

REQUEST OF RAYMOND ERPENBECK (APPLICANT) FOR
DBS CORPORATION AND KSK ENTERPRISES (OWNERS)
 FOR A ZONING MAP AMENDMENT ON A 181.9 ACRE SITE
 LOCATED ON NORTH BEND ROAD (KY 237) AND GRAVES ROAD,
 BOONE COUNTY, KENTUCKY

AUGUST 24, 1988

Applicant is requesting a zone change from Agricultural (A-1), Agricultural Estate (A-2), and Rural Suburban Estate (RSE) for a 181.9 acre site. The request is to rezone the property to Suburban Residential One (SR-1) for the purpose of constructing a residential subdivision with an overall density of 2.5 units per acre, or approximately 455 lots.

Surrounding Land Use and Zoning

FIGURE I indicates the location of the subject property on the current Zoning Map. The surrounding properties are presently used for agriculture and residential purposes with the exception of a small area adjacent to the site which is zoned Public Facilities and use for a radio transmitting tower.

In addition, there have been several residential developments either planned or approved which front on North Bend Road in the vicinity of the subject property:

| PROJECT | SIZE | STATUS |
|--------------------|-------------------------------------|--------------------------|
| Parlor Grove Sub. | 110 lots, 164 acres | Under Construction |
| River Shore Farms | 42 lots, 90 acres | Under Construction |
| River Shore Farms | Additional 1150 Units, 300 acres | Zone Change Pending |
| Williamsburg Prop. | 105 lots, 44 acres | Zone Change Withdrawn |
| H.A.D./Schleper | 200 Units, 26 acres | Zone Change Pending |

In addition to the above residential projects, the H.A.D./Schleper request proposes approximately 8 acres of commercial and 165 acres of industrial development.

History of the Site

A Preliminary Plat and Improvement Plan for a portion of the subject property (Tree Top Subdivision) were approved by the Boone County Planning Commission, October, 1978. A Final Plat for 5 lots on 6.5 acres was approved, January, 1980. The site presently under

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review contains lots 3,4, and 5 of the presently platted Tree Top Subdivision. Approximately 1000 feet of concrete street has been constructed west from North Bend Road to service the subdivision.

Existing Features of the Site

Present uses of the subject site include a swine farm (approximately 140 acres), a partially developed, but vacant, residential subdivision (4.5 acres), and undeveloped land. In addition, the south west corner of the site contains a radio transmission tower utilized by the Boone County Fiscal Court. The swine farm operation contains several sludge ponds for treatment of farm animal waste.

Soils on the site are Jessup silt loam (12 to 20% slopes), Rossmoyne silt loam (0 to 6% and 6 to 12% slopes), and Cynthiana flaggy silty clay loam (20 to 50% slopes). A substantial portion of the swine farm area appears to have been severely eroded. The undeveloped portion of the subject site is heavily wooded., The eastern portion of the site, west of the existing roadway, is bisected by Sand Run Creek.

The site has approximately 1400 feet of frontage on Graves Road. Approximately one half of this frontage is on a section of the road that bends sharply and curves down a hill to Sand Run Creek. A bridge across Sand Run Creek near the sites south east corner has only one lane and is located at a 90 degree bend in the roadway. The existing roadway that intersects North Bend Road has approximately 300 feet of sight distance to the south and 600 feet sight distance to the North.

Relationship to the Comprehensive Plan

This request must be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. The Plan's "Future Land Use Map (FIGURE II) indicates future land use for the property as mostly Low Density Residential (up to 3 dwelling units per acre). A small amount of the property is classified as Medium Density Residential (3 to 8 units per acre).

The Comprehensive Plan's text refers to the vicinity of the subject property in a number of ways. The Goals and Objectives of the Comprehensive Plan's Environment, Housing, Agriculture, Public Services, Transportation, Recreation, and Land Use elements outline specific objectives relevant to the subject request. Housing objectives include providing a maximum choice of living environments and housing choices; provision of adequate public facilities; and assurance of continuity in residential street systems (page G-2).

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The Agricultural Objectives state that intrusion into agricultural areas should result from logical expansion of the urbanizing area (page G-3).

The Public Services and Facilities objectives relevant to this request include prioritizing infrastructure growth depending upon the availability of funds and integration and coordination of utilities on the basis of county wide service areas and networks (page G-4). Transportation objectives include design of transportation networks to provide growth consistent with the land use plan and implementation of access management principles and controls (page G-6). Recreation objectives include development of new facilities close to established and developing residential areas. The Land Use objectives state that land use shall occur in environmentally suitable areas and where adequate infrastructure exists (page G-6).

Specific elements of the Comprehensive Plan refer to the general area of the request in a number of ways.

Housing Element:

North River Area

This is presently a very rural area of rough topography. Interstate 275 has and will continue to have a great effect of its development. On one hand, it acts as a barrier to northern growth created in the Hebron area. The interstate funnels growth through only a small amount of underpasses and overpasses. On the other hand, I-275 has opened up this area for new residential growth. These characteristics support the already evolving low density housing development in the Francisville-KY 237 area. The remainder of the area should experience limited development because of extensively wooded hillsides and possible recreational uses in the area. (page H-19)

Public Facilities Element:

The main focus of Boone County Water and Sewer District waste treatment service expansion should be in the Burlington-Hebron, Union, and Mineola areas. The Circleport and Mineola area is presently served by a collection system that connects to the Dry Creek plant in Kenton County. The Mineola Pike area will experience extensive industrial growth, and will need additional waste treatment service. The Burlington-Hebron and Union areas are to experience rapid residential and commercial growth. (page PF-12)

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There are many other package wastewater treatment plants in Boone County serving individual users and developments. . . These are privately owned and operated and are inspected by the State of Kentucky, Department of Environmental Protection, Division of Waste Management regarding maintenance and effluent discharge.
(page PF-13)

One special intent of the urban service area approach to land use planning in the County is to minimize the creation of private package sewage treatment plants as a permanent solution to the sewerage needs of any development. On-site subsurface sewage disposal systems are planned to serve low density development outside urban service areas. Another intent is to control the timing of growth and development until such time as public fiscal resources are adequate to provide public improvements to developing areas.

