

STAFF REPORT

#1

REQUEST OF EARL BAETEN (OWNER) FOR A ZONING MAP AMENDMENT AND CONDITIONAL USE PERMIT ON A 22.82 ACRE SITE ON FROGTOWN ROAD, BOONE COUNTY, KENTUCKY

MARCH 22, 1989

This is a request of Earl Baeten (owner) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) and for a Conditional Use Permit under the Agricultural Estate (A-2) zone to allow a plant nursery and garden sales business. The 22.82 acre site comprised of two parcels, is located on the north side of Frogtown Road, west of I-75, Boone County, Kentucky.

The submitted Concept Development Plan indicates a 1,200 square foot sales and display building set back approximately 115 feet from Frogtown Road. Five greenhouses are shown attached to the building as well as open and enclosed display areas. A storage building is proposed west of the sales building. All the commercial buildings and parking areas are proposed for the eastern side of the two parcels that comprise the 22.82 acre site. Access is proposed near the center of this eastern parcel's frontage.

FEATURES OF THE SITE

A survey plat of the two Baeten parcels is attached to this report. The combination 22.82 acre site has two frontages on Frogtown Road and actually surrounds a 9.5 acre tract containing a single-family residence. The site is comprised of rolling terrain and fields. The owner currently has several small greenhouse facilities and currently grows nursery plants on the site for sale elsewhere. There is a recently constructed pond near the west edge of the site and two barns on the site.

Soils present on the site include Jessup Silt Loam (JeD) usually found on 12 to 20 percent slopes and two types of Rossmoyne Silt Loam (RsB and RsC) usually found on 0 to 12 percent slopes. These soils present moderate hazard of erosion.

SURROUNDING LAND USES AND ZONING

The site contains 806 feet of frontage on I-75 and the north edge of the site borders the southbound interstate rest area on I-75. An approximately three acre tract with a single-family residence lies between the 22.82 acre site and I-75. This tract and the residential 9.5 acre tract surrounded by the Baeten property are zoned Suburban Residential One (SR-1). West of the site are more residences along Frogtown Road and areas of mixed fields and roads, also zoned Suburban Residential One (SR-1).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1986 Future Land Use Map depicts the site as future Low Density Residential land uses with a density of up to three dwelling units per acre. The site lies on the border between the Union Housing Area and the Florence-Walton Housing Area discussed in the Housing Element. The generalized Union Area is forecasted to experience considerable residential growth of a suburban character while the Florence-Walton Area is mainly addressed east of I-75 as future industrial and

commercial development. The proposed use can be considered part agricultural and part commercial. The effect of changing this site from Suburban Residential One (SR-1) to Agricultural Estate (A-2) would mean that the permitted intensity, if developed in a residential manner, would decrease from a maximum of four (4) units per acre to one (1) unit per two (2) acres.

The Agriculture Element notes that the site lies within an area considered by the U.S. Soil Conservation Service as "Prime Farmland". The Goals and Objectives of the Business Activity Element recommend that commercial uses be developed at strategic locations relative to their trade areas with direct access and ample parking space.

CONDITIONAL USE REQUEST

The applicant is requesting a Conditional Use Permit to allow the sale of nursery and garden items on the 22.82 acre site. There are seven general standards applicable to all Conditional Uses under Section 263 of the Boone County Zoning Regulations. Staff has reviewed these seven standards.

1. The proposed use can be in general accordance with the Boone County Comprehensive Plan in that the business aspect of the use can serve nearby residential growth and that it is an agriculturally related use in an area recognized as important agricultural land.
2. The business activity aspect of the proposed use can be designed to be in keeping with the intended character of the general vicinity.
3. The use of pesticides or other chemicals should be clarified by the applicant in relation to their potential impact on neighboring residential uses.
4. The applicant intends to utilize an existing pond on the site for watering purposes. There is also an existing eight (8) inch Boone County water line along Frogtown Road and a fire hydrant in front of the property.
5. Staff can find no reason that the proposed use would create excessive requirements for public facilities or services or have a detrimental effect on the economic welfare of the community.
6. The proposed use, if approved, would need to make careful use of any pesticides or fertilizers to avoid adverse impact on nearby residential uses.
7. The proposed location of the vehicular access to the sales operation may present sight distance limitations as outlined under Staff Concerns. The site could provide an adequate location near the east property line, however.

STAFF CONCERNS

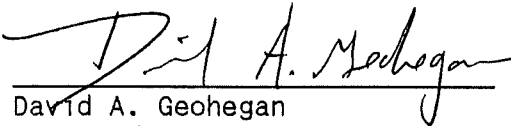
1. The proposed access point off Frogtown Road would have approximately 350 feet of sight distance to the west. The speed limit at this location is

45 miles per hour. If the proposed access is relocated near the east property line, additional sight distance and an easier grade change on to the site could be obtained.

2. The existing access to the western parcel also has limited sight distance and should, in staff's opinion, be eliminated if the request is approved.
3. The visual appearance of the overall business from Frogtown Road is important because of the great future residential growth anticipated to the west. Staff believes that free-standing signage would have a detrimental effect on the residential character of the area. Also, signage should not appear on the existing white barn near the interstate.
4. It is not clear whether the applicant plans additional greenhouses throughout the site.
5. Storage and parking areas should be adequately buffered from adjacent residences.

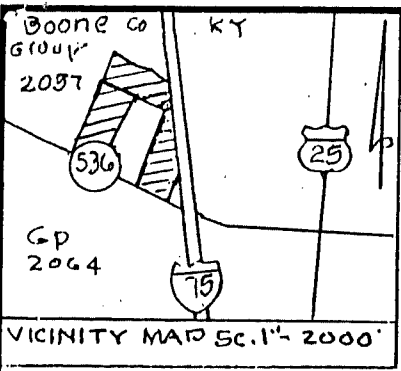
CONCLUSION

The Planning Commission needs to review this request in terms of the three criteria necessary for granting a Zoning Map Amendment as well as the seven standards necessary for granting a Conditional Use Permit. Should the request be approved, staff believes that the Future Land Use Map need not be changed since that map is a 25 year projection, and this proposed use may be a transitional use prior to future subdivision of the property.



David A. Geohegan
Planner/Plans Examiner

DAG:jdh



Zone SRI

KY. DOT Rest area

R/W 0.19

Earl Baeten APP

DB.380 P22
7.0 Ac

Present Zone = SRI

Zone sought = A2

Earl Baeten PA

15.82 AC.

Present Zone = SRI

Zone sought A-2

D.B. 390
P. 8

Approx Loc. proposed facilities

stall

Prop. Green-houses

Park

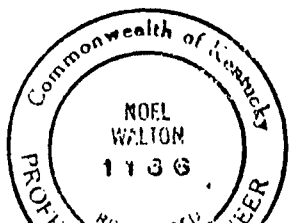
Zone SRI

All-SR-1 Zoning

Interstate HWY 75



STATE OF KENTUCKY
NOEL WALTON
91
REGISTERED
LAND SURVEYOR



PLAT-22.82 ACRES (2 PARCELS), NORTH SIDE FROGTOWN ROAD, MADE FOR ZONE CHANGE PURPOSES FOR EARL BAETEN

SCALE 1" = 200'	APPROVED BY:	DRAWN BY:
DATE 12/21/88		REVISED:

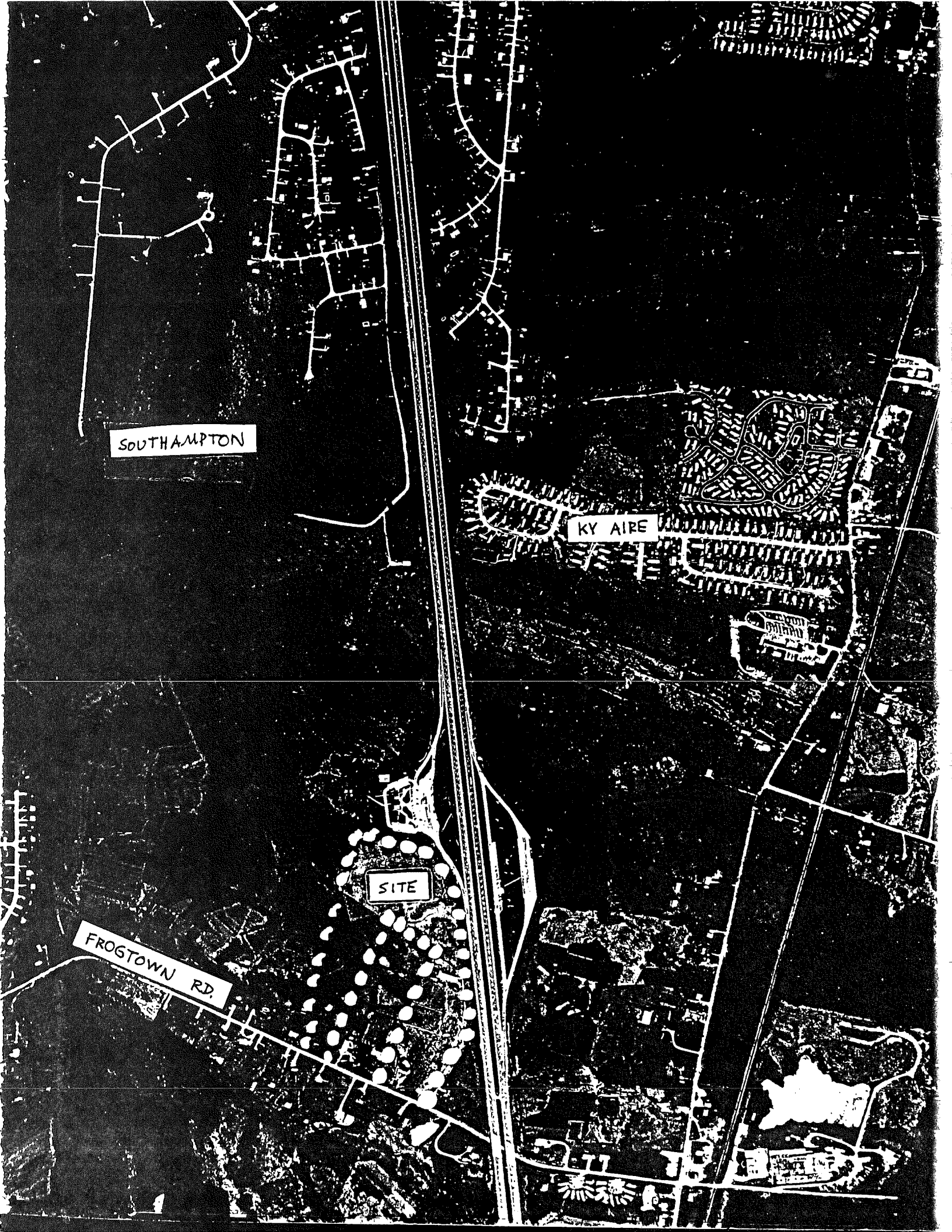
See D.B. 19 and pages shown above

SOUTHAMPTON

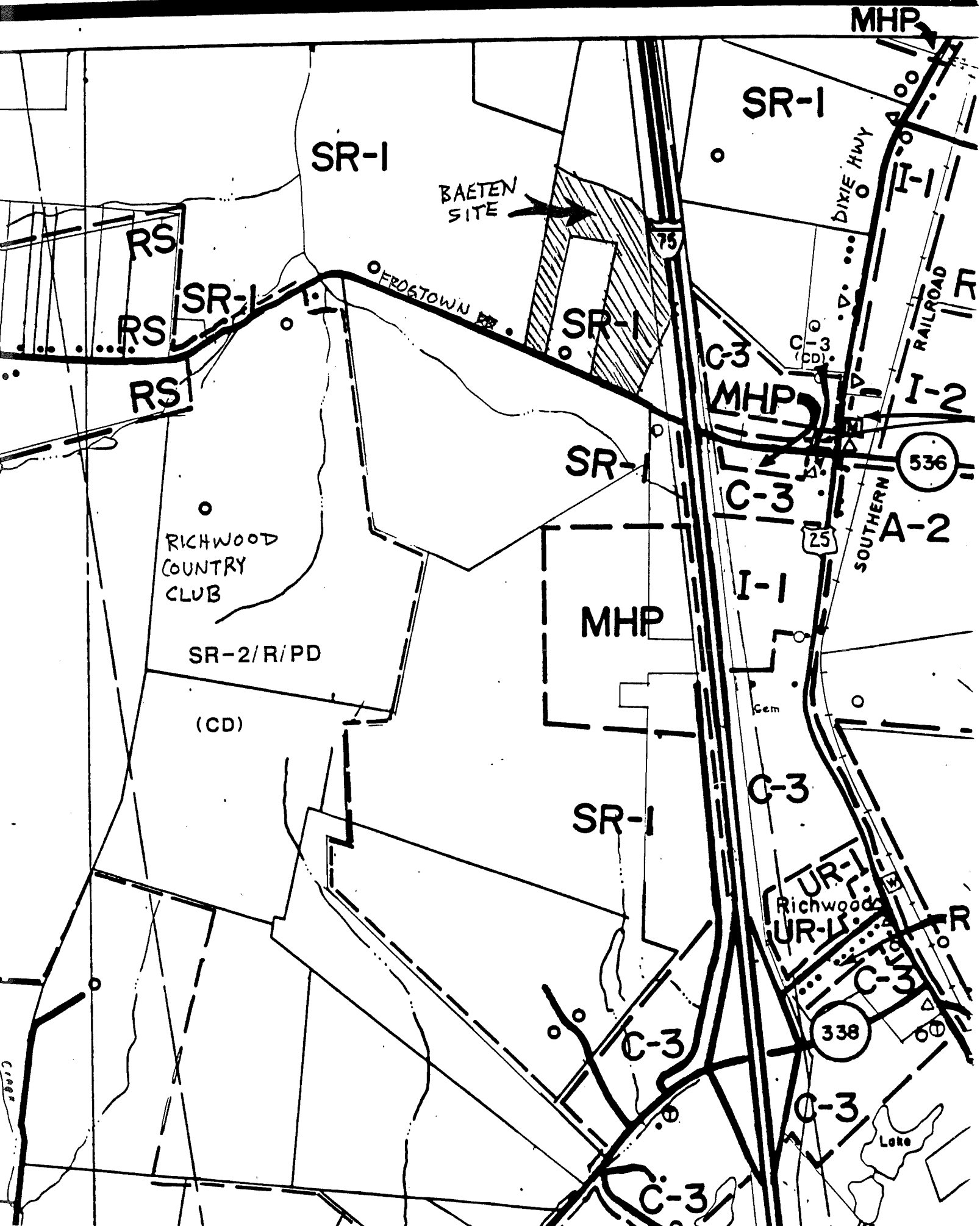
KY AIRE

SITE

FROGTOWN RD.



EXISTING ZONING 1989



APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

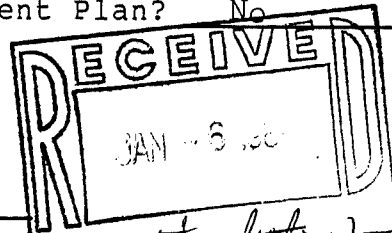
SECTION A (To be completed by applicant)

1. Name of Development Baeten's Nursery & Greenhouse
2. Location of Development NW corner I-75 & Frogtown Road
3. Total Acreage of Site 22.82
4. Current Zoning SR-1
5. Proposed Zoning (classification being requested) A-2
6. Proposed Uses (please specify each use) Growing trees, ~~Flowers~~ shrubs, plants-display & sale of same
7. Name of Applicant(s) Earl Baeten
Phone Number(s) 341-9743 or 341 3233
8. Address of Applicant(s) 357 Marmil Circle
Edgewood, Ky. 41017
City State Zip
9. Name of Property Owner(s) Same as applicant
Phone Number(s) _____
10. Address of Property Owner(s) _____
City State Zip
11. Proposed Building Intensities (please specify) _____
2 buildings on 22.82 acres
12. Are there any existing buildings on the site? No
How many? _____
13. Deed Book 380/22 & 390/8 Group No. 2057
14. Have you had a pre-application meeting with BCPC staff? No
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- _____ Boone County Water and Sewer District
- _____ Florence Water and Sewer Commission
- _____ Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Road Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Works Department
- _____ City of Walton Public Works Department
- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

(COMPLETE OTHER SIDE OF APPLICATION)

- 16. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
- 17. Applicant's Signature: _____
- 18. Property Owner's Signature: _____
- 19. Have you submitted a Concept Development Plan? No



SECTION B (To be completed by BCPC Staff)

- 1. Date Received 1-6-89
- 2. Fee Received 504.28
- 3. Check what has been submitted:
 Application Fee
 Concept Development Plan
 Legal Description *see notes below*
 Addresses of Adjoining Property Owners *lots*
- 5 No. of copies of plan received**
- 4. Is application complete? Yes _____ No
- 5. Staff Reviewer David A. Gresham
- 6. Committee Chairman Phil Damsron
- 7. Scheduled Public Hearing Date 3/2/89
- 8. Boone County Planning Commission Action:
 Approval
 Approval With Conditions 5/4/89 2MA & Conditional Use
 Disapproval
- 9. Other: _____

** FIVE (5) COPIES ARE REQUIRED

BCPC:7/11/88

*2MA pub.
 4x 22.82 acres
 4x 12 (prop owners)*

*\$ 200
 65
 91.28
 48
 \$ 504.28*

~~*Will mail copy of deed
 right away. JMA*~~

We, the residents of Cedarwood/Ashcreek Subdivision, are opposed to the proposed rezoning of the following properties on Frogtown Road: Those owned by Earl ^{BAETER} Bateman and described as **North of Frogtown, West of I-75, part of or complete track as recorded in Deed Book 380, page 22 and Deed Book 390, page 8.** The proposed rezoning would be from Residential to Agricultural with a contingency for Commercial/Retail use specifically for the purpose of operating a retail garden/nursery business.

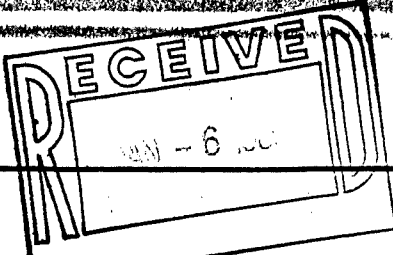
1. Carolyn West
2. Timothy West
3. Linda S. Sutton
4. Paulson
5. Bob Carlson
6. Carol Reinhardt
7. Eddie Ashworth
8. Jack Ashworth
9. Maia C. Parsons
10. Bob Dan Filippo
11. Charles Reinhardt
12. Chris Jess
13. Jim Rogers
14. Jeri Rich
15. Gary Rich
16. Stacia Khar
17. Paul Skaff
18. Jary Murphy
19. Dandy Muxler
20. Carl Casper

21. Kay Phillips
22. Elsa Hale
23. Robert L. Rhoades
24. Jerry Witte
25. Dee Witte
26. Carol Farkaul
27. Clint Farkaul
28. William E. Sam, Jr.
29. Maryetta Bave
30. Leslie Whelan
31. Jim Whelan
32. Vi Hart
33. John Hart
34. Rae Ann Bell
35. D. Bruce Bell
36. Joseph Salzman
37. Diane Allison
38. Mary Beth Eichinger
39. Jeri Eichinger
40. Paul Whelan

- 41. Debe. Micoard 64. _____
- 42. Wendy Micoard 65. _____
- 43. Margie Nyman 66. _____
- 44. Paul Nyman 67. _____
- 45. Anna Jackson 68. _____
- 46. Addie Sue Toole 69. _____
- 47. Lucille Miller 70. _____
- 48. Jessica Mastrorardo 71. _____
- 49. Jim Mastrorardo 72. _____
- 50. Mary Jane Johnson 73. _____
- 51. Charles D. Johnson 74. _____
- 52. Ray Larson 75. _____
- 53. Laura Kellum 76. _____
- 54. Sandy L. Thomson 77. _____
- 55. Loren J. Buss 78. _____
- 56. Bill Buss 79. _____
- 57. Barbara Bates 80. _____
- 58. James F. Guthrie 81. _____
- 59. _____ 82. _____
- 60. _____ 83. _____
- 61. _____ 84. _____
- 62. _____ 85. _____
- 63. _____ 86. _____

- | | |
|------------|------------|
| 87. _____ | 110. _____ |
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| 89. _____ | 112. _____ |
| 90. _____ | 113. _____ |
| 91. _____ | 114. _____ |
| 92. _____ | 115. _____ |
| 93. _____ | 116. _____ |
| 94. _____ | 117. _____ |
| 95. _____ | 118. _____ |
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| 97. _____ | 120. _____ |
| 98. _____ | 121. _____ |
| 99. _____ | 122. _____ |
| 100. _____ | 123. _____ |
| 101. _____ | 124. _____ |
| 102. _____ | 125. _____ |
| 103. _____ | 126. _____ |
| 104. _____ | 127. _____ |
| 105. _____ | 128. _____ |
| 106. _____ | 129. _____ |
| 107. _____ | 130. _____ |
| 108. _____ | 131. _____ |
| 109. _____ | 132. _____ |

EXHIBIT "A"



DEED BOOK 390 PAGE 8

Know All Men By These Presents:

CLERK'S OFFICE
SHORT FORM
DEED

PROPERTY TRANSFER TAX PAID \$ 1300
W. ROUSE, CLERK

That Paul O. Riddle and Mary F. Riddle, his wife

for and in consideration of One Hundred Thirty Thousand (\$130,000.00) Dollars to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

Earl Baeten, his

heirs and assigns forever, the following described Real Estate, in the City of Union;

County of Boone and Commonwealth of Kentucky, to-wit: Group No. 2057

Present Street Address Frogtown Road Plat No. _____

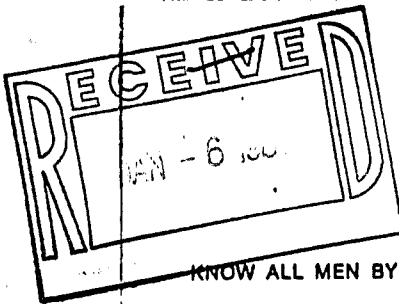
Mailing Address 357 Marmil Cir Edgewood Ky 41017

Located generally in Boone County Group #2057, on the Northeast side of Kentucky Highway #536 (Frogtown Road), directly West of Interstate Highway #75 and described thus:

Beginning at the common corner of the properties of Love (D.B. 126 page 3) and Loretta Ashcraft Poe, in the North line of Kentucky Highway #536 (Frogtown Road); thence with said line on said highway, S 64-48 E 405.26 feet; thence leaving said highway and running with lines of a parcel conveyed to Szabo, N 26-39-30 E 106.06 feet, N 37-28-30 E 60.93 feet, S 63-54-15 E 22.58 feet and N 33-30 E 355.99 feet to the corner of said parcel in the West line of Interstate Highway #75; thence therewith, N 6-6 W 530.6 feet, N 6-9 W 275.4 feet; thence leaving said highway and running with lines of a parcel of 4.325 acres proposed to be acquired by the Commonwealth of Kentucky, N 41-56-20 W 340.04 feet, N 61-34-40 W 363.35 feet and N 50-4-50 W 281.04 feet or sufficient to reach the West line of the original Ashcraft farm property; thence therewith, S 15-41 W 312.61 feet; thence with lines of parcels conveyed out of said original farm property, S 56-20 E 787.9 feet and S 22-52 W 1006.5 feet to the place of beginning containing 15.82 acres and subject to legal easements of record and in existence.

(See Attached)

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.
TO HAVE AND TO HOLD the same to the said Earl Baeten, his



BOOK 380 PAGE 22

Property Transfer Tax Paid \$ 5000
Clerk D.C. DC

DEED

KNOW ALL MEN BY THESE PRESENTS: That the grantor(s),
WILLIAM L. SMITH, SR. and DOLORES M. SMITH, his wife

for and in consideration of Fifty Thousand (\$50,000.00) Dollars and other good and valuable consideration to them paid by EARL BAETEN and SHIRLEY BAETEN, his wife,

the receipt whereof is hereby acknowledged, do(es) hereby bargain, sell and convey to the said grantee(s),

EARL BAETEN and SHIRLEY BAETEN, his wife, and to the survivor of them, his or her

heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky to-wit:
Grantee(s) Mailing Address 357 Marmil Circle, Edgewood, Kentucky 41017 Group No. 2057
Property Address Highway 536 (Frogtown Road), Union, Kentucky 41091 Plat Book _____ Page _____

Located in Boone County, Kentucky, lying on the north side of Kentucky Highway No. 536 (Frogtown Road) approximately 0.6 mile west of U.S. Highway 25 and is described as follows;

Beginning at an iron pin set in the north right-of-way line of Kentucky Highway 536 common corner of William L. Smith Sr. (Deed Book 144, page 469) and Peggy Brammerloh (Deed Book 339, page 117); thence with said right-of-way line N 65° 48' 58" W 155.00 Feet to an iron pin set; thence along a new division of William L. Smith, Sr., property N 21° 33' 28" E 349.26 Feet to an iron pin set in an existing fence; thence with said fence N 52° 36' 16" W 87.20 Feet to an iron pin set in the west line of Smith's original tract of 7.535 acres; thence with the west line of said tract N 15° 30' 00" E 779.75 Feet to an iron pin set at the base of a post corner of Paul O. Riddell (Deed Book 377, page 83); thence with the south line of Riddell S 56° 33' 29" E 402.16 Feet to an iron pin set at the base of a post corner of said Brammerloh, thence with Brammerloh S 25° 25' 31" W 1075.18 Feet to the point of beginning containing 7.00 acres and subject to all right-of-ways and easements of record.

This description was prepared from a new survey, by Timothy R. McNeely L.S. No. 2030 December, 1987.

Being a part of the same property conveyed to the grantor(s) by EDGAR ELDON ASHCRAFT and wife by deed dated 31st day of August, 19 60, and recorded in Deed Book 144, Page 469 in the office of the Clerk of the Boone County Court, Burlington Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to be the said grantee(s),
EARL BAETEN and SHIRLEY BAETEN, his wife, and to the survivor of them, his or her

SITE 2
KY 41

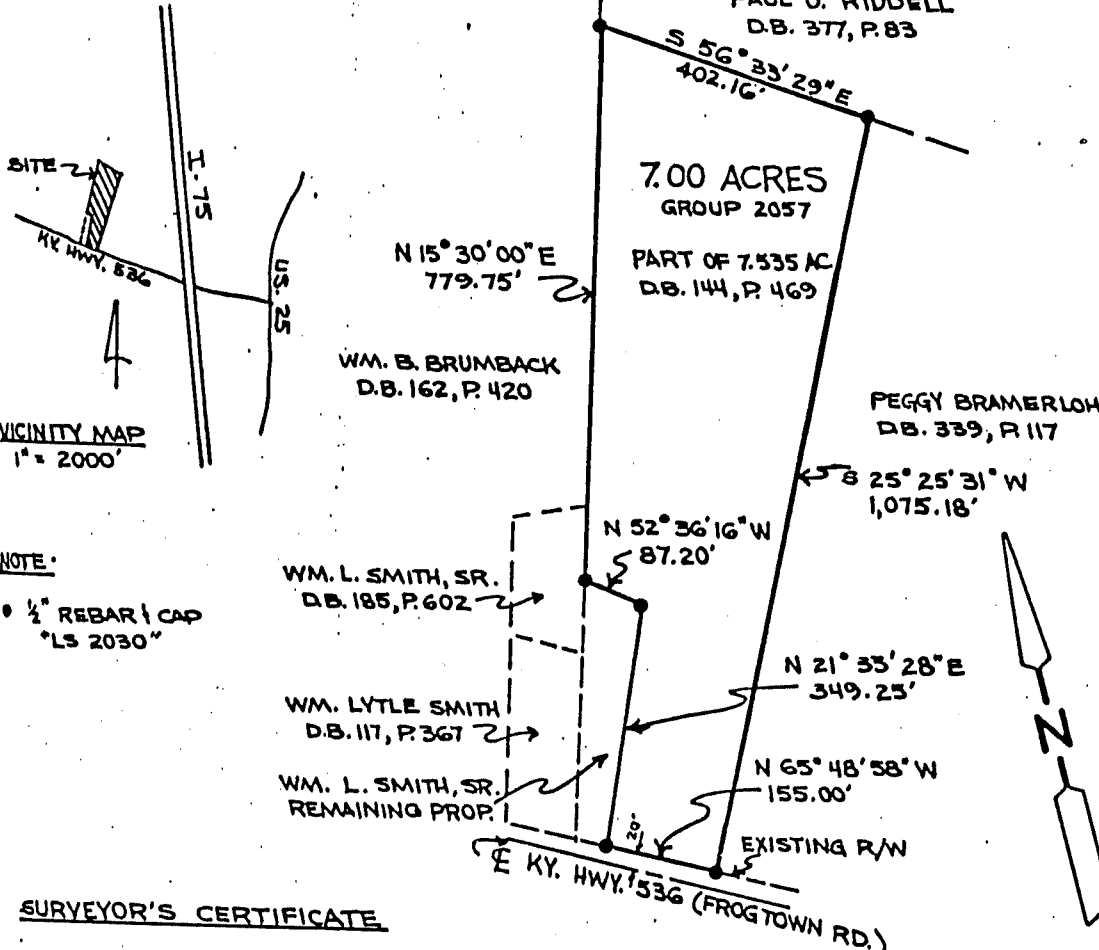
VICINITY
1" = 20'

NOTE:
• 1/2" R
• LS

SURV
I HER
A SURVE
DISTANC
JUSTED
VEY ME
STANDA
THE BA
DEED O
THE P
THE FIR
PROPER

Timothy R. McNeely
KY. R.

Zoned
1-13-88



VICINITY MAP
1" = 2000'

NOTE:
• 1/2" REBAR CAP
"LS 2030"

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME. THE BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN ADJUSTED FOR CLOSURE. THIS PLAT AND SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS OF GOVERNING AUTHORITIES. THE BASIS OF THE BEARINGS WAS THE DEED OF RECORD.

THE PARCEL SHOWN HEREON REPRESENTS THE FIRST SUBDIVISION OF THE ORIGINAL PROPERTY UNDER PRESENT OWNERSHIP.

APPROVAL

APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY BY THE BOONE COUNTY PLANNING COMMISSION.

Timothy R. McNeely 1-14-88
CHAIRMAN DATE

TIMOTHY R. MCNEELY
Registered Land Surveyor
6266 Main Street
Burlington, KY 41005 Ph. 588-6497

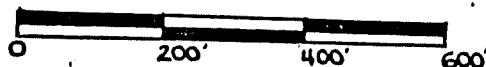
Timothy R. McNeely 1-5-88
KY. R.L.S. NO. 2030 DATE

PLAT OF 7.00 ACRES TO BE CONVEYED BY
WILLIAM L. SMITH, SR.
BOONE COUNTY KENTUCKY

NORTH SIDE KY. 536 (FROGTOWN RD.)
0.6 MILE WEST U.S. HWY. 25

JANUARY 4, 1988
REF. D.B. 144, P. 469

SCALE 1" = 200'



Zoned SP-1
1-13-88 ph

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

March 22, 1989

PUBLIC HEARING

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the item on the Agenda:

1. Applicant: Earl Baeten (owner)
Request: Zoning Map Amendment

This was a Public Hearing on the request of Earl Baeten (owner) for a Zoning Map Amendment and a Conditional Use Permit on a 22.82-acre parcel located north of Frogtown Road and west of I-75. The request is to rezone the property from Suburban Residential One (SR-1) to Agricultural Estate (A-2) and for a Conditional Use Permit to allow a plant nursery and greenhouses, including the display and sale of plants.

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

Mr. Tom Nienaber, attorney, representing Mr. Baeten, distributed to the Commissioners a packet of material prepared in regard to this request. Mr. Nienaber stated that there are currently a couple of barns on the property and the applicants wants to continue the operation of a nursery business. He wants to add the retail sale of plant materials and related products to his business. He does not want to sell lawn equipment or tractors, but only products such as landscape materials, trees, shrubs, etc.. The buildings on the site will be retained for storage use. There will be no outside storage of tractors. The business will not be a franchise operation and there will be no crafts. There will be a greenhouse adjacent to the retail sales facility and additional greenhouses built to the rear -- probably six, over a period of time. He noted that included in the packet is an example of the type of greenhouse that will be built (see Sun-Mate Greenhouses). The greenhouses will be lined up, as shown on the plan, lying east to west to look nicer and get better sun. To the left of the sales office and greenhouses will be a small 20' X 24' storage building for equipment and fertilizer materials. These will be stored under lock and key. No chemicals or pesticides will be stored that could not be bought elsewhere in Florence. Mr. Baeten does not keep more than about a weeks supply in the building. The main item will be the sale of a packaged landscape service. The sale of flowers will be

secondary. On the east side, there will be a display enclosure with an open-air display area behind it.

Mr. Nienaber noted that the adjoining property owners are listed in the packet and none of them are present. Mr. Baeten has contacted them and they have no problems or opposition. The business will employ three people. Mr. Baeten's sons will work there. They feel that traffic impact will be minimal. Mr. Nienaber noted that approximately 66 single-family dwellings could be built on the site and the traffic generated from this project will not generate as much traffic. Mr. Baeten is in the process of designing a landscaped sign area in the front, consistent with the business. There will be adequate buffer for the residential properties on the east and west.

Mr. Nienaber stated that due to recent changes in the surrounding area, SR-1 zoning is impractical. He noted that KDOT plans to reconstruct and build-up the I-75 rest area southbound. They intend to triple the size of the rest area and place more emphasis on truckers and campers. He noted a drawing in the packet indicating the current and proposed boundaries of the rest area. There will be a trucker canteen and possibly showers. There will be an increase in the acceleration lane down I-75 almost to Frogtown Road for better truck access. Therefore, the property in question will be half-surrounded by the rest area and acceleration lane which renders it impractical for residential use. Mr. Baeten does not feel that the fumes will be a serious problem for the nursery. The rest area will be one of the five largest in the nation.

Mr. Nienaber stated that they have contacted Boone County Water and Sewer and there does not seem to be a problem with the water. Mr. Baeten has met with the Health Department in regard to the sewer system and that should not be a problem. Mr. Nienaber noted Staff's concerns in regard to the access point and stated that they are agreeable to moving it to the east as recommended by Staff. They do not want the driveway between the two spruce trees to the red barn to be used by customers. They do not have a problem in cutting off the use of the driveway to their customers, but would like to keep it for Mr. Baeten's access to the barn. Based on concern for the appearance of the facility from Frogtown Road, there will be a black veneer facade on the building. Mr. Nienaber stated that although they anticipate having five greenhouses, they would also like to have polyhouses -- which are covered up in the winter. He does not believe they would be visible from Frogtown Road. The phase in of the greenhouses depends on the success of the business, but there will be five.

In response to a question from the Chairman regarding the number of greenhouses, Mr. Baeten stated that the size of the area for the greenhouses is 100' X 100'. There may only be three or four greenhouses, but they will not together be larger than 100' X 100'.

In response to a question from the Chairman, Mr. Nienaber advised that there is a "hump" in the driveway going from east to west that will be leveled for easier access.

The Chairman asked if there was anyone else present who wished to speak in behalf of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Mr. John Szabo, an adjoining property owner, stated that the gravel road is his own private road and there is an egress in his deed allowing Mr. Baeten to use it until the land is commercially developed.

Mr. Nienaber stated that Mr. Szabo is referring to the access point on the eastern portion of the property and they do not anticipate moving that access.

Mr. Vic Munson, a resident of South Hampton Estates and President of South Hampton Estates Neighborhood Association, which has more than 50% of the residents as members, stated that they had a meeting last week in this regard and he has received many calls from the residents. They are opposed to the zone change. They were led to believe that properties east of I-75 have been reserved in the Comprehensive Plan for residential development, not commercial. This change may set a precedent to allow additional commercial and retail uses. He stated that there is a natural barrier between the rest area and this site.

Chairman Viox advised that the application is to change the zoning from SR-1 to A-2 and for a Conditional Use Permit to allow plant and nursery greenhouses. He noted that this use is allowed in the Agricultural (A-2) Zone. They are not asking for commercial zoning. He asked Mr. Munson if he was objecting to a commercial-type business in an agricultural zone.

Mr. Munson stated that he was objecting to this.

Mr. Bob Sanper of Cedarwood Village questioned the difference between the agricultural and commercial zones and asked if this would be the first step toward making this a commercial zone.

Mr. Geohegan discussed the uses permitted in the agricultural zone and the requirements of the two allowable conditional uses. He also reviewed the uses permitted in the commercial zones.

Mr. Sanper stated that the chemical products and mulch are not produced on the property. They are being brought in and sold, which is a commercial use.

Mr. Geohegan advised that there is some interpretation and consideration of the scale. If the scale changes, then there could be a zoning enforcement action.

Mrs. Szabo stated that when Mr. Baeten builds his road, it will null and void their easement. Mr. Baeten stated that he would be agreeable to this.

Mr. Jerry Whiting, Cedarwood Village, stated that a petition would be submitted by their members. He questioned the insecticides and fertilizers to be used, how many nurseries there are within a 10-mile radius and if this would be a saturation level, what happens to the dead trees, whether or not water trucks would come in, where the rain water would drain and if it would contain fertilizers and pesticides, if cars will be backing in and out off Frogtown Road, and how many parking spaces would be allowed, as well as how much inventory there would be.

M. Nienaber stated that Mr. Baeten buys fertilizers on a when-needed basis and maintains about a week's supply. The pesticides can be bought at Frank's. They do not have traffic projections. It will be a three-man business with most of their business concentrated on outside jobs. There business hours will be mostly daylight hours. In the winter, there will be little, if any, traffic. They have no idea how many competitors there are in the area. He stated that regulations will have to be followed regarding refuse disposal. There will be no burning of trees on the property. In regard to water supply, there are two ponds that will be used. Drainage collects in the ponds. Mr. Baeten cannot afford to use city water to keep his stock alive. He will not use any different pesticides or fertilizers than one would use in their front yard. They will comply with the regulations regarding parking at the design stage. They have space for more than adequate parking.

Mr. Gene Simpson stated that the driveway will be at his front door and he has no objection. He prefers a nursery to many other uses. A nursery is beautiful.

Mr. Munson stated that if Mr. Baeten starts making money in this business then there will be tractors, etc..

Mr. Jim Easen stated that Mr. Baeten is currently in the landscape and growing business. He stated that he is currently using pesticides and most likely doing so safely.

Mr. Baeten stated that he is not in the business full-time.

Ms. Linda Guthrie of Cedarwood submitted a petition in opposition to the zone change.

Mr. Abe Miller asked if the agricultural zone permits the sale of pesticides and rocks not grown on the property.

Mr. Newton advised that the second part of the request is the Conditional Use Permit which would allow the sale of these items.

Mr. Bill Bass of Cedarwood questioned the drainage of the site since the lakes are at the rear.

Mr. Baeten advised that he will eliminate the pond on Frogtown Road and will have one pond at the back of the property. The overflow goes into the blue-line stream and comes around to Frogtown Road. The pond that will be filled in presently flows toward Frogtown Road.

Mr. Bass stated that there is mulch stored outside of the barn and it has been there about a year. He noted that Mr. Nienaber had given the impression that only what was needed would be stored. He noted that a lot of products could catch fire.

Mr. Baeten stated that they use mulch every day.

Mr. John Hart, Cedarwood Estates, stated that the people who built their homes there figured the property would stay residential. The people in Cedarwood are against the proposal. He stated that this operation is like a garden -- it looks good for a couple of weeks and the rest of the year it looks sad. He stated that it would be impossible for them to only have a weeks supply of merchandise and chemicals as a business cannot be run that way. He stated that it is not correct to allow a retail establishment on a site meant for housing.

Following discussion of the text regarding what is permitted in the Agricultural Zone, Mr. Moore stated that the prominent retail theme should be the products actually produced on the premises. He asked that the Zone Change Committee address this. Counselor Wilson noted that there could be incidental sale of items not produced on the premises if they would be accessory to the products produced on the site.

In response to a question from Mr. Sharp, Mr. Nienaber stated that for the most part their hours of operation will be limited to daylight hours. Mr. Baeten stated that the only exception would be for Christmas trees.

Mr. Sharp stated that he is also concerned about the lighting.

Mr. Barnett questioned how much of the site would be under roof. Mr. Nienaber stated that, excluding polyhouses or existing barns, approximately 15,000 sq. ft. which includes the greenhouses. He stated that about a third of an acre would be under roof and the rest would be green space.

Mr. DeLong asked if Mr. Baeten now notices truck traffic coming in and out of the rest area. Mr. Baeten stated that he does.

Mr. Damstrom stated that he is concerned about the appearance of the polyhouses. He asked how many polyhouses would be put up and Mr. Baeten advised that there would be 10 or 12.

Mr. Damstrom stated that he would also like to see a list of the proposed accessory items.

Mr. Nienaber stated that Mr. Baeten will provide an inventory list of what he may sell in the future.

Mr. Neltner questioned what percentage of plant materials would be produced on the site, as opposed to being purchased from a large producer that would be delivering them by tractor trailer. He questioned how many tractor trailers there would be per week.

Mr. Baeten stated that he hopes to produce the largest amount of the trees, shrubs, and flowers. There are many flowers that do not grow around here and have to be bought. There may be times when he is low and has to bring in items. He stated that he picks up deliveries from an unloading point with his pick-up truck. He stated that there may be one semi a year on the site.

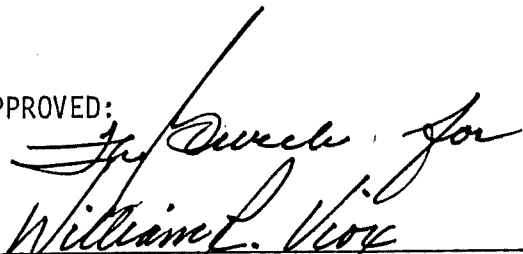
In response to a question from Mrs. Bushelman, Mr. Baeten stated that his sign is being designed. It is landscaped with shrubs and a hanging basket. He will conform to the regulations.

In response to questions from Mr. Sharp, Mr. Baeten advised that the equipment he anticipates using is in the barn now. It is a tractor and tillers.

Mr. Geohegan stated that he and Mr. Doug Powell, the Transportation Planner, are concerned about the access on the western portion of the property being used by a tractor pulling merchandise to the sales area. They would like to see the transporting of the trees and bushes take place on the premises due to the bad sight distance.

There being no further comments, the Chairman stated that this item will be on the Agenda for the Business Meeting on April 5, 1989 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 5, 1989

8:00 P.M.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Floyd Sharp
Mrs. Carol Smith

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. Ralph Rush
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Burch noted that each member had received copies of the Minutes of the Business Meeting of March 15, 1989, the Business Meeting and Public Hearing of March 22, 1989, and the Business Meeting of March 29, 1989. He asked if there were any comments or corrections.

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

Mr. Greene noted that the applicant has agreed to the conditions. He stated that a development is needed that will include the road improvements and this is a good chance to get the road improvements.

Mr. Barnett referred to Mr. Burch's comments and stated that specialty retail uses, such as restaurants, are being traded for regional retail use. He stated that the Commission does not want to make this corner a draw area.

There being no further comments, Mr. Burch asked for a roll call vote on the motion made by Mr. Greene which found Mr. Burch, Mr. Collins, Mr. Greene, Mr. Jones, Mr. Neltner and Mrs. Smith in favor. Mr. Barnett, Mrs. Bushelman, Mr. McMillian, Mr. Moore, and Mr. Sharp were opposed. The motion carried by a vote of 6 to 5.

2. Zoning Map Amendment

The request of Earl Baeten (owner) for a Zoning Map Amendment and a Conditional Use Permit on a 22.82-acre parcel located north of Frogtown Road and west of I-75. The request is to rezone the property from Suburban Residential One (SR-1) to Agricultural Estate (A-2) and for a Conditional Use Permit to allow a plant nursery and greenhouses, including the display and sale of plants.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the Zoning Map Amendment and Conditional Use Permit based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Collins moved that the request be approved based on the Staff and Committee Reports. Mr. Neltner seconded the motion.

Mr. Nienaber, representing the applicant, stated that they are in agreement with the report and have signed the conditions. They are in agreement with the conditions.

Mr. Burch asked if there were comments from a spokesman of those in opposition.

Mr. Dick Munson, President of South Hampton Estates Neighborhood Association, stated that there are approximately 60 residents in the neighborhood and they are opposed to the zone change. He stated that the Comprehensive Plan recommends that the area west of I-75 remain residential. The proposed change sets a dangerous precedent for the area. He stated that the property abutting the rest area should not be a reason for the change as there is no immediate access.

Mr. Tim Wirt, Cedarwood Village, stated that they have a stream in back of their subdivision and many children play there. He is concerned about pesticides and chemicals leaching into the stream. He questioned the quantities that would be used.

Mrs. Thelma Castellini questioned whether or not the conditions are enforceable.

Mr. Newton clarified those items that were statements made by the applicant and those items which are conditions of approval. He stated that the conditions are enforceable.

Counselor Wilson stated that the items identified as conditions, when agreed to, are enforceable. He added that findings of fact are findings made by the Committee that may be accepted by the Commission in regard to the conclusions reached. They are not conditions of the zone change.

Mr. Nienaber stated that typical fertilizer would be used. There would be malathion and diazanon in insecticides and pesticides, which are items people would have in their garage. He stated that Mr. Baeten could not think of any more toxic items that would be used than these. There will be limited storage of these items. There will not be large quantities.

Mr. Baeten stated that if he uses one gallon of chemicals, then Ammon's uses 100 gallons.

Mr. Neltner commented that even without the zone change, Mr. Baeten could grow trees and spray them. This should not affect the decision in regard to the use of the land.

There being no further discussion, Mr. Burch asked for a roll call vote on the motion made by Mr. Collins which found Mr. Barnett, Mr. Burch, Mrs. Bushelman, Mr. Collins, Mr. Greene, Mr. Jones, Mr. McMillian, Mr. Neltner, Mr. Sharp, and Mrs. Smith in favor. Mr. Moore was opposed. The motion carried.

3. Site Plan Review

The request of Holiday Homes, Inc. (owner) for revision of a previously approved Site Plan on an 8-acre site located at 11007 Dixie Highway, Boone County, Kentucky. The request is to expand the storage areas on the site. The parcel is zoned Commercial Services (C-3).

Staff Member, Tom Breidenstein, stated that a revised plan had been recently received that addresses the deficiencies. Staff had not had time for review. Staff recommends deferral of the request until the next business meeting. This would be the third deferral. The applicant has waived time limitations.

Mr. Collins moved that the request be deferred until the April 19, 1989 Business Meeting. Mr. McMillian seconded the motion.

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral of the request until the April 19, 1989 Business Meeting and that this be the final deferral.

EXHIBIT "C"

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Phil Damstrom, Committee Chairman

DATE: April 5, 1989

RE: Request of Earl Baeten (owner) for a Zoning Map Amendment and a Conditional Use Permit on a 22.82 acre parcel located north of Frogtown Road and west of I-75. The request is to rezone the property from Suburban Residential One (SR-1) to Agricultural Estate (A-2) and for a Conditional Use Permit to allow a plant nursery and greenhouses, including the display and sale of plants.

REMARKS:

We, the Committee, recommend approval of the Zoning Map Amendment and the Conditional Use request based upon the following Findings of Fact. The Conditional Use Permit is recommended for approval based upon the following conditions as well.

FINDINGS OF FACT

1. The Committee believes that this 22.82 acre parcel is affected by a major physical change in the area, as shown by the applicant. This change, not foreseen in the 1986 Boone County Comprehensive Plan, is the planned substantial increase in the size and scale of the southbound I-75 rest area. The applicant has successfully shown that this planned construction to better serve truck traffic, and the associated enlargement of the southbound entrance lane make residential subdivision development of the 22.82 acre site undesirable unless significant measures are taken to buffer such a use from the noise and increased odor impacts of the truck and car traffic anticipated.
2. The proposed zoning classification of Agricultural Estate (A-2) is in conformance with the 1986 Boone County Comprehensive Plan. The Future Land Use Map indicates Low Density Residential uses for the site and surroundings.
3. The Committee believes that the requested Conditional Use Permit for the sales of primarily plants and materials produced on the premises correlates well with the continuing residential growth of the surrounding area and is intended to serve that residential growth. The size of the sales operation and the description provided by the applicant indicate that the nursery sales facility will be oriented toward products produced on the premises and that it is a suitable use at a convenient location with respect to continuing residential development. This is consistent with an objective of the Comprehensive Plan's Business Activity Element which recommends that businesses be located strategically to service their trade areas. Sales of accessory items on the premises were indicated by the applicant to occupy a portion of the enclosed retail building and to be subservient to the sale of plant materials produced on the premises. Any

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expansion in type or scale of accessory item sales would be reviewed by the Boone County Zoning Administrator to determine its appropriateness in the Agricultural Estate (A-2) zoning district or conformance with the approved Conditional Use Permit.

The Committee also believes that the Conditional Use request meets the seven general standards found in Section 263 of the Boone County Zoning Regulations based upon the following indications by the applicant:

- A) All storage of equipment, mulch, and other materials used on the premises will be within the existing barns or proposed storage building.
- B) The proposed "polyhouses" will be confined behind the proposed greenhouses and/or adjacent to the existing lake in order to limit their view from Frogtown Road and adjacent residential uses.
- C) The use of fertilizers and pesticides would not be greater than normally expected in a residential area, and the storage of these items will be only in the proposed storage building.

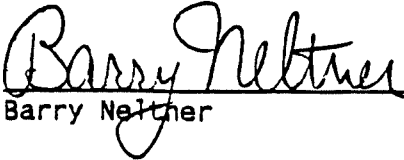
CONDITIONS

- 1. The retail portion of the nursery operation shall undergo Site Plan Review and provide adequate paved parking.
- 2. Signage for the sales operation shall be monument style and sufficiently landscaped. Any signage shall not be internally illuminated, and exterior lighting shall be kept to a minimum.
- 3. The proposed Frogtown Road access to the nursery and sales operation shall be located approximately 100 to 150 feet east of that shown on the submitted plan at a location to be further determined at Site Plan Review. The existing access at the western frontage of the property shall be eliminated.

Phil Damstrom, Committee Chairman



Fred Burch



Barry Nelther

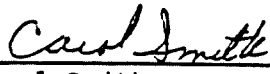
PD:jdh



Larry Barnett



Rector Jones



Carol Smith

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 667 - 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

(606) 334-2186

FAX (606) 334-2264

MR. WILLIAM R. VIOX
CHAIRMAN

MR. FRED BURCH
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

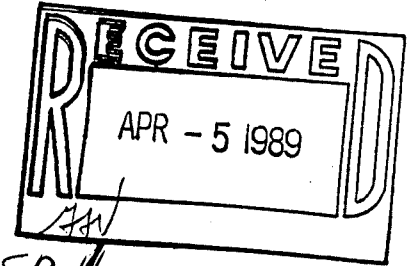
MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

April 4, 1989

Mr. Earl Baeten
367 Marmil Circle
Edgewood, Kentucky 41017

1) pesticides / runoff
2) visibility
could be put ~~at~~ anywhere in SR-11



RE: Conditions of approval for the request of Earl Baeten (owner) for a Zoning Map Amendment and Conditional Use Permit.

Dear Mr. Baeten:

The following represents possible conditions being discussed by the Zone Change Committee. These conditions would apply to the Conditional Use Permit and not to the Zoning Map Amendment request. If you, as the applicant, will agree to these conditions, please indicate so by signing your name at the end of this form and returning it to our office by 3:00 p.m., Wednesday, April 5, 1989.

CONDITIONS

1. The retail portion of the nursery operation shall undergo Site Plan Review and provide adequate paved parking.
2. Signage for the sales operation shall be monument style and sufficiently landscaped. Any signage shall not be internally illuminated, and exterior lighting shall be kept to a minimum.
3. The proposed Frogtown Road access to the nursery and sales operation shall be located approximately 100 to 150 feet east of that shown on the submitted plan at a location to be further determined at Site Plan Review. The existing access at the western frontage of the property shall be eliminated.

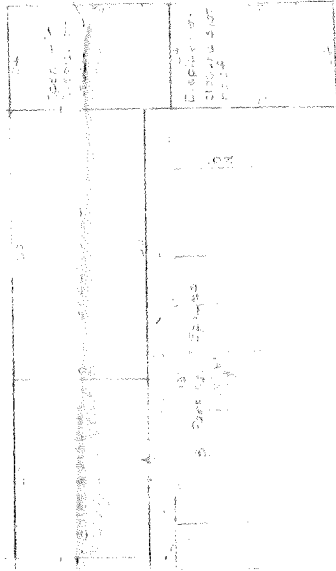
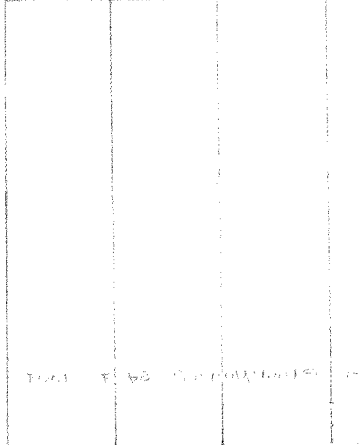
Sincerely,

David A. Geohegan
Planner/Plans Examiner

DAG:jdh

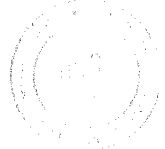
I, the applicant, agree to the above listed conditions for approval of my request for a Conditional Use Permit to allow a plant nursery and greenhouses, including the display and sale of plants within the requested Agricultural Estate (A-2 zoning district).

