

ZONING MAP AMENDMENT REQUEST BY RAYMOND GAINES(OWNER)
FOR PROPERTY LOCATED ON BULLITTSBURG CHURCH ROAD, BOONE COUNTY, KENTUCKY

This is a Zoning Map Amendment by Raymond Gaines (owner) for a 5.05 acre tract located on the west side of Bullittsburg Church Road, approximately 0.2 miles north of KY 20. The site is currently zoned Rural Suburban Estates (RSE) and the request is to rezone the property Rural Suburban (RS). Properties to the north, south, east and west are zoned Rural Suburban Estates (RSE) with several single-family residences in the immediate area. There is an existing Commercial Services (C-3) zoning district located approximately 200 feet north of the 5.05 acre site. Also, there is a single-family residence presently located on the tract.

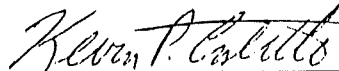
The Boone County Comprehensive Plan Land Use map indicates a future land use for this site as low density residential. This particular site and the general area are referred to in the current Comprehensive Plan in a number of ways:

- 1) Page 2.4 discusses policies and objectives of the Plan.
"A broad range of housing opportunities in terms of size, type and cost will be provided within the County."
- 2) Page 3.15 describes the Bullittsville area. "The Bullittsville area is planned on the intersection of Graves Road/KY 20/Burlington-Bullittsville Road. At this intersection, neighborhood commercial facilities are planned to serve the immediate area. Residential development densities are planned to decrease west of Bullittsville and south toward Burlington, out of the full urban service area."
- 3) Page 4.3 discusses transportation improvements in the area.
"Further west in Boone County, KY 8 is planned to be extended from the Ohio River southwest to connect with I-275 at Bullittsburg Church Road and KY 20."

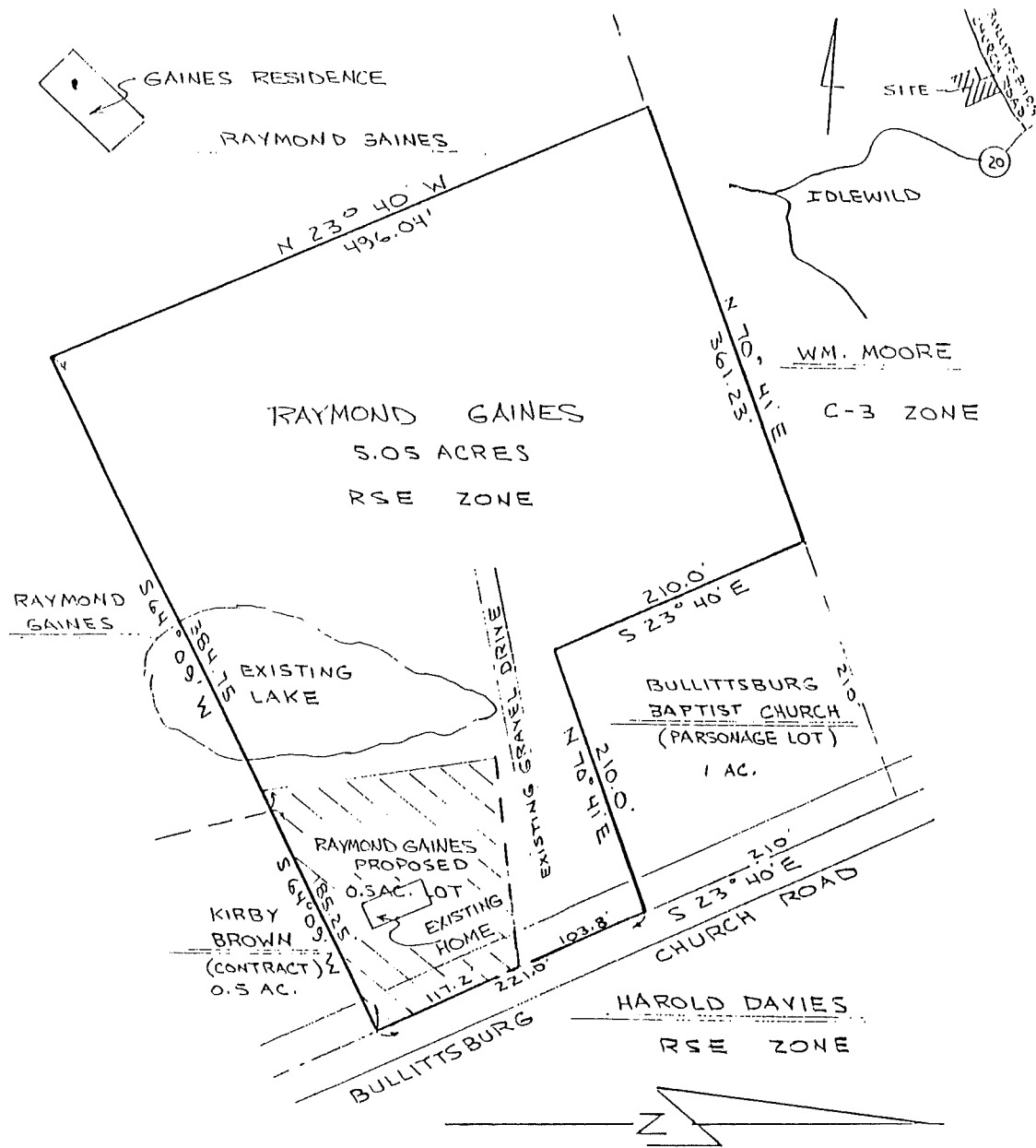
In summary, the Comprehensive Plan Land Use map and text suggest that the 5.05 acre site and immediate area be residential in nature.

According to the provisions in Section 303 of Article 3, Boone County Zoning Regulations, there is no requirement for the applicant to submit a concept development plan as part of the zone change request. Instead, the applicant has submitted a plot plan to show the 5.05 acre site and the approximate location of the existing buildings. The 5.05 acre site was part of a larger tract owned by the applicant and recorded prior to the adoption of the Boone County Zoning Regulations. Gradually, the applicant has sold individual tracts of land. The applicant is requesting a zone change to permit the sale of a 0.5 acre parcel. A single-family residence is presently located on the proposed 0.5 acre lot and is currently nonconforming according to the dimensional standards of the Rural Suburban Estates (RSE) zoning district (1 dwelling unit per acre, 40,000 square feet minimum lot size).

If the proposed zone change is approved by the Boone County Planning Commission and the Boone County Fiscal Court, the Boone County Zoning Map will have to be changes from Rural Suburban Estates (RSE) to Rural Suburban (RS).



Kevin P. Costello
Assistant Director/Sr. Planner



RAYMOND GAINES PROPERTY
 5.05 ACRES FOR PROPOSED ZONE CHANGE
 BOONE COUNTY KENTUCKY

WEST SIDE BULLITTSBURG CHURCH RD.
 0.2 MILE NORTH KY. HWY. 20

AUG. 21, 1984
 REF. D.B. 198, P. 323

SCALE 1" = 100'

TIMOTHY R. McNEELY
 Registered Land Surveyor
 7103 McVillie Road
 Burlington, KY 41005 Ph. 586-6497

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

FEBRUARY 26, 1986

8:00 P.M.

#6

Vice-Chairman David Martin opened the Public Hearing on the 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.

Mr. Tim McNeely, representative for applicant, explained the applicant was requesting the zone change for the 5.0 acres because he felt the current zoning was inappropriate because of the size of the existing lots that were layed out adjoining the proposed property along Bullittsville Road previous to the new zoning regulations

Asst. Director Kevin Costello presented staff report. (See staff report/Exhibit A) Mr. Costello stated the applicant was requesting the zone change to permit the sale of an $\frac{1}{2}$ acre parcel. Mr. Costello noted that because the request was for a single-family residence a Concept Development Plan would not be required.

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

Mr. Bill Moore, 2722 Bullittsville Road inquired if applicant would not be developing more than five acres.

Mr. McNeely stated the applicant was just interested in the $\frac{1}{2}$ acre lot.

Mr. Moore inquired if Mr. McNeely's response meant the applicant was not going to develop the remaining acreage.

Mr. McNeely stated he could not be sure later on but noted at the present time the applicant was only interested in the $\frac{1}{2}$ acre.

Mr. Costello stated the minimum lot size would be $\frac{1}{2}$ acre and the applicant could sub-divide the tract of land up.

Mr. Moore inquired if the applicant received approval of the zone change request could he later develop the other 9 lots.

Director Newton stated that unless the applicant stated specifically he would not develop the remaining lots and if the

February 26, 1986
PAGE TWO

applicant goes through Subdivision Review in the future the possibility of the remaining lots being developed was very possible. Director Newton noted the applicant would have to come through the Planning Commission for Subdivision Review.

Hearing no further questions or comments, 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: William Viox, Chairman

DATE: March 5, 1986

RE:

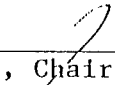
Request of Raymond Gaines for a Zoning Map Amendment on a 5.0 acre parcel located on the west side of Bullittsburg Church Road, approximately 0.2 miles north of KY 20, Boone County, Kentucky. The property is currently zoned Rural Suburban Estates, RSE. A request is being made to rezone the property Rural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

REMARKS:

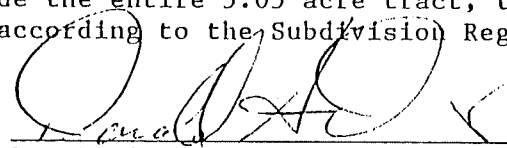
We, the Committee, recommend approval of the zone change request from Rural Suburban Estates, RSE to Rural Suburban, RS for a 5.05 acre site. The Committee's approval is based upon the following findings of fact.

The Boone County Comprehensive Plan Land Use map and text indicates a future land use for this site as low density residential. The zone change request is consistent with the Boone County Comprehensive Plan. Also, the applicant's request is consistent with the size of the existing lots located along Bullittsburg Church Road, which were subdivided prior to the adoption of the 1980 Boone county Zoning Regulations. Currently, the single-family residence located on the proposed 0.5 acre parcel (located within the 5.05 acre tract) is non-conforming according to the dimensional standards of the Rural Suburban Estates, RSE zoning district (1 dwelling unit per acre, 40,000 square feet minimum lot size).

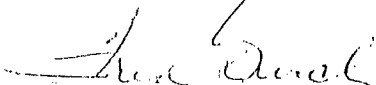
The Committee also states that if the zone change request is approved and if the applicant decides to eventually subdivide the entire 5.05 acre tract, then the applicant will be required to submit plans according to the Subdivision Regulations.




 William Viox, Chairman




 Don Davis



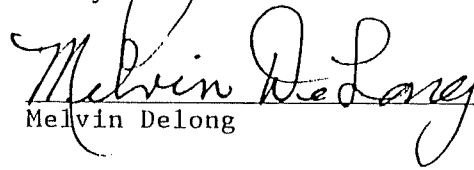
 Fred Burch



 Larry Barnett



 Rector Jones



 Melvin Delong

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 RURAL SUBURBAN ESTATES TO RURAL SUBURBAN LOCATED ON THE WEST SIDE OF BULLITTSBURG CHURCH ROAD, APPROXIMATELY 0.2 MILES NORTH OF KY 20, BOONE COUNTY, KENTUCKY, AS REQUESTED BY RAYMOND GAINES AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION VIA RESOLUTION NO. R-19-86.

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 Rural Suburban Estates, RSE to Rural Suburban, RS located on the west side of Bullittsburg Church Road, approximately 0.2 miles north of KY 20, 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 Rural Suburban Estates, RSE to Rural Suburban, RS. 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. Rouse
Jerry W. Rouse
Boone County Clerk

Submitted:

Larry Crigler
Larry Crigler
County Attorney

May 15, 1986
(DATE PUBLISHED)