

REQUEST OF KEMM DEVELOPMENT INC. (OWNER)
FOR A ZONING MAP AMENDMENT

April 27, 1988

This is a request of Kemm Development Inc. (owner) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Suburban Residential One (SR-1) on a 19.2 acre site located at the end of Damascus Road, Mars Hill Subdivision. The request is to develop a single-family detached residential subdivision instead of the previously approved mixed-unit development. The actual acreage that would undergo a zone change, if approved, is 14.95 acres that comprised a 1985 Zoning Map Amendment approved by Boone County Fiscal Court. That approval permitted a maximum of 96 townhouse, duplex, or single-family units. The applicant is not required to submit a Concept Development Plan for the requested SR-1 zone.

CHARACTERISTICS OF THE SITE AND SURROUNDINGS

The site is currently undeveloped and contains overgrown pasture land. Existing single-family Mars Hill Subdivision is immediately to the south and is zoned Suburban Residential One (SR-1). To the west is a wooded area also zoned SR-1. North of the site is the developing area of Litton Industries, zoned Industrial One (I-1), and to the east is vacant property adjoining the Patricks Auto Parts and is zoned Industrial Two (I-2).

Soils present include Jessup Silt Loam (JeD) usually found on slopes of 12 to 20 percent and two types of Rossmoyne Silt Loam (RsB and RsC) usually found on slopes of 0-12 percent. The Jessup soil does present limitations for development.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map of the 1986 Boone County Comprehensive Plan depicts the site and surrounding properties as Medium Density Residential, a twenty-five year projection of three to eight dwelling units per acre on average.

The text of the Land Use Element addresses development of the Hebron area on Page L-12.

"West on KY 20 residential growth will remain relatively slow, with the exception of the Bullittsville area, which should become a clustered residential area. North of Bullittsville, low density residential development will continue. At no time in the future should Graves Road and I-275 become connected. This would destroy a potentially, carefully planned residential character of this area."

Page H-20 of the Housing Element discusses residential development of the Burlington-Hebron area.

"This area is a rapidly developing part of the county. The construction of new KY 18, new KY 237, and I-275 has committed the area to

continued growth in the form of low and medium density housing. The topography is favorable for development and all population projections indicate a significant growth in the area. A new elementary school to be built at KY 237 and KY 18, instead of on Camp Ernst Road, may shift some residential growth from the Union area. High density residential uses should be limited to previously undeveloped tracts in Hebron, along KY 237, and Burlington. From these places there should be a gradation of medium density to low density in the outlying areas."

Two objectives of the Housing Element pertain to the site.

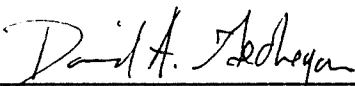
- "8. Existing sound residential areas/neighborhoods shall be conserved, and deteriorated residential areas with redeeming qualities should be regenerated.
9. In implementing the land use plan, those areas of the county proposed for residential use shall be protected from incompatible land uses."

STAFF CONCERNS

1. There are two adjacent undeveloped areas currently zoned Industrial One and Industrial Two. Any development of this site should address that adjacent zoning, as well as the existing character of the Mars Hill Subdivision.
2. If Damascus Road and Bethlehem Lane are extended, there should be an additional connection between these two streets on the site.

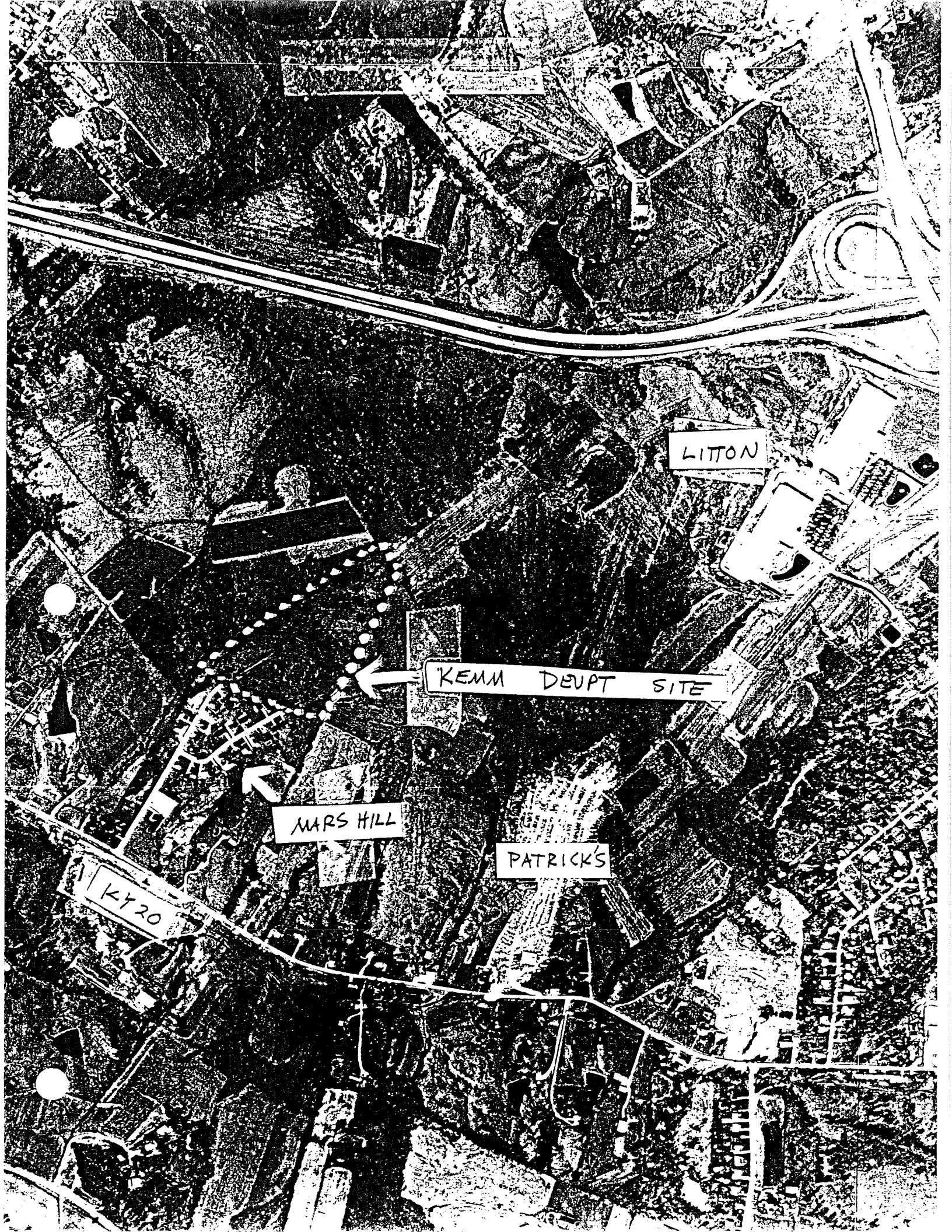
CONCLUSION

The Boone County Planning Commission and Boone County Fiscal Court need to review this request in terms of its relationship to adjacent land uses and zoning as well as the Comprehensive Plan and the three criteria necessary to grant a Zoning Map Amendment. Should this request be approved, the Future Land Use Map would not need to be adjusted.



