

REQUEST OF JOE SPILLE, CHARLES DUNCAN, TOM SCHREIBER, AND  
HENRY FISCHER (APPLICANTS AND OWNERS BY OPTION) FOR  
ROUND TABLE, INC. (OWNER) FOR A ZONING MAP AMENDMENT  
FROM RURAL SUBURBAN ESTATES (RSE)  
TO SUBURBAN RESIDENTIAL ONE (SR-1)  
STAFF REPORT  
JUNE 24, 1987

The applicants are requesting a Zoning Map Amendment on a +164.18 acre site located northeast of Fowler Creek Road and south of Gunpowder Creek, Boone County, Kentucky. The request is to rezone the property from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1). The +164.18 acre site, currently zoned Rural Suburban Estates (RSE), and approximately 10.8 acres located north of Gunpowder Creek (currently zoned Suburban Residential One and Rural Suburban) will be developed as a single-family detached residential subdivision. The overall density of the tract subject to the zone change will not exceed three dwelling units per acre or 492 single-family residences.

SURROUNDING LAND USES AND ZONING

The surrounding land uses in the area consist of either planned or existing single-family residential uses (Pleasant Valley Meadows Subdivision) to the north, south (Farmview), and east (Spring Garden Estates Subdivision and Pleasant Valley Acres Subdivision). More specifically, the proposed subdivision will be located next to single-family detached units, single-family attached units and the proposed park in the Farmview Subdivision. West of the +164.18 acre site are agricultural uses. The existing zoning near the site consists of the following:

- North - Suburban Residential One (SR-1)
- South - Suburban Residential One/Planned Development (SR-1/PD)
- East - Suburban Residential One (SR-1), Agricultural Estate (A-2), and Rural Suburban (RS)
- West - Rural Suburban Estates (RSE)

NATURAL FEATURES OF THE SITE

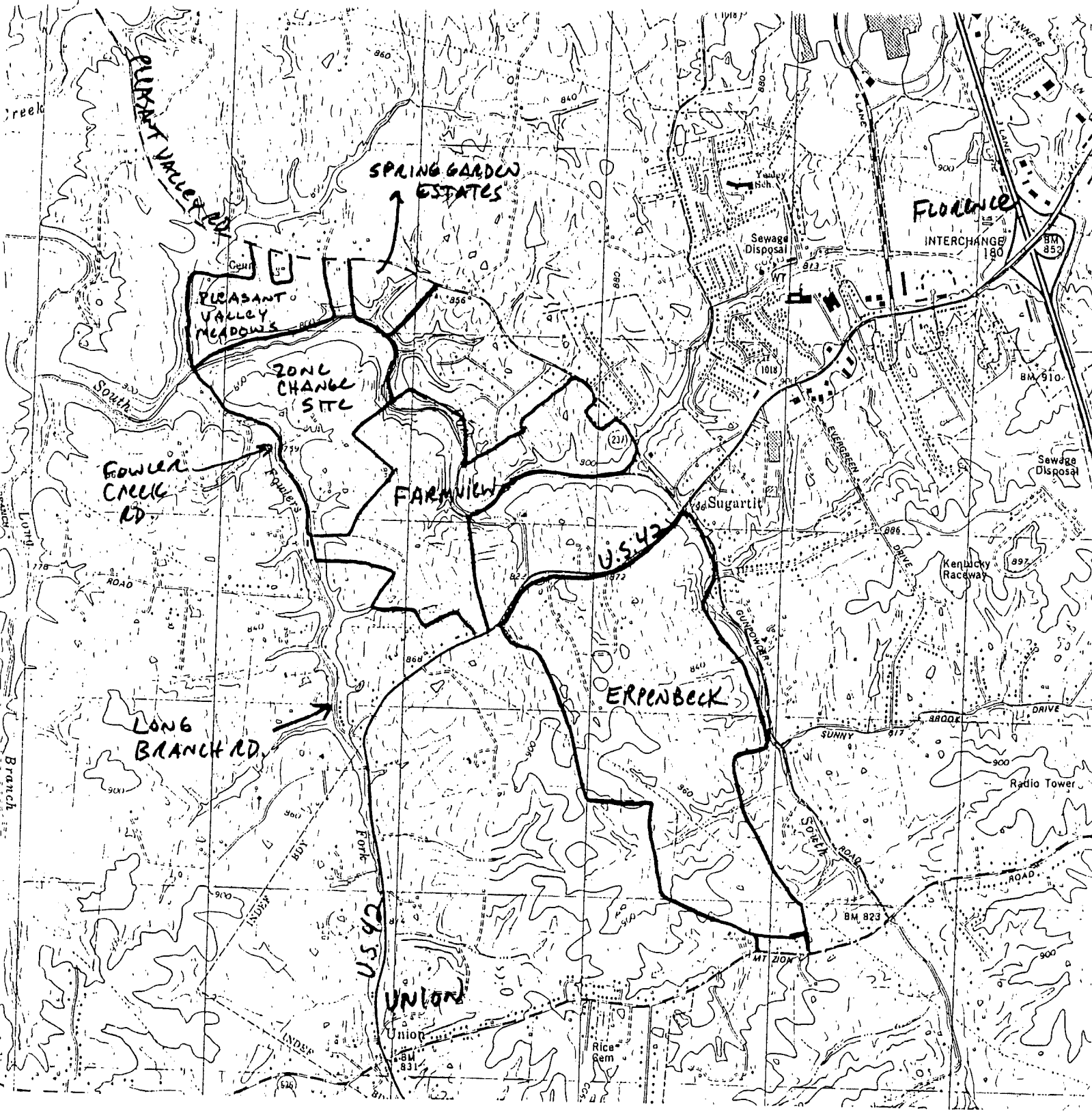
The topography of the +164.18 acre site slopes dramatically towards the north, east, and west, or more specifically, towards Gunpowder Creek and Fowler (Fork) Creek. Fowler (Fork) Creek actually crosses the western lot line. A mature tree line exists along Gunpowder Creek and Fowler Creek. The remainder of the site is either flat or gently rolling because it was used for farming purposes. Soil types of the +164.18 acre site include Cynthiana flaggy silty clay, Ashton silt loam, Faywood silty clay, Jessup silt loam, Nolin silt loam, Wheeling silt loam and two types of Rossmoyne silt loam.

CONCEPT DEVELOPMENT PLAN

The applicants have submitted a two page summary explaining the proposed uses on the +164.18 acre tract. The request is to permit the construction of single-family detached housing at a density not to exceed three (3) units per acre or a total of 492 units on the subject property. The 10.8 acres located north of the site or across Gunpowder Creek will be developed in conjunction with this property even though it is not part of this zone change application. Access to the site will involve the construction of a public street from Pleasant Valley Road. A bridge will be built to serve the site. The applicant is also proposing a second access point off Fowler Creek Road and a possible connection to the Farmview Subdivision. Water service will be provided by a line currently being constructed along Pleasant Valley Road and sanitary sewer service exists on the site with the presence of a line parallel to Gunpowder Creek. The applicant has indicated a desire to preserve as much as possible natural amenities such as creeks and wooded areas.

STAFF CONCERNS

1. Type of Road - It is difficult to determine the type of road the applicants wish to build for this subdivision. The Staff feels that the proposed road from Pleasant Valley Road should be designed and constructed in such a manner to allow neighborhood and local traffic to travel from Pleasant Valley Road to U.S. 42 in the future and if improvements are made to Fowler Creek Road and Longbranch Road. Under the current subdivision regulations, the type of road being proposed at a minimum would be a collector road (60 foot right-of-way and 30 foot pavement width). It is also felt that in order to allow safe and continuous travel that access to the collector road (curb cuts or driveways) should be kept at a minimum or be eliminated.
  
2. Shared Access with Pleasant Valley Meadows Subdivision - If this zone change is approved by both the Planning Commission and by Boone County Fiscal Court a special effort should be made to coordinate and combine access with Pleasant Valley Meadows Subdivision, currently owned by one of the applicants. Since there is limited frontage on Pleasant Valley Road in order to provide access to the +164.18 acre site, it may be beneficial to relocate access to this proposed development in order to serve both developments and be consistent with the current access management regulations.



Pleasant Valley Rd

Spring Garden Estates

Pleasant Valley Meadows

Zone Change Site

Farmview

U.S. 42

Erpenbeck

Fowler Creek Rd

Long Branch Rd

Florence

INTERCHANGE 180

BM 910

Sewage Disposal

Sugar Hill

Kentucky Raceway

Radio Tower

BM 823

Union

Rice Gem

Mt Zion

## GENERAL PROPOSAL

The proposed map amendment from RSE (Rural Suburban Estate) to SR-1 (Suburban Residential One) is requested to permit the development and construction of single family detached housing at a suburban density of three dwelling units per acre. The property to be rezoned would be developed in conjunction with an additional 10.8± acres already zoned RS and SR-1 located on the North side of Gunpowder Creek along Pleasant Valley Road. While the subject property's current means of access from Fowler Creek Road and its lack of public water service would not support SR-1 densities, we are proposing to improve access to the property by constructing a bridge across Gunpowder Creek and to provide public water service from Pleasant Valley Road. These changes warrant and support a zoning change from RSE to SR-1. With the proposed improvements in access and utilities, this property will enjoy the same level of infrastructure and locational characteristics as the adjoining properties already zoned SR-1. The primary access to the overall development would be from Pleasant Valley Road, secondary traffic linkages would be provided to Fowler Creek Road and the Farmview Development area located to the South and East of the subject property. Public water service would be provided from the Boone County Water District water main to be constructed along Pleasant Valley Road. Sanitary sewer service would be provided by the existing sanitary sewer main traversing the property along Gunpowder Creek. The major emphasis of the development would be the establishment of a high quality single family housing neighborhood and the preservation of natural amenities such as the creeks and wooded areas.

### 1. General Site Characteristics:

The subject property is currently under option by the named applicants. The topography of the property, as evidenced by the attached topographic map, is generally characterized as rolling and is bordered on the South and West by Fowlers Creek and on the North and East by Gunpowder Creek. The soils are well drained and of the clay-silt loam variety prevalent in the general area. While much of the property has been cleared and used as pasturage and for general farming, there are significant wooded areas along Gunpowder Creek and fence lines. Attempts will be made by the applicants to maintain the existing trees in the course of development.

### 2. Transportation Patterns:

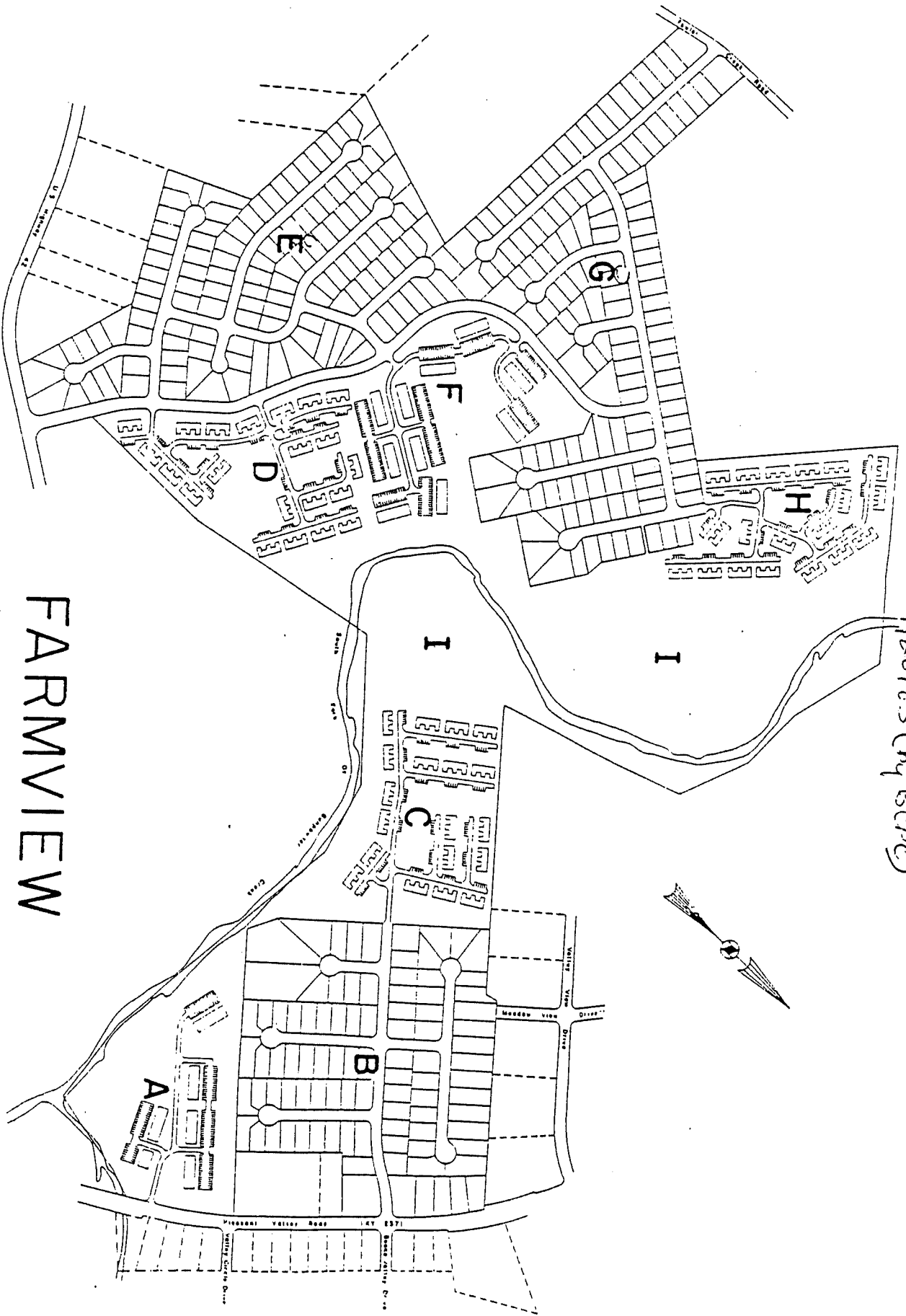
The primary access to the development will be from Pleasant Valley Road. The applicants propose to construct a bridge across Gunpowder Creek to provide access to the rezoned property. The streets throughout the development will be public streets constructed to County Specifications per County Subdivision Regulations. Future secondary access will be provided to Fowler Creek Road and the Farmview Development area. (See map). The proposed transportation improvements would enhance existing and planned development South of the subject property by providing traffic alternatives and a connection to Pleasant Valley Road.

### 3. Land Use Characteristics:

The subject property is currently used for general farming purposes. The land usage proposed would be the development of single family detached housing on individual building lots of varied size and dimension. Overall density would not exceed three dwelling units per acre. The maximum number of dwelling units on the rezoned property would not exceed 492. The proposed land usage is complementary toward the existing and proposed land usage on adjoining properties.

# FARMVIEW

A PLANNED COMMUNITY



*Approved Concept Development Plan  
7/20/83 (by Board)*

EXHIBIT "A"

N O T I C E  
P U B L I C H E A R I N G

Notice is hereby given that the Boone County Planning Commission will hold a Public Hearing regarding a Zoning Map Amendment request by Joe Spille, Charles Duncan, Tom Schreiber & Henry Fischer for certain real estate owned by the same as above. The map amendment request is for a change from the present zoning district of Rural Suburban Estates (RSE) to Suburban Residential One (SR-1).

The Public Hearing is to be held the 24th day of June, 1987, at 8:00 p.m., prevailing time, in the third floor auditorium of the Boone County Administration Building, Burlington, Kentucky.

The real estate for which the Zoning Map Amendment is requested is more particularly described as follows:

A parcel of land lying on the northeasterly side of Fowler Creek Road and near the southwesterly side of Pleasant Valley Road in Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point on the South Fork of the Gun Powder Creek, said point being the common corner of Round Table Inc. and Erpenbeck, said point also being in the line of Schneider, and running thence:

S 48-30 W, along the dividing line between Round Table Inc. and Erpenbeck, a distance of 800 feet, to a point, thence  
S 50-15 E, a distance of 930 feet, to a point, thence  
S 33-20 W, a distance of 1310 feet, to a point on the northerly side of a private road leading into Erpenbeck, thence  
S 87-30 W, along the aforementioned private road, a distance of 660 feet, to a point in the centerline of Fowler Creek Road (formerly known as the Burlington-Union Road), thence  
N 7-00 W, along the centerline of Fowler Creek Road, a distance of 530 feet, to a point, thence  
N 23-45 W, along the aforementioned centerline, a distance of 390 feet, to a point, thence  
N 45-15 W, continuing along the aforementioned centerline, a distance of 490 feet, to a point, thence  
N 00-30 W, continuing along the aforementioned centerline, a distance of 600 feet, to a point in the centerline of Fowler Creek, thence  
N 47-15 W, along the centerline of Fowler Creek, a distance of 190 feet, to a point, thence  
N 81-00 W, along the centerline of Fowler Creek, a distance of 230 feet, to a point, thence  
S 81-00 W, continuing along the centerline of Fowler Creek, a distance of 360 feet, to a point in the centerline of Fowler Creek Road, thence

N 66-45 W, a distance of 385 feet, to a point, thence  
N 25-15 W, a distance of 300 feet, to a point, thence  
N 9-00 W, a distance of 560 feet, to a point in the  
centerline in the South Fork of the Gun Powder Creek, thence

N 70-45 E, along the centerline of the South Fork of the Gun  
Powder Creek as it meanders, a distance of 1200 feet, to a  
point, thence

Continuing along the centerline of the South Fork of the Gun  
Powder Creek as it meanders as follows:

N 89-45 E - 310 feet  
N 67-35 E - 420 feet  
N 55-00 E - 650 feet  
N 75-30 E - 400 feet  
S 53-00 E - 460 feet  
S 17-30 E - 420 feet  
S 20-30 W - 410 feet  
S 00-45 E - 450 feet, to the place of beginning, and  
containing 164.18 acres more or less.

This legal description given above has been supplied by the applicant  
for this application and represents a part of or the complete tract  
as recorded in DEED BOOK \*\*\*\*\* (see D.B./P.G. Below) PAGE of the Boone County Clerk's office.

This Public Hearing is to serve as a due process, trial type  
hearing where all persons may be heard regarding this map amendment.

The Boone County Comprehensive Plan, including its Land Use Plan  
Map, will be reviewed to determine whether the map amendment,  
if approved, would be consistent with the Comprehensive Plan.  
If such a map amendment would be inconsistent with the Comprehensive  
Plan, then any changes to the Comprehensive Plan to make it  
consistent with the requested map amendment, if approved, will be  
reviewed.

All interested persons are encouraged to attend and be heard.

(for publication in the Boone County Recorder, 6/11/87 ) .

\*\*\*\*\* D.B.163/P.G.378; D.B.144/P.G. 71; D.B.72/P.G. 186

EXHIBIT "B"

Mr. Paul Kroger, Chairman, opened the Public Hearing for the second item on the agenda:

2. Applicants: Henry Fischer, Joe Spille, Charles Duncan, and Tom Schreiber (owners by option)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of Henry Fischer, Joe Spille, Charles Duncan, and Tom Schreiber (applicants and owners by option), for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1). The 164.18-acre (approx.) site is located south of Gunpowder Creek and Pleasant Valley Road, east of Fowler Creek Road, and west of Farmview Subdivision in Boone County, Kentucky. The proposed use is a residential subdivision.

Staff Member, Kevin Costello, presented slides of the site and adjacent areas.

The Chairman asked the applicants if they wished to comment regarding the request.

Mr. Henry Fischer stated that he was one of four partners in this project. He noted that two of the other partners, Mr. Joe Spille and Mr. Tom Schreiber, were also present. Mr. Fischer stated that they had submitted a summary of why this zone change is appropriate (see "General Proposal", attached to the Staff Report). He stated that the site does not currently have water service and is zoned RSE, which requires one acre per lot. He noted that they will dramatically improve the access to the site by providing access from Pleasant Valley Road and providing a major bridge structure over Gunpowder Creek. They will also provide for looping of both the street and water systems in the future. He added that the Farmview Development, which is adjacent to the subject site, is zoned SR-1/PD. He noted that the subject site abuts properties zoned SR-1 on three sides.

The Chairman asked if there was anyone else who wished to speak in behalf of this request. There being no response, the Chairman then asked if there was anyone present who wished to speak in opposition to the request or ask questions.

Mr. Gary Puckett, a resident of Fowler Creek Road, stated that the bridges in the area have a 7-ton load limit. He stated that he does not think the roadway is large enough to handle traffic from the subdivision. Mr. Puckett added that he is not opposed to the requested zone change, but is opposed to the plans regarding the roadways.

The Chairman asked if there were any comments or questions from the Commission Members. There being no discussion, he asked for the Staff Report.

Staff Member, Kevin Costello, presented the Staff Report and noted the maps attached to it. (see Staff Report)

Mr. Henry Fischer stated that they would expect to comply with the Subdivision Regulations regarding the roadway. He added that they are planning single-family residential development and a subdivision-type street. He commented regarding shared access with Pleasant Valley Meadows and stated that, although he owns Pleasant Valley Meadows, the subject site is under separate ownership. Mr. Fischer added that they will be downgrading Fowler Creek Road and Rouse Road as primary accessways. He added that connection to KY #42 will be provided in the future. He noted that they are prepared to provide walkway access to the park.

Chairman Kroger asked if there were any further comments or questions. There was no further discussion.

The Chairman advised the applicants that they should be prepared to address the issues raised at this Public Hearing.

The Chairman stated that this item will be on the agenda for the Business Meeting on July 1, 1987 at 8 P.M..

Hearing no further comments or questions, Chairman Kroger closed this Public Hearing.

Mr. Viox moved, seconded by Mr. Collins, that by resolution to the legislative bodies, the Commission approve the request based on the Findings of Fact in the Committee Reports, that the proposed Text Amendments be made and the Future Land Use Map reflect those changes. The motion carried unanimously.

3. Zoning Map Amendment

A request of Henry Fischer, Joe Spille, Charles Duncan and Tom Schreiber (applicants and owners by option), for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1). The 164.18-acre (approx.) site is located south of Gunpowder Creek and Pleasant Valley Road, east of Fowler Creek Road, and west of Farmview Subdivision in Boone County, Kentucky. The proposed use is a residential subdivision.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval, subject to conditions, based on the findings of fact (see Committee Report). Mr. Newton noted that Mr. Barnett and Mr. Viox, members of the Committee, abstained from voting.

Chairman Kroger asked the applicant if he wished to comment regarding the Committee Report.

Mr. Henry Fischer stated that they are in agreement and accept the conditions.

Chairman Kroger asked if there were any comments or questions from the audience or the Commission. There was no discussion.

Mr. McMillian moved, seconded by Mr. Jones moved that the request be approved by resolution to the Fiscal Court based on the Committee Report, subject to the conditions noted. All voting members of the Commission voted in favor of the motion. Mr. Viox abstained on the basis that he is the engineer for the adjoining subdivision and one of the conditions involved shared access with the subdivision. Mr. Barnett abstained from voting on the basis that his wife is employed by one of the developers. The motion carried.

4. Site Plan Review

A request of B. P. Oil Company (owner) for Site Plan Review to make improvements to an existing gasoline station located at 7961 U.S. 42 in Boone County, Kentucky. The existing Gulf Oil station is zoned Commercial Services (C-3).

Staff Member, Tom Breidenstein, presented the Staff and Engineer's Report which indicated that the Site Plan is in compliance with the Boone County Zoning Regulations. Staff recommended approval. (See Staff Report)

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: July 1, 1987

RE: Request of Henry Fischer, Joe Spille, Charles Duncan and Tom Schreiber (applicants and owners by option), for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1), The + 164.18 acre site is located south of Gunpowder Creek and Pleasant Valley Road, east of Fowler Creek Road, and west of Farmview Subdivision, Boone County, Kentucky. The proposed use is a residential subdivision.

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and subject to the conditions below.

FINDINGS OF FACT

1. The proposed request or zoning classification is in agreement with the Boone County Comprehensive Plan. The Future Land Use Map indicates Low Density Residential (up to three (3) units per acre) for this site and the applicants desired density (maximum of three (3) units per acre or 492 units) is consistent with the Comprehensive Plan.
2. The proposed request is also in agreement with the text of the Boone County Comprehensive Plan which specifically mentions residential uses and stresses the importance of opening new transportation networks. The proposed subdivision will provide access to neighboring subdivisions and land uses. The new networks will be designed in order to direct future development consistent with the land use plan. Other references to the Comprehensive Plan are made in the Staff Report.