Recreation Element:

The Recreation Element of the Comprehensive Plan describes the role of public, semi-public, and private recreational facilities within the county. As the county grows, additional facilities will be necessary. The Recreation Element also stresses the need to preserve significant natural features and open space. In addition, this element states that the area of the proposed development is a good location for a community park and neighborhood parks. (page R-11)

Land Use Element:

The subject property, because of its size and location, is located in three different sections of the Future Land Use Map. Therefore, the text of the Land Use Element describes the site and surrounding areas in the "Idlewild Area", "Francisville Area", and "Hebron Area". As it refers to the vicinity of the subject site, the Idlewild Area states: "Development in the Bullittsville area will spread north of I-275 to connect with the Francisville area....The area north of I-275 will continue to support some agricultural and increased low density residential development also." (page L-9)

The Plan's discussion of the Francisville area states the following relevant to this request: "Because of the accessibility provided by the I-275 interchange, there will be medium density residential development along KY 237....Overall, growth in this section will be continual and slow and be primarily residential in character, with medium density residential nearest KY 237 and new subdivision growth off of this road."(page L-12)

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Similarly, the discussion of the Hebron area states the following:
"North of I-275 along KY 237, light industrial or highway commercial development should occur only within a few hundred feet of the interstate. The balance of this area should become a residential area. Both Graves Road and KY 237 will experience medium density residential growth in the form of small scale subdivisions." (pages L-12, L-13)

Recommended changes to the Comprehensive Plan:

This Staff Report previously listed several proposed developments in the vicinity of the subject property. One of these proposed developments, River Shore Farms, received a recommendation for approval of a zoning map amendment based upon findings of fact in a Committee Report. This Committee report recommended amending the Comprehensive Plan's "Land Use Element" for the Francisville area as follows:

Page L-12:

C-1 Francisville Area

The river bottoms have a strong orchard-type, agricultural character that will remain with some limited addition of low density residential along KY 8. The only other relatively flat areas are along KY 237 in the Francisville area. Because of the accessibility provided by the I-275 interchange, there will be medium density residential development along KY 237. The rest of the section is extremely hilly and will remain largely wooded with small, scattered agricultural uses. The area of KY 237 and KY 20 is proposed for a neighborhood-scale park that could be easily accessed by the entire North River Area. The recent construction of a 12 inch water line along North Bend Road and a proposed sanitary sewer system will increase the pressure for development of residential subdivisions in this area. However, any such residential development should be sensitive to the hilly topography while being designed to take advantage of views along the river bluff area. Overall, growth in this section will be continual ~~slow and be~~ and primarily residential in character, with medium density residential nearest KY 237 and new subdivision growth off of this road. KY 8 along the river will either remain in low density residential and agricultural or be developed with uses that are compatible with both the riverfront's natural limitations and the planned residential character of the Francisville/North River area.

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Staff emphasizes the fact that the preceding changes to the Comprehensive Plan were recommended to the Boone County Fiscal Court by the Planning Commission. As of the writing of this report, the Boone County Fiscal Court has not acted upon the zoning map amendment request for River Shore Farms or the recommended changes to the Land Use Element of the 1986 Boone County Comprehensive Plan.

In summary, both the Future Land Use Map and text of the current Comprehensive Plan suggest that the majority of the site under review be developed for low density residential purposes. In addition, recommended, but not adopted, changes to the Comprehensive Plan's text further emphasize that subdivisions of low density residential uses will increase in the area.

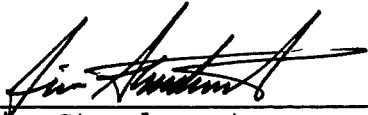
Staff Concerns

1. Density: This request should not only be reviewed on the basis of its proposed density and the possible density indicated by the Comprehensive Plan, but also on the basis of how the development's proposed density is compatible with existing residential subdivisions in the area.
2. Graves Road: The present condition of Graves Road is narrow, wandering and steep. Recently, Boone County has expressed an interest in improving Graves Road by widening and straightening it in conjunction with replacing the existing bridge over Sand Run Creek. Because of the added automobile traffic this proposed development will create, staff believes that the applicant should be required to provide necessary right of way necessary to improve the adjacent section of Graves Road.
3. Tree Top Lane: Staff believes that the extension of the existing concrete street (Tree Top Lane) across Sand Run Creek, and eventually to Graves Road, is essential to providing a proper street system for the proposed development.
4. Phasing: Phasing of the two above noted concerns should occur to assure that the extension of Tree Top Lane across Sand Run Creek should occur before an access to Graves Road is constructed. In addition, construction of an access to Graves Road should not occur until completion of the previously mentioned improvements to Graves Road and the bridge over Sand Run Creek.

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5. Public Facilities: The proposed sanitary sewer collection and treatment system should conform to the Boone County Water and Sewer District's Master Plan for Boone County. In addition, this proposed development should be considered on the basis of the demand it will create on the county's parks and recreation facilities, and school system, and transportation system.

Conclusion

This request should be reviewed on the basis of its relationship to the Comprehensive Plan with regard to the proposed density, transportation connections and improvements, and provision of sewer service and other public services. If the Planning Commission and Boone County Fiscal Court should approve this request, the Comprehensive Plan need not be amended.



Jim Sturdevant
Plans Examiner/Planner

JS:kat

FIGURE I

ZONING TREE TOP SUBDIVISION

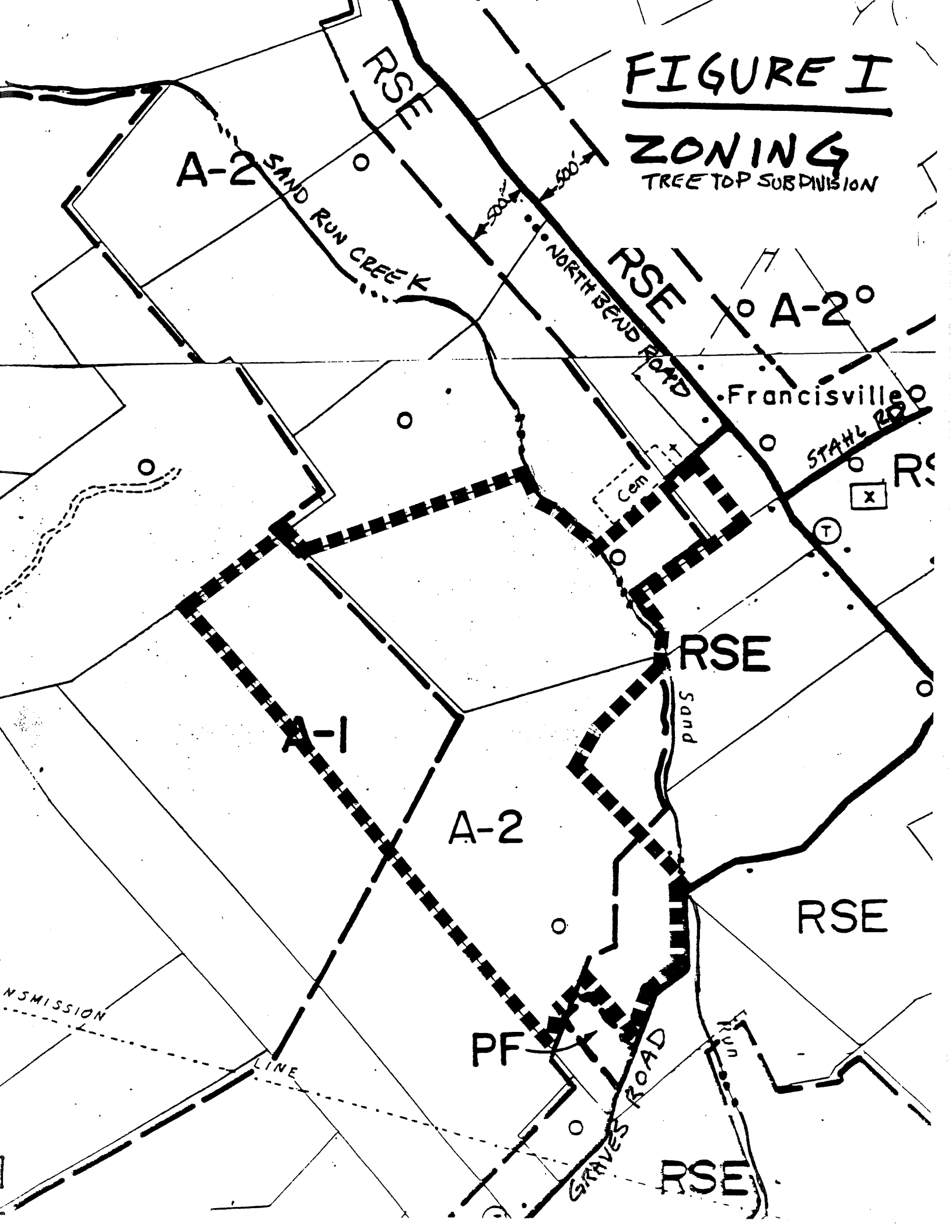
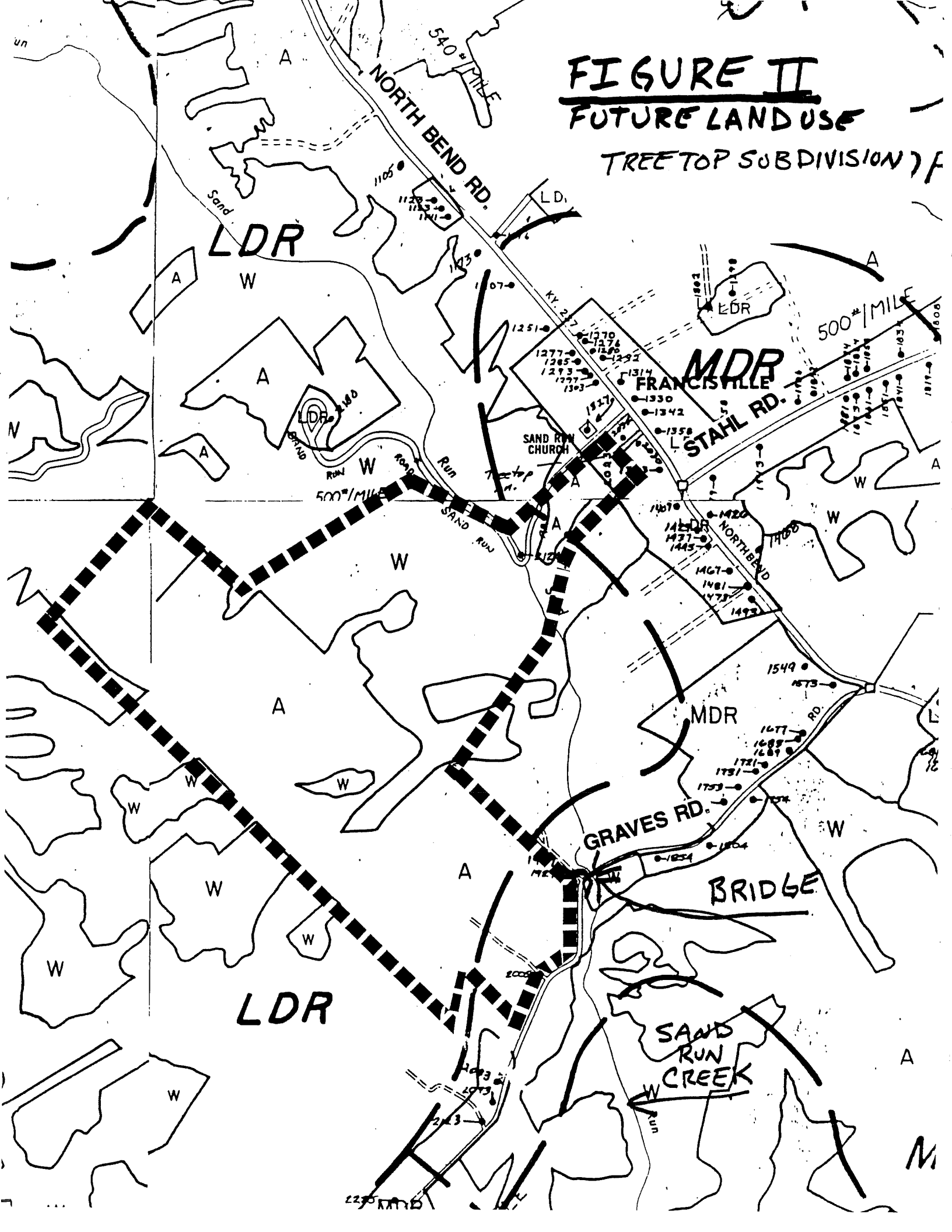


FIGURE II FUTURE LAND USE

TREETOP SUBDIVISION)



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 Treetop Subdivision
2. Location of Development 1.75 miles north of I-275 on Ky 237
3. Total Acreage of Site 181.9
4. Current Zoning A-1; A-2; RSE
5. Proposed Zoning (classification being requested) SR-1
6. Proposed Uses (please specify each use) _____
Single family detached
7. Name of Applicant(s) Raymond Erpenbeck
 Phone Number(s) 727-4200
8. Address of Applicant(s) 4205 Dixie Highway
Elsmere Ky 41018
City State Zip
9. Name of Property Owner(s) DBS Corp and KSK Enterprises
 Phone Number(s) 341-0037 341-4710
10. Address of Property Owner(s) 609 Oakridge dr 2450 Cecila dr
Edgewood Ky 41017 Villa Hills, Ky 41017
City State Zip
11. Proposed Building Intensities (please specify) _____
approximately 2.5 DOA

12. Are there any existing buildings on the site? yes
 How many? one
13. Deed Book 226 338 Page No. 321 282 Group No. 2001
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:

- | | |
|------------|--|
| <u>no</u> | Boone County Water and Sewer District |
| <u>n/a</u> | Florence Water and Sewer Commission |
| <u>no</u> | Union Light Heat and Power |
| <u>no</u> | Cincinnati Bell |
| <u>n/a</u> | Owen County Rural Electric |
| <u>no</u> | Boone County Road Department |
| <u>no</u> | Kentucky Transportation Cabinet |
| <u>n/a</u> | City of Florence Public Works Department |
| <u>n/a</u> | City of Walton Public Works Department |
| <u>n/a</u> | Northern Kentucky Health District |
| <u>no</u> | U.S. Soil Conservation Service |
| <u>no</u> | Local School District |
| <u>no</u> | Local Fire District |
| <u>no</u> | Other: _____ |

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

Raymond Erpenbeck Consulting Engineers

ENGINEERS • SURVEYORS • PLANNERS

AUGUST 2, 1988

4205 DIXIE HIGHWAY • ELSMERE, KENTUCKY 41018 • (606) 727-4200

ZONE CHANGE
D.B.S. CORPORATION
PARCEL I

Being a parcel of land located east of Ky 237 about 1 3/4 miles of Interstate 275 and being more particularly described as follows:

Beginning on the south right of way of Sandrun Drive and the common corner between lots 1 & 3 of Section I Treetop Subdivision DB 17 PG 33 these with the common line of lots 1 & 3 S 41° 22' 45" E, 273.05 feet to a point; thence with Franklin line S 54° 58' 03" W, 292.35 feet to a point; thence S 47° 24' 57" W, 64.83 feet to a point; thence S 29° 39' 23" W, 579.34 feet to a point; thence S 38° 30' E, 271.81 to a point thence with Blaker's line S 69° 06' 42" W, 279.79 feet to a point; thence S 71° 07' 52" W, 433.50 feet to a point; thence S 71° 33' W, 689.79 feet to a point; thence with K.S.K. Enterprises line N 50° 00' W, 1574.86 feet to a point; thence with Souther line N 71° 30' E, 1697.41 feet to a point; thence S 31° 00' E, 92.00 feet to a point; thence S 61° 00' E, 468.00 feet to a point; thence S 24° 00' E, 379.00 feet to a point; thence with the center of Mc Glasson Rd N 32° 19' 30" W, 99.71 feet to a point; thence N 13° 02' 30" W, 36.59 feet to a point; thence N 4° 53' 45" W, 121.88 feet to a point; thence N 0° 58' 15" E, 65.00 feet to a point; thence N 13° 08' 15" E, 50.00 feet to a point; thence N 19° 38' 45" E, 260.00 feet to a point; thence N 26° 56' 15" E, 60.00 feet to a point; thence N 39° 15' 45" E, 60.00 feet to a point; thence N 46° 10' E, 50.72 feet to the common corner between lots 2 and 4 Section one Treetop Subdivision; thence with there common line S 53° 39' 03" E, 186.16 feet to a point on the north right of way of Sandrun Drive; thence with a curve to the right 130.00 feet (R = 606.97 = 12° 16' 18"); thence S 41° 22' 45" E, 50.00 feet to a point; thence N 48° 37' 15" E, 14.59 feet to the point of beginning. Containing 56.90 acres.

Raymond Erpenbeck Consulting Engineers

August 2, 1988

ENGINEERS • SURVEYORS • PLANNERS

4205 DIXIE HIGHWAY • ELSMERE, KENTUCKY 41018 • (606) 727-4200

ZONE CHANGE

K.S.K. ENTERPRISES

PARCEL II

Being a parcel of land located on northside of Burlington and Francesville Road (Graves Avenue) about $\frac{1}{2}$ mile west of 237 and being more particularly described as follows:

Beginning at point in the center of Graves Road and the corner with Cincinnati SMSA (DB 331 Pg 18) thence with the center of Graves Road N 18° 45' E, 654.9 feet to a point thence N 52° 30' E, 231.0 feet to a point thence N 30° 00' E, 99.0 feet to a point thence N 4° 00' E, 478.5 feet to a point thence leaving said centerline N 48° 15' W 115.5 feet to a point thence N 52° 15' W, 3927.0 feet to a point thence with the line with Souther S 46° 00' W, 1089.9 feet to a point; thence with the line with Graves S 48° 15' E, 4273.6 feet to a point; thence with Cincinnati SMSA N 41° 45' E, 91.7 feet to a point; thence S 48° 15' E, 455.0 feet to the point of beginning. Containing 125 acres.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2
August 24, 1988

Page 1

Mr. Barnett introduced the second item on the Agenda:

2. Applicant: Raymond Erpenbeck for DBS Corporation and KSK Enterprises (owners)
Request: Zoning Map Amendment

This was a Public Hearing on the request of Raymond Erpenbeck (applicant) for DBS Corporation and KSK Enterprises (owners) for a Zoning Map Amendment for a 182-acre (approx.) site located west of KY 237 and 1.75 miles north of I-275, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1). The proposed use is a 455 unit single-family residential subdivision.

Staff Member, Jim Sturdevant, presented the Staff Report which included a slide presentation.

Mr. Ray Erpenbeck stated that he was present in behalf of the applicant. He advised that Mr. Schroeder of DBS Corporation and Mr. Krumpelman of KSK Enterprises were also present. Mr. Erpenbeck indicated the location of the site on a drawing. He advised that utilities have been extended into the area and noted the location of a 12" water line. The applicant is requesting SR-1 zoning with a maximum density of 2.5 units per acre. The Land Use Plan for this area recommends low density use and permits 1.1 to 3 units per acre. The site is currently used as a pig farm. The proposed development will have sanitary sewer -- there will be no septic tanks. He discussed Staff's concern in regard to the road and stated that the Highway Department, per Mr. Pelley, is planning to rebuild the bridge and they will cooperate in furnishing the right-of-way to allow replacement of the bridge and realignment of the roadway. Treetop Lane will be the main access into the development. They will not start the development off of Graves Road. He presented the Concept Development Plan. Mr. Erpenbeck indicated how he had been advised the road would be restructured. He stated that Mr. Pelley had advised him that other property owners are agreeable to the rights-of-way to straighten the road.

At this time, Mr. Sturdevant completed the Staff Report. Mr. Sturdevant added that that the present zoning of the site is approximately 45 acres of A-1, 125 acres of A-2, and 12 acres of RSE which would permit a maximum of 83.5 homes on the property.

Mr. Barnett asked Mr. Erpenbeck if he intended to submit his drawing as the Concept Development Plan. He stated that he was not as it had not been analyzed in enough detail. It is a concept of what can be done. He noted that a Concept Plan is not required to be submitted for a single-family development. Following comments, Mr. Erpenbeck agreed to submit the Concept Plan and advised that there could be substantial changes at the Preliminary Plat stage. However, Mr. Erpenbeck stated that they were committing to provide a minimum of 8 access points to adjacent properties for future development.

Mr. Barnett asked if there was anyone present who wished to speak in regard to this request.

Mr. Paul Scherff submitted a petition signed by the surrounding neighbors in regard to this project. He stated that 455 houses on 181 acres is more than the density indicated. He noted that turning out of Graves Road onto North Bend Road is very dangerous. Mr. Scherff stated that he has a cistern and had trouble getting water last summer due to the low water pressure at the tower and water for this development will come from the same tower. There will be additional stress on the already overcrowded schools. He questioned the price range of the houses and the location of the sewer plant.

Mr. Erpenbeck stated that the county's long-range water plan will alleviate the water problems. He explained that Graves Road will be at the end of the development, it will not be in the initial phase of development. It will be many years before the connection will be made to Graves Road. These will be upper-priced houses.

Mr. Schroeder stated that he has been building in Boone County for sixteen years. They intend to have 100 foot lot lines, with 150 to 200 foot depths. He stated that not everybody can afford two or three acre lots and so they are presenting this concept.

Mr. Erpenbeck stated that the development will not occur overnight. He stated that they cannot pinpoint the exact location of the sewage disposal plant. They will work with the environmental agency in this regard.

Mr. Bob Tuffensam, Conway Hills Drive, commented on other developments in the area in relation to the Comprehensive Plan. He stated that the Comprehensive Plan was approved in 1986 after extensive Public Hearings. He asked that it not be changed to accommodate this development.

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

Mr. Sharp stated that he would like to be sure there will be adequate water supply.

Mr. Newton advised that Mr. Kroger or a representative of the Boone County Water and Sewer Department will be addressing this issue in regard to Rivershore Farms at a Public Hearing on September 6, 1988 at 7 P.M.. He advised that more information can be gathered in regard to the current request.

Mr. Sharp noted other concerns raised regarding the impact on the schools and whether fire protection is adequate.

Mr. Collins questioned the width of the side road off of North Bend Road and who controls the roadway. He stated that this is too much development off the one road. He would like a timetable for the development.

Mr. Moore noted the slopes on the site and questioned the erosion control.

Mr. Sturdevant noted the location of slopes on the site but stated that most of the area to be used is the area of the swine farm which is the most level portion of the property.

Mr. Moore questioned the legal basis for the zone change.

Mr. Erpenbeck stated that the biggest change in the area is the construction of the 12" water main and that they will provide the sewage disposal plant. He stated that they are not asking for a change in the Comprehensive Plan.

Mr. Neltner questioned who the builders would be.

Mr. Schroeder advised that Mr. Krumpelman, Mr. Duncan and he are the three builders at this time. There may be others in the future.

Mr. Damstrom noted that without two access points to the site there is a concern for fire protection.

Mrs. Shirley Miller asked if someone wanted to buy a lot at the Graves Road end of the development if they would be told no.

Mr. Erpenbeck advised that the intent is to develop from North Bend Road to Graves Road. He noted the natural drainage of the site and the need to bring in sewers in an orderly manner. It would not be practical to develop the Graves Road end first. He noted that there are eight access points into adjoining developments.

Mrs. Miller stated that at 1.7 children per household, five new schools would be needed to handle the potential developments along North Bend Road if all the requests are approved.

Mr. Tuffensam noted his concerns for safety in regard to the access to the development noting a dip in the road and a tree line that blocks the view. He questioned why the applicant would rework the bridges on Graves Road when he doesn't have any access on Graves Road.

Mr. Erpenbeck stated that they will work with the Committee and they will cooperate with the county in regard to Graves Road.

Mr. Lonnie Fields of Parlor Grove Estates questioned the trip generation for this project. Mr. Erpenbeck advised that he did not have current figures.

Mr. Newton advised that the Transportation Planner (Mr. Powell), and the Traffic Engineering Department at OKI are reviewing the road system and the traffic impact. The District 6 Office of the Kentucky Transportation Cabinet is also involved in this project for 25-year development.

Mr. Fields stated that he is concerned about the number of children in the area and their safety as there are no sidewalks or curbs on the roadway. He questioned the recreational facilities.

Mr. Newton advised that there are recreational standards put out by the NRPA (National Recreation Park Association) which are county wide standards based on averages. This area is identified in the Comprehensive Plan as an area not fully developed and in its development there needs to be an effort to provide more recreational facilities.

Mr. Dave Patterson, a resident of Graves Road, stated that more than 50% of the traffic will be using Graves Road and it is only 12 to 14 feet wide. He stated that Sand Run Stream is intermittent and goes for months with no water. The sewage treatment plant will break down and the sewage will go into the stream.

Mr. Woosley questioned who would maintain the roadway.


Mr. Erpenbeck stated that the development will occur pursuant to the Subdivision Regulations and the county will be asked to provide maintenance.

Mr. Bush of Conway Hills Drive asked that the submitted petitions be read.

Mr. Barnett read the petitions which requested deferral of the request until after the Rivershore Farms request is finalized.

There being no further comments, Mr. Barnett advised that this item will be on the Agenda for the Business Meeting on September 7, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:


Larry Barnett, Vice Chairman

ATTEST:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

September 21, 1988 8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mr. Fred Burch
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. R. N. Greene
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of September 7, 1988 and asked if there were any comments or corrections.

Mr. Collins noted that on Page 14, he had made a motion for approval of the request of Hicks & Mann, Inc. for Site Plan Review. However, the agreement that merchandise would not be displayed prior to paving had not been kept and he was withdrawing his motion for approval.

Mr. Albert Yelton asked for clarification regarding the emergency access. Chairman Viox reread that portion of the Committee Report for him and stated that there would be a paved or grassy area available for emergency vehicles that would probably be chained shut.

Mr. Yelton stated that he had notified the Committee that the President had signed a law which would not allow discrimination against children and the handicapped. The development will need recreational space for children.

Chairman Viox stated that this consideration had been addressed in the Committee Report.

Mr. Yelton commented on the number of available single-family and multi-family units in Florence, as well as the traffic. Chairman Viox advised that the Public Hearing is the appropriate time for these comments.

Mrs. Victoria Fibbe questioned how the road could handle 264 apartment units when it could not handle access for the townhouses.

Mr. Newton advised that what Mrs. Fibbe is referring to is a Finding of Fact in the review of the 1981 Concept Development Plan. He stated that the review at that time did not include the U.S. 25/42 Connector Road as it had not been laid out.

Mrs. Fibbe stated that there has been no change since 1981. She stated that if the emergency access is chained up, it will take time to make it accessible during an emergency.

There being no further discussion, Mr. Moore moved that the request be approved based on the Committee Report presented and that a resolution be sent to the City of Florence. Mr. Jones seconded the motion and it carried unanimously.

3. Zoning Map Amendment

The request of Raymond Erpenbeck (applicant) for DBS Corporation and KSK Enterprises (owners) for a Zoning Map Amendment for an 18-acre (approx.) site located west of KY 237 and 1.75 miles north of I-275, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He stated that a letter has been received from the applicant indicating his agreement to the conditions.

Chairman Viox stated that a Public Hearing had been held in regard to this request. The facts had been gathered and the Committee Report assembled for consideration this evening. He stated that he would allow a statement from the community.

Mr. Bob Tuffensam, a resident of Conway Hills, asked that the portion of the Committee Report regarding phasing be reread. Chairman Viox reread that portion of the Report.

Mr. Tuffensam stated that there is nothing in the report regarding the number of units allowed per year. He noted that a limitation had been placed on the number of units allowed per year in Rivershore Farms by the Fiscal Court.

There being no further comments, Mr. Jones moved by resolution that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. DeLong seconded the motion.

Mr. Moore asked if the plan had changed since the Public Hearing in regard to the number of units. Mr. Newton advised that there were 455 single-family units and there are now 250 units on the same acreage.

There being no further discussion, Chairman Viox asked for a vote on the motion made by Mr. Jones and it carried unanimously.

4. Site Plan Review

The request of Danny R. Perkins (owner) for a revision to a previously approved Site Plan in order to make parking lot improvements. The 0.46-acre site, located at 236 Main Street in Florence, is zoned Commercial Two (C-2).

Staff Member, Dave Geohegan, presented the Staff Report (see Staff Report).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the Staff Report.

There being no discussion, Mr. Moore moved that the request be approved based on the Staff and Committee Reports. Mrs. Bushelman seconded the motion and it carried unanimously.

5. Site Plan Review

The request of James Berling (applicant) for Dick Ammon (owner) for Site Plan Review to make improvements on a 7.6-acre site located at 1840 Florence Pike, Boone County, Kentucky. The site is zoned Commercial Two (C-2) and the proposed use is Scott Towing Service.

EXHIBIT "C"

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

DATE: September 21, 1988

RE: Request of Raymond Erpenbeck (applicant) for DBS Corporation and KSK Enterprises (owners) for a Zoning Map Amendment for a 182± acre site located west of KY 237 and 1.75 miles north of I-275, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1). The proposed use is a 455 lot single-family residential subdivision.

REMARKS:

We, the Committee, recommend approval of the proposed Zoning Map Amendment based upon the following findings of fact and with the following conditions.

Findings of Fact:

1. The Committee believes that the subject property presented at the 8/24/88 Public Hearing is capable of supporting a limited amount of development. Therefore, the proposed development, as amended by the conditions listed below, is in conformance with the Boone County Comprehensive Plan, "Future Land Use Map" which indicates future development of low density residential and medium density residential for the subject site.
2. The proposed development, if developed in accordance with the following conditions, will be consistent with the text of the Boone County Comprehensive Plan in that it will be provided with adequate public facilities and assure continuity of the residential street system through street design and application of access management principles. In addition, it will be compatible with existing and proposed residential developments in the vicinity. Other references to the Comprehensive Plan are available in the Staff Report.

Conditions:

The applicant and property owners are being asked to agree to include the following conditions as part of the Concept Development Plan in order to clarify the plan as presented at the 8/24/88 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. Overall, the proposed development shall not exceed 250 dwelling units for the 181.9 acre site.
2. Phasing:
 - A. The first phase of development shall be the extension of Tree Top Lane across Sand Run Creek. No access or street connection to Graves Road shall occur until improvements to Graves Road and the Graves Road Bridge over Sand Run Creek have been completed.

-
- B. Tree Top Lane shall be upgraded to a sub-collector street and provide direct access to Graves Road. The Subdivision Improvement Plans for connection of Tree Top Lane to Graves Road shall be submitted at the time that one half of the proposed lots (as determined by the Preliminary Plat) are submitted for review. In addition, the street connection to Graves Road shall be completed at the time that Zoning Permits for one half of the proposed lots are approved.
3. Detailed erosion control plans shall be submitted with the Subdivision Improvement Plans for each phase of the development. These plans shall include a detailed time schedule for grading work and re-establishment of ground cover to control soil erosion.
 4. The developer shall cooperate with the Boone County Road Department in providing the necessary right of way for the re-construction and the straightening of Graves Road adjacent to the subject property. In addition, the developer may be required to participate financially, as determined by the Boone County Fiscal Court, in improvements to this section of roadway and the Graves Road Bridge over Sand Run Creek.
 5. The developer shall cooperate with the Kentucky Transportation Cabinet to make necessary improvements, at the developers expense, to the Tree Top Lane-North Bend Road intersection. This intersection shall meet the minimum sight distance requirements of Article 17A, Boone County Zoning Regulations. In addition, the developer may be required to provide a left turn lane for vehicles entering the site from North Bend Road.
 6. The location, design specifications, ownership and maintenance of the proposed sanitary sewer waste water treatment facility shall be approved and accepted by the Boone County Water and Sewer District and the Kentucky Environmental Protection Agency.
 7. The developer shall be required to provide a minimum of two but no more than seven street connections to adjacent properties as determined by Preliminary Plat Review for the proposed subdivision.
 8. Any changes to the proposed development as presented at the August 24, 1988 Public Hearing, and as amended by this Committee Report, must be reviewed by the Planning Commission's Technical Committee as to whether the proposed changes constitute a major or minor change to the approved plan. If the Technical Committee determines any changes to be major, a new application and Public Hearing will be required.

Carol Smith, Chairwoman

Larry Barnett

Rector Jones
Rector Jones

Barry Neltner

Fred Burch
Fred Burch

Donald McMillian
Donald McMillian

JES:kat

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

334-2196

MR. WILLIAM R. VIOX
CHAIRMAN

MR. LARRY BARNETT
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

September 20, 1988

Raymond Erpenbeck
4205 Dixie Highway
Elsmere, KY. 41018

RE: Conditions for approval of a Zoning Map Amendment

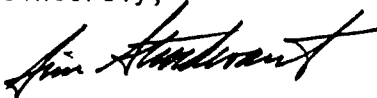
Dear Mr. Erpenbeck:

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 Wednesday, September 21, 1988 at 3:00 p.m.

1. Overall, the proposed development shall not exceed 250 dwelling units for the 181.9 acre site.
2. Phasing:
 - A. The first phase of development shall be the extension of Tree Top Lane across Sand Run Creek. No access or street connection to Graves Road shall occur until improvements to Graves Road and the Graves Road Bridge over Sand Run Creek have been completed.
 - B. Tree Top Lane shall be upgraded to a sub-collector street and provide direct access to Graves Road. The Subdivision Improvement Plans for connection of Tree Top Lane to Graves Road shall be submitted at the time that one half of the proposed lots (as determined by the Preliminary Plat) are submitted for review. In addition, the street connection to Graves Road shall be completed at the time that Zoning Permits for one half of the proposed lots are approved.
3. Detailed erosion control plans shall be submitted with the Subdivision Improvement Plans for each phase of the development. These plans shall include a detailed time schedule for grading work and re-establishment of ground cover to control soil erosion.
4. The developer shall cooperate with the Boone County Road Department in providing the necessary right of way for the re-construction and the straightening of Graves Road adjacent to the subject property. In addition, the developer may be required to participate financially, as determined by the Boone County Fiscal Court, in improvements to this section of roadway and the Graves Road Bridge over Sand Run Creek.

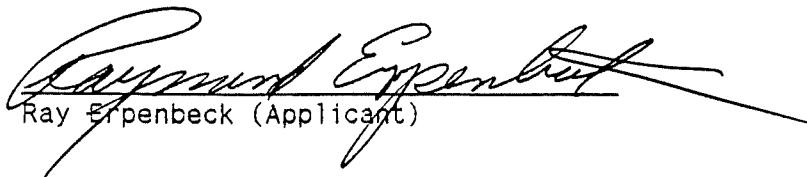
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6. The location, design specifications, ownership and maintenance of the proposed sanitary sewer waste water treatment facility shall be approved and accepted by the Boone County Water and Sewer District and the Kentucky Environmental Protection Agency.
7. The developer shall be required to provide a minimum of two but no more than seven street connections to adjacent properties as determined by Preliminary Plat Review for the proposed subdivision.
8. Any changes to the proposed development as presented at the August 24, 1988 Public Hearing, and as amended by this Committee Report, must be reviewed by the Planning Commission's Technical Committee as to whether the proposed changes constitute a major or minor change to the approved plan. If the Technical Committee determines any changes to be major, a new application and Public Hearing will be required.

Sincerely,



Jim Sturdevant,
Plans Examiner/Planner

I, the applicant, agree to the above listed conditions for approval of my request for a Zoning Map Amendment for a 182± acre site located west of KY 237 and 1.75 miles north of I-275, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1). The proposed use is a 455 lot single-family residential subdivision.



Ray Erpenbeck (Applicant)

R-51-88

ORDINANCE 920.168

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1), AGRICULTURE ESTATE (A-2), AND RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 182 ACRE SITE GENERALLY LOCATED WEST OF KY 237 AND 1.75 MILES NORTH OF I-275, BOONE COUNTY, KENTUCKY SUCH MAP AMENDMENT BEING REQUESTED BY RAYMOND ERPENBECK (APPLICANT) FOR DBS CORPORATION AND KSK ENTERPRISES (OWNERS), AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-51-88.

WHEREAS, the Boone County Fiscal Court received a request for approval for a Zoning Map Amendment to the Boone County zoning map for a Zoning Map amendment being a zone change from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 182 acre site generally located west of KY 237 and 1.75 miles north of I-275, Boone County, Kentucky which is more particularly described below; and,

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

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

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 182 acre site generally located west of KY 237 and 1.75 miles north of I-275, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in attached "Exhibit A."

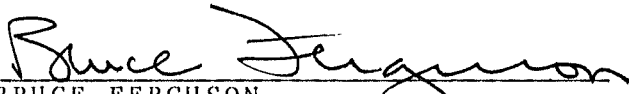
SECTION II

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

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

Introduced, seconded and given First Reading on the eighteenth day of October, 19 88.

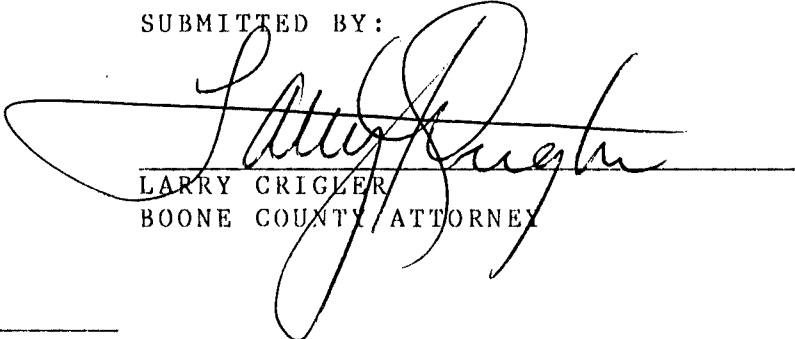
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the eighth day of November, 19 88, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be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


BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:


LARRY CRIGLER
BOONE COUNTY ATTORNEY

DATE PUBLISHED _____