

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING: OCTOBER 27, 1982

Zone Change Request by Orville Saylor
for property on Ky. 338, Richwood Road,
Boone County.

This is a zone change request by Orville Saylor for 5.38 more or less acre tract on the south side of Kentucky 338, Richwood Road about eight-tenths of a mile west of its intersection with Chambers Road, Boone County. This request is to change the current zoning of Agricultural Estate, A-2 to Rural Suburban Estate, RSE.

The current zoning of all adjoining properties to the subject tract is Agricultural Estate, A-2.

The current land use of the subject tract is undeveloped. All adjoining properties are currently a mixture of agricultural and residential uses.

The planned future land use of the subject property, according to the Land Use Plan map of the Boone County Comprehensive Plan, is Agricultural and Environmentally Sensitive. All Adjoining properties are also planned as Agricultural and Environmentally Sensitive. The text of the Plan states, on page 3.9 and 3.10, regarding Agriculture, "Agricultural land uses are planned first in those few areas of the County where prime agricultural land is present. Agricultural uses are also planned where urban services are not planned to be available during the planning period, on those sites where environmental characteristics are conducive to economic pursuit of agricultural activities. Planned agricultural areas also serve to define the outer limits of urbanization.

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 and commercial uses should be planned to serve large market areas to discourage proliferation of such uses which would reduce the land available for agricultural use."

Regarding Environmentally Sensitive areas on page 3.10 the Plan states, "Environmentally sensitive areas include all lands upon which urban development would entail a serious environmental hazard or social or economic impact, or an extraordinary cost to overcome the hazard. Appropriate measures must be taken to attenuate the environmental hazards and minimize social and economic impacts before urban use of such areas is permitted."

Attached to the application is a drawing done by Walton and Walton Engineers showing a proposal to divide the 5.38 acre tract into more or less three (3) equal tracts of 1.79 acres apiece.


There are no current public water or sanitary sewer systems available to this tract.

Ky. 338, Richwood Road is a state maintained highway with an asphalt surface width of eighteen and one-half (18½) feet in good condition.

The property lies within the Walton Fire District.

This property does lie outside of the Airport Environs Overlay Zone and would not be affected by existing or future operations of the Airport.

In my opinion, this request could be found in general compliance with the Boone County Comprehensive Plan based upon the previously mentioned text statements. Should the Commission seek to recommend approval or the Boone County Fiscal Court would approve this request, it would not be necessary to change the text or Land Use Map of the Plan.


Alvin "Chip" Block
Zoning Enforcement Officer

ACB/syb

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING MINUTES

OCTOBER 27, 1982

8:00 P.M.

BOONE COUNTY ADMINISTRATION BUILDING

Chairman Kroger called the Public Hearing to order at 8:05 P.M.. Eleven (11) members were present: Messrs. Buse, Conkle, Hasselbring, Smith were absent. Staff members present were Ms. Sullivan and Mr. Wilson.

Chairman Kroger noted that four (4) items originally appeared on the agenda for the Public Hearing. Chairman Kroger then proceeded with the evening's agenda.

PUBLIC HEARING #1

ZONING MAP AMENDMENT, requested by Orville Saylor, to change a 5.28 acre site, located at KY 338, Boone County, Kentucky. The requested change is from Agriculture Two (A-2), to Rural Suburban Estates, (RSE). Ms. Sullivan presented the Enforcement Officer's Report.

Chairman Kroger asked if there was anyone present that would like to say anything in favor of the proposed zone change.

Mr. Orville Saylor stepped forward and said that he planned to build two (2) homes immediately facing Richwood Road with 1400 sq. ft. lots. In later years, he plans an earth shelter home facing farm land in the rear.

Chairman Kroger asked if there was anyone in the audience opposed to this zone change. No one spoke. He asked if any of the Board members had any comments or remarks. There were none. He declared the Public Hearing closed.

