

STAFF REPORT
OCTOBER 28, 1987

REQUEST OF AKIN AND MILLER LAND DEVELOPERS
FOR A ZONING MAP AMENDMENT FROM
AGRICULTURAL ESTATE TO RURAL SUBURBAN ESTATE FOR
135 ACRES OF PARLOR GROVE SUBDIVISION ON NORTH BEND ROAD

The applicant is requesting a Zoning Map Amendment for 135 acres of a 163.4 acre tract located on the east side of North Bend Road (KY 237) and just south of Stahl Road, Hebron, Boone County, Kentucky. The 164 acre tract is presently zoned both Rural Suburban Estates (RSE) and Agricultural Estate (A-2). The present RSE zone extends 500 feet east of and parallel to North Bend Road. The proposed use of the site is a residential subdivision.

History of the Site

On March 4, 1987 the Planning Commission approved a Preliminary Plat for 76 lots on the 163 acre tract (Parlor Grove Subdivision). An Improvement Plan for 12 lots was approved July 1, 1987, and a Final Plat for 10 lots fronting on North Bend Road was approved April 22, 1987. Presently, 3,600 lineal feet of public street are under construction as per the approved subdivision plans.

Surrounding Land Uses and Zoning

North of the subject site are several single family homes located along the south side of Stahl Road and zoned RSE. In addition, there is a large tract of undeveloped land, which is zoned A-2, located between the existing subdivision and the northeast portion of the subject site.

South and east of the subject site is a large tract of land in the A-2 zone (the Foster tract). The Foster tract presently contains a single family residence which is served by a 30 foot wide access strip from North Bend Road. This tract does have frontage on Tanner Road to the south, but the severe slope of this road frontage severely inhibits access from Tanner Road.

West of the subject site in the RSE Zone are two existing single family homes on the east side of North Bend Road and several single family homes on the west side of North Bend Road. Graves Road intersects North Bend Road to the west.

Existing Site Features

Before development of Parlor Grove Subdivision began earlier this year, the 163 acre site was used for an apple orchard and crop hay. There are still a significant number of the apple trees remaining. The extreme north east quarter of the site is heavily wooded with native timber. There are two existing ponds, one of significant size, near the south central portion of the site.

The subject site slopes generally from a high point along North Bend Road to the northeast. The northeast one quarter of the site begins to slope more dramatically downward, with over a 100 foot difference in elevation.

Soils on the site are the Avonburg, Rossmoyne, Jessup, and Cynthiana series with slopes that range from zero to 50 percent. These soils generally have severe limitations for septic tank leach fields. The most severely limiting soils are the Cynthiana series which have very high slope and shallow depth. The Cynthiana soils are generally located on the steep northeast quarter of the site.

Public Facilities

The applicants, with the assistance of other developers in the area and the Boone County Water District, are extending public water service to the site from an existing water main located near North Bend Road and I-275. There is no public sewer service available to the site, and no immediate opportunity to provide a sanitary sewer connection via a lift station or a package treatment plant. The development will need to be served by individual sanitary waste disposal systems.

Electric and telephone service are presently available along North Bend Road. The site is located within the Hebron Fire Protection District. North Bend Road is classified as a Rural Minor Collector by the Transportation Element of the Comprehensive Plan. In addition, Article 17A, Access Management of the Zoning Regulations classifies North Bend Road as Access Class One with a minimum access point spacing requirement of 230 feet.

Relationship to the Comprehensive Plan

This Zoning Map Amendment request must be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. The Future Land Use Map shows the site in question as being future land uses of Medium Density Residential (three to eight dwelling units per acre), Low Density Residential (up to three dwelling units per acre), and Developmentally Sensitive (see attached map).

The Goals and Objectives of the Comprehensive Plan's Environment, Housing, Agriculture, Public Services, Transportation, 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). 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). The Land Use objectives state that land use shall occur in environmentally suitable areas and where adequate infrastructure exists (page G-6).

The text of the Comprehensive Plan refers 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.

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.

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.

Another method of wastewater treatment is an individual septic system. Other than the above mentioned areas of public or private collection systems, all of the remaining areas of Boone County rely on the use of a septic tank. Several communities (such as Burlington, Hebron, Petersburg, Belleview, Verona, and others) are included in this area. The Burlington-Hebron area should experience little additional septic tank construction in the future with the expansion of sewer service in the area and the limited capability of some of the soils to accept septic tank seepage. Septic tanks will remain prevalent in rural areas, however.

Land Use Element

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.

Developmentally Sensitive (DS), indicates areas that have a slope of greater than twenty percent or have unique soil limitations for supporting urban land uses. Land identified as DS is not restricted from development but must be carefully assessed by any developers prior to any building occurring. Actual site reviews will determine the exact locations of poor soil, steep slope areas.

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

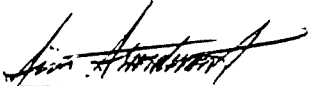
and KY 20 is proposed for a neighborhood-scale park that could be easily accessed by the entire North River Area. Overall, growth in this section will be continual and slow and be primarily residential in character, with medium density residential nearest KY 237 and new subdivision growth off of this road. KY 8 along the river will remain in low density residential.

Special Concerns

1. Developmentally Sensitive Areas - The east portion of the site with slopes near 20 percent or greater should maintain a lower density than the remainder of the site. As discussed in the previous Staff Reports for subdivision review of this development, any activity within the areas with Developmentally Sensitive characteristics will need to be within the guidelines of Article 16B of the 1986 Boone County Zoning Regulations.
2. Access - The Staff Report regarding the Preliminary Plat for this development discussed the possibility of providing a street connection to the Foster tract to the south. This connection could be provided as a secondary means of access to the Foster property, but should not serve as a primary means of access. Requiring this future connection would be consistent with the access management goals of the Comprehensive Plan's Transportation element.
3. Density and Sewerage - The relatively poor capability of the site's soils to accommodate on site sewage systems provides sound reasoning for maintaining as low of a density as possible to make the development project feasible. In the long term, consideration should be given to providing public sewer service to the site and surrounding areas that may develop at similar densities.

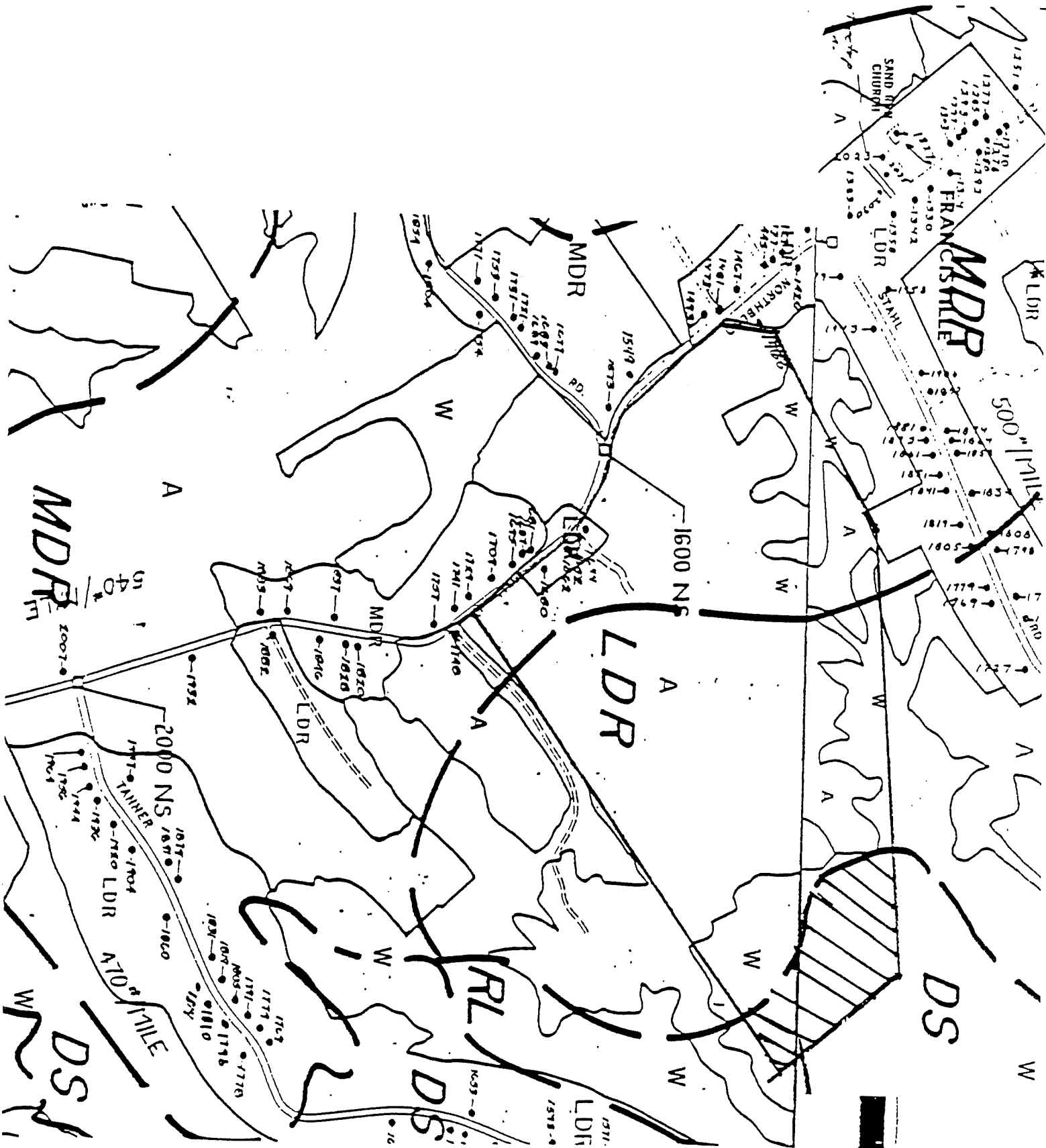
Conclusion

The major issues concerning this Zoning Map Amendment request are its relationship to the Comprehensive Plan, proper sensitivity to the Developmentally Sensitive portion of the site, access to the Foster tract, and the impact of density on sanitary waste disposal. Should the Planning Commission and Boone County Fiscal Court approve this request, the 1986 Comprehensive Plan Land Use Map and text need not be amended.



Jim Sturdevant
Plans Examiner/Planner

JS/jdh



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: Akin and Miller Land Developers Owner

Agent

Address: Akin Lane, Burlington, Kentucky 41005

Telephone: 586-6018

Location: North Bend Road (Rt 237) about 2 1/2 miles north of Rt. 20 at Hebron, Ky

Name of Property Owner: Akin and Miller Land Developers

Address of Property Owner: Same as above

Zoning District: A-2 Area in Acres: 135 acres

Deed Book: 358 Page Number: 288 Group Number: 2002

Description of Request: Rezone to RSE 135 acres currently zoned A-2

Applicant's Signature: *[Signature]*

Property Owner's Signature: *[Signature]*

FOR PLANNING COMMISSION USE ONLY

Application Fee: _____ Date Received: _____ By: _____

Referred To: _____ Meeting Date: _____

Action Taken: *Approved* Date of Action: *11/4/87*

EXHIBIT "A"

DEED DESCRIPTION REZONING AREA
AKIN AND MILLER DEVELOPERS
NORTH BEND ROAD (SR 237)
HEBRON, KENTUCKY

BEING A PORTION OF AKIN AND MILLER DEVELOPERS TRACT OF LAND, AS DESCRIBED IN DEED BOOK 358 PAGE 288, OF THE BOONE COUNTY RECORDS AT BURLINGTON, KENTUCKY; BEING LOCATED 500 FEET NORTH OF THE EXISTING CENTERLINE OF NORTH BEND ROAD (STATE ROUTE 237) ABOUT 2 1/4 MILES NORTH OF STATE ROUTE 20 AT HEBRON, KENTUCKY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN IN THE EXISTING CENTERLINE OF NORTH BEND ROAD AND BEING A COMMON CORNER WITH FRED FOSTER; THENCE N 44 54'08''E ALONG THE GRANTORS SOUTHERLY PROPERTY LINE AND COMMON LINE WITH FRED FOSTER, 341.00 FEET TO AN ANGLE POINT IN SAID PROPERTY LINE; THENCE N 39 17'44''E CONTINUING ALONG SAID SOUTHERLY PROPERTY LINE, 160.00 FEET TO A POINT IN THE EXISTING ZONING LINE OF RSE AND A-2 AND BEING 500 FEET NORTHEAST OF THE EXISTING CENTERLINE OF NORTH BEND ROAD AND BEING THE REAL POINT OF BEGINNING FOR THE LANDS HEREIN DESCRIBED; THENCE NORTHWESTWARDLY WITH THE EXISTING ZONING LINE AND BEING CONCENTRIC WITH THE EXISTING CENTERLINE OF NORTH BEND ROAD, 2780 FEET TO A POINT IN THE GRANTORS NORTHERLY PROPERTY LINE AND COMMON LINE WITH ELAM POWERS; THENCE N 61 00'41''E ALONG THE COMMON LINE BETWEEN AKIN AND MILLER DEVELOPERS AND ELAM POWERS, 170.00 FEET TO AN EXISTING FENCE POST; THENCE N 62 55'27''E CONTINUING ALONG SAID COMMON LINE, 131.20 FEET TO AN EXISTING IRON PIN; THENCE N 60 18'34''E CONTINUING ALONG SAID COMMON LINE, 177.55 FEET TO AN EXISTING IRON PIN; THENCE N 60 22'59''E CONTINUING ALONG THE GRANTORS NORTHERLY PROPERTY LINE, 332.86 FEET TO AN EXISTING FENCE POST; THENCE N 61 06'29''E CONTINUING ALONG SAID NORTHERLY PROPERTY LINE, 260.83 FEET TO AN EXISTING IRON PIN; THENCE N 61 10'18''E CONTINUING ALONG THE GRANTORS NORTHERLY PROPERTY LINE, 77.17 FEET TO AN IRON PIN AND BEING A COMMON CORNER WITH CHARLES UTZ AND ALSO BEING THE GRANTORS NORTHWEST PROPERTY CORNER; THENCE S 58 19'20''E ALONG THE COMMON LINE BETWEEN AKIN AND MILLER DEVELOPERS AND CHARLES UTZ, 312.17 FEET TO AN IRON PIN; THENCE N 64 10'40''E CONTINUING ALONG SAID COMMON LINE, 393.56 FEET TO AN IRON PIN; THENCE N 61 31'40''E CONTINUING ALONG SAID COMMON LINE, 322.85 FEET TO AN IRON PIN; THENCE N 80 05'40''E CONTINUING ALONG SAID COMMON LINE, 795.09 FEET TO AN IRON PIN; THENCE S 77 46'20''E CONTINUING ALONG SAID COMMON LINE, 920.00 FEET TO AN IRON PIN AND COMMON CORNER WITH FRED FOSTER ALSO BEING GRANTORS NORTHEAST PROPERTY CORNER; THENCE S 29 40'01''E ALONG THE COMMON LINE BETWEEN AKIN AND MILLER DEVELOPERS AND FRED FOSTER, 974.57 FEET TO AN EXISTING STONE IN THE GRANTORS SOUTHEAST PROPERTY CORNER AND COMMON CORNER WITH FRED FOSTER; THENCE S 53 46'58''W ALONG THE COMMON LINE BETWEEN AKIN AND MILLER DEVELOPERS AND FRED FOSTER, 1870.44 FEET TO AN IRON PIN; THENCE S 46 01'58''W CONTINUING ALONG SAID COMMON LINE, 300.00 FEET TO AN ANGLE POINT IN SAID PROPERTY LINE; THENCE S 54 30'57''W CONTINUING ALONG SAID COMMON PROPERTY LINE, 285.39 FEET TO AN ANGLE POINT IN SAID COMMON PROPERTY LINE; THENCE S 39 17'44''W CONTINUING ALONG SAID COMMON PROPERTY LINE, 146.00 FEET TO THE POINT OF BEGINNING. CONTAINING 135 ACRES

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #4
October 28, 1987

Page 1

Mr. William Viox opened the Public Hearing for the second item to be heard, which was Public Hearing Item #4:

4. Applicant: Akin and Miller Land Developers (owners)
Request: Zoning Map Amendment

This was a Public Hearing on a request of Akin and Miller Land Developers (owners) for a Zoning Map Amendment on a 135-acre parcel, Parlor Grove Estates, located on the east side of North Bend Road (KY 237) and north of I-275; Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban Estates (RSE).

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

Mr. Viox asked the applicants for their presentation at this time.

Mr. Miller stated that they are requesting this zone change primarily because their builder, Mr. Henry Fischer, believes that it would be better for some lots to be less than two acres. He stated that they do not intend to increase the density, and that the increase in the number of lots will not add to the sewerage needs. He stated that they have dealt with the issue of access to the Foster tract.

Mr. Buck Akin stated that they had originally platted 77 lots and had committed to no more than 110 lots. He stated that there would be 20 additional lots, for a total of 97.

Mr. Viox asked if there was anyone else who wished to speak in favor of the request.

Mr. Charles Utz stated that he and Mr. Charles Snider were present. He stated that they own property adjacent to the site and are in favor of the request. He noted that their property is near the northeast cul-de-sac and asked that access to their property be considered for use in future expansion. He noted the location of the proposed access on a drawing.

Mr. Miller stated that they are not necessarily opposed to Mr. Utz' request, but did not want it to be part of the zone change request.

Mr. Viox asked if there was anyone else present who wished to speak in regard to this request or if there were any questions.

Mr. Miller added that the access requested by Mr. Utz could be shown on the Improvement Plan if necessary. Mr. Sturdevant stated that the access should be considered for future development of the property.

Mr. Barnett questioned if access to the Foster tract, which is discussed in the Staff Report, was a part of this request. Mr. Sturdevant replied that access to the Foster Tract was a Staff concern as presented in the Staff Report, and is not being requested or proposed by the Applicant. Following discussion regarding this access, Mr. Sturdevant clarified that the Staff had suggested that the access may be necessary under certain circumstances and it has to be determined whether those circumstances have occurred. Mr. Miller stated that they would like this issue deferred until the Improvement Plan is submitted.

Hearing no further comments or questions, Mr. Viox stated that this item will be on the agenda for the Business Meeting on November 4, 1987 at 8 P.M.. Mr. Viox closed this Public Hearing.

APPROVED:

William Viox ^{AAW 11-5-87}

William Viox

ATTEST:

Jan Hancock

Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

November 4, 1987

8:00 P.M.

Mr. Paul Kroger, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Lawrence Collins
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Paul Kroger, Chairman
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch
Mr. David Martin, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Kroger noted that each member had received a copy of the Minutes of the Business Meeting of October 21, 1987 and the Public Hearings held October 28, 1987 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that the Minutes of the Business Meeting of October 21, 1987 and the Public Hearings of October 28, 1987 be approved as mailed. Mrs. Smith seconded the motion and it carried unanimously.

There being no further comments or questions, Chairman Kroger asked for a vote on the motion. All voting members were in favor. Mr. DeLong abstained for the reason noted. The motion carried.

2. Houston-Donaldson Study Text Amendment

A request of the Boone County Planning Commission Technical Committee for a Zoning Text Amendment to the Houston-Donaldson Study. The proposed amendment would affect the Implementation Section of the Study and addresses legislative body participation in the development plan review process.

Mr. Gerald Newton, Director, read the Committee Report which recommended that no amendment be made to the Houston-Donaldson Study regarding the Implementation Section and development plan review process (see Committee Report).

Mr. Barnett moved that the request be denied based on the Committee Report and that the legislative body be so notified. Mr. Viox seconded the motion.

Chairman Kroger asked if there were any comments or questions. There being none, he asked for a vote on the motion made by Mr. Barnett and it carried unanimously.

3. Zoning Map Amendment

A request of Akin and Miller Land Developers (owners) for a Zoning Map Amendment on a 135-acre parcel, Parlor Grove Estates, located on the east side of North Bend Road (KY 237) and north of I-275, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban Estates (RSE).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the finding of fact (see Committee Report).

Mr. Viox moved by resolution that the request be granted and the Fiscal Court so notified. Mr. Jones seconded the motion.

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

Mr. Miller stated that he is in agreement with the Staff's recommendation and has no further comments to make.

Chairman Kroger asked if there was anyone present who wished to speak regarding this request. There being no one, he asked for a vote on the motion made by Mr. Viox which found all voting members in favor and it carried. Mr. Jones abstained from voting as one of the applicants is his son-in-law.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Melvin Delong, Chairman

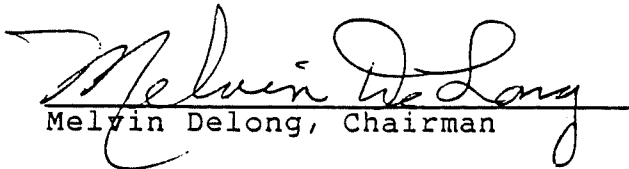
DATE: November 4, 1987

RE: Request of Akin and Miller Land Developers (owners) for a Zoning Map Amendment on a 135 acre parcel, Parlor Grove Estates, located on the east side of North Bend Road (KY 237) and north of I-275, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban Estates (RSE).

REMARKS:

We, the Committee, recommend approval of the proposed Zoning Map Amendment request based upon the following finding of fact:


The Zone Change request, as presented on the submitted Concept Development Plan and as presented by the applicants at the October 28, 1987, Public Hearing, is in conformance with the 1986 Boone County Comprehensive Plan text and Future Land Use Map, which indicates future land use of medium density residential, low density residential, and developmentally sensitive for the vicinity of the subject site. Other references to the Comprehensive Plan are available in the Staff Report.



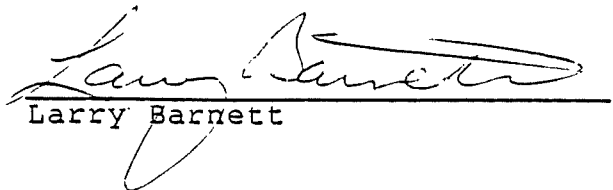
Melvin Delong, Chairman

Rector Jones

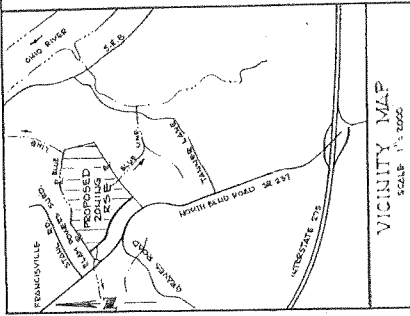
Fred Burch



William Viox



Larry Barnett



SCHEDULE OF STATISTICS

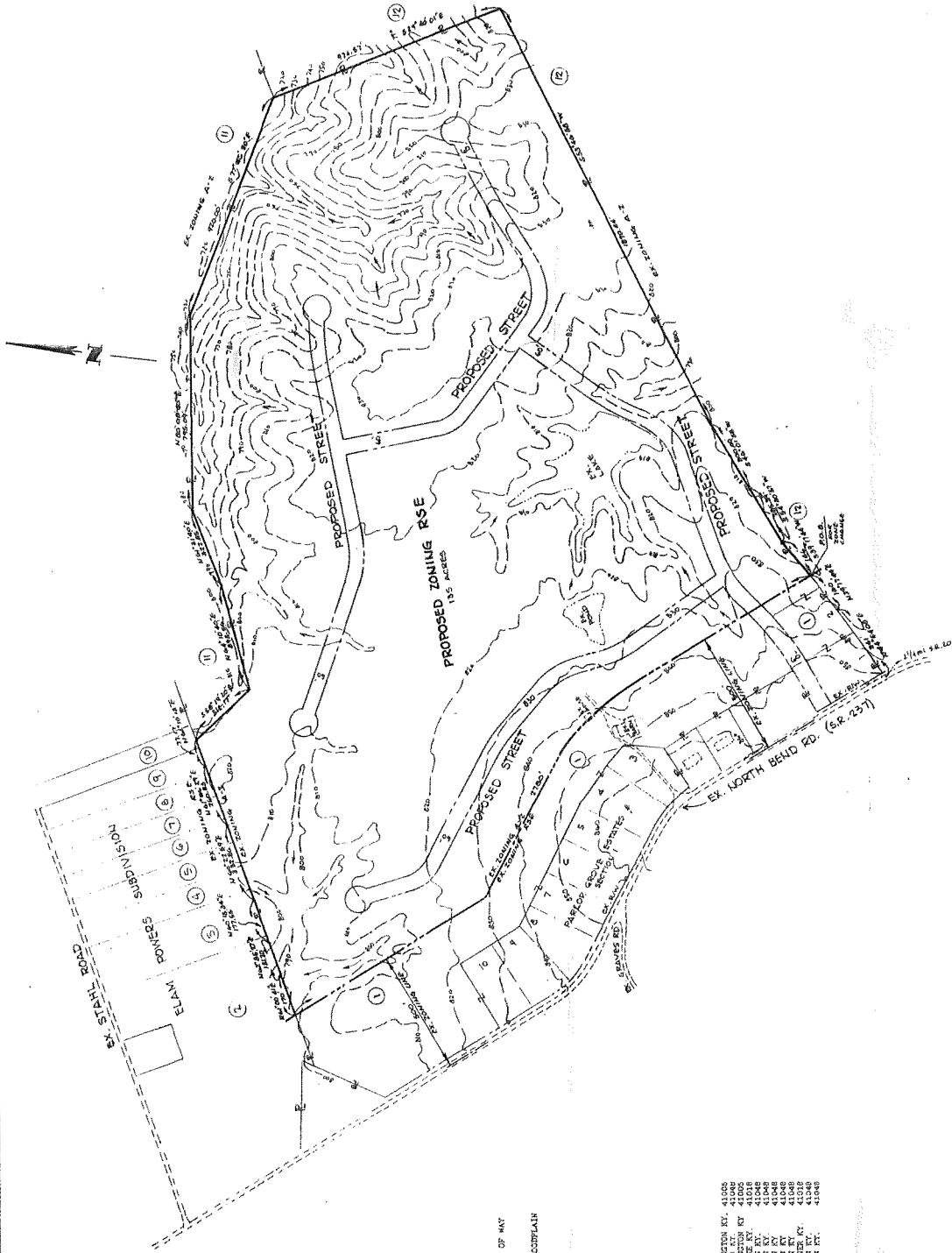
- 1. TOTAL AREA 163.34 ACRES
- 2. AREA REQUIRED 133.05 ACRES
- 3. NUMBER OF LOTS 110
- 4. MINIMUM LOT SIZE 40,000 SQ. FT.
- 5. ZONING R-1
- 6. PROPOSED STREETS 60' WIDE RIGHT OF WAY
- 7. MINIMUM SETBACK LINE 45 FEET
- 8. 100 YEAR FLOOD SITE FCT IN FLOODPLAIN

UTILITIES

- 1. TELEPHONE UNDERGROUND
- 2. ELECTRIC UNDERGROUND
- 3. WATER BOONE COUNTY WATER DISTRICT
- 4. SANITATION SEPTIC TANKS

ADJOINING OWNERS

- 1. ELM AND MILLER DEVELOPER 278 NORTH BEAR RD. HENSON KY. 41005
- 2. P.O. BOX 318 HENSON KY. 41005
- 3. MARLAND BROSINS 1884 STANLEY RD. HENSON KY. 41048
- 4. GREGORY BROSINS 1884 STANLEY RD. HENSON KY. 41048
- 5. DONALD BROSINS 1884 STANLEY RD. HENSON KY. 41048
- 6. BUSTER MORRIS 3811 STANLEY RD. HENSON KY. 41048
- 7. CHARLES MASSEY 3811 STANLEY RD. HENSON KY. 41048
- 8. CHARLES MASSEY 3811 STANLEY RD. HENSON KY. 41048
- 9. CHARLES MASSEY 3811 STANLEY RD. HENSON KY. 41048
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- 12. CHARLES MASSEY 3811 STANLEY RD. HENSON KY. 41048
- 13. CHARLES MASSEY 3811 STANLEY RD. HENSON KY. 41048



PROPOSED ZONING MAP AMENDMENT

ELM AND MILLER PROPERTY
NORTH BEAR ROAD
HENSON KENTUCKY
SCALE 1" = 200' DATE SEPT. 1987
GROUP NO. 2002

OWNER & DEVELOPER

ELM AND MILLER DEVELOPERS
2803 WEST LAKE
BURLINGTON, KENTUCKY 41005

ORDINANCE 920.136

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO RURAL SUBURBAN ESTATES (RSE) FOR A SITE GENERALLY LOCATED ON THE EAST SIDE OF NORTH BEND ROAD (KY 237) AND NORTH OF I-275, BOONE COUNTY, KENTUCKY, AS REQUESTED BY AKIN AND MILLER LAND DEVELOPERS (OWNERS) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. R-58-87.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission for a map amendment being a zone change from Agricultural Estate (A-2) to Rural Suburban Estates (RSE) for a site generally located on the east side of North Bend Road (KY 237) and north of I-275, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Fiscal Court has recognized the conducted Public Hearing by the Boone County Planning Commission, serving as a due process trial-type hearing and its findings of fact recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

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

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 Agricultural Estates (A-2) to Rural Suburban Estate (RSE) for a site generally located on the east side of North Bend Road (KY 237) and 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 as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.
(ATTACHMENT - EXHIBIT "A")

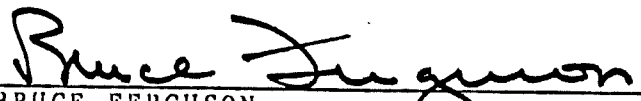
SECTION II

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 Commission as set forth in its minutes and official records for this zone change request, and the findings 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")

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 eleventh day of December, 1987.

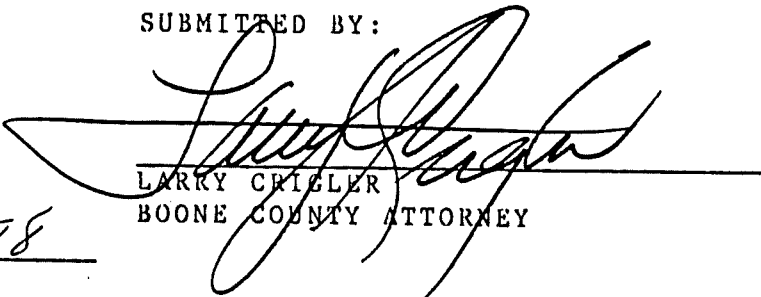
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the twenty-second day of December, 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.


BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:


LARRY CRIGLER
BOONE COUNTY ATTORNEY

January 7, 1988
DATE PUBLISHED