

ZONING MAP AMENDMENT BY HAROLD W. WALTON
FOR PROPERTY OFF OF DAMASCUS ROAD AND
BETHLEHEM LANE, HEBRON, KY.

This is a Zoning Map Amendment request by Harold W. Walton (owner) for a 14.95 acre tract located off of Damascus Road and Bethlehem Lane, Boone County. This request is for a change from the current Suburban Residential One, SR-1 zoning to a requested Suburban Residential Two, SR-2 zone. The current SR-1 zone permits up to four (4) dwelling units per acre, while the requested SR-2 zone permits up to eight (8) dwelling units per acre.

Adjoining properties to the north of this request are currently zoned Suburban Residential One, SR-1 and Industrial One, I-1. To the east is current zoning of Industrial Two, I-2 and Suburban Residential One, SR-1. And to the south and west adjoining property is currently zoned Suburban Residential One, SR-1.

The current land use of adjoining property to the north, is undeveloped. To the south is single family residential (existing Mars Hill Subdivision), and to the east and west is single family residential and undeveloped.

The Boone County Comprehensive Plan Land Use map indicates a planned future land use of Medium Density Residential. Also found on this property is the Environmentally Sensitive land use category. The Medium Density Residential land use plans for residential development at a density of from two (2) to eight (8) dwelling units per acre and anticipating single family attached and detached, multi-family, including townhouses and garden apartments.

Adjoining the subject tract to the north is Industrial with a suggested Planned Development designation. Adjoining properties to the east, west, and south are planned Medium Density Residential.

The text of the Boone County Comprehensive Plan Land Use map makes the following statements concerning the planned Medium Density Residential use:

Large scale medium density development is planned in the future urban service areas of Hebron and Burlington. In the Hebron area, the development would be widespread south of I-275 and east and west of KY 237 along KY 20. A ring of medium density development would encompass the existing Burlington center, within the service area. (page 3.5)

Concerning the planned adjoining land use of Industrial the text states:

A major industrial facility is now under construction at the southwest quadrant of the I-275 and KY 237 interchange at Hebron. This quadrant is planned as an industrial center which may be expanded to the west adjacent to I-275, all within the Hebron urban service area.

The Environmentally Sensitive category is addressed within the text of the Plan by the following statements:

.....Environmentally sensitive areas include all lands upon which urban development would entail a serious environmental hazard or social or economic impact, or an extraordinary cost to overcome the hazard. Appropriate measures must be taken to attenuate the environmental hazards and minimize social and economic impacts before active urban use of such areas is permitted.

Environmentally sensitive areas occur broadly throughout the County. Such lands are not planned for public acquisition to insure their protection, rather they are planned to remain largely in private ownership, subject to controls on their development and with incentives not to attempt their development.

If, for example, a development is planned for a site which includes environmentally sensitive areas as well as good developable land, the developer may be allowed to cluster development at higher densities on the condition that the environmentally sensitive land will be preserved. The conservation of environmentally sensitive areas can serve a valuable purpose in the buffering of adjacent land uses and in the provision of visual amenities enhancing the value of a development as well as protecting the environment and the development itself from environmental damage (flooding, erosion, foundation failure, etc.).
(page 3.10)

The Hebron area has been specifically addressed in the text by the following statements:

The Hebron area is planned as a major new urban center based on proximity to I-275 with plans to extend full urban services to the area. Development in the Hebron area should be limited until such time as those services are available or they are provided as part of the development of an area in the interim.

Opportunities for "planned development" in the Hebron area are great, owing its undeveloped character and strong growth potential.

The I-275/KY 237 interchange is planned as the focus of much growth in the area. Because of fine transportation access to this area, each quadrant of the interchange has some commercial development potential, yet that commercial development which does occur must be planned so as not to reduce the viability of this area for other uses, particularly residential. The southwest quadrant is planned for industrial uses with the exception of the KY 237 frontage which is planned for highway commercial development. The industrial uses are planned to abut I-275, and may be extended to the west as access is provided to those areas. The southeast quadrant is planned for general highway commercial development, and could be developed under planned development guidelines.

Planned development is encouraged for the two quadrants on the north side of I-275. Commercial uses and medium to high residential densities are planned in these areas, and they would best occur as part of an overall, coordinated development concept to insure compatibility of traffic circulation systems, land use types, and general development character. The area north of the interchange along KY 237 through Francisville is planned for low density residential use with limited urban services.

The majority of residential development in the Hebron area is planned to occur along the KY 20 corridor, both east and west of the existing Hebron center. A variety of densities is planned, including higher densities near commercial areas and major arterials and decreasing density further away from the community center.... (page 3.14)


A Concept Development Plan has been submitted with this request (a reduced copy is attached). This plan provides for development of the entire 14.95 acre tract at the maximum intensity of the requested SR-2 zoning district or a total of 119 dwelling units. The original subdivision plan for Mars Hill provided for a maximum of 45 lots on this same 14.95 acre. The Concept Plan further identifies that these 119 units will be made up of a mixture of single family, duplex, and townhouse units. No specific numbers for each type have been provided. Access to the site is planned by a intersecting, lopping road between the two dead-ends of Damascus Road and Bethlehem Lane. All traffic will pass through the existing subdivision. A future access provision to the adjoining property to the north is being made. All streets would be built to County specifications but privately maintained. Water is proposed to be a 6 inch waterline extension off of existing mains in the subdivision. Sanitary sewage would be provided by proposed expansions of the existing treatment system for the subdivision.

This request is for Suburban Residential Two, SR-2 zoning and the following explains the purpose of the SR-2 zone:

The purpose of the Suburban Residential Two district is to provide a more compact, but essentially single family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.

The soils found on this site are Jessup with slopes of 12 to 20 percent and Rossmoyne with slopes of 0 to 6 percent and 6 to 12 percent. According to the Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky, August 1973 this Jessup soil has severe limitations for building locations because of slope and high shrink-swell potential, while the Rossmoyne soil series has moderate limitations.

The Planning Commission in its review should review this request, along with its proposed density and use, to insure compliance to the entire Comprehensive Plan. Should the Planning Commission recommend approval of this request the Land Use map would not need to be changed and the text of the Plan should be reviewed to maintain its consistency with any recommendation to approve.


Alvin "Chip" Block 6-26-95
Planner

P E T I T I O N

We, the residents of Mars Hill Subdivision, do petition the Zoning Commission of Boone County, Kentucky, to deny a zoning change as requested by Hap Walton regarding the future development of our subdivision. Each of us purchased or had built our homes with the understanding and the promise that our subdivision would be comprised of single family residences much like our own.

We believe that the development as proposed, and the zoning change, if approved, would cause a devaluation of our properties and a corresponding decrease in tax revenues for Boone County. Further, we believe that the best possible use of the undeveloped land would be single family residences with the deed restrictions that are contained in our deeds.

WHEREFORE, we respectfully request that this Commission deny the zoning request.

Sherry House
Gloyd House
Bob Jaword
Jimm Menckhaus
David McKhan
Sharon K Smith
Gerald R Smith
Brenda O'Barney
Harold O'Barney
Catherine O'Barney
Dyane Halland
Paul A. Halland
Patrick Plagge

Bonnie K Plagge
Clyde L Marsh
Dennis Marsh
Lil Warndorf
Gerald Warndorf
Raymond Husskawa
Phyllis Thasbaum
Shirley Roderick
Susan Harwood
Melvin D. Carnoy
Rudy Carnoy
David P. Hammer
Sharon B. Hammer
Marvin M Donald
Myra M Donald

General Notes: Article 3, Section 303

Zone Map Amendment Request

I Ownership - Zone Request Land - Harold Walton

- 1) Leroy G. McGasson I-1
- 2) Burnham Roberts I-2
- 3) David Meinkhouse SR-1
- 4) Lg. Fed. Saving & Loan SR-1
- 5) Jim Estep SR-1
- 6) Shirley Roderick SR-1
- 7) Robert Garwood SR-1
- 8) Bill Graves SR-1
- 9) Bill Arnold I-2

Topography

AS Shown By Survey
 Good Bearing Capacity, Good Stability
 Gravity Flow, Gentle Slope, Relocating Head Water
 Only On Harold's Adjacent Land, Culverts as Needed
 Trees, Grass & Pasture Land

Existing Improvements

- 1. 25' wide Conc. Streets To Site w/ Curbs
- 2. Sewerag - Central Sewerage System
- 3. Water - Boone Co. Water District To Site

Other Physical Characteristics

Land Is Gentle Rolling Sloped with desirable view & living qualities
 Their Are (18) Homes & (1) Church The Development Will Drive By The Balance of The Surrounding Area Is Open Fields & Rural In Character

Public or Private Circulation

All Streets Shall Be Built & Maintained Privately, But Shall Meet Boone County Subdivision Specification
 (119) Units Mixture: 1) Townhouses
 2) Condominiums - 2) Duplex
 3) Single Family

Market Study & Demand

Shall Determine Mixture

4. Utilities

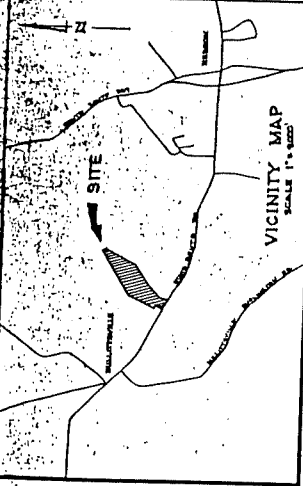
1) Water - Boone Co. Water District
 Prop 6" dia Waterline - See Drawing
 Sanitation - Central Sewerage System To EPA. Water Quality Standards or (Future - Boone County Sewer District)
 8" dia Sanitation Lines - See Drawing
 Fire Hydrants - See Drawing
 Sanitary Sewer Easement - All 15' wide
 Storm Sewer Easement - All 15' wide

5. Visual Design

All streets Shall Be Tree Lined as well as Rear Property Lines Buildings Shall Set Back 50' each side of 50' Right of Way Totalling 150' of Open Space Giving Streets A Refined Appearance
 3) All Area Shall Be Neatly Landscaped
 4) All Buildings Shall Be Brick, Stone or Rustic Wood Exterior - Giving Country-Williamsburg Design & Appearance
 5) Parking Shall Be Hard Surface & Landscaped

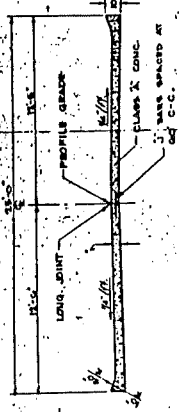
6. Comprehensive Plan

1) Proposed Zone Change Is In Conflict with
 2) It is Our Opinion That The Original Zone was in error
 3. The Proposed SR-2 Zone Will Serve As A Buffer Area Between I-1, I-2 and SR-1
 4. SR-2 Zone Is Medium Density That Will Not Over load Existing Streets

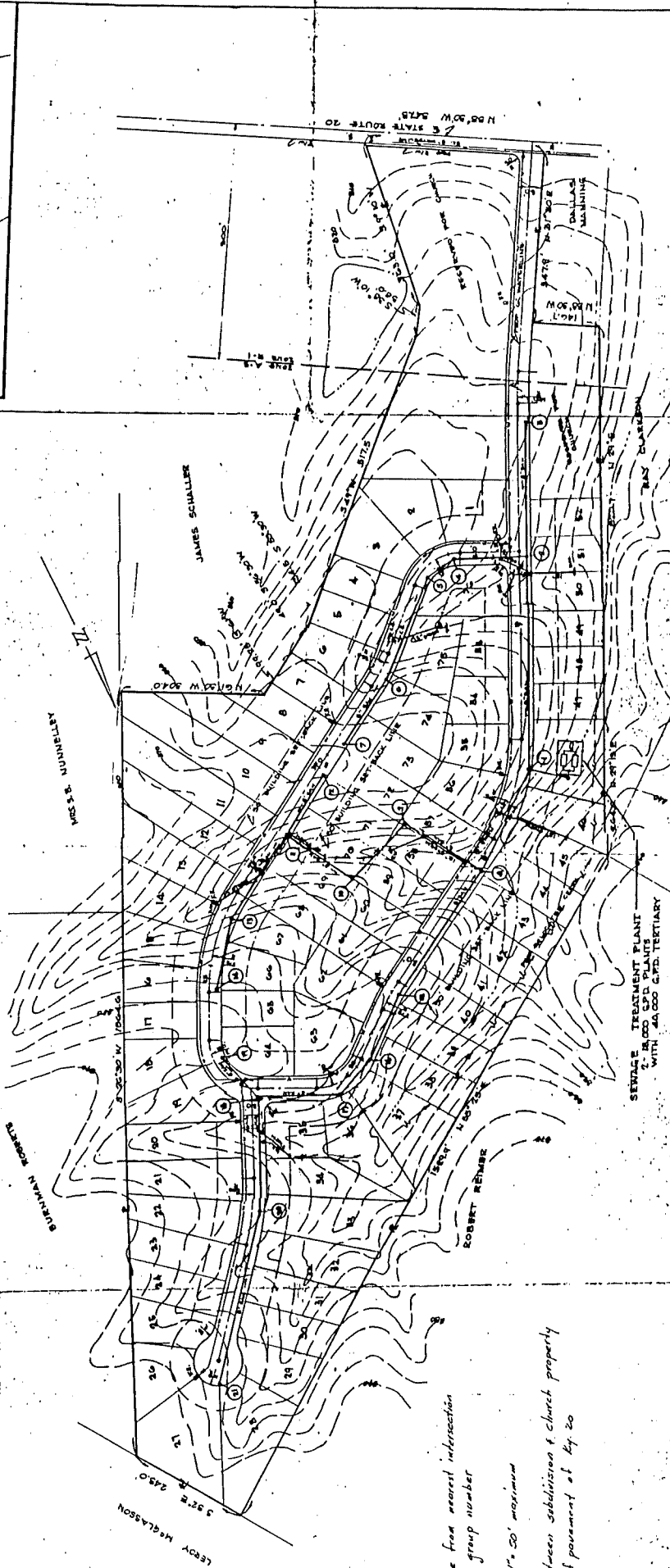


SCHEDULE OF STATISTICS

Zoning as Subdivision - Proposed R-3
 Minimum Lot Area - 10
 Minimum Lot Size - 15 x 150 or 11,000 S.F.
 Building Set Back - 50
 Streets - 45' Wide (7' Conc. / Curb / gutter)
 Water - Bonus G. Water District
 Sewerage - Central Sewerage System
 Sanitary Sewer Main - All 15" W.I.P.
 Storm Sewer Main - All 15" W.I.P.
 Access to all Subdivided - 35.00 Acres
 Front Set Back - 35.00 Acres
 Front Set Back - 35.00 Acres



TYPICAL STREET SECTION
 1/4" = 1'0"



SEWAGE TREATMENT PLANT
 2,000 G.P.D. PLANTS
 WITH 40,000 G.P.D. TERTIARY

PRELIMINARY PLAT
 MARS HILL SUBDIVISION
 BULLITTSVILLE, KENTUCKY
 SCALE 1" = 100' DATE JAN 1970

OWNER & DEVELOPER
 WILLIAM ROADCUP
 625 BAYLINE DR.
 BULLITTSVILLE, KENTUCKY

CARDINAL ENGINEERING CORP.
 1000 W. 10TH ST.
 INDEPENDENCE, MO.

- 402.03
 a. ab
 b. distance from nearest intersection
 Property group number
 c. ab
 d. scale 1" = 50' maximum
 e. ab
 f. line between subdivision & church property
 g. width of pavement at 44.20
 h. ab
 i. ab
 j. ab
 k. ab
 l. ab
 m. Bench mark
 n. Names of streets
 o. Approximate dimensions of lots
 p. none
 q. Cross-section not shown
 r. Storm sewers not shown
 s. Storm inlets not shown
 t. 1/4"

- u. ab
 v. No finished contours
 w. 44
 x. 3-775 not shown

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING MINUTES

JUNE 26, 1985

8:00 P.M.

Vice Chairman Neltner explained the procedural process on public hearings on Zoning Map Amendments.

Zoning Map Amendment

Request of Harold W. Walton (property owner) for a Zoning Map Amendment from Suburban Residential One, Sr-1 to Suburban Residential Two, SR-2 for a 14.95 acre tract located adjoining Mars Hill Subdivision off of Ky. 20, Petersburg Road, Boone County, Kentucky.

Staff Member Chip Block presented a slide presentation on the subject and surrounding area. Mr. Block presented the staff report and stated the request is for a change from the current Suburban Residential One, SR-1 zoning to a requested Suburban Residential Two, SR-2 zone and noted the current zoning permits up to four (4) dwelling units per acre while the requested SR-2 zone permits up to eight (8) dwelling units per acre. Mr. Block described the surrounding zoning and land use. Mr. Block noted the Boone County Comprehensive Plan Land Use map indicates a planned future land use of Medium Density Residential for the area. Mr. Block stated that adjoining the subject tract to the north is planned Industrial with a suggested Planned Development Overlay designation and with planned future land uses to the east, west, and south for Medium Density Residential. Mr. Block stated that also found on the subject property is an Environmentally Sensitive zone. Mr. Block's report contains references to the pertinent text portions of the Boone County Comprehensive Plan. Mr. Block explained a Concept Development Plan had been submitted with the request which provides for development of the entire 14.95 acre tract at the maximum intensity of the requested SR-2 zoning district or a total of 119 dwelling units. Mr. Block stated the concept development plan further identifies that the 119 units will be made up of a mixture of single family, duplex, and townhouse units with no specific numbers for each type yet provided. Mr. Block stated access to the site is planned by an intersecting, lopping road between two dead-ends of Damascus Road and Bethlehem Lane with all traffic passing through the existing subdivision. Mr. Block noted a future access provision is noted to the adjoining property to the north is being made and all streets are to be built to County specifications but privately maintained. Mr. Block noted the water and sewer provisions and soil testings of the site. Mr. Block closed by stating the Planning Commission in its review should review the subject request along with its proposed density

and use to insure compliance to the entire Comprehensive Plan and that should the Commission recommend approval of the request the Land Use map would not need to be changed and the text should be reviewed to maintain its consistency with any recommendation by the Commission to approve.

Mr. Harold Clayton, partner of Mr. Harold Walton on the development of the property, related the history of ownership to the current owner of the property. Mr. Clayton contended the current market is not supportive of development of single family housing in the subdivision. Mr. Clayton related that meetings with the residents have been conducted but no satisfactory conclusions for all parties have been obtained. Mr. Clayton contended the economic feasibility of the subdivision necessitates the requested zone change. Mr. Clayton noted the area's proximity between two industrial areas and suggested a buffer zone of the SR-2 would be appropriate and contended the original zoning was inappropriate. Mr. