

STAFF REPORT

REQUEST OF DEBBIE R. RICH FOR A ZONING MAP AMENDMENT FOR PROPERTY LOCATED SOUTH OF I-71, NORTH OF STEPHENSON MILL ROAD, BOONE COUNTY, KENTUCKY.

SEPTEMBER 28, 1988

This is a request for a Zoning Map Amendment by Debbie R. Rich to rezone a 33.22 acre tract from Industrial One (I-1) to Agricultural Estate (A-2), to allow the construction of a single-family residence. The property is located south of I-71, west of KY 1292, and north of Stephenson Mill Road, Boone County, Kentucky. The property is owned by George W. and Elizabeth A. Ryan and Ricky D. and Debbie R. Rich.

Surrounding Zoning and Land Uses

north:	A-2; I-71 forms the northern property line, on the opposite side of the interstate are single-family residences and agricultural uses.
south:	I-1; agricultural uses
east:	I-1; agricultural uses
west:	A-2; A single-family residence and agricultural uses

Site Features

Currently, the site consists of hay fields and wooded slopes. The majority of the site is rolling, or sloping down to the three stream beds running through the site. The elevation of the site varies from 900 to 860 feet. Soils on the majority of this site are of the Faywood series with 12 to 20% slopes and are severely eroded, suitable only to hay and pastures. These soils correspond with the wooded portions of the site. The remainder of the soils are of the Nicholson series, 0 to 12% slopes, with moderate to severe erosion. Access to the site is by a strip of land branching off from a 20 foot wide access easement to Stephenson Mill Road (John Webster Ln.). Gravel has recently been laid down on the strip of land, and the access drive is also gravel.

History of Site

This property was part of a larger tract which was bisected by I-71. The portion of the parent tract which was isolated on the south side of the interstate is the parcel currently under review. It was established as a lot of record prior to 1966. Because of the separation from the parent tract by the interstate, the sole access to this site and adjoining properties is by a previously recorded 20 foot wide access easement to Stephenson Mill Road.

This property was subject to a zone change as part of the 1986 Boone County Comprehensive Plan update. In February of 1985, the subject property owner and then Mayor of Walton, George W. Ryan, requested an area including the subject property be rezoned from Suburban Residential One (SR-1) to Industrial One (I-1). In August of 1986, this request for rezoning was again requested, this time by William M. King, then Mayor of Walton. The zone change was approved as part of the 1986 Comprehensive Plan by the Fiscal Court, the Planning Commission having found that the property was located close to access to the interstate, was adjacent to an existing Industrial One (I-1) zone when taken with adjoining properties also under review to be rezoned for industrial use, and that public utilities in the form of water from the City of Walton was easily accessible. Attached to this report are copies of the letters from Mr. Ryan and Mr. King.

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Relationship To This Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Industrial. The Land Use Element of the Plan makes the following statements about the general area:

"As Florence becomes more and more developed, commerce and industry will look for new areas. The Walton area will be a recipient of this. Other key growth factors will allow Walton to develop; these include the merging of I-71 and I-75 and the possible connection to US 25, the I-75/Walton Interchange, two rail lines, an established town with a merging of roads into the town. Two more subtle growth factors are the placement of the Walton-Verona High School on West side of town, and the southern location of Walton, itself, in the county.

Walton, with its unique locational factors, lies between major population and employment centers of Cincinnati, Louisville, Lexington, and Frankfort. And while the town is distant from each, it is readily accessible by all three via the interstate system or by rail, and most importantly, by using the same system. It is this regional location factor that will cause and stimulate new industrial development in Walton. This growth will not be rapid but should be continual over this study period. Industrial development will occur along KY 1292 between I-71 and I-75 and north of Stephenson Mill Road to the interstate (underline added by Staff).

Residential development will occur both within and around the city. Medium to high density residential development will occur between Main Street and I-75. Residential in filling between streets will occur. Medium density residential development will occur on the eastern side of town, primarily between Church and High Street. The medium density residential development will occur on the southern edge of town. More specifically, south of US 25, east of the railroad tracks and around Boone Lake. Low density residential growth will occur along the remaining roads (p. L-22)."

The Housing Element says of the Walton-Verona area:

"This area is not projected to gain much population in the next 15 years. This area lies fairly far from any urbanized sections of the county, and has a strong agricultural character. Walton, however, contains a fairly high percentage of multi-family units, and the more moderate income levels of the area would encourage additional multi-family construction (p. H-21)."

The Goals and Objectives for Housing include:

- "1. A broad range of housing opportunities (eg. size, type) shall be provided at location which meet the needs and desires of household types. (pp. G-1, G-2).

4. Housing opportunities in the county shall be fiscally sound, balanced against present and assumed commercial and industrial bases."

The Business Activity Element of the Plan says:

"The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the US 25 and I-75 corridor. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads (p. B-16)."

The Goals and Objectives for Business Activity Include:

- "2. Industrial development shall be encouraged to locate near railroads, highways, airports and or the Ohio River. New industrial park sites shall be located primarily near limited access highways throughout the community for convenience, advertising, and economic advantages.
3. Amenity for industrial uses and a favorable relationship with adjoining uses should be fostered by means of design. Industrial nuisances such as smoke, dust, noise, and odor should be controlled (p. G-4)."

Staff Concerns

1. Access to the site is by a strip of land to a previously recorded access easement. The easement is a gravel drive wide enough for one vehicle only. The proposed use will increase traffic on this easement. Additionally, the Boone County Subdivision Regulations state that buildable lots must have access to a county road or a private road built to county specifications. The Staff is concerned that if this Zoning Map Amendment is recommended for approval by the Planning Commission and is approved by the Fiscal Court, future subdivision of the site could occur, and result in further compromise of the access management regulations and traffic impact on the narrow access easement.
2. The proposed zone change from Industrial to Agriculture for the subject property represents a major deviation from the 1986 Boone County Comprehensive Plan Land Use Element and Future Land Use Map. The property for which rezoning is sought is surrounded on three sides by land projected for industrial use, and on the fourth side by I-71. The Planning Commission should review this application with the three criteria to be considered in granting an approval in mind.

Conclusion

Should this Zoning Map Amendment be approved, the 1986 Boone County Comprehensive Plan Future Land Use Map will have to be changed. Attached to this report is a copy of the applicant's position on this zone change request as submitted by the applicant.

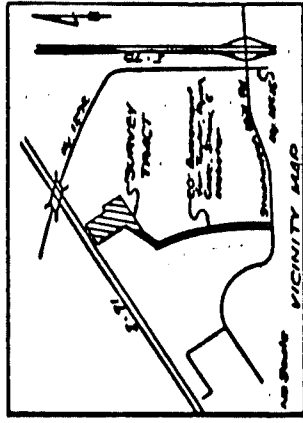
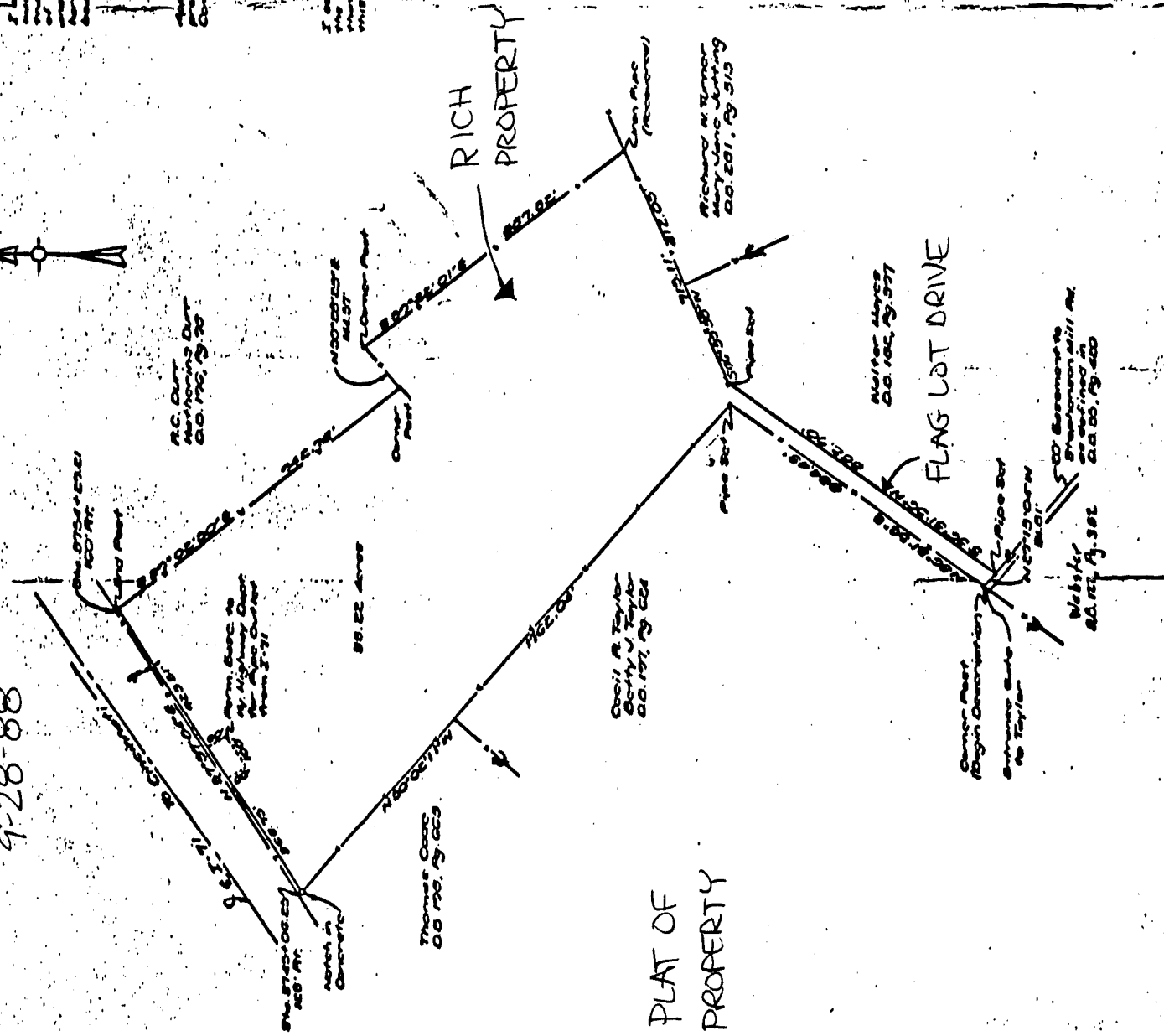
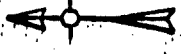


Paul R. Miller, Plans Examiner/Planner

PRM:kat

RICH ZONING MAP AMENDMENT

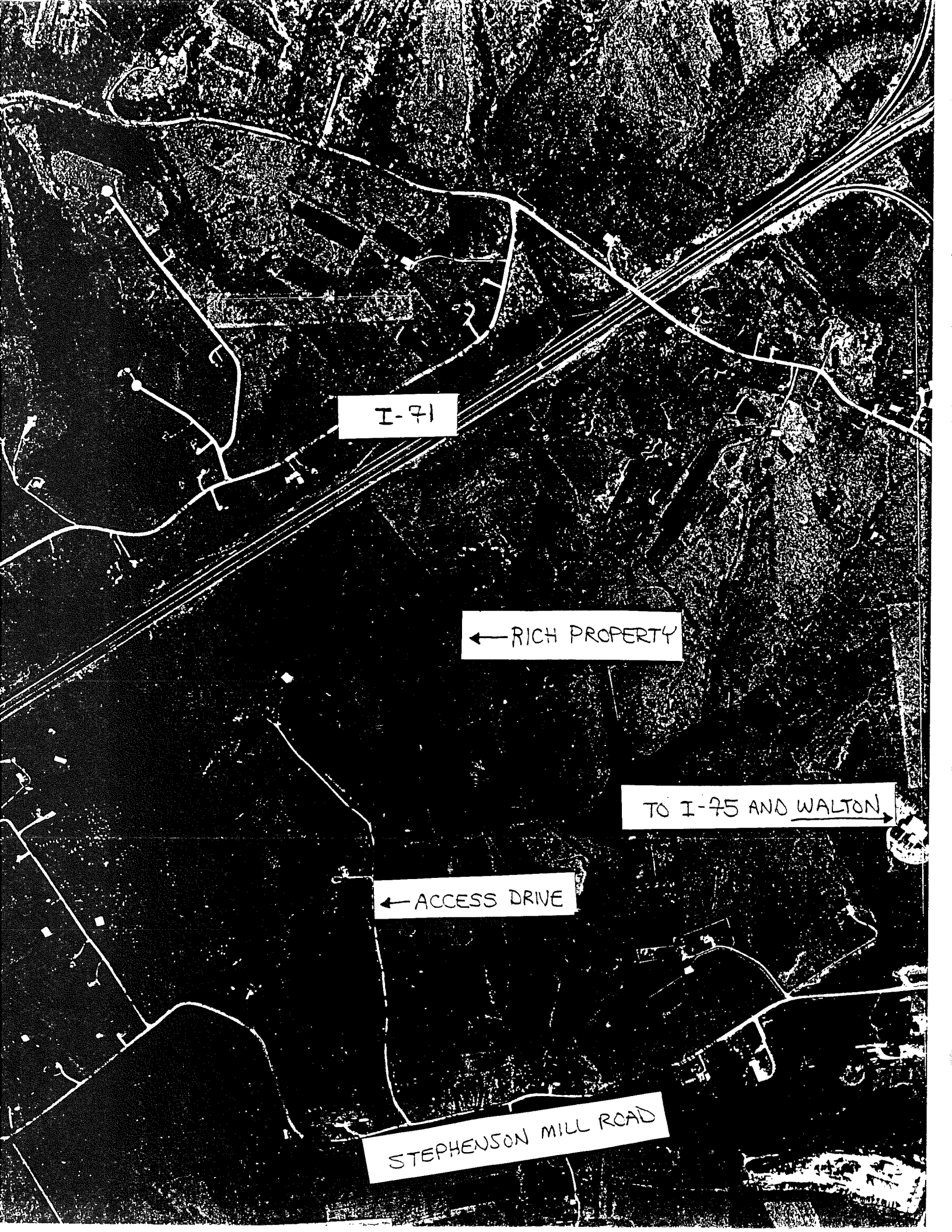
9-28-88



Survey of Tract for
 Richard C. Ryan George M. Ryan
 Janice Ryan Elizabeth Ryan
 Portion of Tract D.B. CE, Pg. 97
 East of J-71
 November 1987
 George R. Hoffman Munton, M.
 CE 6794 LS 6104
 Book P-200

I hereby certify that the survey shown herein was made by me or under my direct supervision and that the same is correct and true according to the best of my knowledge and belief. The same has been duly recorded in the Public Records of the State of Maryland. This survey was made on the 15th day of August, 1987.
 George R. Hoffman, P.E.

I certify that I have examined the records of the Public Records Office and found that there has been no encumbrance shown on this tract by the current owners.
 George R. Hoffman, P.E., L.S.

An aerial photograph showing a complex network of roads and highways. A major multi-lane highway, I-71, runs diagonally from the upper left towards the center. To its right, a road is labeled 'RICH PROPERTY'. Further down and to the right, a road is labeled 'TO I-75 AND WALTON'. In the lower-left quadrant, a road is labeled 'ACCESS DRIVE'. At the bottom of the image, a road is labeled 'STEPHENSON MILL ROAD'. The background is a dark, textured aerial view of the terrain.

