

STAFF REPORT
OCTOBER 28, 1987

REQUEST OF RAYMOND T. KUNZ FOR A ZONING MAP AMENDMENT
FOR AN 11.187 ACRE SITE LOCATED ON EASTON ROAD
APPROXIMATELY 1.8 MILES WEST OF IDLEWILD ROAD,
BOONE COUNTY, KENTUCKY

This request is for a Zoning Map Amendment from the present zoning of Agricultural (A-1) to the requested zoning of Agricultural Estate (A-2) for an 11.187 acre site. The site is located on both the north and south sides of Easton Road, approximately 1.8 miles west of Idlewild Road. The applicant has stated that the purpose of the request is to develop three residential building lots.

Surrounding Land Use and Zoning

The area surrounding the subject site is rural in character, with the majority being wooded. There are also several small fields in the vicinity used for pasture and row crops, and several homes scattered along the length of Easton Road. Zoning to the north, east, and west is A-1, while zoning directly south of the subject site is A-2.

Existing Features of the Site

There is presently one single family residence located on the 11 acre site. The house sits on the end of a ridge top which slopes upward south of and perpendicular to Easton Road. Soils on the site are of the Jessup and Eden Series which have slopes that range from 12 to 20 percent and 12 to 35 percent, respectively. A small portion of the site lies on the north side of Easton Road adjacent to Woolper Creek. With the exception of the home site and the creek bottom areas, the entire site is steep and wooded.

Public Facilities

The Comprehensive Plan's Transportation Element does not classify Easton Road as either an arterial or a collector street. However, Easton Road is a county road with a "tar and chip" surface along the site's frontage. The subject site is within the Burlington Fire Department and Rescue Squad District. There is presently no public water or sanitary sewer service available to this site.

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 general area of the request is referred to in a number of ways.

1986 Future Land Use Map

Low Density Residential and Developmentally Sensitive

Goals and Objectives

Environment - "to protect and enhance the quality of the natural environment of the county while permitting quality development on suitable areas" (page G-1).

Housing - the plan's primary goal for housing is to "ensure that safe, decent, and sanitary housing exist for all Boone County residents" (page G-1). The primary objectives relevant to this request include provision of "a broad range of housing opportunities" (page G-1) and regulating development for basic health and safety considerations such as proper utilities and public services such as police and fire protection (page G-2).

Agriculture - the plan's primary goal for agriculture is "to preserve appropriate land for agricultural uses" (page G-3). The objective relevant to this request is to "identify and encourage preservation of agricultural lands and a wide range of agricultural uses within appropriate districts" (page G-3).

Public Services and Facilities - The plan's primary goal for provision of public services is "to ensure that adequate public services and facilities exist for all development" (page G-4).

Land Use Plan - The goal relating to land use is to ensure quality developments "are adequately supported by required public facilities and services" (page G-6). Related land use objectives include:

1. Future land use shall occur in environmentally suitable areas, or where measures have been taken to eliminate environmental problems.
2. Land use shall occur first where infrastructure systems exist which are suited to accommodate such use would be logically extended or are provided as part of the development. (page G-6)

The Land Use Element of the Plan refers to development within the general region of the subject site:

B-3 West Burlington Area

This section contains no real growth forces of its own but will nevertheless receive a population growth as the Burlington area becomes less of a rural community and more of a suburban area. The suburban growth around Burlington will push development in all directions. Therefore, KY 18 and Idlewild Road will become collector roads for new subdivisions. These subdivisions should be within a few miles of Burlington. Residential development along the roads should be set back off of the road to allow for future road straightening which will open the area for continued residential growth. A possible connector road could be developed between Idlewild Road and Burlington-Bullittsville Road. Such a road would provide an alternative route of travel away from the center of Burlington. The balance of land in this section will remain largely undeveloped and in agricultural uses. (Page L-10)

The Environment, Housing, Agriculture and Public Facilities Elements of the Comprehensive Plan contain further discussion of how these basic goals affect the area of the subject site.

Special Concerns

1. Density: The Commission may wish to consider the effect of increased housing unit density for the area in general upon the supply and demand of public services such as fire protection and roadway improvements.
2. Developmentally Sensitive Areas: Development of any housing units on the hillside areas of the site must be sensitive to the potentially unstable soils located there.
3. Access: While Easton Road does not have strictly controlled access through Article 17A, Boone County Zoning Regulations, the access points to the site must be carefully located to provide adequate sight distance on a road with variable grade.

