

REVIEW NO. _____

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 N/A
2. Location of Development 1879 WILLIAMS RD. BERLINGTON
3. Total Acreage of Site 20 22
4. Current Zoning A1
5. Proposed Zoning (classification being requested) A2
6. Proposed Uses (please specify each use) HOME FOR DAUGHTER
7. Name of Applicant(s) EARL SOUTHER
Phone Number(s) 609-4337
8. Address of Applicant(s) 1879 WILLIAMS RD.
Berlington Ky 41005
City State Zip
9. Name of Property Owner(s) EARL SOUTHER
Phone Number(s) 609-4337
10. Address of Property Owner(s) 1879 WILLIAMS RD.
Berlington Ky 41005
City State Zip
11. Proposed Building Intensities (please specify)
~~ONE HOUSE~~ THREE HOUSES + TWO BARN
12. Are there any existing buildings on the site? YES
How many? 5
13. Deed Book 141 Page No. 314 Group No. _____
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: _____

EXHIBIT "A"

Request of Earl Souther for a
Zoning Map Amendment from Agricultural (A-1)
to Agricultural Estates (A-2)

#1

November 28, 1990

This is the request of Earl Souther for a Zoning Map Amendment to change to current zoning designation of Agriculture (A-1) to Agricultural Estates (A-2) to allow for the subdivision of a portion of the property into 2 acre lots. The approximately 22 acre tract, located at 1829 Williams Road, Boone County, Kentucky, is presently owned by Earl Souther.

Surrounding Land Uses and Zoning

All immediately adjoining properties are zoned Agriculture (A-1). The nearest A-2 zoning district is located approximately one-half mile south of the applicant's property (at Williams Road and I-275). Land uses of adjacent properties include:

North: Agriculture, woodland
South: Agriculture, the proposed Traditions Golf Course
East: Agriculture, woodland
West: Agriculture, woodland

Site Features

Soils on the property include Cynthiana Flaggy Silty Clay Loam (CyF), Jessup Silt Loam (JeD), and Rossmoyne Silt Loam (RsB). The Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky lists these soils as severe in their capability of supporting a septic tank filter field due to their slow permeability.

Currently members of the Souther family reside in one conventional house and four mobile homes located on the approximately 22 acre site. Another house, known as the Watt's house, is also located on the site. This house is presently listed on the National Register of Historic Places. The remaining portion of the property is used predominately as farmland and some woodland. Several barns and two ponds are also located on the site.

Presently, the property is not served by either public water or sewer systems. At this time, the Boone County Water and Sewer Department has no immediate plans to extend these public utility lines to the Williams Road area. These plans may change though if a force main is run west along KY 8 to Taylorsport. Public sewer lines may then be extended from the new force main to the area surrounding the Heimann property located at the intersection of I-275 and KY 237.

Relationship to the Comprehensive Plan

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates the future use of the property to be Rural Density Residential (RD), which the text describes as "residential land with no more than one dwelling unit per acre. This includes isolated houses with no connecting agricultural uses, but does not include solitary farm residences." (p. 199) The A-1 district allows for one dwelling unit per five acres and the A-2 district allows for one dwelling unit per two acres. The text further explains that "This section should experience

considerable residential growth pressures especially around the golf course to the east. This development should not occur until adequate infrastructure is provided." (p. 206)

Three objectives of the Housing Element of the Plan read:

1. "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." (p. 6)
2. "Residential development shall be regulated as to basic health and safety considerations, including: a) proper connections to appropriate public water and sanitary sewer service, sewage disposal units, and telephone and electric lines, and b) properly designed and constructed storm drainage systems according to location and use." (p. 6)
3. "Residential developments shall be designed in a manner which is compatible not only with the existing conditions of the site, including the suitability of adjoining lands for appropriate access." (p. 6)

The Housing Element also refers to the location of residential areas in this in this portion of the County:

"High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities." (p. 114)

"In contrast, I-275 has opened up this area for new residential growth by providing easy access to Indiana, Ohio, the Cincinnati airport, and the urbanized region from Florence to Covington. In addition, the Anderson Ferry at Constance, Kentucky provides direct access to the west side of Cincinnati, and would lend the area to a bedroom-community for Cincinnati and Northern Kentucky." (p. 115-116)

Staff Concerns

1. Staff is concerned that the slow permeability of the soils on this site may lead to future septic system problems.
2. Approval of this request would permit the applicant to construct up to 6 additional houses on the 22 acre site. If public utilities are not available to serve the site in the near future, utility problems with a development of this density may arise.

Conclusion

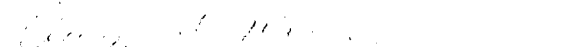
The Boone County Planning Commission must evaluate this and all Zoning Map Amendment requests in terms of the three Findings of Fact prescribed in Article 3 of the Boone County Zoning Regulations, namely:

1. The map amendment is in agreement with the adopted comprehensive plan; or
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alters the area's character.

Should the Planning Commission recommend, and the Fiscal Court ultimately approve, this request for a Zoning Map Amendment, the Boone County Comprehensive Plan will not need to be altered.

Attached to this report are copies of the current Zoning Map and the Future Land Use Map. A copy of an aerial photograph which indicates the location of the site and its surrounding land uses is also attached.

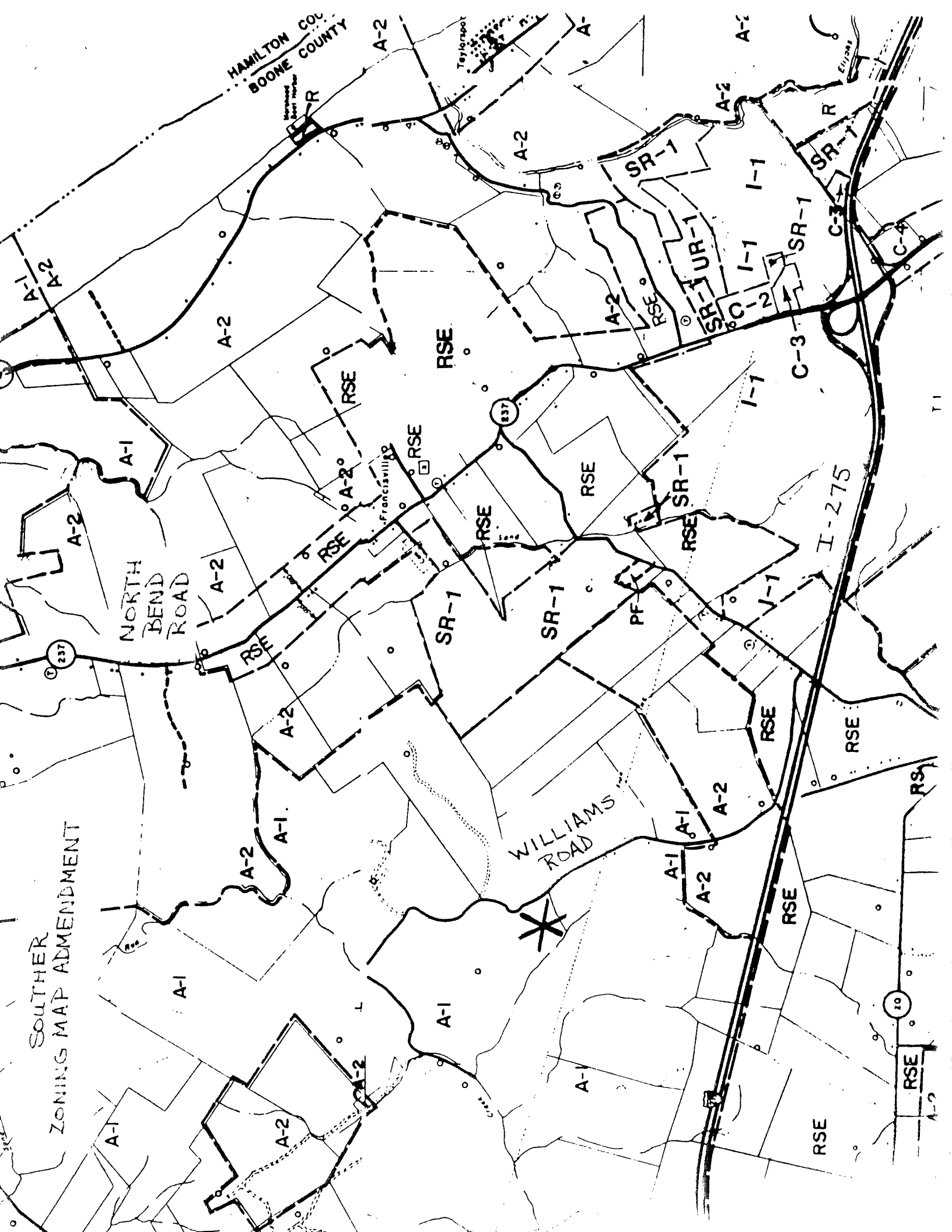
Respectfully submitted,



Amy S. Moore
Plans Examiner / Planner I

ASM:kat

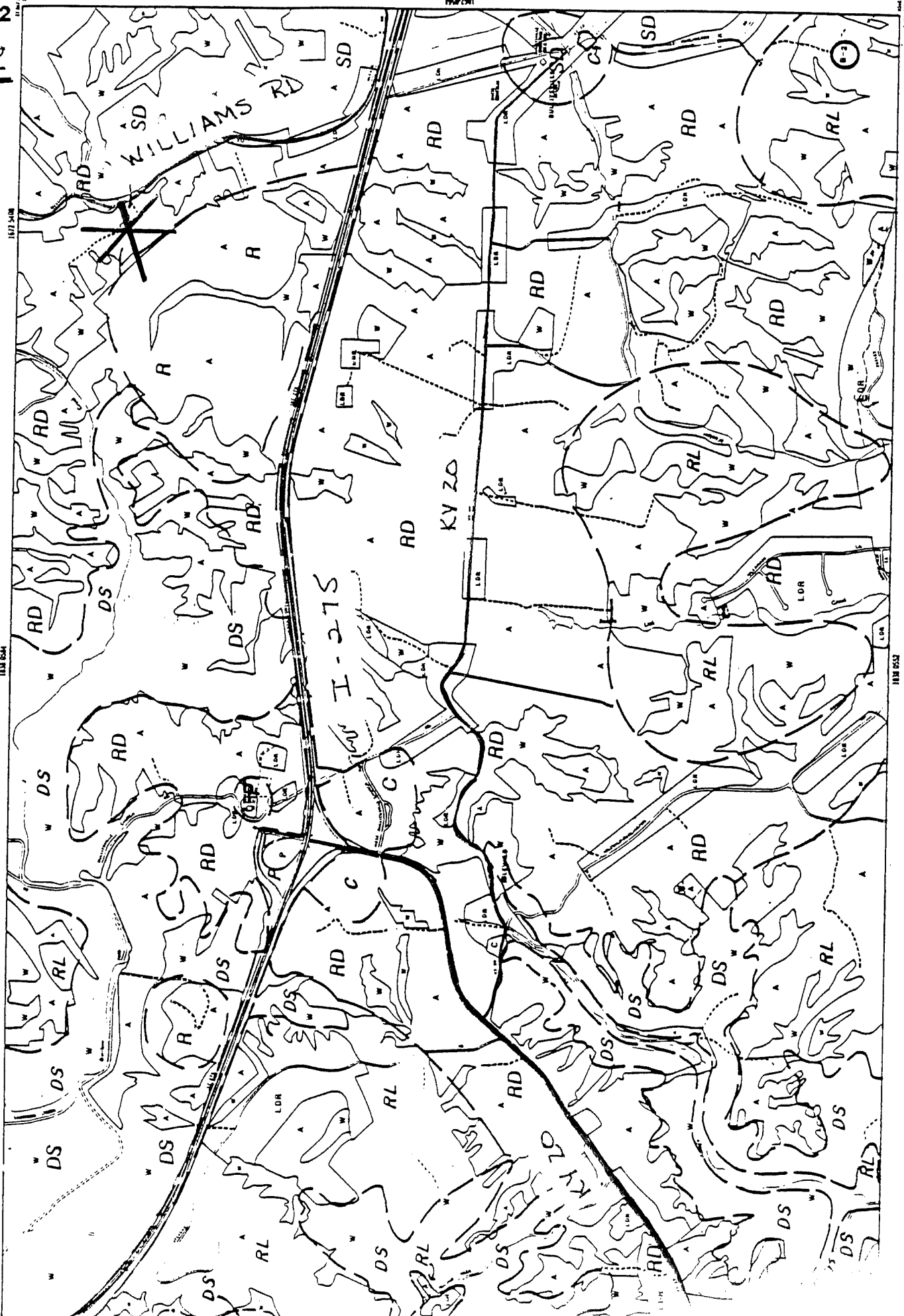
SOUTHER
ZONING MAP AMENDMENT



SOUTHERN
ZONING MAP ADMENDMENT

1838 0568

B-2
N



SOUTHER
ZONING MAP ADMENDMENT



73

WILLIAMS RD

73
74000

96

7471

BOONE COUNTY PLANNING COMMISSION

November 28, 1990
7:00 P.M.

PUBLIC HEARINGS

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

The Chairman advised that Item #3 on the Agenda -- the request of Gartner, Burdick, Bauer-Nilsen (applicant), for Curtis Smith (owner) for a change in Approved Concept Development Plan on Lot 9 in Turfway Commercial Park -- has been postponed. At the close of the Public Hearings, Mr. Costello advised that there was an error on the Agenda, and this item has been rescheduled for December 19, 1990 at 7 P.M..

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

1. Applicant: Earl Souther (owner)
Request: Zoning Map Amendment

The request of Earl Souther (owner) for a Zoning Map Amendment on a 22-acre site located at 1829 Williams Road, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1) to Agricultural Estate (A-2).

Staff Member, Amy Moore, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked the applicant for his comments at this time.

Mr. Souther stated that this will not be a subdivision, but he may someday want to give land to his children. He stated that one of his daughters wants to get a loan to build a garage and cannot do so without a deed. He cannot give her five acres on the property. He stated that he doubts that there will be any more building on the site.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or if there were any comments from the Commission. There was no one present in opposition to the request.

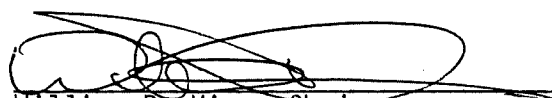
Mrs. Smith questioned if the only reason he wanted the rezoning of the property from A-1 to A-2 was to deed property to his children.

Mr. Souther stated that he has seven children and it is not possible to let them each have five acres. There is one double-wide there now. He does not want to build houses on two-acre lots. The farm has been in their family

since 1916 and they want to keep it that way, at least in part. Mr. Souther stated that he has to get two acres surveyed and get a deed on it for his daughter. He stated that he would have to give five acres in the A-1 Zone and only two acres would be needed in the A-2 Zone.

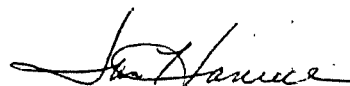
There being no further comments, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on December 5, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

December 5, 1990 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

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. Larry Barnett
Mr. Fred Burch
Mr. Rector Jones

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received a copy of the Minutes of the Public Hearings and the Business Meeting of November 28, 1990 and asked if there were any comments or corrections.

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

CORRESPONDENCE:

Chairman Viox advised that a letter had been received from Beckmann Construction Company. Mr. Costello stated that Mr. Dan Marsh has been inspecting sites as construction work is completed. There was a complaint in Florence regarding the mini center and Beckmann Construction Company was the contractor. There have been changes made in the field and a letter sent to the Planning Commission regarding the changes. Mr. Costello stated that the plan is different than what was approved by the Commission and Mr. Dusing, the Project Manager, feels that going to the alternative design is sufficient to address storm water management on the site.

Chairman Viox read the letter from Beckmann Construction Company, signed by Mr. Ralph Dusing, which indicated that all but one of the six items in question had been addressed. They are monitoring what happens during rainstorms to see if it is a better solution. The letter reviewed the history of the installation of the pipe and junction box for the retention area. There was a Site Plan attached to the letter indicating that the pipe had to pass beneath an existing sanitary sewer which created an elevation problem and a field change was made. They are requesting an extension of time to allow for review of the site by Greg Sketch, the Staff Engineer, and the Staff so that it can be concluded that their changes are reasonable and comply with the intentions of the approved plans.

Mr. Costello stated that it was not necessary for the Commission to take action on this matter at this time, and the Chairman proceeded to the items on the Agenda:

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Earl Souther (owner) for a Zoning Map Amendment on a 22-acre site located at 1829 Williams Road, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1) to Agricultural Estate (A-2).

Staff Member, Greg Tulley, read the Committee Report which recommended approval of the request based on the Findings of Fact (see Committee Report). A copy of the Minutes of the Public Hearing serves as a summary of the testimony presented and is attached to the Committee Report.

There being no discussion, Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mrs. Smith seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

DATE: December 5, 1990

RE: Request of Earl Souther (owner) for a Zoning Map Amendment on a 22 acre site located at 1829 Williams Road, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1) to Agricultural Estate (A-2).


REMARKS:

We, the Committee, based on the statements made and facts gathered at the November 28, 1990 Public Hearing, recommend approval of this request based on the following Findings of Fact:

Findings of Fact

1. The Committee believes that the current zoning of Agriculture (A-1) is inappropriate and the proposed zoning of Agricultural Estate (A-2) is in conformance with the 1990 Boone County Comprehensive Plan Future Land Use Map. The present zoning of A-1 allows for one dwelling unit per five acres and the proposed zoning of A-2 allows for only one dwelling unit per two acres. The Future Land Use Map refers to this area as Rural Density Residential (RD). Rural Density Residential is described as "residential uses that do not exceed one dwelling unit per acre." (p. 199)

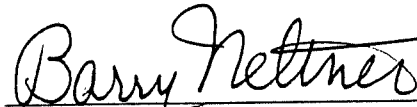
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



Carol Smith, Chairman

Fred Burch

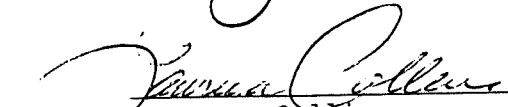
Rector Jones



Barry Nettles



Phil Damstrom



Lawrence Collins

CS:kat

Boone County Recorder
1-30-90

LEGAL NOTICE
ORDINANCE NO. 920.220

The Boone County Fiscal Court at its meeting held Tuesday, January 22nd, 1991, at 5:30 P.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 EARL SOUTHER (OWNER) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1) TO AGRICULTURAL ESTATE (A-2) FOR A 22 ACRE SITE LOCATED AT 1829 WILLIAMS ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-42-90.

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 53181

BRUCE FERGUSON
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY