this area and that is why they developed this plan.

Mr. Neltner asked what percentage of the mini-warehouse units would be used by the people living in the complex. He also asked how much of the outside space would be used for storage of vehicles.

Mr. Nienaber stated that he did not know how many of the mini-warehouse units would be used by the residents, but statistics indicate that residents of apartments and mobile homes are the largest users of these types of facilities. He added that there would be no outside space devoted to storage.

Mr. Neltner noted that they are requesting a change to C-3, but that the commercial development appears to be local commercial.

Mr. Geohegan advised that C-3 is the only zone in which mini-warehouses are permitted. He added that the gas pumps would require a Conditional Use permit in any zone other than the C-3 Zone in which they are Principally Permitted.

Mr. Neltner asked if a lesser zone had been considered for the retail space. Mr. Nienaber stated that it had not been considered, but they would be agreeable to it.

Mr. DeLong asked if the applicant had checked to determine if the off ramp would take in part of the storage facility or gas station.

Mr. Geohegan noted a diagram attached to the Staff Report which indicates the access points on Mt. Zion Road in response to Mr. DeLong's question.

Mr. DeLong asked how long the applicants intend to keep the apartment buildings.

Mr. Nienaber stated that they are doing this project for themselves and do not intend to put it back on the market and sell it.

Mr. Damstrom asked what consideration had been given to the lighting and security of the mini-warehouses.

Mr. Nienaber stated that there will be fully-automated security. The buildings will be fenced with a computerized system to open the gates and monitor entry and exit from the facility. The lighting will be directional to minimize overflow to the adjacent areas.

Mr. McMillian asked for further clarification regarding the off-street parking and asked how many parking spaces per unit would be provided.

Mr. Nienaber stated that there will be conventional off-street parking and the number of parking spaces per unit will be per the County regulations.

There being no further questions, Mr. Viox asked Mr. Geohegan to complete the Staff Report at this time.

Mr. Geohegan completed the Staff Report and advised that should this request be approved, the Future Land Use Map and possibly the text would need to be adjusted (see Staff Report).

Chairman Viox asked if there were any further comments or questions.

Mr. Collins questioned the possibility of merging the Biltmore Boulevard access and the access to this site, noting his concern that 290 feet between the two is not adequate.

Mr. Nienaber noted that whatever is done in regard to the access must be approved by the State. He stated that they are willing to discuss Mr. Collins' suggestion and determine if it is feasible.

Mr. Jack Bresser, a resident of the subdivision, questioned why the street would be private.

Mr. Nienaber stated that the streets will be paved with concrete or asphalt and will meet the county regulations.

Mr. Bresser questioned the maintenance of the streets and Mr. Nienaber advised that they do not have a maintenance program at this time but it would be their objective to maintain the streets.


Lorie Clark asked if it would be possible to locate the pool and the sales office elsewhere in the development since they are currently on the Highland Acres side.

Mr. Nienaber stated that they are 150 feet from the property line but they would not be opposed to realigning them.

Chairman Viox asked if there were any further comments or questions.

There being no further discussion, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on April 6, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

ATTEST:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

April 6, 1988

8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Floyd Sharp

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of March 16, 1988 and the Public Hearings of March 23, 1988 and March 30, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Moore moved that they be approved. Mr. Rush seconded the motion and it carried unanimously.

4. Annexation Request by the City of Walton

A request of the City of Walton to annex three parcels of land (an approximate 19.94-acre site) located at 12637 Dixie Highway, Boone County, Kentucky. The site is currently owned by Alonzo and Ella Jean Barker and is zoned Rural Suburban (RS) and Agricultural Estate (A-2). A Public Hearing has been held to determine the impact of annexation upon the current zoning.

Mr. Gerald Newton, Director, read the Committee Report which indicated that the Annexation of the property should not affect its present zoning, based on the findings of fact (see Committee Report).

Chairman Viox asked if there was anyone present who wished to speak in regard to this item.

Mrs. Thelma Castellini questioned why a matter of annexation would come before the Planning and Zoning Commission. She stated that she thought an annexation matter should go to the voters, but the City of Walton had annexed the right-of-way of the road where no one lives.

Counselor Wilson advised that annexation is a decision of the city involved, but under current State statutes, the matter must be referred to the Commission to determine the effect of annexation upon the current zoning of the property.

In response to further questions from Mrs. Castellini, Counselor Wilson stated that the Commission is only authorized to address the effect of annexation upon the current zoning.

There being no further discussion, Mr. McMillian moved by resolution that the Commission's opinion, as expressed in the Committee Report, be transmitted to the City of Walton. He noted that the Commission is neither approving nor disapproving a zone change. Mr. Greene seconded the motion and it carried unanimously.

6. Zoning Map Amendment

A request of Martin J. Horwitz and William J. Kathman, Jr. (applicants) for Howard and Elaine Beeson (owners) for a Zoning Map Amendment on a 58-acre (approx.) site located south of Mt. Zion Road and east of Highland Acres Subdivision, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3) and Urban Residential One (UR-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Chairman Viox asked if the applicant was in agreement with the conditions.

Mr. Nienaber stated that they are in agreement with the Committee Report, including the conditions.

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

Mr. DeLong stated that he would abstain from voting as he has a personal interest in this matter.

Chairman Viox asked for a vote on the motion made by Mr. Barnett, which found all voting members in favor. The motion carried. Mr. DeLong abstained.

9. Concept Development Plan

The request of David S. Hils (applicant) for J & E Realty (owner) for the utilization of an underlying zone in Planned Development on a 0.5-acre site located at the corner of KY 18 and Glenn Street, Florence, Kentucky. The site is currently zoned Commercial Two/Planned Development.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the finding of fact, but subject to one condition (see Committee Report).

Chairman Viox asked the applicant if he was in agreement with the condition.

Mr. Hills stated that they are in agreement with the Committee Report and the condition.

Chairman Viox asked if there was anyone else present who wished to speak regarding this request.

Mr. Steve Cornett, one-half owner of the adjacent apartment building, asked if the 50-foot right-of-way could be moved up more in line with the other stores.

Mr. Newton advised that Mr. Cornett was referring to the setback, not the right-of-way. He noted that the Concept Development Plan indicates a substantial amount of buffering and also a fence to eliminate trespassing from one property to the other.

Mr. Hills advised that he could not put the building closer to KY 18 as he would lose some of his parking area when the roadway was widened.

Mr. Cornett questioned the length of the proposed fence.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Don McMillian, Chairman, Zone Change Committee

DATE: April 6, 1988

RE: Request of Martin J. Horwitz and William J. Kathman, Jr. (applicants) for Howard and Elaine Beeson (owners) for a Zoning Map Amendment on a +58 acre site located south of Mt. Zion Road and east of Highland Acres Subdivision, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3) and Urban Residential One (UR-1).

## REMARKS:

We, the Committee, recommend approval of the request based upon the following findings of fact and with the following conditions.

Findings of Fact

1. In the Committee's opinion, the applicant has demonstrated that the existing zoning of Suburban Residential One (SR-1) is inappropriate for the site because of the combination of future accessibility of the area and adjacent mobile home park land uses. The Committee agrees with the applicant that this combination of factors makes development of the site under the existing zoning unlikely. The applicant has also demonstrated, in the Committee's opinion, that the requested zoning districts of Commercial Services (C-3) and Urban Residential One (UR-1) are appropriate to reflect the future increased accessibility of the site with the I-75 and Mt. Zion interchange, and to achieve a transition of housing types between the mobile home parks on the east to the single-family subdivision on the west. Although the Boone County Comprehensive Plan generally treats housing densities as more important than housing types, the Committee believes that this unique site between a mobile home park and single-family subdivision, and with its relation to planned transportation improvements, requires the attention to transition of housing types.