PUBLIC HEARING # 2

ZONING MAP AMENDMENT, requested by Ida Pearl Sebree, owner, for a change on a 1.0 * acre site, located on KY 18, 300 feet East of Carlton Drive, Burlington, Boone County, Kentucky. The requested change is from Urban Residential Two, (UR-2) and Commercial Services, (C-3) to Commercial One, (C-1) to permit physician and dental services. Ms. Sullivan read the Enforcement Officer's report and located the property on the map.

Chairman Kroger asked if the owner or an agent for the request was present.

Mr. James Berling, Engineer for Mrs. Sebree, acknowledged his presence and stated he had nothing to add.

Chairman Kroger asked if anyone was present in opposition. No one spoke. He asked if the Board members had any questions or comments.

Mr. Viox commented that the Staff report seemed to fall between a Concept Plan and a Development Plan. He stated that he felt that a Concept Plan had been turned in and there was no necessity for a Development Plan. He expressed objection to the wording of the report.

Chairman Kroger asked for any further comments.

In response to a question from Ms. Sullivan, Chairman Kroger stated that the Commission had not taken a position on cuts on State Highways, since the State regulated that matter exclusively.

Chairman Kroger asked for any further comments.

Bob Kirby asked if the change to (C-1) affected the full depth of the property; Ms. Sullivan indicated that the entire tract was affected.

Mr. Shafer questioned Staff's comment regarding "strip" shopping centers noted in the Enforcement Officer's Report. He inquired as to what factors should be used to determine what constitutes a "strip development".

Chairman Kroger said that he deduced that what Mr. Block intended to say, was that possibly, if the Commission deemed the project not to be a strip center, then it would not constitute a strip center.

The Chairman noted that the charge is to the lay committee to review the project to make an evaluation of the matter.

Chairman Kroger noted that this as well as the previous request would be on the agenda for final action on November 3, 1982.

Asking for further comments and hearing none, Chairman Kroger declared the Public Hearing closed.

PUBLIC HEARING # 3

ZONING MAP AMENDMENT, requested by Bankers Financial Corporation to recommend a zone change on a 0.3056 acre site, located at 8121 U.S. 42, Florence, Boone County, Kentucky. The requested change is from Commercial Services, (C-3)

First, the area had to include a minimum of 5 acres, Second, only platted subdivisions were considered and it was understood that the boundary lines of the existing zoning district would be maintained. Third, that the majority of the average lots meet the R1F guidelines as set out in the ordinance. The Committee decided to eliminate set back requirements since very few if any of the subdivisions under study met them. The fourth criteria was that the area had been zoned R-1 and R-2 under the prior zoning ordinance. The Committee also looked to construction or authorization of multi-family units since August 1, 1980, and to the existence of such units prior to that date. The Committee examined the conformance of the proposed zoning to the Comprehensive Plan. Every single subdivision platted in the City of Florence was examined, in order that none would be excluded from consideration. From a windshield inspection made by the Staff, the Committee determined how many and what kind of multi-family development had taken place within the subdivision and the intergration of the units into subdivision's single family character. A matrix was developed to determine how the subdivisions fell within these criteria and the R1F guidelines. The result of the evaluation process was the recommendation that the final subdivision be rezoned R1F. Buckingham Woods, Circle Park, Colonial Estates, Deters, Dilcrest, J.B. Herring, Lincoln Woods, Pheasant Run, Spring Meadows, Williamsburg West.

Ms. Sullivan pointed out that one reason why J.B. Herring and the Deters subdivisions had been included was because of their geographic inclusion in larger subdivisions which were recommended for rezoning. Ms. Sullivan stated that a description of the areas to be rezoned had been published on two separate occasions, constituting the best notice available under the circumstances.

Mr. Viox asked if the developers of the subdivisions had been notified.

Ms. Sullivan said that the Committee had decided not to contact the parties.

Mr. Viox expressed concern that some developers who do not live in the County might not have had notice of the rezoning activity. Mr. Viox noted his fear of repercussions from developers for lack of notice of the Public Hearing. He said that although Mr. Votel did not have many lots left in Buckingham Woods, in Pheasant Run, Mr. Butler had approximately 60 lots vacant in another subdivision. Mr. Viox stated that he was in favor of R1F, but felt that someone who owns 60 lots should be notified of a proposed zone change.

Chairman Kroger stated that Staff should prepare written designation of what is included and what is not included in the proposed rezoning project.

General discussion concerning the creation of pre-existing nonconforming uses by approval of zone changes followed.

Chairman Kroger stated that he would like to review the subdivisions individually for comments or problems. With respect to J.B. Herring and Colonial Estates, Chairman Kroger noted that the four family was an illegal use from the beginning, but that the problem would have to be addressed.

Chairman Kroger asked if there were problems in Spring Meadows, other than the existing multi-unit dwellings pointed out by Mr. Collins. There were no comments. No were there comments on Circle Park or Dilcrest.

With regard to Williamsburg West, Mr. Collins asked if the Storer Cable property was included.

Chairman Kroger replied that Storer was on Old Toll Road and was included, except for the front portion of the property rezoned for Storer to Commercial two (C-2). That area would not be changed.

Pheasant Run Subdivision was next considered. No comments were made.

Mr. Barnett asked if the City of Florence was in agreement with the Committees recommendations. Ms. Sullivan said that the representatives of the City, Mr. Bailey, Mr. Osborne and Mr. Janken had reviewed the preliminary recommendations. Chairman Kroger, in response to Mr. Barnett's question, stated that the recommendations would be made to the City of Florence, and that the City could make changes if they wished; that the City could, if they wished, conduct an independant Public Hearing. Ms. Sullivan said that the initial recommendations made by the City had been considered by the Committee in making its recommendations. Mr. Collins inquired whether or not the zoning change would affect home occupations: Chairman Kroger said he did not think zoning was or would be used to control home occupations.

Chairman Kroger invited members to direct their comments regarding the project to the Staff during the upcoming week, and declared the Public Hearing closed at 9:38 P.M..

APPROVED: _____

Respectfully submitted,

CHAIRMAN

Sherry G. Baker

CLERK

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

NOVEMBER 3, 1982

8:00 P.M.

BOONE COUNTY ADMINISTRATION BUILDING

Chairman Kroger called the meeting to order at 8:05 P.M. Nine (9) members were present: Messrs. Buse, Conkle, Hasselbring, Ingram, Jones and Smith were absent. Staff members present were Ms. Sullivan, Mr. Wilson and Mr. Block.

Chairman Kroger called for approval of the minutes of October 20, 1982 meeting and also of the Public Hearing of October 27, 1982. Mr. Godsey moved that the minutes of the Public Hearing of October 27, 1982 be approved as stands, and that minutes of October 20, 1982 be corrected to include the names of members absent. Mr. Viox seconded, the vote carried unanimously.

COMMUNICATIONS AND BILLS:

Mrs. Baker noted that one communication had been received from the Robert McGraw and Co. concerning renewal of an insurance policy. Chairman Kroger accepted the communication and said action would be taken.

The following bills were presented: Budget Print Center, \$8.00 for copies; Jerry Rouse, Recording, \$30.00; Petty Cash, \$50.00; Alvin Block, \$60.18 mileage; Staff salaries and benefits, \$3,056.46. Mr. McMillian moved that the bills be paid, Mr. Shafer seconded; the vote carried unanimously.

REPORTS:

Mr. Godsey presented the Treasurer's Report. Balance on hand October 6, 1982, \$29,119.30 in the checking account; \$526.08 in savings; in certificates of deposit, \$20,000.00.

For the City of Florence, William Rieger, Building Inspector issued permits 3553 thru 3571 during October for a total of \$494,614.00, estimated construction costs. Boone County

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING MINUTES
NOVEMBER 3, 1982
PAGE TWO

Building Inspector, Conrad Tobergte, issued 23 permits for total construction costs of \$686,519.00. Mr. Tobergte issued zoning and sign permits in the county totalling \$450.00 for the month of October.

