

ZONING MAP AMENDMENT REQUEST BY
EDWIN A. BURNS (OWNER)
FOR PROPERTY LOCATED AT
KY 20 AND LAWRENCEBURG FERRY ROAD, BOONE COUNTY, KY

This is a Zoning Map Amendment by Edwin A. Burns (owner) for a 12.50 tract located on the northeast side of KY 20 and Lawrenceburg Ferry Road, approximately 1 mile east of Petersburg. The site is currently zoned Agriculture (A-1) and the request is to rezone the property Rural Suburban Estates (RSE). Properties to the north, south, east, and west are currently zoned Agriculture (A-1) with a few single-family residences in the immediate area. There is a single-family house, a mobile home and barn located on the 12.50 acre site.

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

- 1) Page 3.4 discusses residential growth. "Residential development identified in the land use plan creates an ultimate growth potential in Boone County to near 140,000 population. This potential is based on average densities of development and allows for some residential population in agricultural areas."
- 2) Pages 3.9 and 3.10 mention agricultural land uses in the county. "Large areas of Boone County are presently available for agricultural use. Compact, efficient land use development patterns will assure the availability of lands in the county for agricultural use. Agricultural land uses are planned first in those areas of the county where prime agricultural land is present."

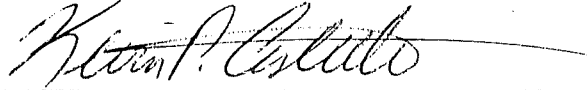
"In areas planned for agricultural use, some residential and agriculture-related commercial use is anticipated. Non-agricultural residential development should be limited to low densities."

In addition, the U.S. Department of Agriculture, Soil Conservation Service Important Farmlands Map shows that the area surrounding the site consists of prime farmland soil types. The Comprehensive Plan Land Use Map and text suggest that the 12.50 acre site and immediate area be low density residential and agricultural 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 12.50 acre site and the approximate location of the existing buildings. The applicant is requesting a zone change to permit the creation of one single-family lot (52,650 square feet). The future subdivision of the 12.50 acre parcel will be subject to the Boone County Zoning Regulations and Subdivision Regulations.

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 changed from Agriculture (A-1) to Rural Suburban Estates (RSE).

Respectively submitted,

A handwritten signature in cursive script, reading "Kevin P. Costello", written in black ink. The signature is positioned above a horizontal line.

Kevin P. Costello
Assistant Director/Senior Planner

KPC/jdh

3-15-85

1" = 800'

8



BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

MARCH 26, 1986 8:00 P.M.

Mr. Viox opened the Public Hearing on the request of Edwin A. Burns (owner) for a Zoning Map Amendment on a 12.50 acre parcel located at KY 20 and Lawrenceburg Ferry Road, approximately 1 mile east of Petersburg, Boone County, Kentucky. The property is currently zoned Agriculture, A-1. A request is being made to rezone the property to Rural Suburban Estates, RSE.

Asst. Director Kevin Costello presented Staff Report. (See Report/"Exhibit A")

Mr. Viox inquired who would be representing the applicant.

Mr. Tim McNeely, representative for the applicant, explained Mr. Burns (applicant) was requesting the zone change so he could convey a one (1) acre lot to his son and possibly later convey the remaining lots to his other children. Mr. McNeely stated the current zoning of Agriculture, A-1 of five (5) acre minimum would restrict Mr. Burns to two (2) lots. Mr. McNeely explained that Mr. Burns felt the current zoning of the property was inappropriate because the surrounding area was zoned Residential and the previous zone allowed $\frac{1}{2}$ acre lots. Mr. McNeely assured everyone that Mr. Burns was not planning a large subdivision but merely wanted to convey the lots to his children.

Mr. Viox inquired of audience's support, opposition or questions regarding the proposed request.

Mr. Harvey Buckler, resident of Lawrenceburg Ferry Road inquired if the proposed zone change would increase taxes for the farmers in the area and himself.

Counselor Wilson explained the Boone County Planning Commission did not set the assessed values of property in Boone County. Atty. Wilson stated property was assessed by the Property Valuation Administration, (PVA). Atty. Wilson stated it was his understanding that as long as Mr. Buckler did not change the use of his land, the proposed zone change would not affect the assessment of his property. Atty. Wilson noted the PVA Office could reassess anyone's property for any reason, at any time. Atty. Wilson stated he felt the proposed zone change itself would not affect Mr. Buckler's property taxes but he informed Mr. Buckler to contact the PVA Office.

Mr. Orville Keith Buckler, resident of Lawrenceburg Ferry

Road, inquired if the applicant needed five (5) acres. Mr. Buckler stated he built his home on one acre.

Mr. Costello inquired what year Mr. Buckler built his home on his one acre lot.

Mr. Buckler stated it was about eight (8) years ago.

Mr. Costello pointed out that was before 1980, the adoption of the current zoning regulations.

Atty. Wilson explained, apparently Mr. Buckler's one acre lot was conveyed off prior to the current zoning regulations, which meant Mr. Buckler was not subject to the current zoning regulations.

Further discussion followed when the current zoning regulations became effective.

Mr. Steven Wirth, 2931 Lawrenceburg Ferry Road, inquired what type of structures would be permitted in the RSE zone.

Mr. Costello stated the different principally permitted uses and conditional use permits listed under the RSE zoning district.

Mr. Wirth inquired if a mobile home trailer would be permitted in the RSE zoning district.

Mr. Costello stated no.

Mr. Jones inquired what size lot was required in the RSE zoning district.

Mr. Costello stated 40,000 minimum square feet.

Mr. Jones inquired where the five (5) acres came from.

Mr. Costello stated the five acres was in the existing A-1 zoning.

Mr. Jones inquired if the one (1) acre lot would be satisfactory if the zone change was approved.

Mr. Costello stated that was correct.

Director Newton explained the current zoning permitted one (1) dwelling unit per five (5) acres. Mr. Newton stated the adjoining property owners had noted they had built on $\frac{1}{2}$ -1 acre lots and he further explained the proposed request was to bring Mr. Burn's twelve (12) acres into a similar type of zoning which would allow one (1) acre lots.

Mr. Kevin Burns, applicant's son, explained his father's only reason for wanting the zone change was so he could divide up

the remaining lots to his other children.

Mr. McMillian inquired what highway the house located in the corner of the drawing was on.

Mr. Costello stated KY. 20.

Mr. Viox informed the public the request would be on the Agenda for action at the April 2, 1986 Business Meeting at 8:00 P.M. Hearing no further questions or comments, Mr. Viox closed the Public Hearing.

Zoning Map Amendment

A request of Edwin A. Burns (owner) for a Zoning Map Amendment on a 12.50 acre parcel located at KY 20 and Lawrenceburg Ferry Road, approximately 1 mile east of Petersburg, Boone County, Kentucky. The property is currently zoned Agriculture, A-1. A request is being made to rezone the property to Rural Suburban Estates, RSE.

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

Mr. Barnett moved to approve the request of Edwin A. Burns for a Zoning Map Amendment on a 12.50 acre parcel located at KY 20 and Lawrenceburg Ferry Road, approximately 1 mile east of Petersburg, Boone County, Kentucky by Resolution to Fiscal Court based upon Committee and Staff Reports. The motion was seconded by Mr. Jones.

Chairman Kroger inquired if Mr. Burns had any questions or comments. Mr. Burns stated no. After further discussion, the motion carried unanimously.

Chairman Kroger stated Committee and Staff had recommended deferral of the following Erpenbeck Brothers request.

COMMITTEE REPORT

TO: BOONE COUNTY PLANNING COMMISSION

FROM: Rector Jones, Chairman

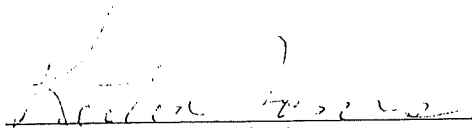
DATE: April 2, 1986

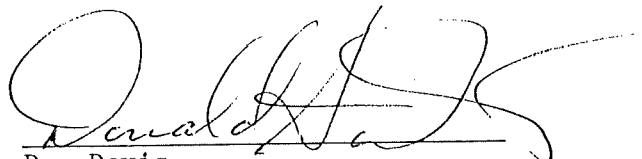
RE: Zoning Map Amendment - Rector Jones, Chairman
Request of Edwin A. Burns (owner) for a Zoning Map Amendment on a 12.50 acre parcel located at KY 20 and Lawrenceburg Ferry Road, approximately 1 mile east of Petersburg, Boone County, Kentucky. The property is currently zoned Agriculture, A-1. A request is being made to rezone the property to Rural Suburban Estates, RSE.

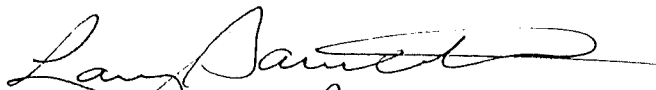
REMARKS:

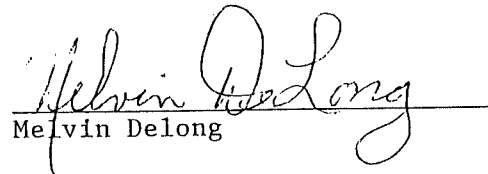
We, the Committee, recommend approval of the zone change request from Agriculture (A-1) to Rural Suburban Estates (RSE), for a 12.50 acre site. The Committee's approval is based upon the following findings of fact:

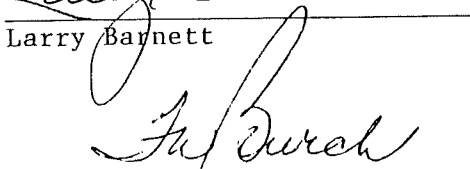
The Boone County Comprehensive Plan Land Use Map indicates a future land use for this site as agriculture. The Boone County Comprehensive Plan text suggests that in "areas planned for agricultural use, some residential and agriculture-related commercial use is anticipated." The Comprehensive Plan further states that the "non-agricultural residential development should be limited to low densities." The applicant's request is consistent with the Boone County Comprehensive Plan. Also, the applicant's request is consistent with the size of some of the existing lots located along Lawrenceburg Ferry Road, which were subdivided prior to the adoption of the 1980 Boone County Zoning Regulations. The Committee also states that if the zone change request is approved and if the applicant decides to eventually subdivide the entire 12.50 acre tract, then the applicant will be required to submit plans according to the Subdivision Regulations.