David A. Geohegan
Planner/Plans Examiner

DAG:jdh



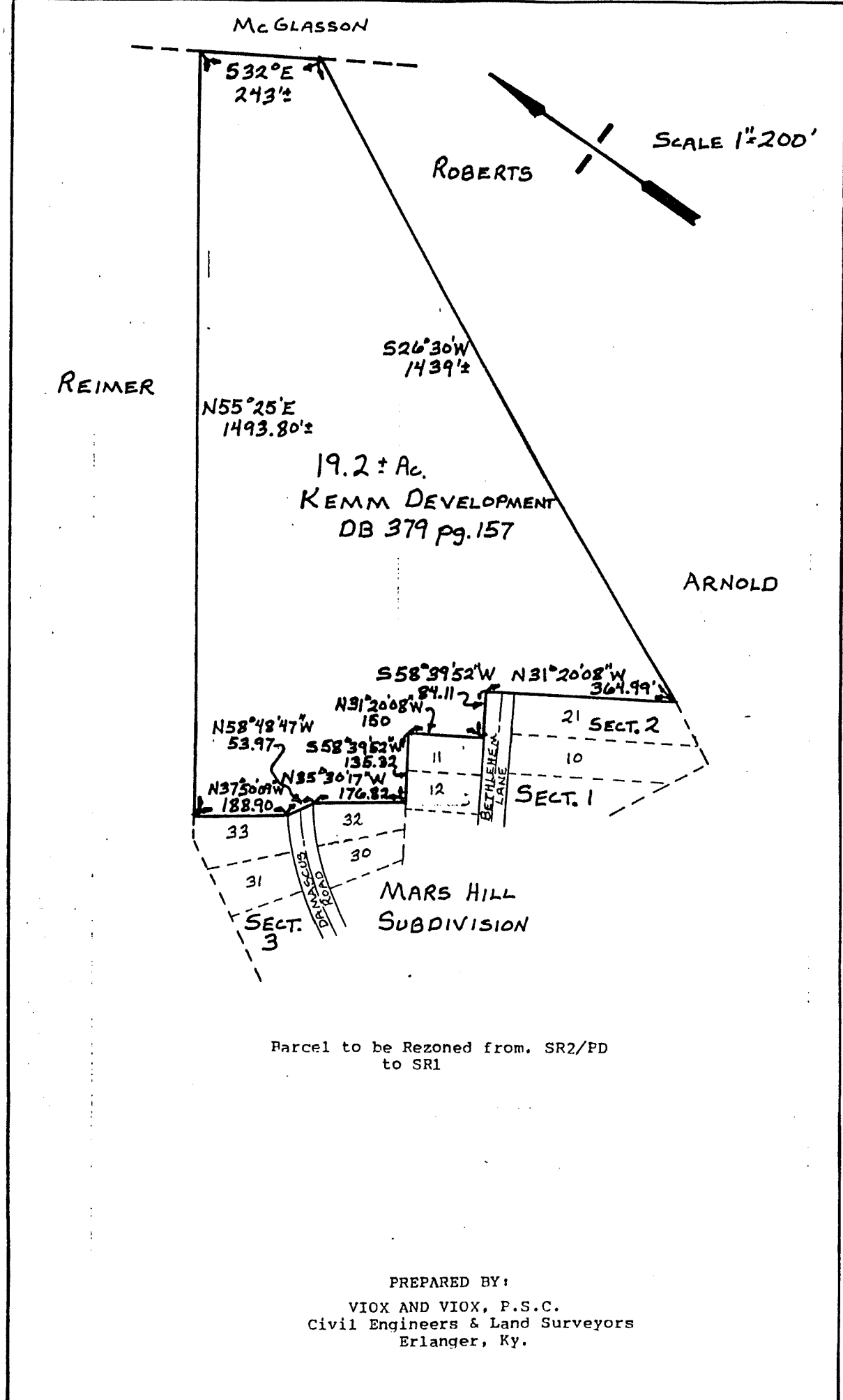
LITON

KEMM DEUPT SITE

MARS HILL

PATRICK'S

KY 20



Parcel to be Rezoned from. SR2/PD
to SR1

PREPARED BY:
VIOX AND VIOX, P.S.C.
Civil Engineers & Land Surveyors
Erlanger, Ky.