Chairman Kroger proceeded to the request of Bankers Financial Corporation to recommend a zone change on a 0.3056 acre site, located at 8121 U.S. 42, Florence, Boone County, Kentucky. The requested change is from Commercial Services, (C-3), to Commercial One, (C-1) in order to permit operation of a financial institution. Mr. Block identified the project location. Chairman Kroger asked if a representative was present. Mr. Mike McCoy, Assistant Secretary-Treasurer of Bankers Financial, stepped forward and stated the intent of the company to move an office from Covington to Florence. Chairman Kroger asked if there was anyone present in opposition. No one responded. Chairman Kroger asked for the Committee report. The Committee report, read by Sherry Baker, Clerk, recommended that the request be denied. Chairman Kroger asked if Mr. McCoy would like to make a rebuttal to the report. Mr. McCoy stated that he was not sure why the request was denied. He felt that a change from a C-3 to C-1 was a change to less restrictive zoning. Chairman Kroger asked for comments from the members of the Commission. No one responded. At Chairman Krogers request, Mrs. Baker re-read the report. Chairman Kroger asked for further comments. Mr. Greene stated that in agreement with Mr. McCoy, he felt that the C-1 zone was the lesser of the two evils. Mr. Wilson asked Mr. Block to outline the area where the nearest C-1 zone is located: Mr. Block indicated a C-1 zone adjoining on the southwest side. Chairman Kroger asked for further comments from Commission, audience or Staff. Ms. Sullivan stated that with the interchange being such a dominant factor in the area, that the Commission might wish to review what the C-3 zoning in the interchange area permits; i.e. hotels and larger types of business operations, etc.. Ms. Sullivan stated that the adjoining C-1 property is a large corner lot with access to Sycamore Drive. She expressed concern that should each home along U.S. 42 request and receive a zone change, the zoning character of the area would be significantly changed. General discussion followed. Mr. Viox noted that the C-3 zoning provides for bigger projects but that the types of services the applicant intends to provide should be permitted somewhere near the interchange. Mr. Greene agreed. Chairman Kroger asked Mr. Block how many houses were between White Castle and the property in question. Mr. Block stated that there were approximately 5 houses all zoned C-3. Chairman Kroger stated his opinion that a C-3

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING MINUTES
NOVEMBER 3, 1982
PAGE THREE

zone was overwhelming for that particular area. Chairman Kroger stated that he felt no obligation to maintain the integrity of the C-3 zone in this area. Mr. Viox asked if the applicant had estimated the amount of daily in and out traffic. Mr. McCoy stated most of the company's business was done by telephone, the only time people would come would be to make deposits or loan closings. He estimated that no more than two automobiles would be in the lot at one time. Mr. Godsey expressed his concern for safety with the people backing out onto U.S. 42. Mr. McCoy stated that they were considering eliminating the drive-thru and putting a parking lot in the rear so that customers could turn around before pulling onto the highway. Ms. Sullivan expressed concern that rezoning the entire strip of homes to C-1 would be inconsistent with interchange land uses. Mr. Shafer stated his opinion that the area was not conducive to a C-1 zone. Mr. Shafer moved, by Resolution ~~R~~22-82 based on the Committee and Staff report, that the request be denied and that the City council so be informed. Mr. McMillian seconded. A roll call vote was taken: 6 for and 3 against. Members voting against the denial were: Mr. Greene, Mr. Kroger and Mr. Viox. The motion passed.