Rector Jones, Chairman


Don Davis


Larry Barnett


Melvin Delong


Fred Burch


William Viox

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 AGRICULTURE, (A-1) TO RURAL SUBURBAN ESTATES, (RSE) FOR PROPERTY LOCATED AT KY 20 AND LAWRENCEBURG FERRY ROAD, APPROXIMATELY ONE MILE EAST OF PETERSBURG, BOONE COUNTY, KENTUCKY, AS REQUESTED BY EDWIN A. BURNS (OWNER) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION VIA RESOLUTION NO. R-23-86.

WHEREAS, the Boone County Fiscal Court received a request for a Map Amendment for a zone change from Agriculture, (A-1) to Rural Suburban Estates, (RSE) for property located at KY 20 and Lawrenceburg Ferry Road, approximately one mile east of Petersburg, Boone County, Kentucky, which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval of the zone change request.

NOW, THEREFORE, BE IT RESOLVED 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 recommended for approval and adoption, this Map Amendment being a zone change from Agriculture, (A-1) to Rural Suburban Estates, (RSE) for property located at KY 20 and Lawrenceburg Ferry Road, approximately one mile east of Petersburg, Boone County, Kentucky. The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

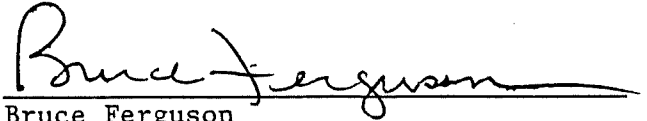
See attached legal description which is incorporated by reference as if fully set out herein.
(ATTACHMENT - EXHIBIT "A")

SECTION II

That as a basis for the recommendation of approval of the zone change request is the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records of this zone change request, shall and are hereby incorporated by reference if fully set out in this Ordinance. (ATTACHMENT - EXHIBIT "B")

Introduced, seconded and given First Reading on the 22nd day of April 1986.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 20th day of May, 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.

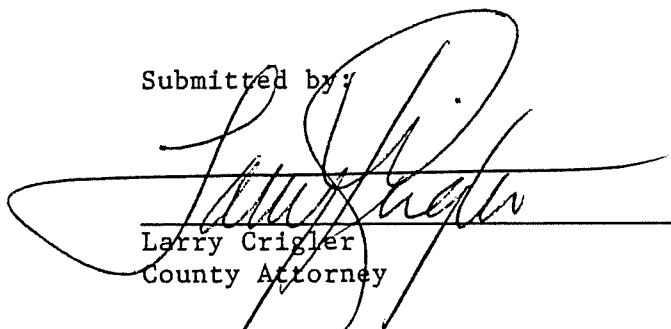


Bruce Ferguson
Boone County Judge/Executive

ATTEST:

Jerry W. Rouse
Boone County Clerk

Submitted by:



Larry Crigler
County Attorney

June 5 1986
(DATE PUBLISHED)

ORDINANCE NO. 920.92

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 AGRICULTURE, (A-1) TO RURAL SUBURBAN ESTATES, (RSE) FOR PROPERTY LOCATED AT KY 20 AND LAWRENCEBURG FERRY ROAD, APPROXIMATELY ONE MILE EAST OF PETERSBURG, BOONE COUNTY, KENTUCKY, AS REQUESTED BY EDWIN A. BURNS (OWNER) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION VIA RESOLUTION NO. R-23-86.

WHEREAS, the Boone County Fiscal Court received a request for a map amendment for a zone change from Agriculture, (A-1) to Rural Suburban Estates, (RSE) for property located at KY 20 and Lawrenceburg Ferry Road, approximately one mile east of Petersburg, Boone County, Kentucky, which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has conducted a public hearing serving as a due process trial-type hearing and made findings recommending approval of the zone change request.

NOW, THEREFORE, BE IT RESOLVED 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 recommended for approval and adoption, this map amendment being a zone

change from Agriculture, (A-1) to Rural Suburban Estates; (RSE) for property located at KY 20 and Lawrenceburg Ferry Road, approximately one mile east of Petersburg, Boone County, Kentucky. The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See legal description which is incorporated by reference as if fully set out herein, as on file in the office of the County Judge/Executive.

SECTION II

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

Introduced, seconded and given First Reading on the 22nd day of April, 1986.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 20th day of May, 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.

/s/ Bruce Ferguson
Boone County Judge/Executive

ATTEST:
Jerry W. Rouse
Boone County Clerk

Submitted by:
Larry Crigler
County Attorney
BCRIT
POJE01707

Boone Co. Recorder 06/05/86