RSE :

C-4

I-275

LITTON

KEMM SITE

I-1

CURRENT ZONING

SR-1

Bullittsville

RS

SR-2

SR-1

Woolper

MARS HILL

SR-1

RS

KY20

I-2

SR-2

SR-1

C-2

creek

RSE

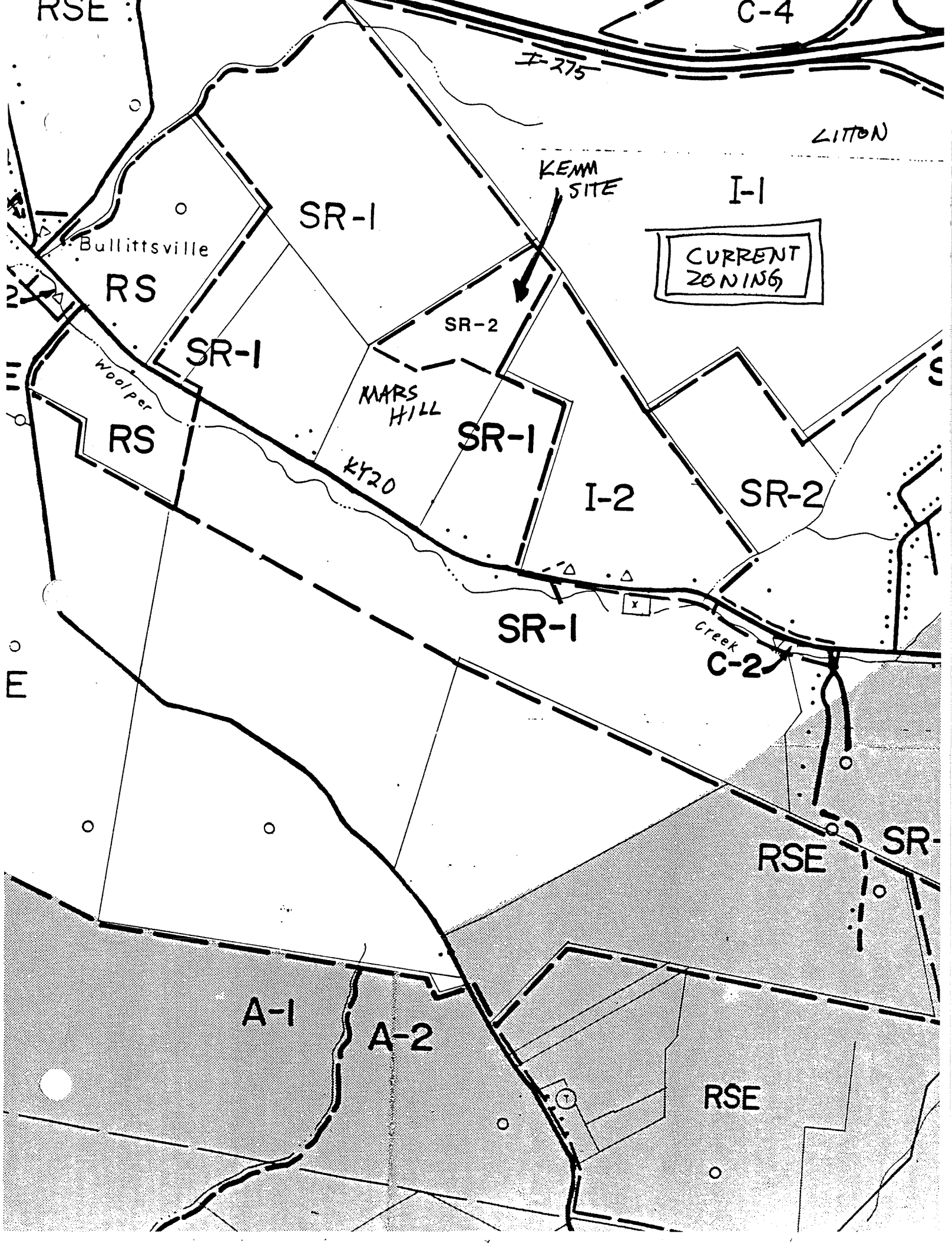
SR-

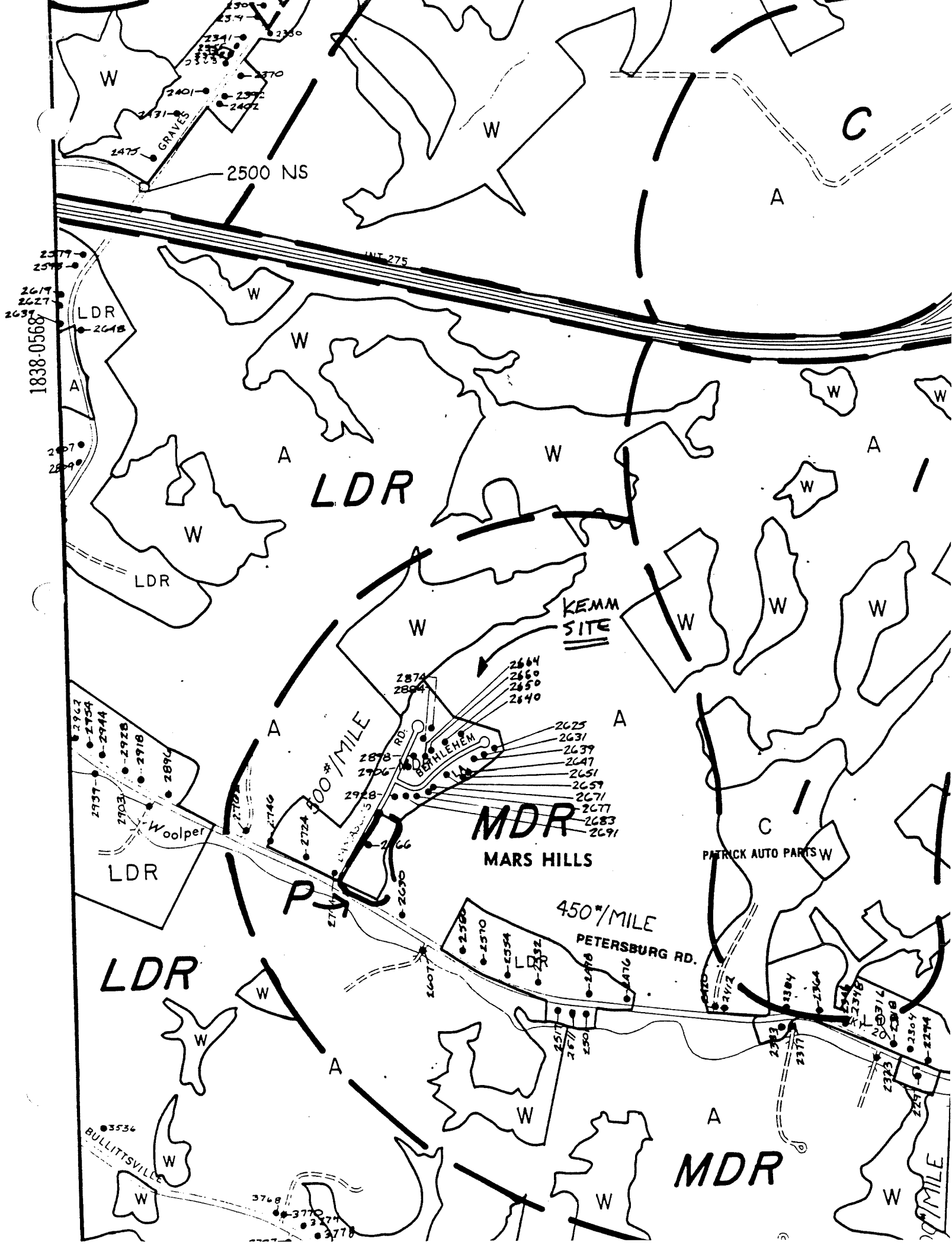
A-1

A-2

RSE

27
11
E





- Boone County Planning Commission
- City of Union Board of Adjustment
- City of Florence Board of Adjustment
- City of Walton Board of Adjustment
- Boone County Board of Adjustment
- Zoning Enforcement Officer
- Zoning Text Amendment
- Zoning Map Amendment
- Comprehensive Plan Change
- Preliminary Plat Approval
- Improvement Plat Approval
- Final Plat or Deed Plat
- Conditional Use Permit
- Site Plan Review
- Concept Development Plan
- Historic District Overlay
- Preliminary Development Plan
- Sign Permit or Zoning Permit
- Change of Non-Conforming Use
- Appeal or Variance
- Design Review Board Hearing and Certificate of Appropriateness

Applicant: Kemm Development Inc. Owner
 Agent
 Address: P.O. Box 17390

Covington, Ky. 41017 Telephone: 331-7118

Location: Damascus Rd., Hebron