Staff Report - Kunz Zone Map Amendment

October 28, 1987

Page Four

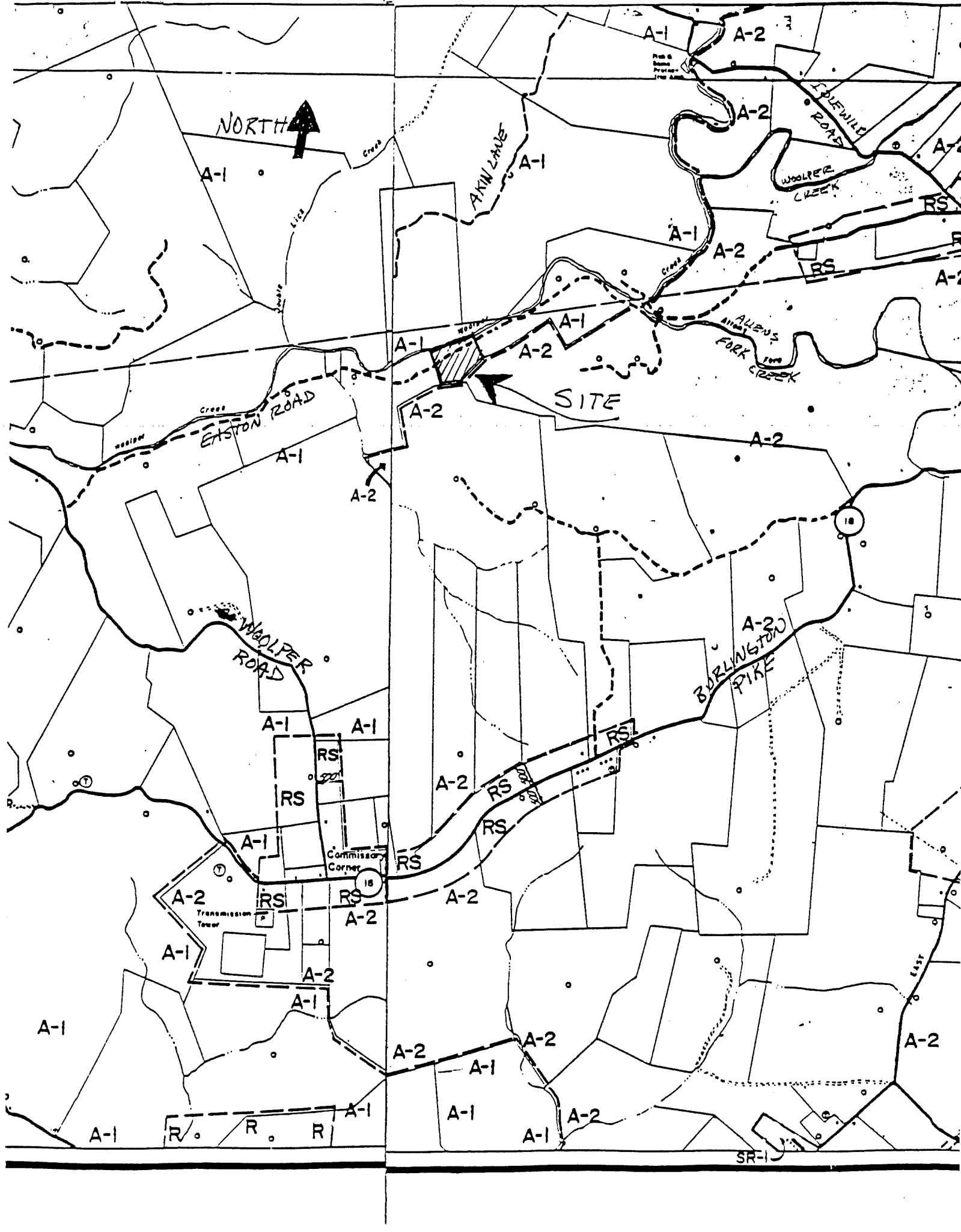
Conclusion

The major issues concerning this Zoning Map Amendment request are its relationship to the Comprehensive Plan and the impact of a trend of higher density development in the area on public services. Should the Planning Commission and Boone County Fiscal Court approve this request, the 1986 Boone County Comprehensive Plan and Land Use Map need not be amended.



Jim Sturdevant
Plans Examiner/Planner

JS/jdh



NORTH ↑

SITE

Woolper Road

Easton Road

Burlington Pike

Akin Lane

Spenile Road

Allen's Fork Creek

Woolper Creek

Commissioner's Corner

Transmission Tower

A-1

A-2

A-2

A-2

A-1

A-1

A-2

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A-1

A-2

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A-2

A-1

A-1

A-2

A-1

R

R

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A-1

A-2

SR-1



Creek

SHADY FOLLOWS L.L.

