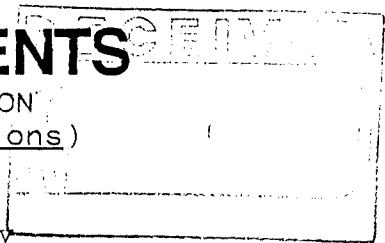


REVIEW NO. _____

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

Barlow-Cutter Property

1. Name of Development _____
2. Location of Development 1082 Cayton Road
3. Total Acreage of Site 10.487 gross acres
4. Current Zoning SR1 & RS
5. Proposed Zoning (classification being requested) _____
SR1 with Planned Development overlay
6. Proposed Uses (please specify each use) _____
Single family detached residential (zero lot line concept)
7. Name of Applicant(s) James L. Barlow & Donald Cutter
Phone Number(s) (606) 272-3423 (606) 273-2006
8. Address of Applicant(s) 3130 Custer Drive
Lexington, Kentucky 40517
9. Name of Property Owner(s) Barlow & Cutter by contract to purchase
Phone Number(s) from Susan Travis
10. Address of Property Owner(s) 1082 Cayton Road
Florence, Kentucky 41042
11. Proposed Building Intensities (please specify) _____
3.9 D. U. per gross acre
12. Are there any existing buildings on the site? yes
How many? One Residence, one shed
13. Deed Book 13 Page No. 110 Group No. 2032
14. Have you had a pre-application meeting with BCPC staff? yes
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)

EXHIBIT "A"

STAFF REPORT

#1

Request of James L. Barlow & Donald Cutter (Applicants)
for Susan Travis (Owner) for a Zoning Map Amendment to rezone a
10.487 acre site located at 1082 Cayton Road, Boone County, Kentucky.

August 22, 1990

This request is for a Zoning Map Amendment on a 10.487 acre site located at 1082 Cayton Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Rural Suburban (RS) to Suburban Residential One/Planned Development (SR-1/PD). The development will consist of 40 new single family detached homes, plus one existing residence.

HISTORY OF THE SITE

This site was previously before the Planning Commission on April 25, 1990, as an application for Zoning Map Amendment. The requested zoning was also SR-1/PD, but there are several differences between the two requests (Table 1). The most apparent change is that the number of new homes to be constructed has been reduced from 59 to 40. In addition to the 40 new homes, one existing residence is now included in the application. The inclusion of this home has increased the site area from 9.7 acres to 10.5 acres.

The individual homes have also changed to include with larger units, each having a two car garage. The amount of open space has been increased slightly from 1.7 acres to 2.0 acres. In addition, the location of the intersection with Cayton Road has been moved to the west to provide the best sight distance. And finally, since the previous request, the Planning Commission has approved the 1990 Boone County Comprehensive Plan. The Planning Commission on May 2, 1990, recommended approval of the initial Zoning Map Amendment.

The Boone County Fiscal Court conducted a Public Hearing on May 22, 1990, to review the Zoning Map Amendment. Subsequently, the item was deferred two times by the Fiscal Court. On July 10, 1990, the application for a Zoning Map Amendment was withdrawn by applicants.

TABLE 1

COMPARISON

	Previous Application	Current Application	SR-1 Zoning
Site area	9.7 acres	10.5 acres	10.5 acres
Park area	1.7 acres	2.0 acres	0.0 acres
No. of units	59	41	42
Density	6.1 du/acre	3.9 du/acre	4 du/acre
Min. lot size	3,420 sf	3,600 sf	8,000 sf
Min. lot frontage	32 feet	40 feet	65 feet

Source: Barlow-Cutter Property, 1986 Boone County Zoning Regulations.

SURROUNDING ZONING AND LAND USES

North - SR-1, vacant land to develop as Persimmon Grove Subdivision
South - SR-1 & RS, residential development
East - SR-1, residential development
West - SR-1 & RS, residential development

EXISTING FEATURES OF THE SITE

The site currently has a single residence located on the ten plus acres; the majority of the property being vacant. The property is heavily wooded at the rear and front portions of the property. Aerial maps show that upwards of one-half of the property is wooded. An open area with little significant vegetation is located in the middle of the property. The site slopes away from the middle to the front and rear; the rear grade being significant as it nears the rear property line. At the northwest corner of the site, at the lowest point, there is a small pond.

Public sewer service does not exist for the property at present. The applicant is planning to tie into the City of Florence sewer system. They are working on the necessary easements to make the connection. There is an existing water line that runs along the shoulder of Cayton Road. A fire hydrant is located along the frontage of the roadway.

PLANNED DEVELOPMENT

The 1986 Boone County Zoning Regulations allow for Planned Development Overlay zoning districts. The Planned Development Overlay is intended to encourage "a development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the comprehensive plan". The stated intention of the PD zone is to encourage:

"A maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements;

A more useful pattern of open space and recreation areas and,...;

A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;

A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;

A development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the comprehensive plan."

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1990 Boone County Comprehensive Plan does not specifically address this site, except the area will continue to develop residentially. The Future Land Use Map shows the property developing predominately as Suburban Density (0-4 du/acre), with some High Suburban Density (0-6 du/acre). There are however, several places where the development of property as related to this application is discussed:

Housing - Goals and Objectives

"A broad range of housing opportunities shall be provided at locations which meet the needs and desires of all household types."

"In order to offer the citizens of Boone County maximum choice in living environment, residential development plans shall be judged primarily on the basis of gross density (average number dwelling units per acre) and development design, with only secondary consideration given to type of dwelling unit."

"Clustering of dwelling units on portions of an overall site is always acceptable. Clustering is to be encouraged in some specific sites in order to preserve green space..."

Environment - Goals and Objectives

"Existing stands of mature and healthy trees in the highly developed and developing portions of Boone County should be preserved."

"New development or redevelopment should be designed to utilize existing topography and reserve existing stands of vegetation. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially."

CONCEPT DEVELOPMENT PLAN

The Concept Development Plan presents a single-family development, the type commonly referred to as 'patio' or 'garden' homes. (Figure 1) The 40 new homes will be placed on individual lots, with reduced setbacks. Figure 2 is a copy of the notes on the Plan that state site data and restrictions. The applicant has also intends to present information regarding the design and elevations of the homes that will be included as part of this request.

The Concept Development Plan shows a single, public street intersecting with Cayton Road, with two, private cul-de-sacs branching off. (Figure 3) The area in the middle of the cul-de-sacs will be landscaped parking areas to serve the adjacent residences. In addition, all of the homes will have two car garages and driveways. A bermed, landscaped area is located along the front of the property, screening the subdivision along Cayton Road.

The rear of the property is to remain vacant, to be used as a retention and conservation area. The 2.0 acres will be owned and maintained by a Home Owners Association (HOA). The HOA will also own and be responsible for maintaining the other public areas and the cul-de-sac streets within the development.

TRAFFIC

During the prior Zoning Map Amendment, the issue of traffic was raised and debated. Single-family detached land usage has a higher per unit trip generation rate than any other residential land use, as documented in the Trip Generation Manual. Table 2 shows the trip rates for different residential categories, and compares the equivalent.

TABLE 2
RESIDENTIAL TRIP GENERATION

Land Use	Generation Rate	Percent of Single Family Detached
S.F. Detached	10.062	--
Apartments	6.118	60
Condominiums	5.857	58

Source: ITE Trip Generation Manual, 4th Ed., 1987.

The table shows that per-unit, apartments and condominiums do not generate as much traffic as single family detached land uses. The higher densities associated with these two land uses however, usually off-sets the lower trip generation rates.

STAFF CONCERNS

1. DESIGN

The Staff is concerned that the application, if approved, be subject to conditions that insure that the development will be as presented. As a Planned Development the impact of the development will be dependant upon following the details of the project. Staff suggests that all pertinent information and concerns be tied to the Concept Development Plan and adhered to in further development reviews and approvals.

2. TREES/SITE ATTRIBUTES

The Staff is concerned about the disruption of the existing features and trees on the site. The protection of trees could enhance the development and provide a buffer from adjoining properties. Further, the open space

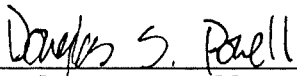
area should be protected to insure that it will not be disturbed during construction.

3. BUFFERING/FENCE

The Staff believes that the note regarding buffering should be further defined to insure that the desired result is achieved.

CONCLUSIONS

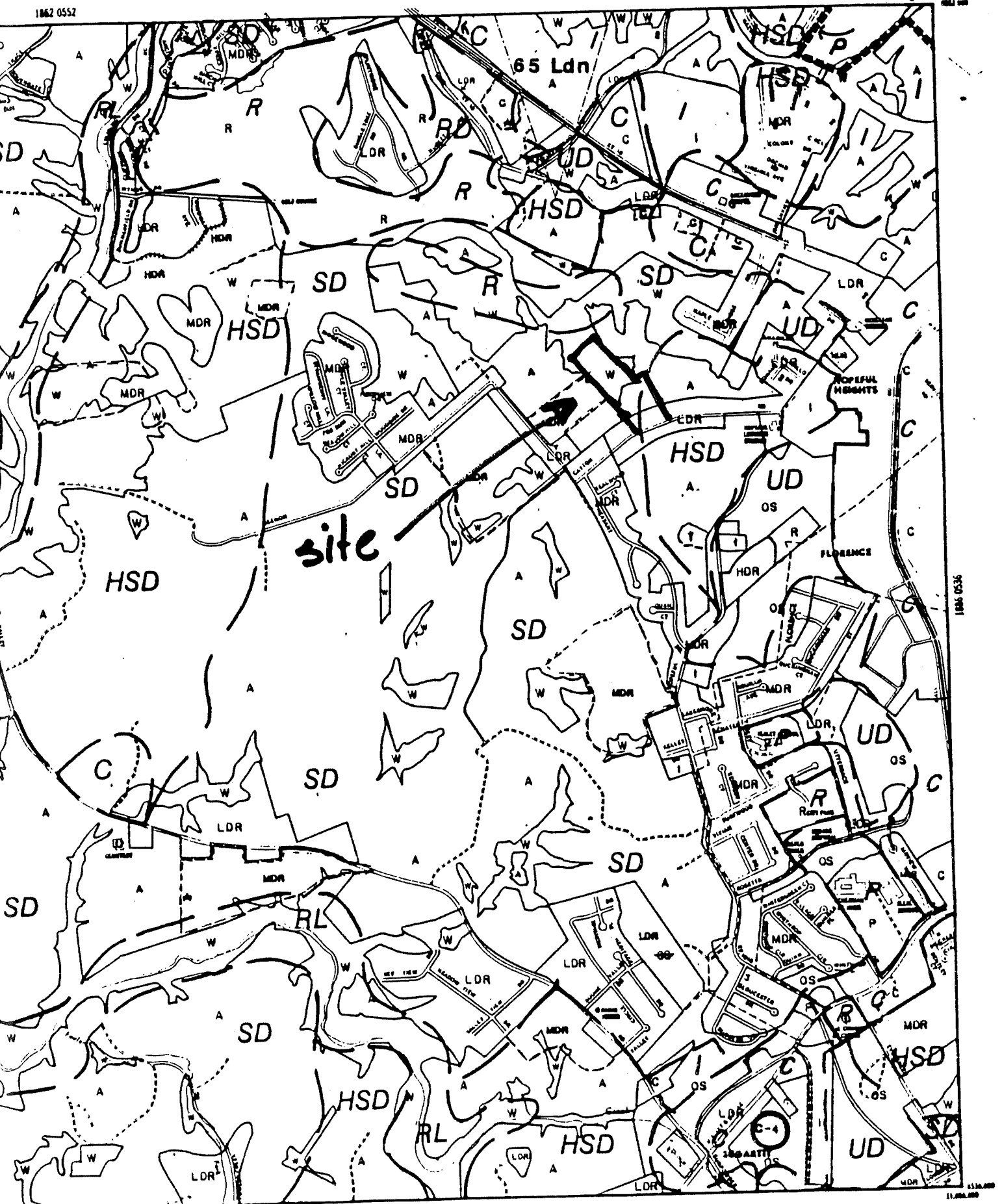
The request is unique in that it provides for a housing type not now found in Boone County. The Boone County Comprehensive Plan calls for a variety of housing types, to meet the various needs of county residents. The Comprehensive Plan also requires buffering between land uses, and the protection of tree stands in developed areas of the county. The site is currently zoned for typical residential development not needing a zone change. The Planning Commission needs to review this request in terms of Article 15 of the 1986 Boone County Zoning Regulations, Planned Development, to determine if the proposed development meets the intent as stated above. Should the request be approved, the Boone County Comprehensive Plan would not need to be amended.



Douglas S. Powell,
Transportation Planner

DSP:mcb

Exhibit 3



1862 0552

C-4

site

65 Ldn

ROSEHILL HEIGHTS

FLORENCE

1866 0536

C-4

11,000,000

BOONE COUNTY PLANNING COMMISSION

August 22, 1990
7:00 P.M.

PUBLIC HEARINGS

Mr. Fred Burch, Vice Chairman, called the meeting to order at 7:10 P.M..

Following a review of the Public Hearing process, Mr. Burch introduced the first item on the Agenda:

1. Applicant: James L. Barlow and Donald Cutter for
Susan Travis (owner)
Request: Zoning Map Amendment

The request of James L. Barlow and Donald Cutter (applicants) for Susan Travis (owner) for a Zoning Map Amendment to rezone a 10.487-acre site at 1082 Cayton Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential One/Planned Development (SR-1/PD) in order to have 41 single-family detached residences with reduced setbacks and minimum lot sizes.

Staff Member, Doug Powell, presented the Staff Report which included a slide presentation (see Staff Report). The slides were the same as those shown for the previous request.

Mr. Burch asked the applicants for their comments.

Mr. Jim Barlow stated that this is an amended application. They have attempted to make adjustments for the application to be more acceptable to the neighbors and the Fiscal Court. The most significant change is that the density has been dropped from 59 units to 40, which complies with the SR-1 zoning requirements. They have asked for a PD overlay. They are upscaling the houses. He distributed brochures containing pictures of Hampton Ridge to the Commission. Hampton Ridge is similar to the proposed development. He noted that the brochures describe the houses and street layout. They have used 85' right-of-ways with plantings in the center to take away from the crowded look. The prices of the houses will be from \$80,000 to \$110,000, as opposed to \$60,000 to \$80,000 in the previous application.

Mr. Barlow stated that they have moved the entrance. They are taking in a small segment of the existing house to move the right-of-way as far to the west as they can. He noted that they had discussed traffic when they were here before. He stated that they are reducing the number of units by about 33%.

Mr. Barlow stated that his partner, Don Cutter, and their land planner, Carol Grohs were also present. (See handouts submitted by Mr. Barlow entitled, "The Brentwood", "The Dover", and "The Ashbourne".)

Mr. Burch asked if there was anyone else present who wished to speak in favor of this request. There was no response.

Mr. Burch then asked if there was anyone present in opposition to this request or having questions.

Norma Raebourn stated that there is a discrepancy regarding the back portion of the land as to whether this is their property or hers. Her attorney notified Miss Travis on February 22, 1990 of this discrepancy and also talked with their attorney on July 13, 1990 in this regard. She stated that this should be resolved as it could decrease the amount of land that they have. Also, if this is approved after the discrepancy is resolved, she would like a buffer zone between Persimmon Grove and her land. She would like a scotch pine buffer and noted that she requested a buffer zone at the last hearing.

Michele Falk questioned the square footages of the homes, their style, and number of garages.

Mr. Cutter advised that the houses vary from 1,060 sq. ft. to 1,650 sq. ft.. They will all have two-car garages. There will be a mix of one-story and two-story plans.

Debbie Byrd asked if the Commission realized how much traffic there would be on Hopeful Road and the speed limit there. She stated that the traffic is tremendous and the road cannot handle additional traffic. There are also school buses on the road. She stated that this is too many houses for the amount of space. She questioned if the trees would be retained to take care of noise problems with the airplanes.

Mr. Cutter stated that they will retain as many of the trees as possible. He stated that a tree on a lot adds value.

Mr. Jim Woltermann, attorney, stated that he represented a number of neighbors at the last Public Hearing regarding this development. He stated that they are primarily seeking information at this meeting. He does not know that the neighbors are as opposed this time as last time. The concern last time was the relationship of this type of development with the surrounding homes. He noted that they are now increasing the square footage and the price of the homes. He noted that all of the information came to the committee about five minutes ago. He has been out to the Staff office and looked in the file and there was only the subdivision plat. He stated that it is difficult to ask questions and give opinions at this time. They would like to be advised of the time and date of the Committee meeting so that they may attend.

Mr. Woltermann questioned the location of Hampton Ridge. He questioned the minimum lot sizes and the typical lot sizes in the development. He questioned the minimum lot frontage and the typical lot frontage. He asked if the

restrictions submitted with the previous application, which were representative of a development in Lexington, would be included with this request. He asked if the conditions of approval of the previous request would apply to this development, such as the screening and earthen berm along Cayton Road.

Mr. Barlow advised that Hampton Ridge is in Windon Downs Subdivision in Lexington, near Harrisburg Road. The typical lot is 45 feet wide. A typical square footage of a lot is 4,500 square feet. The restrictions will be similar to what was filed with the last application. He added that they do not contemplate selling lots, but will sell the houses. He noted that the earthen berm is shown on the drawing and is still agreeable.

Mr. Burch stated that Mr. Woltermann will be advised of the time and date for the Committee Meeting.

Nita Wilhelm stated that agreements at the last meeting included the earthen berm and the deceleration lane. She stated that the entrance to the development is directly across from her driveway, which is of concern to her. She asked if there were restrictions regarding the placement of one access across from another entrance.

Carol Grohs stated that they are assuming the same type of deceleration lane would be required. She noted that the safest location for access points is directly across from each other.

Mr. Doug Powell, Transportation Planner, noted that he had addressed the issue of traffic in the Staff Report. He had not looked at a deceleration lane as being necessary and does not think that in the past a subdivision of 40 homes has demanded a turn lane. He stated that the new plan moves the driveway down to where there is good visibility. He added that the alignment of curb cuts is preferable.

James Taylor questioned the green space area. He asked that if he bought 40 acres, would he be able to put 160 houses on only ten acres. He stated that they are raising the average number of homes per acre.

Mr. Powell advised that clustering houses does not increase the average density and allows for open space. He noted the two acres in the back of the development and stated that it could probably be developed. He noted that there is an attempt to provide open space instead of having wall-to-wall yards. He referred to the comparisons made in Table I of the Staff Report.

Mr. Burch commented that the zoning would allow 42 homes as it is today.

Barbara Cahall asked if the issue of who owns the property in the back would need to be resolved before this request could be decided.

Counselor Wilson advised that the Commission does not get involved in resolving private boundary disputes. The applicant purports to own the property and the request is reviewed by the Commission on a land use basis.

Terry Bradshaw stated that he had relocated here from Lexington. He asked that the Commission consider all of the factors involved to avoid future problems, including traffic problems.

Mr. Barlow stated that the boundary dispute will be cleared up before they take title to the property.

There being no further comments from the audience, Mr. Burch asked if there were any comments or questions from the Commission.

Mr. Collins questioned who would maintain the two acres in the back.

Mr. Barlow stated that there will be a home owners association involved. The streets are private. The streets and the open space would be maintained by the home owners association.

Mr. Neltner questioned the lot sizes. He asked if the 4,500 square feet and the 45-foot lot width were averages or minimums. He noted that the numbers are different than those shown in the tables in the Staff Report.

Miss Grohs stated that the numbers are for a typical lot. Where there is a rectangular lot, it is 45' x 100'. On some of the fan-shaped lots, there is 40-foot width at the building line because the lot fans out. Mr. Barlow added that most of the lots are 4,500 square feet or better. He provided the plan to Mr. Neltner and reviewed the lot sizes with him.

Mr. Woltermann stated that he believes they are asking for a zone change from an RS Zone, which is two units per acre. He stated that this is a divided parcel, partially RS and partially SR-1, which is four units per acre. He stated that they cannot have four units per acre without a zone change.

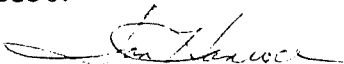
Mr. Powell agreed that there is some RS zoning on the site. Mr. Costello estimated that the RS zoning may be as much as 25% of the land. Mr. Powell noted that the Zoning Administrator, or Mr. Costello, has not determined the zoning line.

In response to a question from Mr. McMillian, Mr. Cutter stated that they are building 40 new homes and the one existing house will remain in the complex for a total of 41 homes.

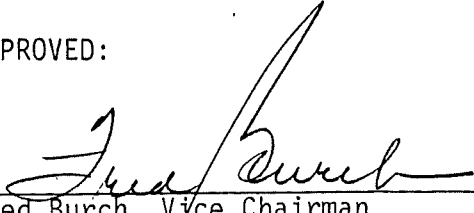
There being no further comments, Mr. Burch advised that this item will be on the Agenda for the Business Meeting on September 5, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:

Attest:



Jan Hancock, Recording Secretary



Fred Burch, Vice Chairman

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

September 5, 1990 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Rector Jones

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received copies of the Minutes of the Business Meeting of August 15, 1990 and the Public Hearings of August 22, 1990. He asked if there were any comments or corrections.

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

3. Zoning Map Amendment

The request of James L. Barlow and Donald Cutter (applicants) for Susan Travis (owner) for a Zoning Map Amendment to rezone a 10.487-acre site at 1082 Cayton Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential One/Planned Development (SR-1/PD) in order to have 41 single-family detached residences with reduced setbacks and minimum lot sizes.

Mr. Fromm read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has agreed to the conditions.

Mr. McMillian moved by resolution to the legislative body that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. Burch seconded the motion.

Mr. Kirby stated that the houses will still have small yards and reduced setbacks from what exists in the area. Mr. Sharp commented that there are ten less houses, but the prices have gone up.

Mr. Doug Powell, Transportation Planner, stated that there is a change from 59 houses in the previous request to 40 houses. Also, the last application involved a cul-de-sac in the middle of the property that has been moved closer to the southern property line -- which is an improvement.

Mrs. Norma Raebourn stated that Mr. Cutter or Mr. Barlow told her that they intend to change the water flow so that instead of running towards Cayton Road, it will run back the other way and onto her property. She does not want an erosion problem and she still wants a pine tree buffer zone.

Mr. Powell advised that the Staff did not review stormwater management or utilities as part of the zone change, but these issues will be addressed prior to development of the site.

Mr. Cutter stated that Mrs. Raebourn had misunderstood. They do not intend to make the water run up hill. They will submit a drainage plan for review and approval. They do not intend to reverse the flow of water.

Mr. Ed Woltermann, attorney who represented the neighbors at the last public hearing in regard to this request, stated that there was a condition that a deceleration lane be constructed by the applicant but it has been left out at this time.

Mr. Damstrom advised that the deceleration lane was not left out. It was the Committee's conclusion that due to the relocation of the intersection and the reduction of traffic going into the site, the deceleration lane was not warranted.

Mr. Mike Williams, Cayton Road Home Owners' Association, stated that there is a curve in the road and there will be an accident problem without the deceleration lane. He stated that the Commission has a responsibility to the community to take care of this.

Chairman Viox advised Mr. Williams that the Public Hearing had been held in August and at this time the Commission is addressing the Committee's findings and taking a vote.

Chairman Viox asked for a roll call vote on the motion made by Mr. McMillian which found Mr. Barnett, Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. Greene, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Rush, Mrs. Smith and Chairman Viox in favor. Mr. DeLong, Mr. Kirby, and Mr. Sharp were opposed. The motion carried by a vote of 11 to 3.

4. Zoning Map Amendment

The request of Kathleen J. Carnahan (applicant) for Timothy and Linda Carnahan (owners) for a Zoning Map Amendment on a 34.64-acre site located south of East Bend Road, being part of Lot #10 of Burlington Acres Subdivision, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Agriculture (A-1) in order to allow a mobile home.

Mr. Fromm read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Sharp moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports, including the conditions. Mrs. Smith seconded the motion and it carried unanimously.

5. Site Plan Review

The request of Florence, Kentucky MPO (applicant) for Lou Pohl (owner) for Site Plan Review to make parking lot improvements at the Florence Post Office located at 710 Turfway Road, Florence, Kentucky. The site is zoned Commercial Two (C-2).

Staff Member, Amy Moore, presented the Staff Report (see Staff Report).

Mr. Fromm read the Committee Report which recommended approval of the request based on the Staff Report.

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

Mr. Barnett stated that one side of the site abuts the YMCA. There is extensive remodeling going on there. The other side of the site abuts Turfway Road. He stated that he does not know why the Post Office should be immune to landscaping.

Mr. William Frede, architect/engineer for the Cincinnati Division of the Post Office, stated that the total shopping center is wall to wall asphalt. They do not feel that they as a tenant have the right to tear up the owner's

EXHIBIT "B"

COMMITTEE REPORT

#3

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: September 5, 1990

RE: Request of James L. Barlow and Donald Cutter (applicants) for Susan Travis (owner) for a Zoning Map Amendment to rezone a 10.487 acre site located at 1082 Cayton Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential One/Planned Development (SR-1/PD) in order to have 41 single-family detached residences with reduced setbacks and minimum lot sizes.

REMARKS:

We, the Committee, based on the statements made and facts gathered at the August 22, 1990, Public Hearing, recommend approval of this request based on the following Findings of Fact and subject to the following Conditions:

Finding of Fact

1. The proposed use of this property is in conformance with the 1990 Boone County Comprehensive Plan. The Future Land Use Map calls for the property to develop as High Suburban Density and Suburban Density. Further, there are several places where the development of property as related to this application is discussed. A Goal of the Housing Element is to meet "a broad range of housing opportunities shall be provided at locations which meet the needs and desires for household types." Other references to the 1990 Boone County Comprehensive Plan are included in the Staff Report.
2. The proposed use of this property is in conformance with Article 15, Planned Development of the 1986 Boone County Zoning Regulations. The Planned Development Overlay is intended to promote "a maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements." Also, important is to encourage "a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns". Further references to Article 15 are included in the Staff Report.

The applicants are being asked to include the following conditions as part of the submitted Concept Development Plan in order to address concerns and clarify questions raised at the August 22, 1990, Public Hearing.


Conditions

1. The applicants agree to work with Staff to insure the preservation of existing tree stands where appropriate, and where indicated by the Concept Development Plan. The disturb limits shall be clearly marked on the

Preliminary Development Plan phase of development. Prior to any development taking place, the disturb limit will be flagged on site by the applicants and Staff. Existing trees along the property lines shall not be disturbed and will be maintained throughout the construction of the subdivision. The streets and parking areas will be landscaped as shown on the Concept Development Plan.

2. The applicants agree to work with Staff to develop a plan to screen the subdivision from Cayton Road, as part of the Preliminary Development Plan. The existing trees near the southwest corner of the property will be retained where possible as part of the screening/buffering plan. An earthen berm and landscaping will be incorporated into the plan.
3. The applicants agree that the homes built will be of the type shown at the Public Hearing.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

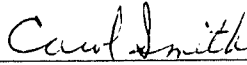


Phil Damstrom, Chairman


Rector Jones



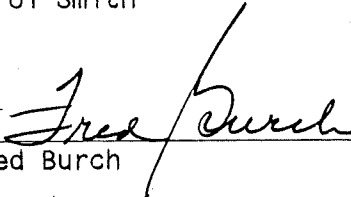
Barry Neltner



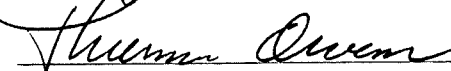
Carol Smith



Larry Barnett



Fred Burch



Thurman Owens

MINUTES
BOONE COUNTY FISCAL COURT
NOVEMBER 20, 1990
5:30 P.M.

on Camp Ernst Road. Judge Ferguson advised that the neighbor said that the stonewall obstructs their vision.

Mr. AL Ridner, Codes Enforcement Officer, said that he had investigated the complaint and found the stonewall to be on the county right of way, and that a permit should have been issued to erect the stonewall.

Mr. David Klotz, property owner and builder of the stonewall, said that he had driven around the county and found several infractors of this nature and said he thought his insurance would cover any liability that might incur.

Mr. Larry Crigler, County Attorney, advised that once the county has been made aware of circumstances that could be hazardous, the county then becomes liable if it fails to rectify the situation.

Mr. Klotz then agreed to remove the wall.

ITEM IV.

ORDINANCES & RESOLUTIONS

ORDINANCE 920.205 - CAYTON ROAD

Judge Ferguson declared the public hearing open at 6:15 P.M. relative to the proposed Barlow/Cutter Development on Cayton Road and inquired if the property dispute had been resolved and was advised by Mr. Terry McBrayer, attorney for the developers, and Mr. Rob Ziegler, attorney for the property owner of the land in question, that the Quit Claim Deed had been resolved.

Mr. Jim Wolterman, previously employed to represent Cayton Road Homeowners Association, appeared before the court to say that his former clients had previously agreed to the compromise and conditions as outlined in his letter dated October 2, 1990.

Judge Ferguson advised that he had received a subsequent letter from residents in the area expressing disagreement and recognized Mr. Daniel Faulk.

Mr. Faulk stated the residents were no longer paying Mr. Wolterman and said he felt the court was present to represent the people and it was his opinion that the majority of the community still opposed the development as it was not harmonious with the area.

Ms. Jean Shackelford, resident, placed emphasis on one statement of the Boone County Comprehensive Plan, that being the development must be compatible with the existing community.

Commissioner Davis asked Mr. Doug Powell of the Boone County Planning Commission if he felt the zone change request was in agreement with the Comprehensive Plan and he responded that he felt it was in agreement and that the density was within the density recommended under the Comprehensive Plan.

Judge Ferguson declared the public hearing phase closed at 7:00 P.M.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to deny the recommendation to approve Ordinance 920.215. Judge Ferguson called for a vote on the motion, Commissioner Patrick voted AYE, Commissioner Meihaus voted AYE, Commissioner Davis voted NO and Judge Ferguson voted NO.

Attorney Crigler advised that in the case of a tie vote, the decision would revert to the action of the Boone County Planning Commission after ninety days from the time the Boone County Planning Commission originally acted on this matter.

MINUTES
BOONE COUNTY FISCAL COURT
NOVEMBER 20, 1990
5:30 P.M.

Commissioner Davis stated that in order to salvage conditions requested by the residents previously, he would move, seconded by the Chair, to approve Ordinance 920.215, AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY JAMES L. BARLOW AND DONALD CUTTER (APPLICANTS) FOR SUSAN TRAVIS (OWNER) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (SR-1/PD) FOR A 10.487 ACRE SITE LOCATED AT 1082 CAYTON ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION ON A 11-3 VOTE VIA RESOLUTION R-35-90 with the conditions of Jim Wolterman's letter dated October 2nd, 1990 as follows:

- This should be put into resolution file*
1. A flaring of the main subdivision street at its intersection with Cayton Road so as to allow vehicles to deaccelerate prior to turning into the subdivision.
 2. That Cutter Homes will implement their current policy regarding the mix of houses within the subdivision so that no three houses, utilizing the same plan, will be located adjacent to each other.
 3. That they will maintain as many trees as possible along the west property line of the tract.
 4. That they will maintain the existing screening at the point where the corner of Arlington Station meets with lots 27 and 28 of their subdivision and will plant pine trees as appropriate for additional screening.
 5. That the roads in this subdivision will be constructed according to county specifications and that the main road in the subdivision will be dedicated to the county and accepted by the county for maintenance.
 6. That restrictive covenants, similar to those filed with the planning commission, will be adopted for the subdivision and recorded with the county clerk.

Commissioner Davis stated that two additional agreements should be added as follows:

7. That none of the buildings be placed on the market for rent previous to being sold by the original developers.
8. That street lights be placed at the intersection of Cayton Road and then turned over to the Homeowner's Association for maintenance and upkeep.

The developer agreed to all of the above conditions.

Judge Ferguson called for a vote on the motion, Commissioner Patrick voted NO, Commissioner Meihaus voted AYE, Commissioner Davis voted AYE, and Judge Ferguson voted AYE. Motion carried. Exhibit "C"

Judge Ferguson declared a recess at 7:20 P.M. and reconvened in open session at 7:40 P.M.

ORDINANCE 840.3 - ANIMAL SHELTER POLICY

Judge Ferguson presented for second reading Ordinance 840.3, AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RELATING TO A GENERAL POLICY FOR THE OPERATION OF THE BOONE COUNTY ANIMAL SHELTER AND TO PROVIDE THE FEES FOR SAME.