Conditions

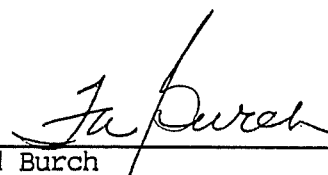
The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the 3/30/88 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

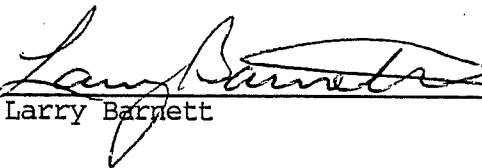
1. The developer shall work with the Kentucky Transportation Cabinet and Boone County Planning Commission in constructing an appropriate tee-intersection with the proposed, relocated Biltmore Boulevard in order to provide access to this 58 acre site. Should additional lanes be required on the relocated Biltmore Boulevard as a result of this development's traffic, the developers shall bear the financial costs.

The proposed access indicated on the submitted Concept Development Plan shall be utilized only as a Temporary Access Point in the case that the first phase of this development occurs before construction of the Mt. Zion interchange and Biltmore improvements. This temporary access point can be closed by the Planning Commission upon the availability of alternate access. In addition, the owner of the site shall participate in future frontage road or drive connections to properties to the east in order to achieve future access to Mt. Zion Road at the location of the proposed Mt. Zion Connector Road. The applicant shall submit traffic information as needed during subsequent reviews.


2. The proposed swimming pool and community building shall be constructed during the first phase of the development and shall be relocated to the point of entrance to the apartment uses and located near the center of the site away from Highland Acres Subdivision.
3. The developer shall sufficiently berm and landscape all areas visible to the public around the proposed mini-warehouses, as well as the rear of the proposed retail center where it is visible to residential properties or to motorists on Biltmore Boulevard.
4. The two acre recreation area indicated on the Concept Development Plan shall include a softball field, basketball court, and/or other facilities designed to serve the anticipated tenant mix. Full information regarding maintenance of these facilities shall be submitted during Preliminary Development Plan Review.
5. Detailed detention/retention plans shall be provided for the site to avoid adverse impacts on land uses downstream from the site.

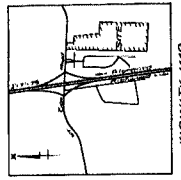
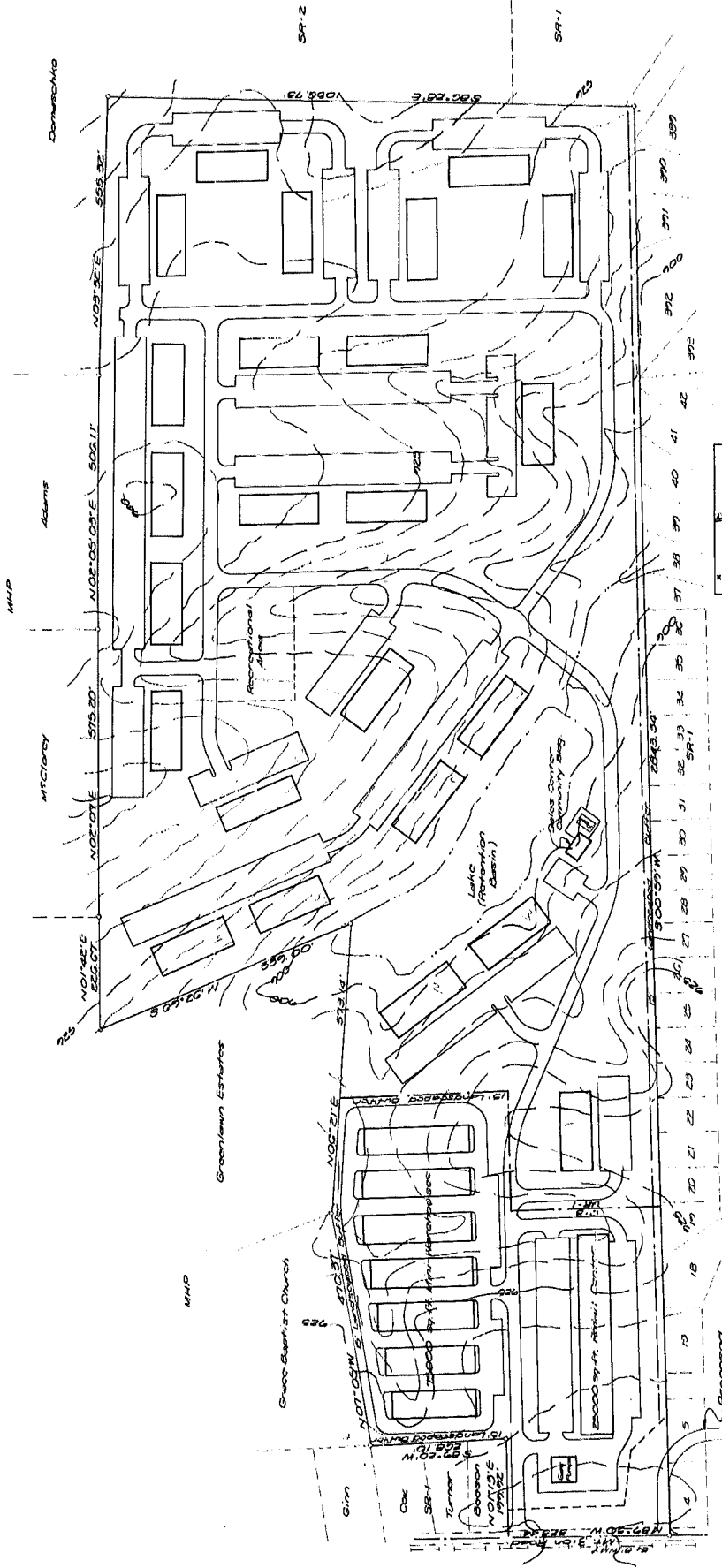
  
\_\_\_\_\_  
Don McMillian, Chairman

  
\_\_\_\_\_  
Fred Burch

  
\_\_\_\_\_  
Larry Barnett

\_\_\_\_\_  
Rector Jones

  
\_\_\_\_\_  
Carol Smith



HIGHLAND ACRES SUBDIVISION

Total Area: 58.27 Acres  
 C&G Area: 10.03 Acres  
 U&I Area: 48.24 Acres  
 Total Units: 576 Units

Water and Sewer: Sewer to be provided by the Boone County Water and Sewer District

PROPOSED ZONE CHANGE	
Drawn by:	...
Scale:	1" = 50'
Checked by:	...
Designed by:	...
Drawn by:	...
Engineer:	...

R-18-88

ORDINANCE 920.148

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3) AND URBAN RESIDENTIAL ONE (UR-1) FOR A 58 (FIFTY-EIGHT) ACRE SITE GENERALLY LOCATED SOUTH OF MT. ZION ROAD AND EAST OF HIGHLAND ACRES SUBDIVISION, BOONE COUNTY, KENTUCKY AS REQUESTED BY MARTIN J. HORWITZ AND WILLIAM J. KATHMAN, JR. (APPLICANTS) FOR HOWARD AND ELAINE BEESON (OWNERS) AND BEING RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION VIA RESOLUTION R-18-88.

WHEREAS, the Boone County Fiscal Court received a request for approval 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 Commercial Services (C-3) and Urban Residential One (UR-1) for a 58 (fifty-eight) acre site generally located south of Mt. Zion Road and east of Highland Acres Subdivision, 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 RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) and Urban Residential One (UR-1) for a 58 (fifty-eight) acre site generally located south of Mr. Zion Road and east of Highland Acres Subdivision, Boone County, Kentucky. the real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in attached "Exhibit A."

SECTION II

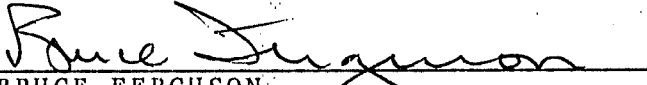
That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and official records for this zone change request, shall be and are

hereby incorporated by reference as if fully set out in this Ordinance (ATTACHED - EXHIBITS "B" AND "C").

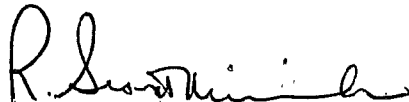
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the third day of May, 1988.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the second day of June, 1988, 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 in full force and effect.

  
BRUCE FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

  
R. SCOTT KIMMICH  
FISCAL COURT CLERK

SUBMITTED BY:

  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

6/29/88  
DATE PUBLISHED