Earl Baeten



Vertical layout facilities for nursery & glass

Approved: *D. H. Baer*
 TO THE COMMISSIONER OF THE
 PLANNING COMMISSION 4/1/87



Vertical layout facilities for nursery & glass
 der Sales operation Earl Baer property

SCALE 1/4" = 1'-0"

DATE 12-21-83

APPROVED BY: _____

DRAWN BY: _____

REVISED 4/1/87

DRAWING NUMBER: _____

Building Planning Dept.
 Building Division
 1000 15th St. N. Ste. 1000

BOONE COUNTY FISCAL COURT

ORDINANCE NO. 920.107

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, FOR A 550 ACRE SITE SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS), AGRICULTURAL ESTATE (A-2), AND SUBURBAN RESIDENTIAL ONE (SR-1) TO SUBURBAN RESIDENTIAL TWO/RECREATION/PLANNED DEVELOPMENT OVERLAY (SR-2/R/PD) LOCATED NORTH OF RICHWOOD ROAD, SOUTH OF FROGTOWN ROAD, AND WEST OF I-75, BOONE COUNTY, KENTUCKY, AS REQUESTED BY JAMES W. BERLING (OWNER BY OPTION) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. R-05-87.

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 (RS), Agricultural Estate (A-2), and Suburban Residential One (SR-1) to Suburban Residential Two/Recreation/Planned Development Overlay (SR-2/R/PD) for certain real estate 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 (RS), Agricultural Estate (A-2), and Suburban Residential One (SR-1) to Suburban Residential Two/Recreation/Planned Development Overlay (SR-2/R/PD). 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")

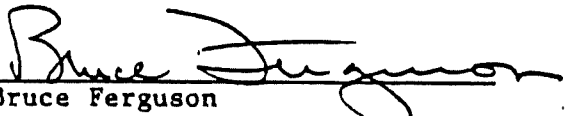
SECTION II

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 be and are hereby incorporated by reference as if fully set out in this Ordinance. (Attachment - Exhibit "B").

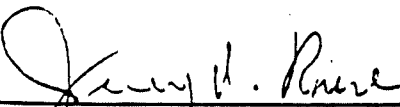
THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the 23rd day of February, 1987.

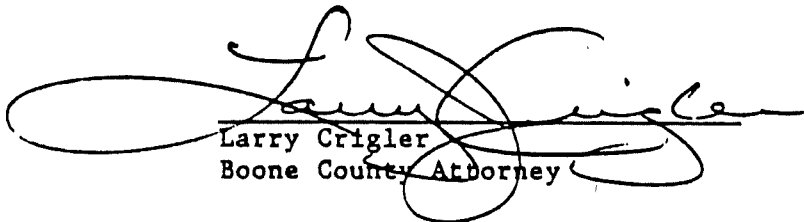
Adopted by the Fiscal Court of Boone County after Second Reading at a Regular Meeting on the 17th day of March, 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.


Bruce Ferguson
Boone County Judge/Executive

ATTEST:


Jerry W. Royse
Boone County Clerk

Submitted By:


Larry Crigler
Boone County Attorney

DATE PUBLISHED:

6/11/87

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Viox, Chairman

DATE: January 21, 1987

RE: Request of James W. Berling (owner by option) for a Zoning Map Amendment on a 550 acre site located north of Richwood Road, south of Frogtown Road and west of I-75, Boone County, Kentucky. The site is currently zoned Rural Suburban (RS), Agricultural Estate (A-2) and Suburban Residential (SR-1). The request is to rezone the property Suburban Residential Two/Recreation/Planned Development (SR-2/R/PD).

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and subject to the conditions below.

FINDINGS OF FACT

- 1) The proposed zone (SR-2/R/PD) is generally consistent with the 1980 Comprehensive Plan and the 1986 Comprehensive Plan. Both plans describe the need to provide medium density residential and recreational land uses in this area. Reference to both plans are made in the Staff Report.
- 2) The submitted Concept Development Plan demonstrates an innovative design to create a distinct residential community and provide a variety of recreational services in a planned development. Proper staging of this development and full implementation of the Concept Development Plan will make this project unique to Boone County.

CONDITIONS

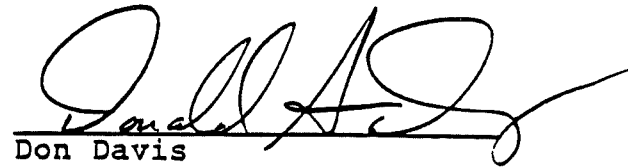
- 1) The applicant shall be required to build the golf course portion of the development and clubhouse in the initial phase of development. At the same time, the major road (extending from Frogtown Road to Richwood Road) shall be constructed along with water and sanitary sewer services leading to the clubhouse.
- 2) The applicant shall be required to work with State officials in order to make minor road improvements such as bridge reconstruction near the Richwood Road entrance and widening or straightening Richwood Road (KY 338) from the proposed

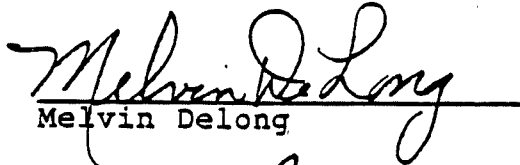
site leading to I-75. The existing tree line and creek along Richwood Road should remain as much as possible in its natural state to serve as a natural screen.

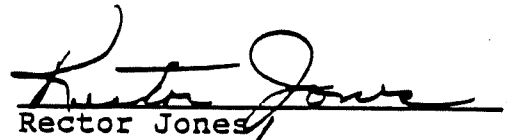
- 3) The applicant shall be required to minimize the number of driveways from the residential portion of the site which would have direct access on the major road or boulevard.
- 4) The applicant shall consider the alternative, if appropriate of direct joint access to properties located west of the site. This joint access can be evaluated when various phases are submitted at a later date for Planning Commission action.
- 5) The applicant shall provide amenities such as but not limited to a pool, tennis courts, and other recreational facilities in each residential cluster as indicated on the Concept Development Plan.
- 6) The applicant shall provide a variety of recreational features for all ages in the residential portion of the planned development. These features may consist of, but are not to be limited to, open space, tot lots, and pools.
- 7) The applicant shall be required to have a comprehensive pathway or sidewalk system, which will link the various sections of the planned development together. The system shall be designed to insure pedestrian safety and access to the commercial and recreational facilities. Pedestrian street crossing for the golf course shall also be designed to assure safe access. The overall system may also be used for biking purposes. A separate horse riding trail system shall be provided. Proper signage for the two systems shall be required for safety reasons.
- 8) The applicant shall be required to establish its own architectural and design standards in order to insure compatibility among the various types of residential units and the commercial and recreational uses. These standards shall be enforced by the developer if property within the 550 acre site is subdivided and developed by other owners. The architectural and design standards can be in the form of protective covenants and/or deed restrictions.
- 9) The applicant shall be required to submit a copy of the Homeowners Association document or agreement when each section is submitted for Improvement Plan approval.
- 10) Finally, this development is tied to a Concept Development Plan and a narrative as provided by the applicant. Any change or deviation from this will require a review by the appropriate Committee of the Boone County Planning Commission. If a change is deemed major, then a new public hearing and application will be required for a change in

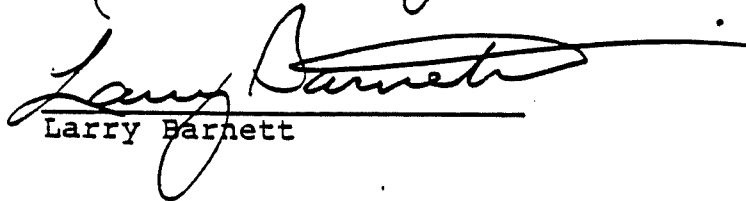
Concept Development Plan. If a change is interpreted to be minor, then the applicant will either submit a site plan or a subdivision plan.

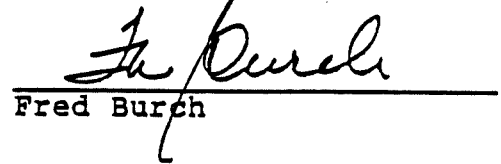

William Viox, Chairman


Don Davis


Melvin DeLong


Rector Jones


Larry Barnett


Fred Burch