150# MILE

ACRES

Align

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APPLICATION FOR ZONING ACTION

- 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

CR:

- 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: RAYMOND T. KUNZ

Owner

Address: #73 DUDLEY RD - EDGEWOOD KY.

Agent

(41017) KENTON COUNTY

Telephone: 606 - 341-4124

Location: 11.187 ACRES ON EASTON LANE - BOONE COUNTY KY

Name of Property Owner: RAYMOND T. KUNZ

Address of Property Owner: #73 DUDLEY RD EDGEWOOD - 41017 - KY

Zoning District: A-1 Area in Acres: 11.187

Map Book: 187 Page Number: 679 Group Number: 2024-2017

Description of Request: I wish to change the described 11.187 acres on Easton Lane from the present zoning A-1 to A-2. I wish to divide the acre into only three lots. My desire is to build three houses on the 11.187 acres. Some of the adjoining ground is already zoned A-2. Thank you for your consideration of this matter.

Applicant's Signature: Raymond T Kunz

Property Owner's Signature: Raymond T Kunz

Application Fee: \$433.00 FOR PLANNING COMMISSION USE ONLY

Date Received: 10/5/87

By: K Costello

Referred To: Ji

Meeting Date: 10/5/87 ACCEPT AS NEW BUSINESS
10/28/87 PUBLIC HEARING

Action Taken: Approved

Date of Action: 11/4/87

EXHIBIT "A"

DESCRIPTION OF 11.187 ACRES OF MAURICE KUNZ

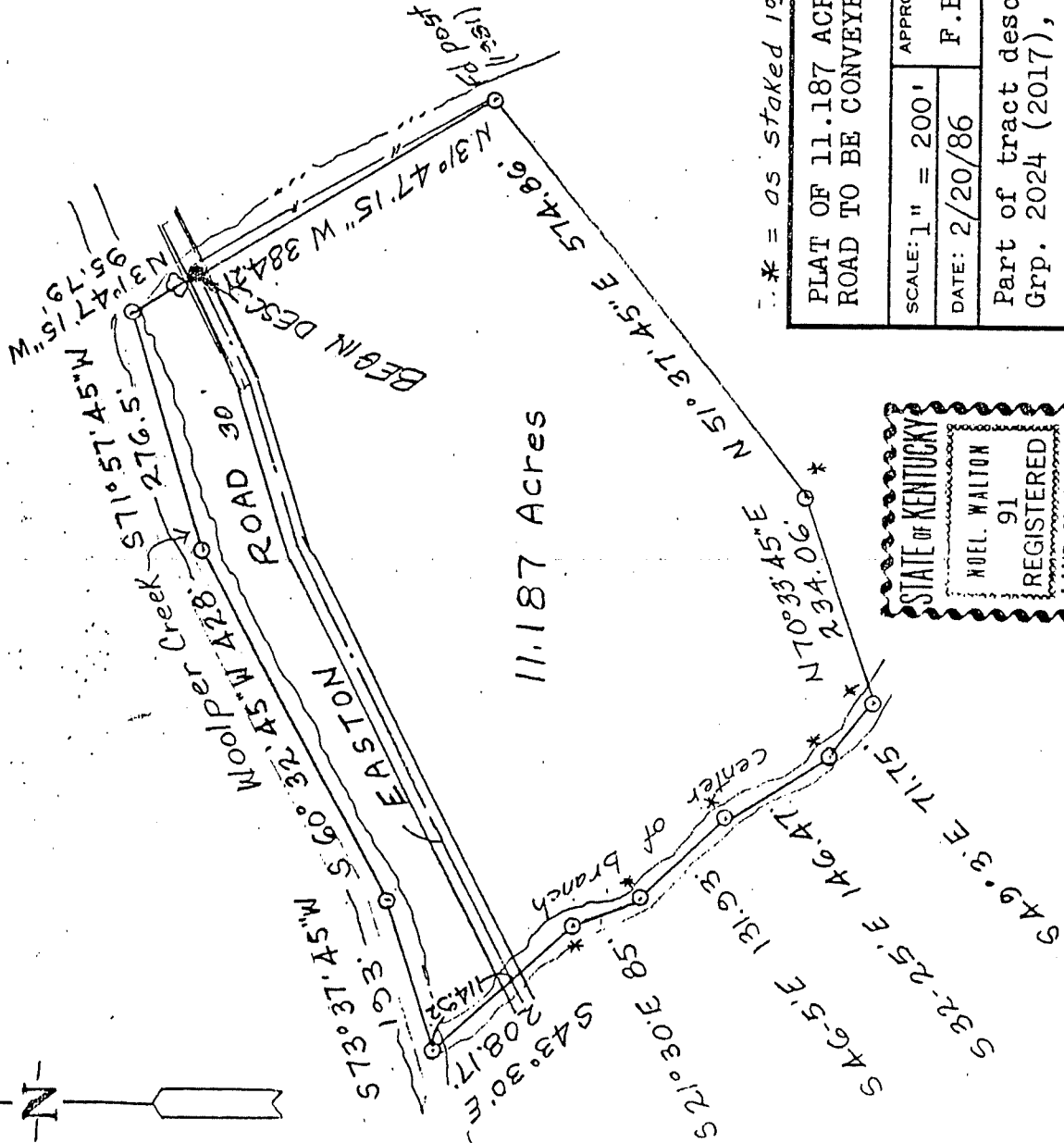
Located generally in Boone County Groups numbers 2024 and 2017 on Easton Road about 1.8 miles Southwest of the Idlewild-Burlington Road and described thus; BEGINNING at the intersection of the common line of the properties now or formerly owned by Easton & Maurice Kunz, with the centerline of Easton Road; thence with said common line, N 31-47-15 W 95.79 feet to a point in the approximate center of Woolper Creek; thence down said creek making the approximate centerline thereof the line, S 71-57-45 W 276.5 feet, S 60-32-45 W 428 feet, S 73-37-45 W 193 feet to a point therein a corner with a parcel of 9.253 acres; thence with lines of said property, S 43-30 E passing the center of the road at 114.92 feet, a total distance of 208.17 feet to a stake in the center of a branch; thence up said branch making the center thereof the line, S 21-30 E 85 feet, S 46-5 E 131.93 feet to a stake, S 32-25 E 146.47 feet to a stake, S 49-3 E 71.75 feet; thence with lines of Huffman, N 70-33-45 E 234.06 feet, N 51-37-45 E 574.86 feet to a post in said line of Easton and Kunz; thence therewith, N 31-47-15 W 384.21 feet to the place of beginning containing 11.187 acres and subject to legal highways and legal easements of record and in existence.

The above described parcel comprises part of a tract of 85 acres more or less which is described in D.B. 187 at page 679, Group numbers 2024 and 2017 of the Boone County Clerk's records at Burlington, Kentucky.

This description was prepared by Noel Walton, Ky. Reg. P.E. and L.S. from surveys made by David G. Walton, Ky. Reg. P.E. & L.S. October 22, 1981.

This is the 3rd parcel partitioned off the parent tract under the current ownership.

S/ Noel Walton
Ky. Reg. P.E. & L.S.



* = as staked 1981

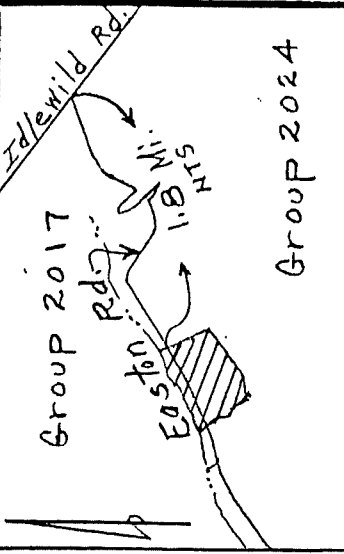
PLAT OF 11.187 ACRES PARCEL, SOUTHEAST SIDE OF EASTON ROAD TO BE CONVEYED BY MAURICE KUNZ

SCALE: 1" = 200'	APPROVED BY:
DATE: 2/20/86	F.B. 155 p. 15

Part of tract described in D.B. 187 at page 679, Grp. 2024 (2017), Boone Co. Clerk's Records, Burl., Ky

Walton & Walton — Civil Engineers — Surveyors
Burlington, KY 41005 ••• Phone 586-6017

DRAWING NUMBER



VICINITY MAP - Scale 1" = 2000'

I state that this plat by me is correct.

S/ Noel Walton
Ky. Reg. P.E. & L.S.

APPROVED FOR RECORDING PURPOSES
3-3 1986 THE BOONE CO.
PLANNING COMMISSION.

Paul J. ...
Chairman



EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #6
October 28, 1987

Page 1

Mr. William Viox opened the Public Hearing for the fourth item to be heard, which was Public Hearing Item #6:

6. Applicant: Raymond T. Kunz (owner)
Request: Zoning Map Amendment

This was a Public Hearing on a request of Raymond T. Kunz (owner) for a Zoning Map Amendment on an 11.18-acre parcel located on the south side of Easton Road and west of Idlewild Road, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1) to Agricultural Estate (A-2).

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

Mr. Viox asked the applicant for his comments at this time.

Mr. Raymond Kunz stated that he owns the property, which he purchased from his brother. He stated that his sons are building the house currently under construction on the site. They plan to build three houses. They believe that the area is improving economically. He noted that there is A-2 zoning on the south side of the property and that the County Road Department is planning to re-build the bridge on Easton Road over Allen Fork Creek sometime in the near future.

Mr. Viox asked if there was anyone else present who wished to speak regarding this request or if there were any questions. There being no response, he asked Mr. Sturdevant to discuss the Staff's concerns.

Mr. Sturdevant noted the Staff's concerns, including relationship to the Comprehensive Plan. He noted Special Concerns involving density, developmentally sensitive areas, and access (see Staff Report).

Mr. Viox asked if there was any further discussion. There being none, he stated that this item will be on the agenda for the Business Meeting on November 4, 1987 at 8 P.M..

Hearing no further comments or questions, Mr. Viox closed this Public Hearing.

APPROVED:

William Viox Nov 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.

4. Zoning Map Amendment and Conditional Use Permit

A request of Timothy R. McNeely (applicant) for Patricia A. Quast (owner) for a Zoning Map Amendment from the current zoning of Commercial One (C-1) to Commercial Two (C-2) for a 0.36-acre site located at the southwest corner of U.S. 25 (Dixie Highway) and Rogers Lane, Florence, Kentucky. The application includes a request for a Conditional Use Permit for a rental and car sales facility.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the Zoning Map Amendment and Conditional Use Permit based on the finding of fact, but subject to conditions (see Committee Report).

Chairman Kroger asked the applicant for his comments.

Mr. McNeely stated that the applicant was concerned about the screening requirements along Dixie Highway. Mr. Quast agreed and asked for clarification of the condition.

Mr. Newton reread Condition #3 and noted that this condition is in regard to landscaping, not screening. Staff Member, Dave Geohegan, agreed and stated that it may be necessary to remove some of the concrete or possibly to place planters on top of the concrete.

Following this clarification, Mr. Quast stated that he accepts the Committee Report and the findings therein.

Mr. Collins moved that the request be approved based on the findings of fact contained in the Committee Report and subject to the conditions noted and that the appropriate legislative body be notified. Mr. McMillian seconded the motion. Mr. Barnett abstained from voting as he has an interest in a possibly competitive business. Mr. Moore also abstained from voting on the basis that he has an interest in a competitive business. All voting members were in favor and the motion carried.

5. Zoning Map Amendment

A request of Raymond T. Kunz (owner) for a Zoning Map Amendment on an 11.18-acre parcel located on the south side of Easton Road and west of Idlewild Road, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-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 (see Committee Report).

Chairman Kroger asked the applicant for his comments at this time. The applicant was not present.

There being no discussion, Mr. Viox moved by resolution to the Fiscal Court that the request be granted based on the findings of fact contained in the Committee Report. Mr. Jones seconded the motion and it carried unanimously.

6. Preliminary Development Plan Review and Site Plan Review

A request of TRP Associates (owner) for Preliminary Development Plan Review and Site Plan Review to construct a 104,690 sq. ft. retail building for Price Savers on an 18.4-acre site located at the intersection of the Turfway Connector and Houston Road, Florence, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD). (An adjustment to agenda fee has been paid.)

Staff Member, Kevin Costello, presented the Staff Report which recommended deferral of the request until the November 18, 1987 Business Meeting (see Staff Report).

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral until the November 18, 1987 Business Meeting based on the Staff Report.

Chairman Kroger asked if there was any discussion of the reports. There being none, Mr. Jones moved that the request be deferred until the November 18, 1987 Business Meeting as recommended by the Staff and Committee Reports. Mr. McMillian seconded the motion. Mr. Viox abstained from voting as he has provided engineering services to the applicant. All voting members were in favor and the motion carried.

7. Preliminary Development Plan Review, Improvement Plan Review, and Site Plan Review

A request of Paul Hemmer Construction (applicant) for Florence Park Developers I (owner) for Preliminary Development Plan Review, Improvement Plan Review, and Site Plan Review to construct a four-story, 100-unit, assisted living facility and a 20,000 sq. ft. office building located off KY 18, Florence, Kentucky. The 15.2-acre site is zoned Commercial Two/Planned Development (C-2/PD) and Public Facilities/Planned Development (PF/PD). (An adjustment to agenda fee has been paid.)

Staff Member, Kevin Costello, presented the Staff Report which indicated that the Staff would recommend approval of the Preliminary Development Plan and the Site Plan for only one medical office building and grading of the site limited to areas for utility construction in the first phase, provided that the Technical Committee approves the changes (see Staff Report). Mr. Costello noted that the changes were approved by the Technical Committee prior to the Business Meeting. Mr. Costello further noted that the Preliminary Development Plan and Site Plan meet the minimum requirements of the Boone County Zoning Regulations, Articles 14 and 15. Staff recommended deferral of the Site Plan for Phase I of the assisted living portion of the development to the November 18, 1987 Business Meeting.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Melvin DeLong, Chairman

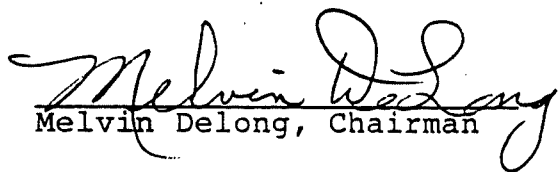
DATE: November 4, 1987

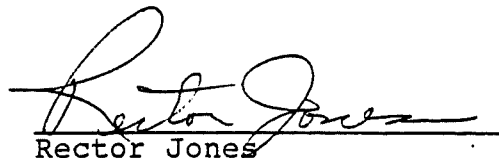
RE: Request of Raymond T. Kunz (owner) for a Zoning Map Amendment on a 11.18 acre parcel located on the south side of Easton Road and west of Idlewild Road, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1) to Agricultural Estate (A-2).

REMARKS:

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

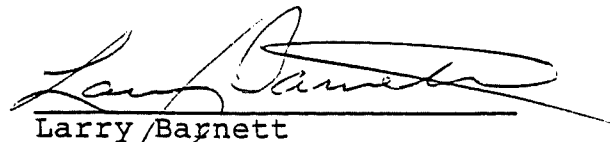
1. The proposed zone change, as presented by the applicant at the October 28, 1987 Public Hearing, is in agreement with the 1986 Boone County Comprehensive Plan text and Future Land Use Map, which indicates a future land use of low density residential, developmentally sensitive for the subject site. Other references to the Comprehensive Plan are available in the Staff Report.
2. There is a significant physical change, with the construction of a new bridge on Easton Road over Allen Fork Creek approximately 1/2 mile east of the subject site, which will provide more safe access to the vicinity of the subject property.


Melvin DeLong, Chairman


Rector Jones

Fred Burch


William Viox


Larry Barnett

jdh

ORDINANCE 920.137

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 AGRICULTURE (A-1) TO AGRICULTURAL ESTATE (A-2) FOR A SITE GENERALLY LOCATED ON THE SOUTH SIDE OF EASTON ROAD AND WEST OF IDLEWILD ROAD, BOONE COUNTY, KENTUCKY, AS REQUESTED BY RAYMOND T. KUNZ (OWNER) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION R-60-87.

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 Agriculture (A-1) to Agricultural Estate (A-2) for a site generally located on the south side of Easton Road and west of Idlewild Road, 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 Agriculture (A-1) to Agricultural Estate (A-2) for a site generally located on the south side of Easton Road and west of Idlewild Road, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more

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 eleveth day of December, 1987.

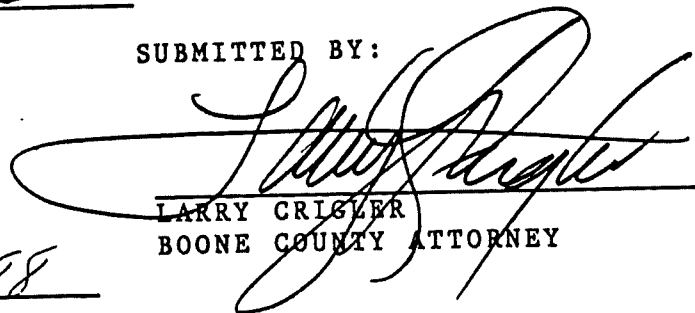
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the twenty-second day of December, 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone county Fiscal Court Clerk and declared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