

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Development BRENT Wood Estates
- 2. Location of Development Hebrew Ky 237
- 3. Total Acreage of Site 67.939
- 4. Current Zoning _____
- 5. Proposed Zoning (classification being requested) RS

- 6. Proposed Uses (please specify each use) Residential
Single Family

- 7. Name of Applicant(s) AKIN & Miller Land Developers

- Phone Number(s) 586-6018 629-1906 (Sch. E. Akin)
- 8. Address of Applicant(s) 3693 AKIN LN.
Badin Ky State _____ Zip _____

- 9. Name of Property Owner(s) SAME AS ABOVE
- Phone Number(s) SAME

- 10. Address of Property Owner(s) SAME City _____ State _____ Zip _____

- 11. Proposed Building Intensities (please specify) 1/2 ACRS
Single Family Residences

- 12. Are there any existing buildings on the site? NO
How many? _____

- 13. Deed Book 208 Page No. 342 Group No. 2002

- 14. Have you had a pre-application meeting with BCPC staff? _____

- 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: _____

Buck Akin
him 586-9700
1-573-646
4235

EXHIBIT "A"

STAFF REPORT

#1

Request of Akin and Miller Land Developers (owners) for a Zoning Map Amendment on a 67.9 acre site located between Parlor Grove Subdivision and Tanner Road, Boone County, Kentucky.

September 26, 1990

This is a request of Akin and Miller Land Developers (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Rural Suburban (RS) to allow a residential subdivision. The development is proposed to be named Brentwood Estates, although it is accessible only through the existing Parlor Grove Subdivision. The 67.9 acre site overlooks Tanner Road, but has no frontage on that road. Information submitted by the applicant includes an outline plat of the site and a letter of supporting information that is attached to this report.

SURROUNDING LAND USES AND ZONING

To the north of the site is steep, wooded land that is zoned Agricultural Estate (A-2).

To the east, along Tanner Road, are a series of single-family residences zoned Agricultural Estate (A-2).

To the south is a historic stone farmhouse situated on an old farm that has overgrown with weeds and saplings. The farmhouse is listed on the National Register of Historic Buildings and is an important example of stone construction in Boone County.

To the east, is Parlor Grove Subdivision, zoned Rural Suburban Estate (RSE). This site was the subject of a zoning map amendment.

CHARACTERISTICS OF THE SITE

The 67.9 acre site is situated on a bluff overlooking the Elijah's Creek Valley and the Ohio River. The site includes much of the hillside along Tanner Road. Except for the center portion, the site is heavily wooded. The soils present on the site include Cythiana flaggy silty clay loam, found on 20 to 50 percent slopes; Jessup silt loam (JeD), found on 12 to 20 percent slopes; and two types of Rossmoyne silt loam (RsB and RsC) which are found on slopes of 0 to 12 percent. The CyF soils present a severe hazard of erosion in addition to the moderate risk of erosion on the other soils. The Geologic maps indicate that the steeper hillsides present include the Kope formation which is prone to slippage, if disturbed.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1990 future Land Use Map indicates the portion of the site near Parlor Grove Subdivision to be Suburban Density Residential which is a 25 year projection for up to 4 dwelling units per acre. The ridge top area extending toward the Ohio River valley is shown as future Rural Lands (RL). Portions of the site that meet or exceed 20 percent in slope, or that contain significant vegetation adjacent to 20 percent slope areas, are designated as Developmentally Sensitive (DS).

The text of the Land Use Element, on pages 209 and 210, recommends that Suburban Density development be concentrated near KY 237 and should be accompanied by improvements to KY 237. The balance of the North Bend Road area is recommended to develop as Rural Density residential to be consistent with existing subdivisions, be sensitive to the hillsides, and to minimize traffic volumes on KY 237 in its current condition. Developmentally Sensitive designated areas are recommended to undergo detailed inventories of soil, slope, wildlife habitat, vegetation, and other possible physical constraints. The Future Land Use Development Guidelines recommend that developments should incorporate natural features into their design and clearly delineate areas that should not be disturbed.

STAFF CONCERNS

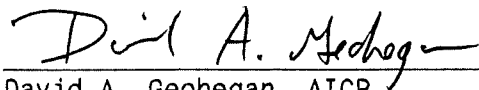
- 1) "Brentwood Estates" is to be accessed only through existing Parlor Grove. Since the site is three streets removed from North Bend Road, confusion would be the result if this site is treated as a separate subdivision.
- 2) Street stubs into adjacent property to the west and along the river bluff should be considered.
- 3) No plan has been officially submitted, and therefore staff cannot accurately determine what the appearance of the subdivision will be on the bluff. Disturbed limit setbacks or other mechanisms should be considered to preserve vegetation along the bluff edge.
- 4) Britt Drive is only 25 feet wide and functions as a local street. To add 70 additional lots to the street system would result in over 180 lots being served by Britt Drive. This is well over the 100 lot threshold that requires a sub-collector street of 28 foot width.
- 5) Any attempt to connect this site to KY 237 through adjacent property would impact a historic stone house on the Foster property west of the site.

CONCLUSION

The Planning Commission and Boone County Fiscal Court need to consider the three criteria necessary for a Zoning Map Amendment. In addition, the request should be evaluated in terms of the character of housing present in the area and the general intent of the Comprehensive Plan to protect the scenic views of the Ohio

River Valley and to form a greenbelt preservation corridor in the Elijah's Creek valley. Should the request be approved, the 1990 Future Land Use Map would need to be adjusted.

Respectfully submitted,



David A. Geohegan, AICP
Planner III / Plans Examiner

DAG:kat

September 14, 1990

TO: RESIDENTS OF PARLOR GROVE

Subject: Brentwood Subdivision -- RS Zone Change

As residents of Parlor Grove, we thought you would be interested in knowing our development plans for the property we recently acquired which adjoins Parlor Grove. We have recently requested a zone change on this 68-acre parcel to permit residential development. The zoning requested allows a maximum of approximately 2 houses per acre.

We requested this particular zoning in order to efficiently develop this property into an upscale development with all the utilities presently available in Parlor Grove. The topography of the property is such that even with RS zoning, the maximum number of houses will only be about 70. Looking at Parlor Grove and Brentwood together, the density of housing will still be considerably less than one unit per acre.

We can assure you that the proposed Brentwood Subdivision will at least be on par with Parlor Grove. The restrictions will be at least as rigorous, the lot prices will be higher and the homes generally more expensive than in Parlor Grove.

Since we have more lots left to sell in Parlor Grove than have already been sold, you can be assured that we would do nothing that would detract from the property values in Parlor Grove. Quite the contrary, we plan to develop Brentwood in such a manner that property values in Parlor Grove will be enhanced.

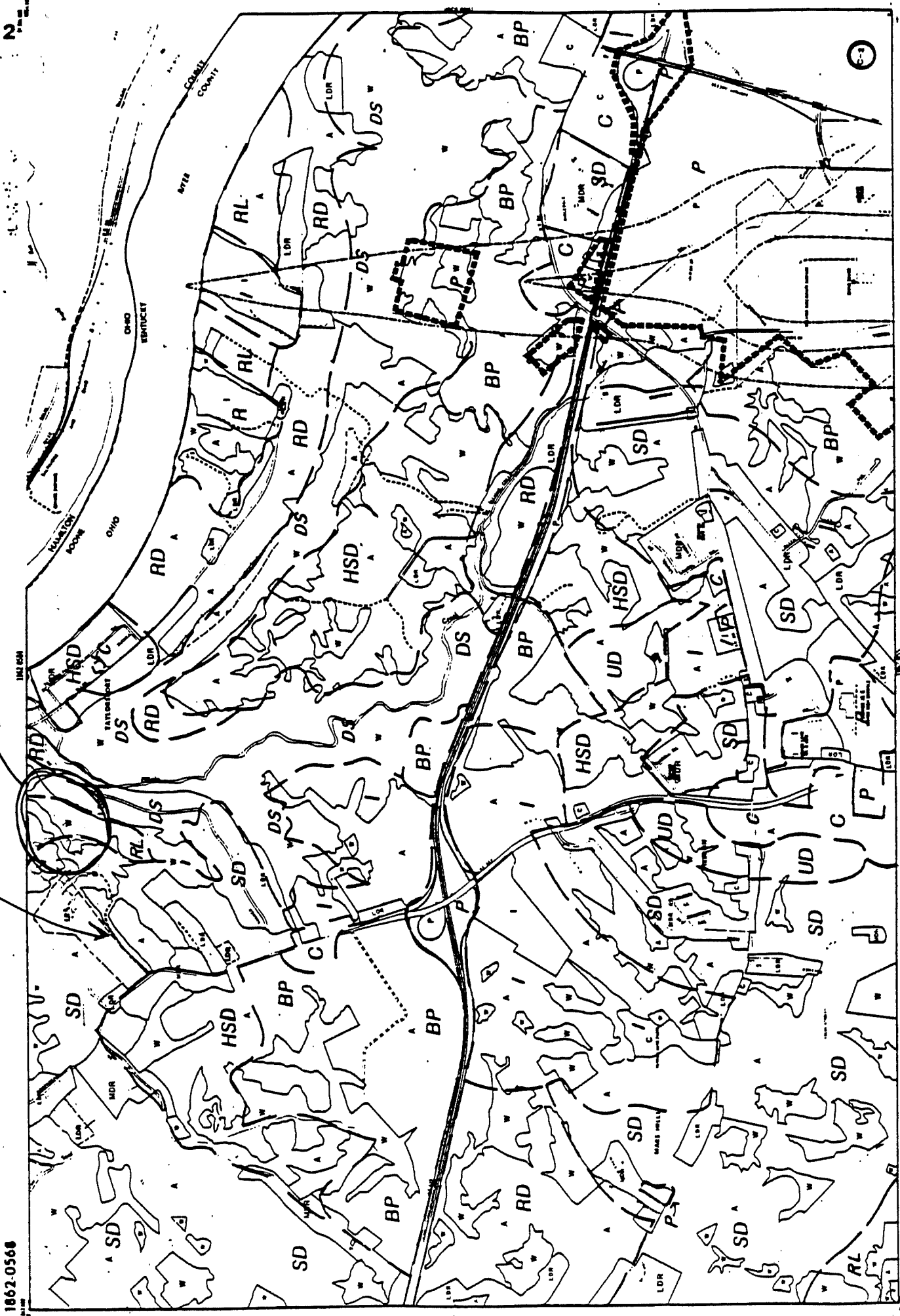
We are very proud of Parlor Grove Estates and anticipate being at least as proud of Brentwood. We hope you are supportive of our efforts and all of us will benefit from this.

Sincerely,

AKIN AND MILLER LAND DEVELOPERS

1990 FUTURE LAND USE

PARLOR GROVE SITE



1862-0568

MOORE COUNTY
HAMILTON COUNTY

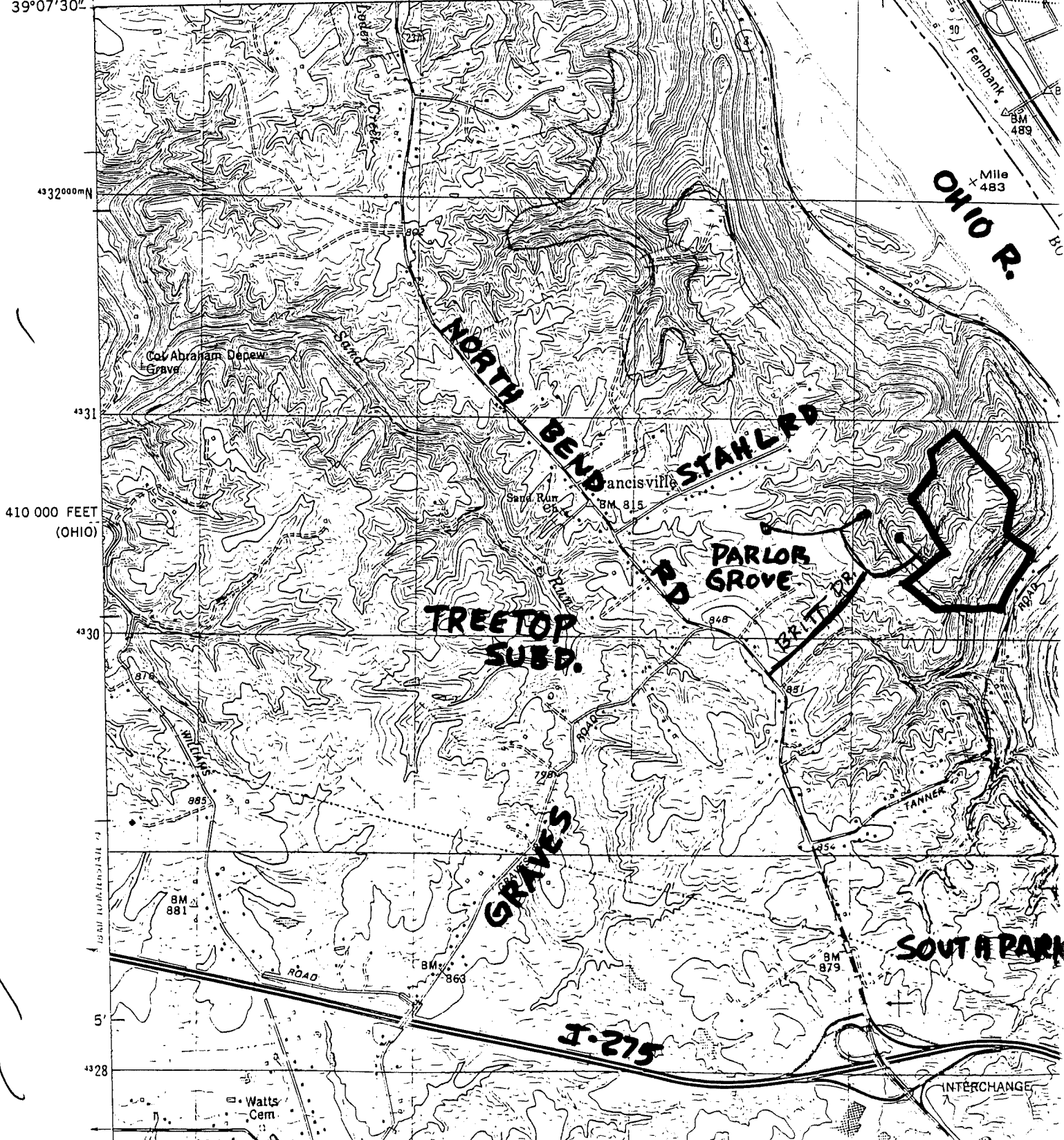
BRENTWOOD ESTATES

219

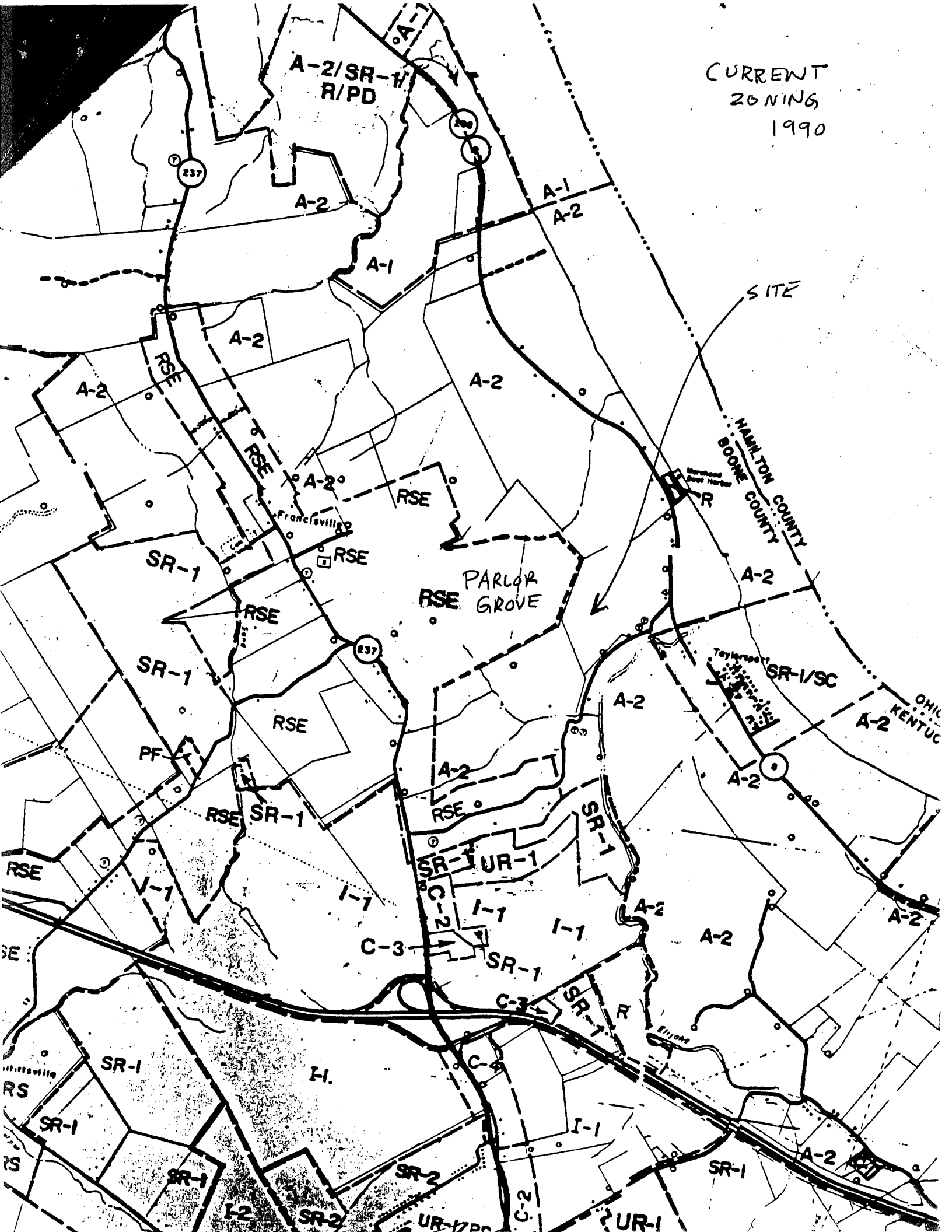
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

4082 IN NE
(HOVEN)

84°45' 39°07'30" 0.3 MI. TO KY. 3 966000E 1:370 000 FEET (OHIO) 42'30" LAWRENCEBURG ADYSTON 1.3



CURRENT
ZONING
1990



BOONE COUNTY PLANNING COMMISSION

September 26, 1990
7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:10 P.M..

Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. Applicant: Akin & Miller Land Developers (owners)
Request: Zoning Map Amendment

The request of Akin & Miller Land Developers (owners) for a Zoning Map Amendment on a 67.9-acre site located west of Tanner Road and adjacent to Parlor Grove Subdivision, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban (RS) in order to develop Brentwood Estates Subdivision.

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

The Chairman asked for the applicant's comments at this time.

Mr. Buck Akin and Mr. J. J. Miller of Akin & Miller Land Developers were present. Mr. Akin stated that they have spent many hours attempting to make Parlor Grove Estates a desirable and elite subdivision and they feel they have accomplished this. There are approximately 65 lots remaining to be sold. They began this development in 1987 and requested a zone change from Agricultural to Residential. The Health Department gave verbal approval of septic systems for the lots. In 1988, they were given approval for a centralized sewer system, which is in place and needs only electric current to be operational and would serve the lots to be sold in Brentwood Subdivision. The sewage systems, water, gas, cable -- the underground utilities -- as well as the streets, have been built conforming to the regulations. When the zone change for Parlor Grove was granted in 1987, it was requested that access be given to the Foster properties to provide for future development. This is the 68 acres under discussion.

Mr. Miller stated that they believe the request for a change from A-2 to RS is justified by significant changes that took place in the area, including the I-275/S.R. 237 interchange in the Francisville area. At the subject site, changes include the access provided to the property for future development, city water is now available at the site, as well as centralized sewer. The zone change is necessary to accommodate the greater growth anticipated in the area and the need for more upscale residences in the area.

Mr. Miller stated that the residents of Parlor Grove are concerned about the proposed development. They would also be concerned if they were not the developers as more than half of Parlor Grove is yet to be sold. They recently sent letters to the residents of Parlor Grove indicating their intent in regard to the development of Brentwood Subdivision. The requested zoning allows a maximum density of two homes per acre with 20,000 sq. ft. minimum. The current zoning allows one residence per acre. He noted the developmentally sensitive areas on the property and stated that they want to make maximum use of the land available for development. They need to get the number of residences necessary to allow the capital improvements -- sewers, utilities, underground lines, etc. -- for an upscale development. They intend that the restrictions for this development be at least as restrictive as they are in Parlor Grove. They anticipate that the lot prices will be higher than Parlor Grove and the cost of homes at least as great. They anticipate no more than 68 residences and do not think there will be that many. They do not anticipate traffic problems through Parlor Grove. There would be less than 200 residences in total for the two developments. The RS Zoning provides for 100 foot lots, and the smallest they have is 125-foot lots in Parlor Grove. They intend to do the same type of development in Brentwood Estates.

Chairman Viox advised that the zone change in 1987 was not granted by the Planning Commission, the Commission made a recommendation to the Fiscal Court for their action. The Commission will also make a recommendation in regard to this request and the Fiscal Court will have final action.

Chairman Viox asked if there was anyone else present who wished to speak in behalf of the request. There was no response.

The Chairman then asked if there was anyone present in opposition to the request.

Mr. Ed Drennan, attorney, stated that he was representing a number of people living in Parlor Grove contiguous to the subject area. He stated that the Commission needs to deal with whether the requested zone change is in agreement with the Comprehensive Plan. The Comprehensive Plan indicates business and commercial along I-275 and KY 237, with medium-density development south of that in Central Hebron. Parlor Grove sits north of the commercial area and the anticipated growth is low-density development. The A-2 Zone permits low-density single-family development, and that is what Parlor Grove is. Mr. Drennan does not feel that changing this site to the RS Zone is compatible with the Comprehensive Plan. He stated that the Staff looked at the surrounding area in regard to its zoning and anticipated development, and all of it is low-density residential single-family dwelling units. The RS Zone allows two to eight houses per acre, which is in the medium range and will change the area and the environment. He stated that the developers are not to be given the zone change unless they can show economic, social, or physical changes to the area.

Mr. Drennan stated that they contacted the Road Department. He stated that the Road Department advised that not only is the width of the road as presented in the Staff Report, but it is only 9" thick. It is a local street that cannot handle the heavy load of 70 additional homes. If you assume two cars per residence, that is 140 additional cars. He questioned what is to be done with contractors who tear up the roads. He stated that the issue of whether the developers will have to post bonds has been tabled and the residents, not the contractors, may have to pay to fix the roads. The increased traffic creates safety problems. The number of cars coming in and out will be increased about 100% and there are children running and playing in the streets because it is a rural area. Along with the cars comes air and noise pollution.

Mr. Drennan stated that they can build homes now in the A-2 Zone. The people do not want access via Britt and Brandon Drives. He added that Parlor Grove was to have two means of entrance and exit, but there is only one. The developer did not build the second access. He noted that the developer can say what he will do, but he has leeway to modify that. The residents ask that the developer use another access and not come through Parlor Grove. He added that the new section should have been named Parlor Grove as an ambulance driver or other community personnel may not be able to find it.

Mr. Drennan stated that the 70 homes will impact the community. The Comprehensive Plan deals with the infrastructure to meet those needs. The Plan indicates that another high school and three elementary schools are needed and none of them have been built. Goodrich school is at full capacity. Stephens school will be built and is already anticipated to be at full capacity. The people who buy these homes are likely to have two children each and that is 140 additional school children in the school system.

Mr. Drennan stated that they can build what they want with their own access to KY 237 and, if they have options on other property to Tanner Road, they can use that. Also, the area on which they intend to build is the Ohio Scenic View and is highly sensitive. There is a very limited amount of flat land on this 68-acre tract. With today's technology, it would be possible to build on the sensitive cliff areas. They are concerned about the beautification of Boone County. People like to see the scenic view along the river in Boone County.

Mr. Drennan stated that the sewage treatment plant is there but the majority of people in Parlor Grove will not tap in. The Comprehensive Plan anticipated the need for sewage in the area and it is not a change that warrants a zone change. Until the plant is at full operation and pipes are laid, what will they do with the sewage? Mr. Drennan stated that they will run it off to the Ohio River or truck it out through Parlor Grove. The people are concerned about what will be done with the sewage. Mr. Drennan submitted a petition which he advised contained the signatures of nearly every individual in Parlor Grove opposing the zone change.

Chairman Viox asked if there was anyone else present in opposition to the request.

Mr. Don Barker, 1600 Brandon Drive, is opposed to the zone change due to the traffic congestion it will cause. He stated that the letter from the developers indicated they would build approximately 70 homes, which would account for 35 acres. He asked if they would come back and request a zone change to build apartments or duplexes on the remaining 33 acres.

Mr. Miller advised that the 33 acres would be non-usable because they are environmentally sensitive. The 33 acres would become part of the 70 building sites. They are not developing 70 sites on 35 acres and keeping 33 acres for something else. They are talking about the development of the entire site. Mr. Akin stated that the environmentally sensitive area is practically impossible to build on because it is steep hillside. They have no plans to build on the hillside.

Mr. Joe Probus questioned why there could not be one-acre lots with a scenic view.

Mr. Miller advised that some of the lots would be one acre, and some would be two acres. The environmentally sensitive area would be assigned to the lots. They could not make it as nice a development with a one-acre restriction because they could not yield enough buildable homesites to make the necessary capital improvements.

Debbie Welthy of Britt Drive questioned who would enforce the restrictions as they are not being enforced in Parlor Grove now. When they asked who should enforce the restrictions, they were told that it was the responsibility of the residents.

Mr. Miller advised that someone parking a camper becomes an enforcement problem for the county. He stated that they were referring to the restrictions in regard to the quality of housing.

Mr. Probus stated that there should be a lot layout showing the homesites before the request is approved. He questioned how many half-acre lots there are.

Mr. Miller stated that it is expensive to do a lot of engineering. They have done preliminary design layout to roughly determine the yield in terms of one-acre zoning and one-half acre zoning. If the RS Zoning is granted, there will be no more than 68 to 70 residences. They are after a yield of one lot per acre.

Mr. Don Lewis, a resident of Parlor Grove, stated that he lives on the lake and it has filled up with mud because of poor land use and erosion.

Mr. Miller advised that many houses were being constructed at one time in and around the lake area. They brought in equipment and dredged out the silt. They have since put in more silt checks to prevent as much future erosion as they can. There is more erosion than normal when you build houses and there has also been abnormal rain fall in the last few years.

Mr. Lewis agreed that the lake had been dredged, but it is almost as bad as it was.

Mrs. Jane Champion stated that they also own property on the pond and nothing was going to be done until a family went to the EPA about the problem. She stated that they were going to fill a stream on their lot with rock to eliminate the siltation, but it has not been done.

Mr. Miller stated that they learned a lot from Parlor Grove. He stated that some of these problems are builder problems, not developer problems, and they have worked with the builder.

Mr. Sharp questioned the width and condition of Tanners Lane.

Mr. Geohegan estimated that it would be about 20 feet wide towards North Bend Road, but some portions going down to Route 8 are more narrow. He added that North Bend Road would not be a suitable access and there would be a lot of topography to consider.

Mr. Akin stated that it would be virtually impossible to locate a street on the environmentally sensitive area. Mr. Miller stated that the environmentally sensitive area separates the buildable portion of the property from Tanners Road.

Mr. Neltner asked that a topographical map be provided showing the streets and lots, with the understanding that it is preliminary. The map can be provided to the Staff or the Committee. Mr. Akin stated that it can be made available.

Mr. Damstrom questioned the status of the sewer plant and where the effluent will go when it is operational.

Mr. Miller advised that it should be operational this week. It has been approved by the state and the regulatory bodies. It is on the back side of Parlor Grove Estates. The effluent will go down the stream and wind up in the Ohio River. The plant is county owned and operated. They have to subsidize the operation until there are enough users.

Mr. Sharp questioned if they have the necessary property to widen the drive to 28 feet. Mr. Miller advised that there is a 60-foot right-of-way and he would assume that a 28-foot street could be built. Mr. Miller added that the street is 10" deep.

Mrs. Smith noted a sign in Parlor Grove Estates when it was first built that said, "Not County Maintained". She asked if this was because the roads were not built to county specs.

Mr. Miller advised that there were some things that had to be done before the county would accept the streets -- the core drills had passed, but they felt it was best to block a small drainage pipe and have the drainage to out another pipe. There was a culvert underneath Britt Drive that was a back-up drainage system. Also, a headwall had been left off as they

planned to raise a lot. They then chose not to do that because of the erosion problem. The delay in acceptance was not due to the depth of the blacktop.

Mr. Don Barker questioned who the builder would be in Brentwood Subdivision. He asked how they could be guaranteed they will stick to the 68 houses.

Mr. Miller stated that they could take their word on the number of houses. They are several years away from building and it is too early to comment on who the builder might be. They intend to continue their relationship with Henry Fischer, but do not know that it will be exclusive.

Mr. John Kaiser, a resident of Parlor Grove, stated that he is concerned about the soil erosion. He questioned why it took so long to put in sewer lines and to put down straw to keep the soil from eroding.

Mr. Miller advised that there is a sewer trunk line running through the back of Mr. Kaiser's lot. He stated that they have to take some trees from a lot that the owner wants removed and need a special heavy loader for that which will cause a disturbance. Also, there are two lots where manholes have to be regraded to establish a better grade. After those corrections are made, they can address the erosion problem on the sewer trunk line. He added that contractors are working on the sewer line now.

Mr. Kaiser questioned how many houses the sewage treatment plant is supposed to handle. Mr. Miller advised that it would handle 55 houses.

Deborah Frazier questioned the possibility of getting easements for an alternative access road. Mr. Miller advised that their property is quite a distance from KY 237. They can't go to Tanners Road because of the topography. Going to KY 237 would require another fifty or sixty acres to go through and they do not own this property. The access to the front part of the Foster tract is a 40-foot easement and not sufficient for a county access. It would be prohibitively expensive to build the site if they have to build another road. He added that they never showed two accesses to Parlor Grove Estates on a preliminary plan.

Mr. Fred Haverbelt stated that the Henry Fischer Sales Manager told him that there would be two accesses and showed him a drawing. Mr. Miller emphasized that the developers never indicated two accesses.

Wendy Starr stated that adding 60 to 70 homes and 120 to 140 cars changes this to a busy street. She was assured it was a nice quiet neighborhood without a lot of traffic.

Jerry Henner stated that the changes they request will affect the character of the subdivision. The schools are overcrowded now. He stated that the county board said that the road is 3" below what it should be. He added that the water floods over the road into the yards.

Mr. Akin advised that Henry Fischer built Mr. Henner's home and the proper ditch line was not established when the yard was regraded. The blacktop was put in at the depth required by the county.

Mr. Wayne Hacker of Brandon Drive questioned the grade in front of his house. He stated that he is not opposed to the homes, but to the access. He questioned what would stop someone from getting access through the new area to another area.

Mr. Akin stated that there is an area in front of three homes where there is a 2½ to 3-foot drop. Approximately 600 to 700 feet of ditch line needs to be regraded to provide proper drainage. Mr. Miller stated that in regard to additional access through the property, this is more a question for the Commission to answer than the developer. They have tried not to provide access to additional properties and have been required to do so by the Planning Commission. They have no plans to buy other properties at this time. He added that they do not own the property out to KY 237, but a second access could be provided through there.

At this time, the Chairman asked the developers for their closing statements.

Mr. Miller stated that what they are proposing is low-density development. The current zoning allows up to four units per acre and they are asking for a maximum of two units per acre with the flexibility to end up with one unit per total acreage. It is his understanding that the property across the street from Parlor Grove was recently zoned RS. The subject property now has sewers and underground utilities which is a significant change. He stated that the opposition indicated the street to be 9" thick and not sufficient to handle the traffic. This is incorrect and the street is 10" and a collector street. The streets were built to county specs and they believe they can handle the construction traffic. Britt Drive has been accepted by the county and there would not be a cost to the residents if damage would occur. It is his understanding that there are stop signs and he will check with the county. It is a misstatement that they indicated there would be two accesses for Parlor Grove. The sewage plant will be county owned and operated. The sewage treatment facility was submitted to the Health Department with a capacity of more than 55 homes. They cannot put 150 homes into a plant approved for 55 homes. They would have to get the necessary permits and approvals and have adequate capacity for the development. The county will have completed the infrastructure and made the connections, one of which is a trunk line up Tanners Road. He stated that there is substantial reason for the zone change to be granted. He stated that they are the largest owners of property in Parlor Grove and are trying to do something that will enhance the value. He emphasized that there have been significant changes in the area.

Mr. Ed Drennan stated that they need to deal with the Staff's concerns. He noted that the Road Department says the road is 9" thick and a local street. He stated that they have not shown any reason for the zone change.

Mary Keller stated that people chose Parlor Grove Estates because the houses were not on half-acre lots.

Mr. Miller advised that they could have had as many as 163 homes in Parlor Grove Estates, but only have 117. Most of the lots in Parlor Grove have 125-foot frontage and they intend to have 125-foot frontage lots in Brentwood Estates.

Jane Kenyan stated that she owns nine acres of property next to the subject property. Her property is not in Parlor Grove Estates. She questioned the affect of this zone change on her property.

Mr. Miller advised that her property is currently landlocked. They would like not to have to provide access to it. They do not envision any negative impact on her property.

Chairman Viox advised that the zoning of her property will not be affected.

Mr. Collins questioned why the name was changed from Parlor Grove Estates to Brentwood. He noted that the life squad might be able to make a better response if this property were attached to Parlor Grove.

Mr. Miller stated that they felt it might be confusing to deal with the zone change with the same name and to change the density of Parlor Grove Estates. Mr. Akin noted that the Links in Oakbrooke is a different section. They could just call this section of Parlor Grove "Brentwood".

There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on October 3, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

Mr. Schroer stated that the land use principles that were applied to the properties to the north and south which are classified "Business Park", should be applied to the Bowlin property and they should be classified "Business Park". He urged that the Commission visit the site to get a true sense of the incredible noise, ground vibrations, and the impact of looking at the airport. At this time, Mr. Schroer played a video which contained pictures of the subject site and the area around it, as well as the noise on the site.

Mr. Burch asked for a five-minute recess.

Following a short recess, Mr. Burch stated that the Commission would take no action on this matter this evening as there is no formal request. There was no Public Hearing. The information provided was for the Commission members. The Fiscal Court asked that the Commission look into the situation, which the Commission has done. The Commission has determined that it will look into the matter further.

Mr. Burch stated that the Comprehensive Plan Committee does not have a report at this time. They will look into the matter further and report back to the Commission. The Commission will advise Mr. Schroer when this will occur.

Mr. Schroer stated that they will be available to meet with the Staff, the Committee, and the Commission. He would like to reserve the right to make comments when the matter is reopened. He advised that he had given comments to the Boone County Recorder. Counselor Wilson commented that this is a public meeting.

At this time, Mr. Burch introduced the first item on the Agenda:

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Akin & Miller Land Developers (owners) for a Zoning Map Amendment on a 67.9-acre site located west of Tanner Road and adjacent to Parlor Grove Subdivision, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban (RS) in order to develop Brentwood Estates Subdivision.

Staff Member, Dave Geohegan, 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/owners have signed the letter agreeing to the conditions. A copy of the Public Hearing Minutes accompanies the findings and recommendation as a summary of the evidence and testimony presented.

At this time, Chairman Viox arrived and chaired the meeting.

Mr. Collins moved by resolution to the Fiscal Court that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. Neltner seconded the motion.

Mr. Kirby referred to Condition #7 regarding property/conservation easements within the Developmentally Sensitive Areas. He questioned what would happen if a taker for the property is not found.

Mr. Geohegan advised that the applicant could continue working towards agreements, but could not be required to do so. Mr. Kirby asked if the lands could be incorporated into the backyards. Mr. Geohegan advised that they could, or the owner could retain ownership. It would be likely that a lot of the land would end up being back yards.

At this time, Chairman Viox asked for a roll call vote on the motion made by Mr. Collins which found Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. Greene, Mr. Kirby, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Rush and Chairman Viox in favor. Mr. DeLong and Mr. Sharp were opposed. The motion carried by a vote of 10 to 2.

2. Utilization of an Underlying Zone in Planned Development

The request of Erpenbeck Engineers (applicant) for Monohan Development Company, Inc. (owner) for the Utilization of the Underlying Zone in Planned Development for a 4.9-acre site located off Tanners Lane and Dream Street, Florence, Kentucky. The site is zoned Office Two/Planned Development (O-2/PD) as recommended in the Parkway Corridor Study.

Staff Member, Dave Geohegan, read the Committee Report which recommended approval of the request, but subject to conditions (see Committee Report). He stated that the applicant has not signed the letter agreeing to the conditions. He added that this request, without a time waiver, has to be acted upon this evening.

Mr. Neltner asked Mr. Ron Erpenbeck if they required action on the request this evening or if the matter could be deferred. Mr. Ron Erpenbeck stated that his client wants action on the request this evening, but cannot agree to all four of the conditions.

At this time, Chairman Viox asked for a short recess to allow the Committee to meet.

Following the recess, Mr. Neltner moved that the request be deferred until the next Business Meeting, which is agreeable to the applicant. Mr. Ron Erpenbeck stated that they are agreeable to the deferral. Mr. Kirby seconded the motion and it carried unanimously.

3. Zoning Map Amendment

The request of Linda Mullins (applicant) for the Estate of Margaret Stein (owner) for a Zoning Map Amendment on a 0.25-acre site located at 5826 Limaburg Road, Boone County, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Commercial One (C-1) in order to allow a child care center.

BOONE COUNTY PLANNING COMMISSION

September 26, 1990
7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:10 P.M..

Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. Applicant: Akin & Miller Land Developers (owners)
Request: Zoning Map Amendment

The request of Akin & Miller Land Developers (owners) for a Zoning Map Amendment on a 67.9-acre site located west of Tanner Road and adjacent to Parlor Grove Subdivision, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban (RS) in order to develop Brentwood Estates Subdivision.

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

The Chairman asked for the applicant's comments at this time.

Mr. Buck Akin and Mr. J. J. Miller of Akin & Miller Land Developers were present. Mr. Akin stated that they have spent many hours attempting to make Parlor Grove Estates a desirable and elite subdivision and they feel they have accomplished this. There are approximately 65 lots remaining to be sold. They began this development in 1987 and requested a zone change from Agricultural to Residential. The Health Department gave verbal approval of septic systems for the lots. In 1988, they were given approval for a centralized sewer system, which is in place and needs only electric current to be operational and would serve the lots to be sold in Brentwood Subdivision. The sewage systems, water, gas, cable -- the underground utilities -- as well as the streets, have been built conforming to the regulations. When the zone change for Parlor Grove was granted in 1987, it was requested that access be given to the Foster properties to provide for future development. This is the 68 acres under discussion.

Mr. Miller stated that they believe the request for a change from A-2 to RS is justified by significant changes that took place in the area, including the I-275/S.R. 237 interchange in the Francisville area. At the subject site, changes include the access provided to the property for future development, city water is now available at the site, as well as centralized sewer. The zone change is necessary to accommodate the greater growth anticipated in the area and the need for more upscale residences in the area.

Mr. Miller stated that the residents of Parlor Grove are concerned about the proposed development. They would also be concerned if they were not the developers as more than half of Parlor Grove is yet to be sold. They recently sent letters to the residents of Parlor Grove indicating their intent in regard to the development of Brentwood Subdivision. The requested zoning allows a maximum density of two homes per acre with 20,000 sq. ft. minimum. The current zoning allows one residence per acre. He noted the developmentally sensitive areas on the property and stated that they want to make maximum use of the land available for development. They need to get the number of residences necessary to allow the capital improvements -- sewers, utilities, underground lines, etc. -- for an upscale development. They intend that the restrictions for this development be at least as restrictive as they are in Parlor Grove. They anticipate that the lot prices will be higher than Parlor Grove and the cost of homes at least as great. They anticipate no more than 68 residences and do not think there will be that many. They do not anticipate traffic problems through Parlor Grove. There would be less than 200 residences in total for the two developments. The RS Zoning provides for 100 foot lots, and the smallest they have is 125-foot lots in Parlor Grove. They intend to do the same type of development in Brentwood Estates.

Chairman Viox advised that the zone change in 1987 was not granted by the Planning Commission, the Commission made a recommendation to the Fiscal Court for their action. The Commission will also make a recommendation in regard to this request and the Fiscal Court will have final action.

Chairman Viox asked if there was anyone else present who wished to speak in behalf of the request. There was no response.

The Chairman then asked if there was anyone present in opposition to the request.

Mr. Ed Drennan, attorney, stated that he was representing a number of people living in Parlor Grove contiguous to the subject area. He stated that the Commission needs to deal with whether the requested zone change is in agreement with the Comprehensive Plan. The Comprehensive Plan indicates business and commercial along I-275 and KY 237, with medium-density development south of that in Central Hebron. Parlor Grove sits north of the commercial area and the anticipated growth is low-density development. The A-2 Zone permits low-density single-family development, and that is what Parlor Grove is. Mr. Drennan does not feel that changing this site to the RS Zone is compatible with the Comprehensive Plan. He stated that the Staff looked at the surrounding area in regard to its zoning and anticipated development, and all of it is low-density residential single-family dwelling units. The RS Zone allows two to eight houses per acre, which is in the medium range and will change the area and the environment. He stated that the developers are not to be given the zone change unless they can show economic, social, or physical changes to the area.

Mr. Drennan stated that they contacted the Road Department. He stated that the Road Department advised that not only is the width of the road as presented in the Staff Report, but it is only 9" thick. It is a local street that cannot handle the heavy load of 70 additional homes. If you assume two cars per residence, that is 140 additional cars. He questioned what is to be done with contractors who tear up the roads. He stated that the issue of whether the developers will have to post bonds has been tabled and the residents, not the contractors, may have to pay to fix the roads. The increased traffic creates safety problems. The number of cars coming in and out will be increased about 100% and there are children running and playing in the streets because it is a rural area. Along with the cars comes air and noise pollution.

Mr. Drennan stated that they can build homes now in the A-2 Zone. The people do not want access via Britt and Brandon Drives. He added that Parlor Grove was to have two means of entrance and exit, but there is only one. The developer did not build the second access. He noted that the developer can say what he will do, but he has leeway to modify that. The residents ask that the developer use another access and not come through Parlor Grove. He added that the new section should have been named Parlor Grove as an ambulance driver or other community personnel may not be able to find it.

Mr. Drennan stated that the 70 homes will impact the community. The Comprehensive Plan deals with the infrastructure to meet those needs. The Plan indicates that another high school and three elementary schools are needed and none of them have been built. Goodrich school is at full capacity. Stephens school will be built and is already anticipated to be at full capacity. The people who buy these homes are likely to have two children each and that is 140 additional school children in the school system.

Mr. Drennan stated that they can build what they want with their own access to KY 237 and, if they have options on other property to Tanner Road, they can use that. Also, the area on which they intend to build is the Ohio Scenic View and is highly sensitive. There is a very limited amount of flat land on this 68-acre tract. With today's technology, it would be possible to build on the sensitive cliff areas. They are concerned about the beautification of Boone County. People like to see the scenic view along the river in Boone County.

Mr. Drennan stated that the sewage treatment plant is there but the majority of people in Parlor Grove will not tap in. The Comprehensive Plan anticipated the need for sewage in the area and it is not a change that warrants a zone change. Until the plant is at full operation and pipes are laid, what will they do with the sewage? Mr. Drennan stated that they will run it off to the Ohio River or truck it out through Parlor Grove. The people are concerned about what will be done with the sewage. Mr. Drennan submitted a petition which he advised contained the signatures of nearly every individual in Parlor Grove opposing the zone change.

Chairman Viox asked if there was anyone else present in opposition to the request.

Mr. Don Barker, 1600 Brandon Drive, is opposed to the zone change due to the traffic congestion it will cause. He stated that the letter from the developers indicated they would build approximately 70 homes, which would account for 35 acres. He asked if they would come back and request a zone change to build apartments or duplexes on the remaining 33 acres.

Mr. Miller advised that the 33 acres would be non-usable because they are environmentally sensitive. The 33 acres would become part of the 70 building sites. They are not developing 70 sites on 35 acres and keeping 33 acres for something else. They are talking about the development of the entire site. Mr. Akin stated that the environmentally sensitive area is practically impossible to build on because it is steep hillside. They have no plans to build on the hillside.

Mr. Joe Probus questioned why there could not be one-acre lots with a scenic view.

Mr. Miller advised that some of the lots would be one acre, and some would be two acres. The environmentally sensitive area would be assigned to the lots. They could not make it as nice a development with a one-acre restriction because they could not yield enough buildable homesites to make the necessary capital improvements.

Debbie Welthy of Britt Drive questioned who would enforce the restrictions as they are not being enforced in Parlor Grove now. When they asked who should enforce the restrictions, they were told that it was the responsibility of the residents.

Mr. Miller advised that someone parking a camper becomes an enforcement problem for the county. He stated that they were referring to the restrictions in regard to the quality of housing.

Mr. Probus stated that there should be a lot layout showing the homesites before the request is approved. He questioned how many half-acre lots there are.

Mr. Miller stated that it is expensive to do a lot of engineering. They have done preliminary design layout to roughly determine the yield in terms of one-acre zoning and one-half acre zoning. If the RS Zoning is granted, there will be no more than 68 to 70 residences. They are after a yield of one lot per acre.

Mr. Don Lewis, a resident of Parlor Grove, stated that he lives on the lake and it has filled up with mud because of poor land use and erosion.

Mr. Miller advised that many houses were being constructed at one time in and around the lake area. They brought in equipment and dredged out the silt. They have since put in more silt checks to prevent as much future erosion as they can. There is more erosion than normal when you build houses and there has also been abnormal rain fall in the last few years.

Mr. Lewis agreed that the lake had been dredged, but it is almost as bad as it was.

Mrs. Jane Champion stated that they also own property on the pond and nothing was going to be done until a family went to the EPA about the problem. She stated that they were going to fill a stream on their lot with rock to eliminate the siltation, but it has not been done.

Mr. Miller stated that they learned a lot from Parlor Grove. He stated that some of these problems are builder problems, not developer problems, and they have worked with the builder.

Mr. Sharp questioned the width and condition of Tanners Lane.

Mr. Geohegan estimated that it would be about 20 feet wide towards North Bend Road, but some portions going down to Route 8 are more narrow. He added that North Bend Road would not be a suitable access and there would be a lot of topography to consider.

Mr. Akin stated that it would be virtually impossible to locate a street on the environmentally sensitive area. Mr. Miller stated that the environmentally sensitive area separates the buildable portion of the property from Tanners Road.

Mr. Neltner asked that a topographical map be provided showing the streets and lots, with the understanding that it is preliminary. The map can be provided to the Staff or the Committee. Mr. Akin stated that it can be made available.

Mr. Damstrom questioned the status of the sewer plant and where the effluent will go when it is operational.

Mr. Miller advised that it should be operational this week. It has been approved by the state and the regulatory bodies. It is on the back side of Parlor Grove Estates. The effluent will go down the stream and wind up in the Ohio River. The plant is county owned and operated. They have to subsidize the operation until there are enough users.

Mr. Sharp questioned if they have the necessary property to widen the drive to 28 feet. Mr. Miller advised that there is a 60-foot right-of-way and he would assume that a 28-foot street could be built. Mr. Miller added that the street is 10" deep.

Mrs. Smith noted a sign in Parlor Grove Estates when it was first built that said, "Not County Maintained". She asked if this was because the roads were not built to county specs.

Mr. Miller advised that there were some things that had to be done before the county would accept the streets -- the core drills had passed, but they felt it was best to block a small drainage pipe and have the drainage to out another pipe. There was a culvert underneath Britt Drive that was a back-up drainage system. Also, a headwall had been left off as they

planned to raise a lot. They then chose not to do that because of the erosion problem. The delay in acceptance was not due to the depth of the blacktop.

Mr. Don Barker questioned who the builder would be in Brentwood Subdivision. He asked how they could be guaranteed they will stick to the 68 houses.

Mr. Miller stated that they could take their word on the number of houses. They are several years away from building and it is too early to comment on who the builder might be. They intend to continue their relationship with Henry Fischer, but do not know that it will be exclusive.

Mr. John Kaiser, a resident of Parlor Grove, stated that he is concerned about the soil erosion. He questioned why it took so long to put in sewer lines and to put down straw to keep the soil from eroding.

Mr. Miller advised that there is a sewer trunk line running through the back of Mr. Kaiser's lot. He stated that they have to take some trees from a lot that the owner wants removed and need a special heavy loader for that which will cause a disturbance. Also, there are two lots where manholes have to be regraded to establish a better grade. After those corrections are made, they can address the erosion problem on the sewer trunk line. He added that contractors are working on the sewer line now.

Mr. Kaiser questioned how many houses the sewage treatment plant is supposed to handle. Mr. Miller advised that it would handle 55 houses.

Deborah Frazier questioned the possibility of getting easements for an alternative access road. Mr. Miller advised that their property is quite a distance from KY 237. They can't go to Tanners Road because of the topography. Going to KY 237 would require another fifty or sixty acres to go through and they do not own this property. The access to the front part of the Foster tract is a 40-foot easement and not sufficient for a county access. It would be prohibitively expensive to build the site if they have to build another road. He added that they never showed two accesses to Parlor Grove Estates on a preliminary plan.

Mr. Fred Haverbelt stated that the Henry Fischer Sales Manager told him that there would be two accesses and showed him a drawing. Mr. Miller emphasized that the developers never indicated two accesses.

Wendy Starr stated that adding 60 to 70 homes and 120 to 140 cars changes this to a busy street. She was assured it was a nice quiet neighborhood without a lot of traffic.

Jerry Henner stated that the changes they request will affect the character of the subdivision. The schools are overcrowded now. He stated that the county board said that the road is 3" below what it should be. He added that the water floods over the road into the yards.

Mr. Akin advised that Henry Fischer built Mr. Henner's home and the proper ditch line was not established when the yard was regraded. The blacktop was put in at the depth required by the county.

Mr. Wayne Hacker of Brandon Drive questioned the grade in front of his house. He stated that he is not opposed to the homes, but to the access. He questioned what would stop someone from getting access through the new area to another area.

Mr. Akin stated that there is an area in front of three homes where there is a 2½ to 3-foot drop. Approximately 600 to 700 feet of ditch line needs to be regraded to provide proper drainage. Mr. Miller stated that in regard to additional access through the property, this is more a question for the Commission to answer than the developer. They have tried not to provide access to additional properties and have been required to do so by the Planning Commission. They have no plans to buy other properties at this time. He added that they do not own the property out to KY 237, but a second access could be provided through there.

At this time, the Chairman asked the developers for their closing statements.

Mr. Miller stated that what they are proposing is low-density development. The current zoning allows up to four units per acre and they are asking for a maximum of two units per acre with the flexibility to end up with one unit per total acreage. It is his understanding that the property across the street from Parlor Grove was recently zoned RS. The subject property now has sewers and underground utilities which is a significant change. He stated that the opposition indicated the street to be 9" thick and not sufficient to handle the traffic. This is incorrect and the street is 10" and a collector street. The streets were built to county specs and they believe they can handle the construction traffic. Britt Drive has been accepted by the county and there would not be a cost to the residents if damage would occur. It is his understanding that there are stop signs and he will check with the county. It is a misstatement that they indicated there would be two accesses for Parlor Grove. The sewage plant will be county owned and operated. The sewage treatment facility was submitted to the Health Department with a capacity of more than 55 homes. They cannot put 150 homes into a plant approved for 55 homes. They would have to get the necessary permits and approvals and have adequate capacity for the development. The county will have completed the infrastructure and made the connections, one of which is a trunk line up Tanners Road. He stated that there is substantial reason for the zone change to be granted. He stated that they are the largest owners of property in Parlor Grove and are trying to do something that will enhance the value. He emphasized that there have been significant changes in the area.

Mr. Ed Drennan stated that they need to deal with the Staff's concerns. He noted that the Road Department says the road is 9" thick and a local street. He stated that they have not shown any reason for the zone change.

Mary Keller stated that people chose Parlor Grove Estates because the houses were not on half-acre lots.

Mr. Miller advised that they could have had as many as 163 homes in Parlor Grove Estates, but only have 117. Most of the lots in Parlor Grove have 125-foot frontage and they intend to have 125-foot frontage lots in Brentwood Estates.

Jane Kenyan stated that she owns nine acres of property next to the subject property. Her property is not in Parlor Grove Estates. She questioned the affect of this zone change on her property.

Mr. Miller advised that her property is currently landlocked. They would like not to have to provide access to it. They do not envision any negative impact on her property.

Chairman Viox advised that the zoning of her property will not be affected.

Mr. Collins questioned why the name was changed from Parlor Grove Estates to Brentwood. He noted that the life squad might be able to make a better response if this property were attached to Parlor Grove.

Mr. Miller stated that they felt it might be confusing to deal with the zone change with the same name and to change the density of Parlor Grove Estates. Mr. Akin noted that the Links in Oakbrooke is a different section. They could just call this section of Parlor Grove "Brentwood".

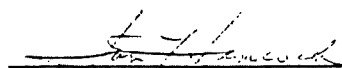
There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on October 3, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

DATE: October 17, 1990

RE: Request of Akin and Miller Land Developers (owners) for a Zoning Map Amendment on a 67.9 acre site located west of Tanner Road and adjacent to Parlor Grove Subdivision, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban (RS) in order to develop Brentwood Estates Subdivision.

REMARKS:

We, the Committee, recommend approval of the request based upon the following Findings of Fact and with the following Conditions.

FINDINGS OF FACT

- 1) The applicant has sufficiently shown that the existing zoning classification of Agricultural Estate (A-2) is inappropriate for the 67.9 acre site due to the concentrated area suitable for development and the recent construction of public sanitary sewer facilities. The applicant has shown that through the use of similar lot frontages to those in Parlor Grove Subdivision and the existence of large wooded areas behind the proposed lots, that the character and appearance of this development will be the same as existing Parlor Grove Subdivision.

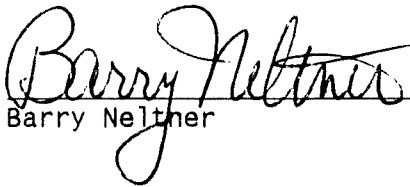
CONDITIONS

- 1) The 67.9 acre site shall contain a maximum of 60 building lots, as represented by the applicant to the Committee. This is exclusive of the several lots that may be conveyed from the tract near Tanners Lane.
- 2) The lot frontages within this development shall average a minimum of 125 feet to give an residential appearance consistent with the existing Parlor Grove Subdivision.
- 3) The development of the 67.9 acre site shall be officially a section of Parlor Grove Subdivision.
- 4) The development shall provide for a future street connection to the Foster tract which lies between the site and Ky 237. The development shall be designed so that this street connection becomes the future major access into the site.
- 5) Since the developer of this 67.9 acre site is the same developer active in Parlor Grove Subdivision, and the proposed development will increase the traffic impacts at Britt Drive and North Bend Road, the developer agrees to construct a right-turn deceleration lane and a left-turn lane at that location on North Bend Road if determined to be feasible by the Planning Commission's Transportation Planner and the Kentucky Department of Transportation.

- 6) Existing vegetation and slopes within areas designated as Developmentally Sensitive or generally containing slopes of 20 percent or greater and /or sensitive soils, shall remain undisturbed with two possible exceptions. The first includes a narrow ridge top which extends north from the current end of Brandon Drive. This area may be suitable for several home sites if developed as flag lots or with frontage on existing streets within Parlor Grove Subdivision. Any proposed development of this area shall be allowed only after a site feature inventory, as described in the Comprehensive Plan, and if the developer can assure the Planning Commission that only minor disturbance will occur without affecting the character or stability of this area. The second area includes the portion of the site nearest Tanner Road where the developer has indicated the possibility of conveying several homesites adjacent to existing residences along Tanner Road.
- 7) The developer shall work with the Planning Commission staff for a minimum of one year from the final approval date in attempting to locate a public or non-profit agency to accept lands or conservation easements within the Developmentally Sensitive Areas.
- 8) All lots within this proposed development shall be served by public sanitary sewer.
- 9) Because of the proximity of the development to Developmentally Sensitive areas added erosion control measures shall be required., and shown in detail at Subdivision Review. Disturbed limits shall be clearly marked on the site before grading work.

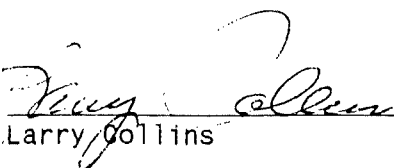
A copy of the Public hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

Carol Smith, Chairwoman



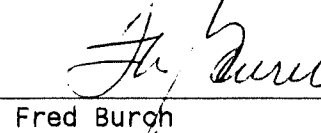
Barry Nelther

Larry Barnett



Larry Collins

Rector Jones



Fred Burch

Phil Damstrom

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 596 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

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FAX (606) 334-2264

MR. WILLIAM R. VIOX
CHAIRMAN

MR. FRED BURCH
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. WILLIAM D. FROMM, AICP
DIRECTOR

MR. DALE T. WILSON
ATTORNEY

October 17, 1990

Akin & Miller Land Developers
3693 Akin Lane
Burlington, KY 41005

RE: Conditions of approval for the Akin & Miller request.

Dear Buck:

The following represents possible conditions being discussed by the Zone Change Committee. If you, as the applicant, will agree to these conditions, please indicate so by signing your name at the end of this form and returning it to our office by 5:00 p.m., Wednesday, October 17, 1990.

- 1) The 67.9 acre site shall contain a maximum of 60 building lots, as represented by the applicant to the Committee. This is exclusive of the several lots that may be conveyed from the tract near Tanners Lane.
- 2) The lot frontages within this development shall average a minimum of 125 feet to give an residential appearance consistent with the existing Parlor Grove Subdivision.
- 3) The development of the 67.9 acre site shall be officially a section of Parlor Grove Subdivision.
- 4) The development shall provide for a future street connection to the Foster tract which lies between the site and Ky 237. The development shall be designed so that this street connection becomes the future major access into the site.
- 5) Since the developer of this 67.9 acre site is the same developer active in Parlor Grove Subdivision, and the proposed development will increase the traffic impacts at Britt Drive and North Bend Road, the developer agrees to construct a right-turn deceleration lane and a left-turn lane at that location on North Bend Road if determined to be feasible by the Planning Commission's Transportation Planner and the Kentucky Department of Transportation.
- 6) Existing vegetation and slopes within areas designated as Developmentally Sensitive or generally containing slopes of 20 percent or greater and /or sensitive soils, shall remain undisturbed with two possible exceptions. The first includes a narrow ridgetop which extends north from the current end of Brandon Drive. This area may be suitable for several home sites if developed as flaglots or with frontage on existing streets within Parlor Grove Subdivision. Any proposed development of this area shall be allowed only after a site feature inventory, as described in the Comprehensive

Plan, and if the developer can assure the Planning Commission that only minor disturbance will occur without affecting the character or stability of this area. The second area includes the portion of the site nearest Tanner Road where the developer has indicated the possibility of conveying several homesites adjacent to existing residences along Tanner Road.

- 7) The developer shall work with the Planning Commission staff for a minimum of one year from the final approval date in attempting to locate a public or non-profit agency to accept lands or conservation easements within the Developmentally Sensitive Areas.
- 8) All lots within this proposed development shall be served by public sanitary sewer.
- 9) Because of the proximity of the development to Developmentally Sensitive areas added erosion control measures shall be required., and shown in detail at Subdivision Review. Disturbed limits shall be clearly marked on the site before grading work.

I, the applicant, agree to the above listed conditions for approval of my request for a Zoning Map Amendment.



John Akin (applicant and owner)

DAG:kat

Boone County Recorder
12-12-90

Akin + Miller
Brentwood Estates
2nd Reading
R-39-90

LEGAL NOTICE
ORDINANCE NO. 920.19

The Boone County Fiscal Court at its meeting held Tuesday, December 4, 1990, at 10:00 A.M., third floor courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

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 AKIN & MILLER LAND DEVELOPERS (OWNERS) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO RURAL SUBURBAN (RS) FOR A 67.9 ACRE SITE GENERALLY LOCATED WEST OF TANNER ROAD AND ADJACENT TO PARLOR GROVE SUBDIVISION, BOONE COUNTY, KENTUCKY AS RECOMMENDED A 10-2 VOTE BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-39-90.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the County Judge/Executive and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK
P.O. #FC FC 33438

BRUCE FERGUSON
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY

12/12