Name of Owner: same as applicant

Address of Owner: _____

Zone: Present zone SR2/PD Area in Acres: 19.2

Deed Book: 379 Page No.: 157 Group No.: 2006

Description of Request: Zoning Map Amendment from SR2/PD to SRI to develop Mars Hill Phase 2, a single family detached subdivision

Owner's Signature: *Paul F. Michels*

Date: 3/16/88 Applicant's Signature: Paul F. Michels
 Pres. Kemm Development

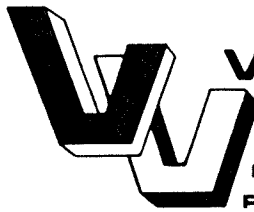
FOR PLANNING COMMISSION USE: ⁷⁶
³⁰⁰
⁶⁵
³⁶
 Application date and fee of \$ 477

Received: 3-16-88

Referred to: *JS/MB* *Dave Grohogan* For Meeting Date: PH 4/27/88

Action: *Approved* Date: 5/4/88

EXHIBIT "A"



VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS

468 ERLANGER ROAD

ERLANGER, KENTUCKY 41018

PHONE: (606) 727 - 3293

JAMES H. VIOX, III, P.E.
KY. REG. NO. 6880
KY. LAND SURVEYOR NO. 797

WILLIAM R. VIOX, P.E.
KY. REG. NO. 9209
KY. LAND SURVEYOR NO. 1781

DESCRIPTION

Parcel to be Rezoned from SR2/PD to SR1

A parcel of land lying at the present northeasterly end of Damascus Road and Bethlehem Lane in Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the northwesterly right-of-way line of Damascus Road, said point also being the most northeasterly corner of the Boone County Water District property (D.B. 354, pg. 212, Boone County Records, Burlington) and running thence:

N 37-50-09 W, along the northwesterly side of the Boone County Water District property, a distance of 188.90 feet, to a point, thence

N 55-25 E, along the dividing line between Kemm Development and Reimer Estate, a distance of 1493.8 feet, to a point, thence

S 32-00 E, a distance of 243 feet, to a point, thence

S 26-30 W, a distance of 1439 feet, to a point, thence

N 31-20-08 W, a distance of 364.99 feet, to a point, thence

S 58-39-52 W, a distance of 84.11 feet, to a point, thence

N 31-20-08 W, a distance of 150 feet, to a point, thence

S 58-39-52 W, a distance of 135.32 feet, to a point, thence

N 35-30-17 W, a distance of 176.82 feet, to a point, thence

N 58-48-47 W, a distance of 53.97 feet, to the place of beginning, and containing 19.2 acres more or less.

3/14/88

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2
April 27, 1988

Page 1

Mr. Burch introduced the second item on the Agenda:

2. Applicant: Kemm Development, Inc.
Request: Zoning Map Amendment

This was a Public Hearing on the request of Kemm Development, Inc. for a Zoning Map Amendment for a 19.2-acre site in the Mars Hill Subdivision, Boone County, Kentucky. The request is to rezone the property from Suburban Residential Two (SR-2) to Suburban Residential One (SR-1).

Staff Member, Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report). He noted that the zoning of the site as indicated in the Agenda is incorrect and Planned Development should be deleted from the description.

Mr. Burch asked for comments from a representative of the applicant at this time.

Mr. Jim Viox stated that a Concept Development Plan was not required, but they had prepared one due to the concern of some of the residents. He stated that Mr. Michaels, the President of Kemm Development, Inc., had met with the property owners to explain his intentions. He noted that the previous request involved a change to SR-2 zoning at a higher density. He stated that this plan is similar to the original plan for Mars Hill Subdivision. They want to return to the plan for single-family detached housing, which was approved some years ago by the Commission. He stated that the connection between the two streets will be made as requested. He stated that water and sewer are available. Mr. Viox stated that the request conforms to the Comprehensive Plan.

Mr. Burch 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 if there were any questions.

Carolyn Nixon stated that they formed The Citizens for Wolper Creek about a year ago. She stated that the creek has been monitored in regard to sewage coming into the creek. She questioned the capacity of the treatment plant.

Mr. Jim Viox advised that the plant was installed at a size to handle these lots. The plant is being maintained by the Boone County Water and Sewage Commission.

Ms. Nixon stated that their group will be monitoring the creek.

Mr. Burch asked if there were any comments from the Commission.

Mr. Collins stated that there was a lot of concern at the time of the previous request about surface water.

Mr. Jim Viox advised that the area referred to by Mr. Collins is not part of this property. He noted that Mr. Michaels had held a meeting at the church in regard to this development. Mr. Pelley, a road executive for Boone County, was present at the meeting and there is a commitment to improve the street and the drainage in the area. He stated that he is not familiar with the problem indicated by Mr. Collins. He stated that since they had met with the people in the subdivision he felt that if there was a concern about surface water, they would have heard about it.

Mr. Greene stated that he believes the SR-1 zoning is proper for the site.

Mr. McMillian noted that the streets in the subdivision are falling apart and questioned the commitment to improve them.

Mr. Jim Viox stated that the county intends to award a contract to repair the broken pavement and overlay the entire portion of the street. He added that he believed this would occur during this construction season.

Mr. Dave Geohagan questioned how many lots were indicated on the plat. Mr. Jim Viox advised that there would be approximately 55 lots.

There being no further discussion, Mr. Burch advised that this item will be on the Agenda for the May 4, 1988 Business Meeting at 8 P.M. and closed this Public Hearing.

APPROVED:


Fred Burch

ATTEST:

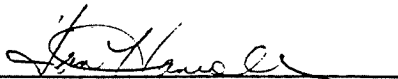

Jan Hancock, Recording Secretary

EXHIBIT "C"

COMMITTEE REPORT

6

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman, Zone Change Committee

DATE: May 4, 1988

RE: Request of Kemm Development, Inc. for a Zoning Map Amendment for 19.2 acres in the Mars Hill Subdivision, Boone County, Kentucky. The request is to rezone the property from Suburban Residential Two (SR-2) to Suburban Residential One (SR-1).

REMARKS:

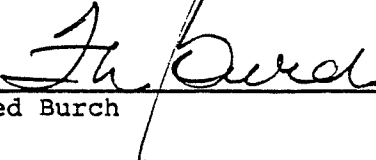
We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and the following clarification. The Committee is recommending approval for 14.95 acres which comprises the original Zoning Map Amendment from Suburban Residential One (SR-1) to Suburban Residential Two (SR-2) approved by Boone County Fiscal Court in 1985. The remaining 4.25 acres is currently zoned Suburban Residential One (SR-1).