Chairman Kroger next addressed the request of Westhorn Company, agent for Queen City Storage, for Site Plan Review for property located on Tanners Lane, Florence, Boone County, Kentucky, zoned Commercial Three, (C-3) on a 3.4 acre site. Mr. Block read the Enforcement Officer's Report. Chairman Kroger asked Mr. Jenkins, Commission Engineer, for his report. In response to the Chairman's query, the Committee Report was read by Ms. Baker, Clerk, recommending action on the matter be deferred. Chairman Kroger asked if a representative of Westhorn Company was present. Mr. Bernard Horn, President, stepped forward and stated that he was aware the retention pond was not on Westhorn's property, but that one of the contingencies on the purchase from '76 Truck Stop was that their Engineers design a holding pond sufficient to handle water from the '76 parking lot and the Westhorn development. The company knew that a retention pond would be necessary. Designs for the pond had been sent from Chicago and Westhorn had accepted them. Mr. Horn noted that he realized that Mr. Jenkins had not had that information, but that he had all the documentation that the Commission might wish, and could provide a letter from '76 stating the terms of the agreement. Mr. Horn stated that he had not known the requirements for this stage of the review process. He stated that he had gone through the requirements, item by item, and there was nothing in them that he or his Engineer was aware of saying that complete engineering drawings for the size of the sewer and the cut were needed at this stage of the review. He gave assurance that he and Mr. David Walton, representing his company as Engineer, would conform and meet with the engineering requirements of the County for handling of storm water. He stated

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING MINUTES
NOVEMBER 3, 1982
PAGE FOUR

that the size was in conformance to all regulations listed on the sheet he had received from Mr. Block. Horn stated again that he had not been made aware of the requirements for Site Plan Review. Chairman Kroger asked Mr. Block to confirm his statement that there was nothing in the file indicating an agreement between Westhorn and 76 regarding the retention pond. Mr. Block stated that to his knowledge there was no such agreement. Chairman Kroger acknowledged that this was a "package deal" but asked if all the necessary documents affecting the retention pond, i.e. ownership and the permission from the owners to place that pond on their property, could come together prior to leaving the Planning Commission. Mr. Horn stated that he would be glad to get approval with such a contingency. He offered to call Chicago and have a letter prepared. He stated again that he had not come prepared since he had not been told what information was necessary. He stated that he had no problem with the retention pond, since it was a contingency upon purchase of the property. For the record, Mr. Jenkins read the requirements of the Site Plan Review as set out in the zoning ordinance. Mr. Horn asked Mr. Block if he had a copy of the sheet he had given him. Mr. Block stated that he had given Mr. Horn a copy of the same sheet Mr. Jenkins had read from. Mr. Horn said that he stood corrected, but stated again that he had not known that he would need this information for a Site Plan Review. He thought it necessary only to acquire a building permit. Chairman Kroger noted that Site Plan Review was the first stage toward getting a building permit, stating that the Committee's request was honorable in recommending deferral rather than denial to allow time to provide the necessary information. Mr. McMillian moved that action on the request be deferred for two weeks. Mr. Viox seconded. Chairman Kroger asked Mr. Horn if two weeks would be sufficient. Mr. Horn replied that it would. Chairman Kroger asked Mr. David Walton if two weeks would be sufficient: Mr. Walton replied affirmatively. Chairman Kroger hearing no further questions, called for the vote. The motion carried unanimously.

Chairman Kroger proceeded to the next item on the agenda: The request of Cisco Construction Inc., agent for Kentucky Land Co., (Perkins) for a Site Plan Review on property located at 7501 Woodspoint Drive, Florence, Boone County, Kentucky, zoned Commercial Three (C-3) on a 1.62 acre site. Mr. Block read the Enforcement Officer's Report. Chairman Kroger asked if Mr. Jenkins had reviewed this request. Mr. Jenkins indicated that he had reviewed the submission and wished to note that the plat had been prepared by an Ohio Engineer, Mr. John Sansolone,

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING MINUTES
NOVEMBER 3, 1982
PAGE FIVE

but bore a Kentucky Stamp, but no signature. Chairman Kroger asked for the Committee's report: Mrs. Baker read the report which recommended approval based upon its review and Staff's report. Chairman Kroger asked if a representative of Cisco Construction was present. The representative, Mr. James Cucinotto, stepped forward and stated the purpose of the addition was to provide additional seating and that he thought the problem with the Kentucky seal had been taken care of. Mr. Block stated that a revised plan bearing the proper seal had been submitted. Mr. Viox moved that the request be granted. Mr. McMillian seconded. The motion carried unanimously.

Chairman Kroger proceeded to the request of K & H Corporation, Option Holder, for Improvement Plan Approval by the Fairwinds Subdivision located on Hebron- Limaburg Road, with the nearest intersection at Val Court Drive, Boone County, Kentucky, zoned Urban Residential One, (UR-1), on a 1.62 acre site. Mr. Jenkins read his report recommending approval on the condition that every effort be made to hook up to the Boone County Sewer System. Mrs. Baker read the Committee report which recommended approval based on review and Staff's report. Chairman Kroger stated that he had talked with K & H and they are interested and willing, provided all the agreements and arrangements can be met, to tie into the County system. Mr. Viox noted that they had a letter from the State authorizing a package plant if necessary. Mr. Viox noted that he would abstain from action on the matter because he is engineer for the project. Mr. Shafer moved, based on Staff and Committee reports that the Improvement Plan be approved. Mr. McMillian seconded. The motion passed unanimously, with Mr. Viox abstaining.

Chairman Kroger moved to the next item on the agenda, the request of Ida Pearl Sebree, owner, to recommend a zone change on a 1.0 + acre site, located on KY 18, 300 feet East of Carlton Drive, Burlington, Boone County, Kentucky. The requested change is from Urban Residential Two, (UR-2), and Commercial Services (C-3), to Commercial One, (C-1), to permit physician and dental services. Mr. Block located property on map and read Enforcement Officer's report. Chairman Kroger asked for the reading of the Committee's report. Mrs. Baker read the Committee report which recommended approval based on review and the Staff report. Chairman Kroger recognized Mrs. Sebree as being present in the audience. Mr. Shafer noted that the findings of fact should be included in Committee's report. Mr. McMillian moved by Resolution R- 23-82 that the change be recommended to the Fiscal Court with a stipulation of the findings of fact. Mr. Viox seconded. The

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING MINUTES
NOVEMBER 3 , 1982
PAGE SIX

motion carried unanimously. .

Chairman Kroger proceeded with the request of Orville Saylor to recommend a zone change on a 5.28 acre site, located on KY 338, Boone County, Kentucky. The requested change was from Agriculture Two, (A-2), to Rural Suburban Estates, (RSE). Mr. Block read the Enforcement Officer's Report. Mrs. Baker read the Committee's Report which recommended approval of the request based on review and the Staff report. Chairman Kroger recognized Mr. Saylor in the audience and asked for comments. Mr. Godsey stated that the findings of facts, upon which the Committee had based its recommendation were noted in Mr. Block's report. Mr. Godsey moved by Resolution R-24-82 that, based on the facts established in the Staff report presented by Mr. Block, that the recommendation be forwarded to the Fiscal Court. Mr. McMillian seconded. The motion carried unanimously.

Chairman Kroger stated that action on the final item on the agenda, the Residential One Family Zoning (R1F), would be deferred until the meeting on November 17, 1982. Chairman Kroger proceeded new business concerning the Commission's support of recreational development at Boone Woods Park. He mentioned that the communication from the McGraw Company was regarding renewal of an Insurance Policy; the premium would be approximately \$1,400.00. Everyone agreed to renew policy. Mr. Shafer by Resolution R-25-82 moved that Sherry Y. Baker, Clerk of the Boone County Planning Commission, be designated as Custodian of the official records. Mr. McMillian seconded. The motion carried unanimously. Mr. Godsey, Secretary-Treasurer was presented with check and cash collected by Staff from October 26, 1982 thru November 3, 1982 in the amount of \$370.10. Mr. Godsey presented a letter from Fiscal Court which indicated that the Planning Commission was to be involved to an undetermined extent in implementation of a street numbering project. Chairman Kroger noted that further consideration would have to be made by the Commission of the scope of the Commission's involvement before any final letters to residents were mailed out. Mr. Jenkins stated that he had the Kitzmiller project plans which had been given conditional approval on Site Plan Review. Mr. Shafer moved for adjournment. Mr. Viox seconded.

The meeting adjourned at 9:39 P.M.

APPROVED: _____

Respectfully submitted,

CHAIRMAN

CLERK

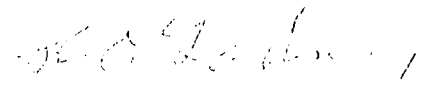
MEMORANDUM


TO: BOONE COUNTY PLANNING COMMISSION

FROM: RAYMOND GODSEY, CHAIRPERSON
ZONING MAP AMENDMENTS

RE: Request of Orville Saylor to recommend a zone change on a 5.28 acre site, located at KY 338, Boone County, Kentucky. The requested change is from Agricultural Two, (A-2), to Rural Suburban Estates, (RSE).

Based on review and the staff report, the request is recommended for approval.


RAYMOND GODSEY, CHAIRPERSON


LARRY BARNETT

R.L. BUSE, JR.


DONALD DAVIS

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 97 — 50 E. WASHINGTON SQUARE

BURLINGTON, KENTUCKY 41005

334-2196

MR. P. E. KROGER
CHAIRMAN
MR. E. R. SHAFER
VICE CHAIRMAN
MR. R. O. GODSEY
SECRETARY-TREASURER
MS. SHARON A. SULLIVAN
DIRECTOR
MR. D. T. WILSON
ATTORNEY
MR. J. E. JENKINS
ENGINEER
MR. A. H. BLOCK, III
ENFORCEMENT OFFICER
MRS. SHERRY Y. BAKER
CLERK

November 30, 1982

The Honorable Terry Roberts
Boone County Judge/Executive
Boone County Administration Bldg.
Burlington, KY. 41005

Dear Judge Roberts:

This letter is written to advise you of the action taken by the Boone County Planning Commission in regard to the request of Orville Saylor for a Zoning Map Amendment.

At their meeting of November 3, 1982, the Commission voted unanimously to recommend approval by Resolution R-24-82 of this zone change from Agricultural Two (A-2) to Rural Suburban Estates, (RSE) Zone, on a 5.28 acre tract located at KY 338, Boone County, Kentucky. These minutes are enclosed

This action was taken upon hearing the recommendation of the Committee which included the following findings of fact:

Surrounding low density residential and agricultural land uses are compatible with the requested zone change.

The change would conform to the Boone County Comprehensive Plan to the extent that the Plan envisions low density residential development in some areas planned for agricultural use.

The environmental sensitivity of the area is not considered to be inimical to low density residential use.

MEMBERS—
MR. L. BARNETT
MR. R. L. BUSE, JR.
MR. L. COLLINS
MR. P. CONKLE
MR. D. A. DAVIS
MR. R. N. GREENE
MAYOR S. HASSELBRING
MR. J. INGRAM
MR. R. JONES
MR. D. MCMILLIAN
MS. C. SMITH
MR. W. R. VIOX

November 30, 1982
Judge/Executive Terry Roberts
Page Two

A copy of the Committee Report is enclosed. Also, taken into consideration was the report of the Enforcement Officer. A copy of this report, along with a copy of the minutes of the Public Hearing which was held on October 27, 1982, are enclosed.

The Commission also voted unanimously by Resolution R-24.82 that upon final approval of this zone change by the Fiscal Court, if given, the necessary changes are to be made to the Comprehensive Plan text and Land Use Map and should be so authorized by the Fiscal Court. Enclosed are copies of the above mentioned resolution.

If you desire any further information or have any questions concerning this action, please contact us.

With kindest regards,

Paul Kroger
Chairman

PK/syb

Enclosure

cc: Orville Saylor
216 Claxon Dr.
Florence, KY. 41042

Sauger

ORDINANCE NO. 920.34

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 (A-2) to (RSE) for property LOCATED at Ky. (338), a 5.28 acre tract.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning Commission for a map amendment for a zone change from (A-2) to (RSE) 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 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 1

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 (A-2) to (RSE). 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 #1)

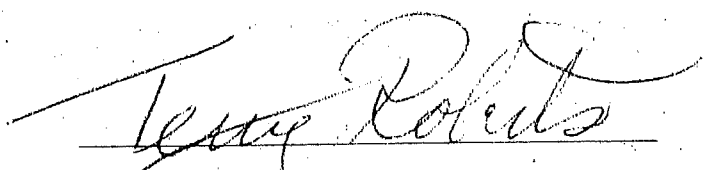
SECTION II

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 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 #2)

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 7th day of December, 1982.

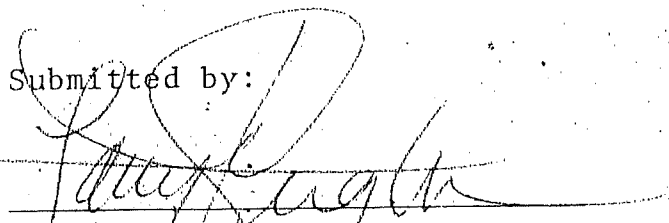
Adopted by the Fiscal Court of Boone County after second reading at a regular meeting on the 31st day of December, 1982, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.



Terry Roberts
Boone County Judge/Executive

ATTEST:

Jerry W. Rouse
Boone County Clerk

Submitted by:


Larry Crigler
County Attorney

12/30/82

(DATE PUBLISHED)

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 Agricultural Two (A-2) to Rural Suburban Estates, (RSE) zone. The real estate which is the subject of this zone change recommendation is more particularly described as follows:

Ch. P. DeWitt

Located generally in Boone County Group #2070 on the South side of Kentucky Highway #338, 0.8 mile West of its intersection with Chambers Road and described thus: BEGINNING at a P.K. nail in the center of Kentucky Route # 338 and a corner to a 5.28 acre tract of the grantors and said point also being 499.2 feet Northeast from the common corner of the grantors and G. Alford Roberts; thence with the center of said highway, N 61-01 E 89.3 feet; thence N 59-08 E 280.0 feet; thence N 62-13-31 E 100.0 feet; thence N 74-26-36 E 60.14 feet to a P.K. nail and a corner to a sixty foot wide right-of-way to a 112.65 acres tract of the grantors; thence with the West line of said right-of-way, S 11-57 W 73.75 feet; thence S 22-02-12 W 145.11 feet; thence S 29-29-01 W 106.17 feet; thence S 15-26-43 W 102.77 feet; thence S 0-41-11 W 106.82 feet; thence S 6-36-17 E 123.51 feet; thence S 12-27-47 E 327.71 feet; thence S 42-07-50 E 122.58 feet; thence S 12-22-04 E 31.69 feet; thence S 21-00-03 W 32.12 feet to a point in the center of Mudlick Creek; thence with the center of said creek, N 62-40 W 173.0 feet; thence S 67-21 W 71.8 feet to a point in the center of said creek and a corner to a 5.28 acre tract; thence with the East line of said tract, N 17-58 W 838.3 feet to the place of beginning containing 5.38 acres more or less exclusive of all right of ways of record. Deed Book 292, Page 18, Group # 2070 of the Boone County Clerk's records at Burlington, Kentucky.

FINDINGS OF FACT

EXHIBIT "2"

- 1.) Surrounding low density residential and agricultural land uses are compatible with the requested zone change.
- 2.) The change would conform to the Boone County Comprehensive Plan to the extent that the Plan envisions low density residential development in some areas planned for agricultural use.
- 3.) The environmental sensitivity of the area is not considered to be inimical to low density residential use.