I-71

← RICH PROPERTY

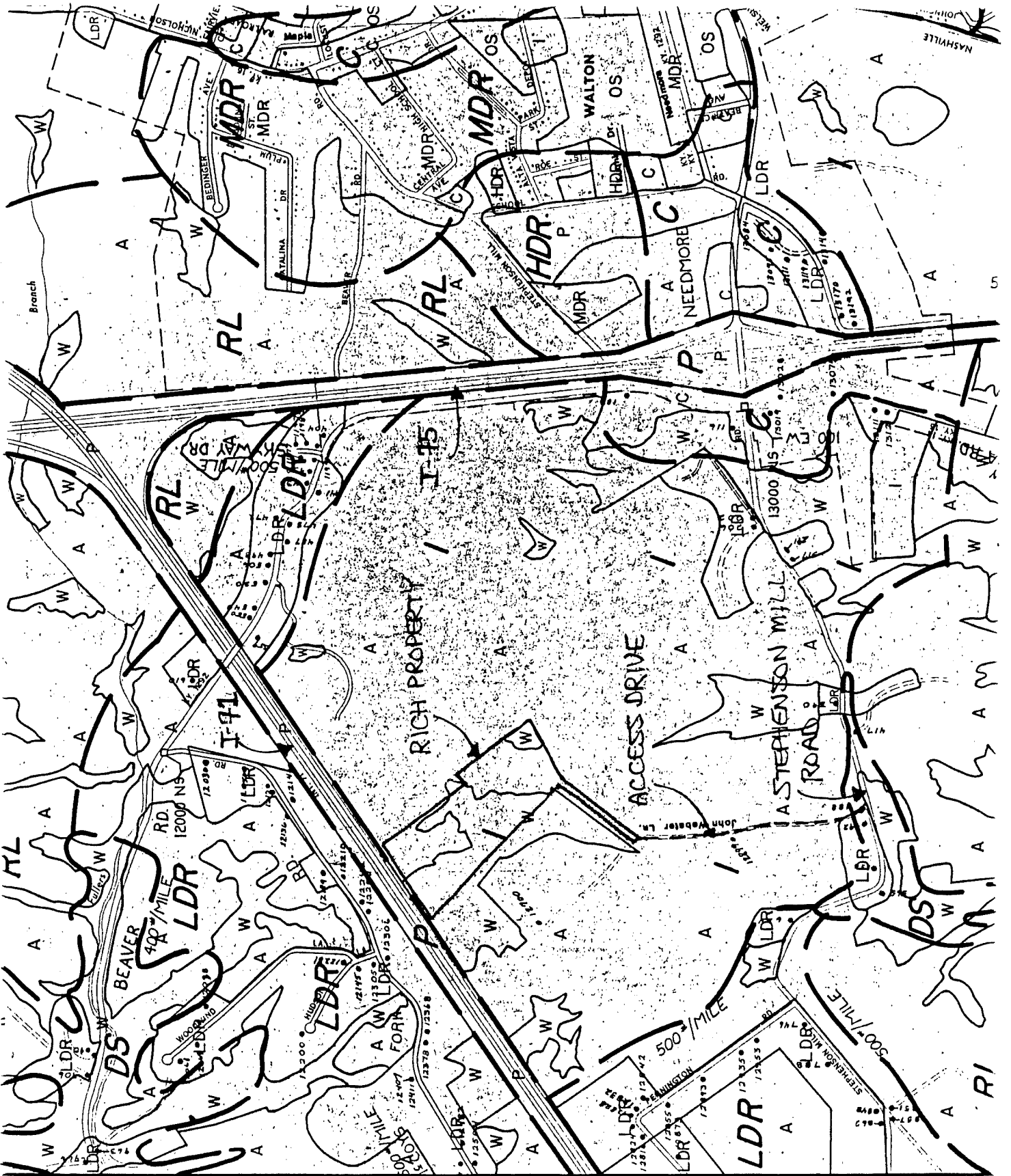
TO I-75 AND WALTON →

← ACCESS DRIVE

STEPHENSON MILL ROAD

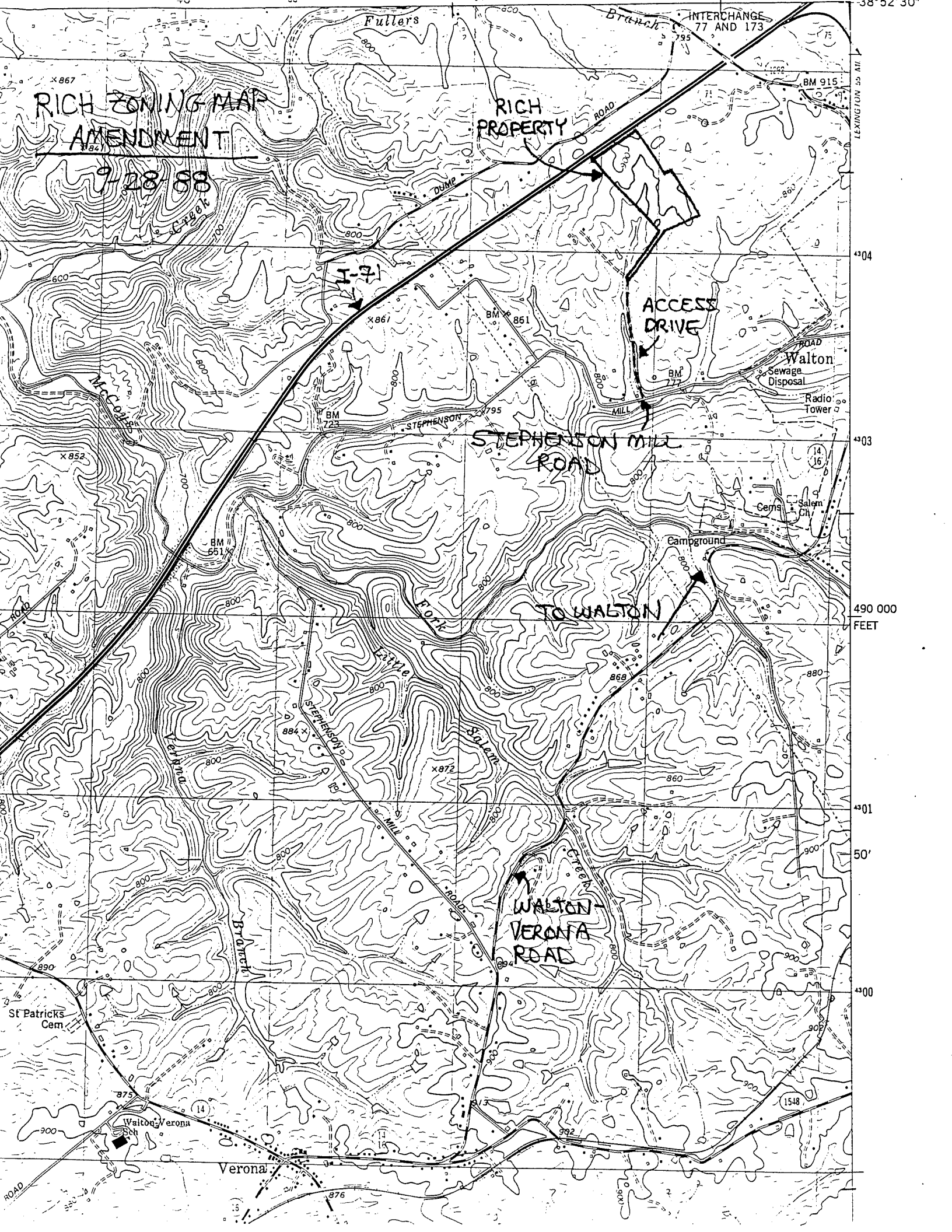
RICH ZONING
MAP AMENDMENT
9-28-88

FUTURE LAND
USE MAP



RICH ZONING MAP AMENDMENT

7-28-88



RICH PROPERTY

ACCESS DRIVE

STEPHENSON MILL ROAD

TO WALTON

WALTON VERONA ROAD

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4900

4904

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RICH ZONING MAP AMENDMENT

9-28-88

CITY OF WALTON

NORTH MAIN AND CHURCH STREETS
WALTON, KENTUCKY 41094

February 1, 1985

Mr. Berry Neltner
Boone County Planning Commission
P.O. Box 697
Burlington, Ky. 41005

Dear Sir:

The City Council of Walton have reviewed the present Zoning Maps and recommend the following changes for your consideration.

SUBJECT
PROPERTY
INCLUDED

Stephenson Mill Road from I-75 West to I-71 presently zoned SR-1. This area we recommend changing to I-1. This area bounds now to I-1 and UR-1 on the east side, I-71 and near Pennington Road on the west side.

North of Walton the area between US 25 and the Kenton County line starting at Ky. 16 north towards Richwood 338. This is presently zoned A-2 and we recommend I-1.

Should you have further questions, please feel free to contact the City.

Yours truly,

Geo W. Ryan

Mayor

RICH ZONING-MAP AMENDMENT

9-28-88

CITY OF WALTON

NORTH MAIN AND CHURCH STREETS
WALTON, KENTUCKY 41094

August 8, 1986

RECEIVED

AUG 25 1986

Mr. Jerry Newton
Boone County Planning Commission
Boone County Adm. Bldg.
P. O. Box 697 - 2950 Washington Sq.
Burlington, Ky 51005

Dear Jerry:

The City of Walton last fall requested the area bounded on the east by Beaver Road, on the west by Pennington Rd. on the north by I-75 and on the south by Stephenson Mill Rd to be rezoned I-1.

We understand a petition has been presented to your office objecting to the west boundary - Pennington Rd. It would be agreeable to the City to move this boundary line east to stop but include the Ryan and Walter Hayes property.

This will leave considerable property to permit industrial development which the City feels is a good location.

Sincerely,

William M. King

William M. King
Mayor

vp

SUBJECT
PROPERTY →

SUPPLEMENT TO ZONE MAP AMENDMENT APPLICATION

The applicant, Debbie R. Rich, respectfully submits this supplement to the application filed with the Boone County Planning Commission for a zone map amendment.

Ownership: The property is presently owned by Debbie R. Rich, Ricky D. Rich, George W. Ryan and Elizabeth A. Ryan.

Location: The property for which the zone map amendment is requested is located in Walton, Kentucky on the east side of I-71 approximately 1.1 miles along I-71 west of I-75. The property has been owned by the applicant's family for 68 years.

Land Use: Historically the land has been used for agricultural purposes. The original farm contained approximately 70 acres. When I-71 was constructed, the farm was divided by the interstate highway. The parcel subject to the zone map amendment contains 33.22 acres; has a tobacco base and hay fields. It was zoned Industrial in 1986. All surrounding property is zoned agricultural. The applicant has requested that the subject property be zoned agricultural 2 to enable the owners to build a residence and continue to use the land for agricultural purposes.

Access: Access to the property is gained from Stephenson Mill Road with direct entry to the property via an Easement from Stephenson Mill Road through property owned by Cecil R. Taylor and Betty J. Taylor and property owned by Walter Hayes.

Utilities: Electrical power will be supplied by Owen County Rural Electric Company Cooperative. A cistern will supply water and a septic tank will be built for sewage purposes.

Relationship of Proposed Zone Change With the Comprehensive Plan:

The zone amendment is in agreement with the adopted comprehensive plan. The Comprehensive plan states under G-2 that the goal for agriculture is to preserve appropriate land for agricultural use. Agricultural land, for the the duration of its economic life, should be protected from the harmful effects of incompatible land use.

Allowing the property to be used for agricultural purposes would protect the surrounding property which is zoned agricultural and would also preserve the historic use of this property.

The existing zoning classification is inappropriate in that access to the property is limited. Should the owners proceed with development of the property for industrial use, such development would interfere with the agricultural use of the surrounding property.

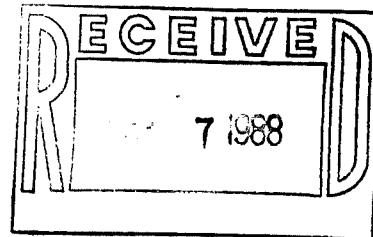
There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character. More particularly, there is no access to the property from I-71 or I-75. Thus, industrial use of the property would be undesirable, if not impossible.

It is respectfully submitted that the requested zone change be approved for the reasons set out above.

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 _____
2. Location of Development On the East Side of _____
3. Total Acreage of Site 33.22 1-71 approx 1-1 miles along I-71 west of I-75
4. Current Zoning Industrial
5. Proposed Zoning (classification being requested) _____
A-2
6. Proposed Uses (please specify each use) _____
Farm and residence
7. Name of Applicant(s) _____
Phone Number(s) Debbie R. Rich
485-6140 or 485-4010
8. Address of Applicant(s) _____
2244 Stephenson Mill Rd., Verona, KY 41092
City State Zip
9. Name of Property Owner(s) George W. Ryan and Elizabeth A.
Phone Number(s) Rich, Ricky D. and Debbie R.
Rich, Tel. No: 485-6140
10. Address of Property Owner(s) 2244 Stephenson Mill Rd., Verona, KY
City State Zip
11. Proposed Building Intensities (please specify) _____
12. Are there any existing buildings on the site? NI
How many? _____
13. Deed Book 391 Page No. 107 Group No. 2077A
14. Have you had a pre-application meeting with BCPC staff? Yes
15. Please check the following organizations/agencies which/you have discussed the proposed development with in the last several months:

- _____ Boone County Water and Sewer District
- _____ Florence Water and Sewer Commission
- _____ Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Road Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Works Department
- _____ City of Walton Public Works Department
- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

(COMPLETE OTHER SIDE OF APPLICATION)

16. Are you also applying for:
 _____ Conditional Use Permit
 _____ Dimensional Variance
17. Applicant's Signature: Debbie Rich
18. Property Owner's Signature: Debbie Rich
19. Have you submitted a Concept Development Plan? _____

SECTION B (To be completed by BCPC Staff)

1. Date Received 9-7-88
2. Fee Received \$325 7# 191340
3. Check what has been submitted:
 Application _____ Fee Legal Description
 Concept Development _____ Addresses of Adjoining
 Plan _____ Property Owners
- 3 No. of copies of plan received**
4. Is application complete? Yes _____ No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 _____ Approval
 _____ Approval With Conditions
 _____ Disapproval
9. Other: _____

** FIVE (5) COPIES ARE REQUIRED

BCPC:7/11/88

EXHIBIT "A"

DEED

THIS DEED OF CONVEYANCE, made and entered into this the
day of _____, 19____, by and
between GEORGE W. RYAN and ELIZABETH A. RYAN, his wife,
parties of
the first part, and RICKY D. RICH and DEBBIE R. RICH, his wife,
parties of the second part,

W I T N E S S E T H :

That for and in consideration of the sum of ^{10,000.} One (\$1.00) Dollar
cash in hand paid and other good and valuable considerations, the
receipt of all of which is hereby acknowledged, the parties of
the first part having bargained and sold, do by these presents
hereby grant, sell and convey unto the parties of the second part,
for and during their joint lives, with remainder in fee simple to
the survivor thereof, his or her heirs and assigns forever, An
undivided one-half interest in the following described real estate located in Boone
County, Kentucky, to-wit:

GROUP NO. 2077A

PLAT BOOK _____ PAGE _____

Situated in Boone County, Kentucky, on the east side of I-71 approximately 1.1 miles
along I-71 west of I-75 and more particularly described as follows:

Beginning at an anchor post a common corner to Cecil Taylor Webster and this tract,
formerly a corner of the Rogers' heirs and E.P. Pennington and just northeast of Taylor's
gate on a 20 foot access to Stephenson Mill Road, thence along Taylors line N 36°
31' 56" E for 834.43 feet to an iron pipe; thence N 50° 02' 11" W for 1762.04 feet to
the east of Right of Way line of I-71 and a corner of Thomas Code; thence along I-71
N 57° 57' 04" E for 923.51 feet to a corner with R.C. Durr; thence along R.C. Durr
for the following calls; S 39° 02' 50" E for 942.78 feet; thence N 50° 28' 23" E for 144.57
feet; thence 39° 22' 01" E for 887.32 feet to an Iron Pipe, a corner with Richard Turner;
thence with Turner and Hayes line S 66° 33' 38" W for 715.11 feet to an iron pipe;
thence along the line of Walter Hayes S 36° 31' 56" W for 882.90 feet to an iron pipe
a corner with Walter Hayes and in the property line of Webster; thence along Webster's
line and the west end of the 29 foot wide outlet N 29° 13' 04" W for 31.81 to the point
of beginning containing 33.22 acres and subject to a permanent easement of 6000 square
feet adjacent to I-71 for maintenance of a pipe outlet from I-71 by the Kentucky
Highway Department.

NOTE: This conveyance is from father and mother to daughter and son-in-law.

Being the same property conveyed to Grantors by deed dated May 11, 1988, and recorded
in Deed Book 391, Page 105, in the office of the Boone County Clerk, Burlington,
Kentucky.

TO HAVE AND TO HOLD the same together with all the appurtenances thereunto belonging unto the parties of the second part, for and during their joint lives, with remainder in fee simple to the survivor thereof, his or her heirs and assigns forever, with Covenant of General Warranty, an undivided one-half interest in above described property.

IN TESTIMONY WHEREOF, the parties of the first part have hereunto set their hands the day and year first above written.

George W. Ryan
GEORGE W. RYAN
Elizabeth A. Ryan
ELIZABETH A. RYAN

STATE OF KENTUCKY)
COUNTY OF BOONE

I, the undersigned Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Deed of Conveyance to RICKY D. RICH AND DEBBIE R. RICH, his wife, was this day produced before me by GEORGE W. RYAN AND ELIZABETH A. RYAN and duly acknowledged by them to be their free act and deed for the purposes therein set forth.

This the 12 day of July Aug, 1988.

Julia Spigel
NOTARY PUBLIC, STATE AT LARGE

MY COMMISSION EXPIRES:

PREPARED BY: Michael P. Collins
MICHAEL P. COLLINS
ATTORNEY AT LAW
Florence, Kentucky 41042

WITNESSES:
George W. Ryan
17 Old Beaver Rd.
Walton, Ky 41094

STATE OF KENTUCKY,)
 : SCT.
COUNTY OF BOONE,)
 1, JERRY W. ROUSE, CLERK OF THE COUNTY COURT IN AND FOR THE

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2
September 28, 1988

Page 1

Chairman Viox introduced the second item on the Agenda:

2. Applicant: Debbie R. Rich for George W. and Elizabeth A. Ryan (owners)
Request: Zoning Map Amendment

This was a Public Hearing on the request of Debbie R. Rich (applicant) for George W. and Elizabeth A. Ryan (owners) for a Zoning Map Amendment on a 33.22-acre site located south of I-71, west of KY 1292 and north of Stephenson Mill Road, Boone County, Kentucky. The request is to rezone the site from Industrial One (I-1) to Agricultural Estate (A-2).

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Anne McBee, representing the applicant, stated that this request is to return the site to agriculture, which it was for 68 years. This tract was part of a 77-acre parcel divided by I-71. The owners want to build a single-family residence on the site for agricultural use. There is a tobacco base on the property. There is an erosion problem on the site. Ms. McBee stated that access to the property for industrial use would be limited.

Chairman Viox asked if anyone else wished to speak in favor of the request.

Ms. McBee stated that she had a letter from one of the neighbors in regard to the request which she presented to the Chairman.

Mr. Newton read the letter from Mr. Tom Code which indicated that he was not opposed to the request. Mr. Code's letter is on file.

Chairman Viox asked if there was anyone present who wished to speak in opposition or who had questions. There was no response.


At this time, Mr. Miller completed the Staff Report.

Counselor Wilson noted that the property is owned by Mr. and Mrs. Rich and Mr. and Mrs. Ryan. He asked if all of the owners were in favor of the rezoning to agricultural use. Ms. McBee stated that they are all in favor.

There being no further discussion, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on October 5, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:

Attest:


Jan Hancock, Recording Secretary


William R. Viox, Chairman

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

October 5, 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
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch
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 21, 1988 and the Public Hearings of September 28, 1988 and asked if there were any comments or corrections.

Counselor Wilson noted a correction to the Minutes of the Business Meeting of September 21, 1988 that under the list of Commission Members Present, Chairman Viox was indicated as "Mrs.", which should be "Mr."

Mr. Barnett moved that the Minutes of the Business Meeting of September 21, 1988 and the Public Hearings of September 28, 1988 be approved. Mr. Moore seconded the motion and it carried unanimously.

BILLS:

The Recording Secretary advised that the list of bills was not available at this time.

Chairman Viox stated that the Commission would return to this item later in the meeting.

REPORTS:

Mr. Viox noted that the Zoning Enforcement Officer's Report, the Building Inspector's Report, and the Record of Convenience Plats had been distributed for the Commission members to review.

There being no discussion of the reports, the Chairman proceeded to the items on the Agenda.

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Concept Development Plan

The request of Charles H. Deters (owner) for a revision of a previously approved Concept Development Plan for a 1.7-acre site located at the northeast quadrant of Hopeful Road and U.S. 42, Florence, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD) and the proposed uses include a convenient store, fuel pumps, a self-service car wash and a retail office building.

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral of this request until the October 19, 1988 Business Meeting (see Committee Report).

There being no discussion, Mr. Barnett moved that the request be deferred until the October 19, 1988 Business Meeting based on the Committee Report. Mr. Jones seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Debbie R. Rich (applicant) for George W. and Elizabeth A. Ryan (owners) for a Zoning Map Amendment on a 33.22-acre site located south of I-71, west of KY 1292, and north of Stephenson Mill Road, Boone County, Kentucky. The request is to rezone the site from Industrial One (I-1) to Agricultural Estate (A-2).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to one condition (see Committee Report). Mr. Newton advised that there is a letter from the applicant in the Commissioners' packets indicating her agreement to the condition.

There being no comments or questions, Mr. Barnett moved that the request be approved based on the Committee Report, including the condition. Mr. Greene seconded the motion and it carried unanimously.

3. Site Plan Review

The request of James W. Berling (applicant) for George Higdon (owner) for Site Plan Review to construct a street and develop 18 lots in Old Lexington Pike Villa Mobile Home Park located at 10485 Dixie Highway, Boone County, Kentucky. The 5-acre site is zoned Mobile Home Park (MHP). (An adjustment to agenda fee has been paid.)

Staff Member, Dave Geohegan, presented the Staff and Engineer's Report (see Staff Report).

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

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

Mr. Berling stated that the Staff had recommended that one lot be reserved for future access to property to the north. The applicant will reserve one lot for this purpose, but it may not be the lot indicated. In response to questions from Mr. Collins, he added that none of the lots are under the power easement.

In response to a question from Mr. Sharp, Mr. Berling advised that the owner wants to reserve the last lot next to the lake for future access to property to the north. Mr. Sharp asked for Staff's comments in regard to this proposal.

Mr. Geohegan noted the location of a parcel containing a residential structure near this proposed access and Mr. Berling advised that this parcel is also owned by Mr. Higdon. Mr. Geohegan stated that there would be a problem with this access if the front of the site were to be developed separately from the back. He suggested that the owner agree to eliminating the current access on U.S. 25 which has poor sight distance.

Mr. Berling stated that he could not commit to the closing of the current access on U.S. 25 and would leave the Site Plan as submitted and address this issue at the Technical Committee Meeting.

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

EXHIBIT "C"

COMMITTEE REPORT

2

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman

DATE: October 5, 1988

RE: Debbie R. Rich (applicant) for George W. and Elizabeth A. Ryan (owners) for a Zoning Map Amendment on a 33.22 acre site located south of I-71, west of KY 1292 and north of Stephenson Mill Road, Boone County, Kentucky. The request is to rezone the site from Industrial One (I-1) to Agricultural Estate (A-2).

REMARKS:

We, the Committee, based upon the statements made and facts gathered at the September 28, 1988 Public Hearing, recommend approval of this Zoning Map Amendment based on the following findings of fact and subject to the following condition.

Findings of Fact

1. While the Committee believes the appropriate future use of this property and surrounding properties to be Industrial as indicated in the 1986 Boone County Comprehensive Plan, the committee believes the transition from agricultural uses to industrial uses on the subject property is still many years in the future. The Committee believes that until such a time as the area bounded by I-71 to the north, KY 1292 to the east, Stephenson Mill Road to the south and Pennington Road to the west begins to develop in an industrial fashion, the uses permitted in the agricultural zones should be allowed on the subject property.
2. The existing Industrial One (I-1) zoning of the property is inappropriate at this time because of insufficient access to the site and a lack of industrial development as anticipated in the Comprehensive Plan. The proposed agricultural Estate (A-2) zoning is appropriate because of the past and present Agricultural use of the property.
3. The subject property is adjacent to an existing Agricultural Estate (A-2) zone and will constitute an extension of that district.

Conditions


1. This property shall not be subdivided for development in the future unless adequate access in the form of a road built to County specifications from Stephenson Mill Road to the site is provided.

Because the Committee believes the ultimate future use of the property will be industrial, the 1986 Boone County Comprehensive Plan and Future Land Use Map need not be amended.

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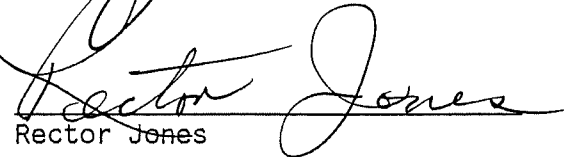


Donald McMillian, Chairman



Larry Barnett

Fred Burch



Rector Jones

Barry Neltner

Carol Smith

PRM:kat

R-52-88

ORDINANCE 920.170

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 INDUSTRIAL ONE (I-1) TO AGRICULTURAL ESTATE (A-2) FOR A 33.22 ACRE SITE GENERALLY LOCATED SOUTH OF I-71, WEST OF KY 1292 AND NORTH OF STEPHENSON MILL ROAD, BOONE COUNTY, KENTUCKY, SUCH MAP AMENDMENT BEING REQUESTED BY DEBBIE R. RICH (APPLICANT) FOR GEORGE W. AND ELIZABETH A. RYAN (OWNERS), AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-52-88.

WHEREAS, the Boone County Fiscal Court received a request for approval for a Zoning Map Amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change from Industrial One (I-1) to Agricultural Estate (A-2) for a 33.22 acre site generally located south of I-71, west of KY 1292 and north of Stephenson Mill Road, 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 a due process trial-type hearing and made findings recommending approval for the zoning map amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION 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 Industrial One (I-1) to Agricultural Estate (A-2) for a 33.22 acre site generally located south of I-71, west of Ky 1292 and north of Stephenson Mill Road, 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."

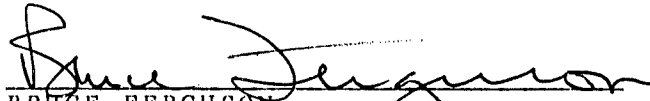
SECTION II

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 eighth day of November, 1988.

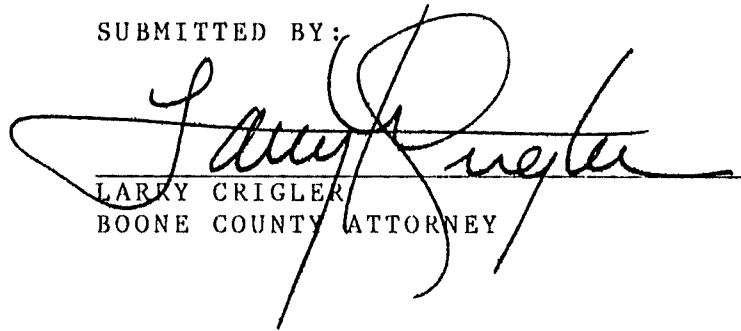
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the sixth day of December, 1988, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be 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

12/21/88
DATE PUBLISHED