FINDINGS OF FACT


1. The requested Zoning Map Amendment is in conformance with the Boone County Comprehensive Plan. The Future Land Use Map depicts the area as medium density residential uses by the year 2010, and the Land Use and Housing Elements call for low and medium density residential growth in the area. The objectives of the Housing Element are also to conserve existing sound residential areas and protect residential uses from incompatible land uses. Specific references are made to the Comprehensive Plan in the April 27, 1988 Staff Report.
2. The Committee believes that the existing zoning of Suburban Residential Two (SR-2) with its attached Concept Development Plan is inappropriate because of the traffic impact on the existing single-family Mars Hill Subdivision. The Committee believes that the proposed zoning of Suburban Residential One (SR-1) is appropriate to allow a logical extension of existing single-family residential to its northern limit where topography and industrial zoning present little opportunity for further extension.



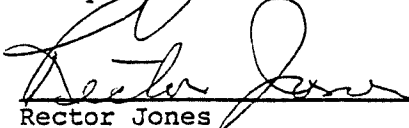
Carol Smith, Chairwoman



Fred Burch



Larry Barnett



Rector Jones

Donald McMillian

:jdh

PARCEL TO BE REZONED
FOR
REMAINING MARS HILL
BOONE COUNTY KENTUCKY
SCALE 1" = 100' APRIL 27, 1988

VIOX & VIOX P.S.C.
CIVIL ENGINEERS & LAND SURVEYORS
ERLANGER, KENTUCKY

CONV. & ZONING PLAN
REMAINING MARS HILL
PL. EX. 17340
REVISED 4/27/88



R-29-88

ORDINANCE 920.154

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR 19.2 ACRE SITE GENERALLY LOCATED IN THE MARS HILL SUBDIVISION, BOONE COUNTY, KENTUCKY, AS REQUESTED BY KEMM DEVELOPMENT, INCORPORATED AND BEING RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-29-88.

WHEREAS, the Boone County Planning Commission received a request for approval for a Zoning Map amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Suburban Residential One (SR-1) for a 19.2 acre site generally located in the Mars Hill Subdivision, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for the zoning map amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval with conditions, this Zoning Map amendment being a zone change from Suburban Residential Two (SR-2) to Suburban Residential One (SR-1) for a 19.2 acre site generally located in the Mars Hill Subdivision, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval with conditions is more particularly described in attached "Exhibit A."

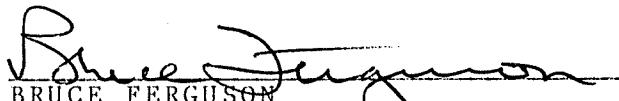
SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in the Ordinance (ATTACHED - EXHIBITS "B" and "C").

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

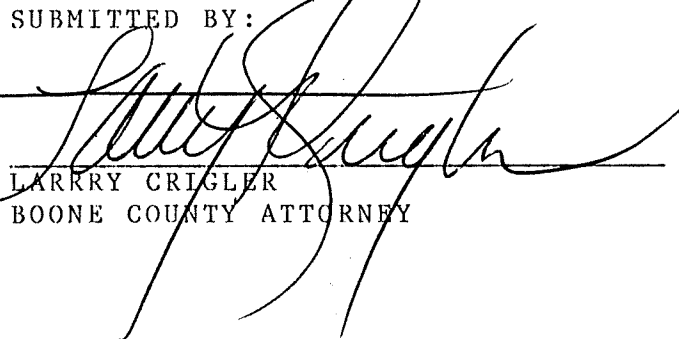
Introduced, seconded and given First Reading on the 7th day of June, 19 88.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 21st day of June, 19 88, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the the County Fiscal Court Clerk and declared to be in full force and effect.


BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:

LARRY CRIGLER
BOONE COUNTY ATTORNEY

7/21/88
DATE PUBLISHED