CONDITIONS

In recommending approval, the applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the June 24, 1987 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. The main roadway originating from Pleasant Valley Road will have limited access with the provision of a minimum 100 foot (frontage) wide lots instead of the standard SR-1 zone 65



APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Joe Spille, Charles Duncan, Tom Schreiber and Henry Fischer  Owner by option

Address: 1035 Eaton Drive, Ft. Wright, KY 41017  Agent

Telephone: 341-4709

Location: Fowler Creek Road approximately 1200 ± ft. North of intersection of Fowler Creek Road and Rouse Road

Name of Property Owner: (Owner by option - Same as above)

Address of Property Owner: Same

Zoning District: RSE Area in Acres: 164.18±

D.B. 163, PG. 378; D.B. 144, PG. 71; D.B. 72, PG. 186 Group Number: 2038

Description of Request: Rezoning of the subject property from RSE (Rural Suburban Estate) to SR-1 (Suburban Residential One) (See attached information)

Applicant's Signature: *Henry Fischer Joe Spille Thomas Schreiber*

Property Owner's Signature: (Same) *Charles Duncan*

Application Fee: \$1061 FOR PLANNING COMMISSION USE ONLY Date Received: 6/3/87 By: JIM

Referred To: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

ORDINANCE 920.128

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, FOR A 164.18 ACRE TRACT SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR PROPERTY LOCATED GENERALLY SOUTH OF GUNPOWDER CREEK AND PLEASANT VALLEY ROAD, EAST OF FOWLER CREEK ROAD, AND WEST OF FARMVIEW SUBDIVISION, BOONE COUNTY, KENTUCKY, AS REQUESTED BY HENRY FISCHER, JOE SPILLE, CHARLES DUNCAN AND TOM SCHREIBER (APPLICANTS AND OWNERS BY OPTION) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. R-43-87.

WHEREAS, the Boone County Planning Commission received a request for approval for a Zoning Map Amendment to the Boone County zoning map requested by Henry Fischer, Joe Spille, Charles Duncan and Tom Schreiber (applicants and owners by option) and such Zoning Map Amendment being a zone change from Rural Suburban (RS) for a 164.18 acre tract generally located south of Gunpowder Creek and Pleasant Valley Road, east of Fowler Creek Road, and west of Farmview Subdivision, Boone County, Kentucky, which is more particularly described below; and,

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

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval this Zoning Map Amendment being a zone change from Rural Suburban (Rs) to Suburban Residential One (SR-1) for a 164.18 acre tract generally located south of Gunpowder Creek and Pleasant Valley Road, east of Fowler Creek Road, and west of Farmview Subdivision, Boone County, Kentucky. The real estate which is the subject of this zone change recommendation is more particularly described in attached "Exhibit A."

SECTION II

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

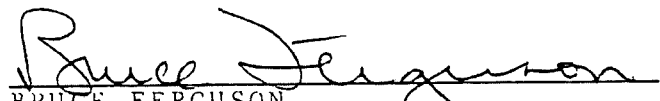
SECTION 111

This recommended zoning classification is subject to the Committee Report setting forth certain terms or conditions as part of a Concept Development Plan which, to be enforceable, should be agreed upon and to by the property owner.

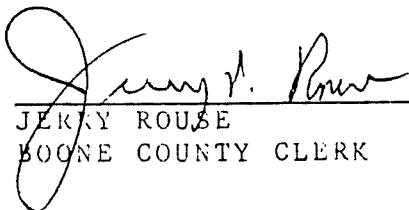
THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

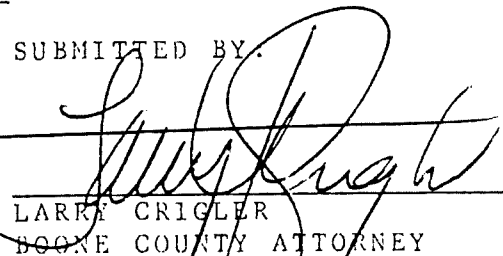
Introduced, seconded and given First Reading on the 21st day of July, 1987.

Adopted by the Fiscal Court of Boone County after Second Reading at a Regular Meeting on the 4<sup>th</sup> day of August 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

  
BRUCE FERGUSON  
BOONE COUNTY JUDGE-EXECUTIVE

ATTEST:

  
JERRY ROUSE  
BOONE COUNTY CLERK

SUBMITTED BY:  
  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

8-13-87  
DATE PUBLISHED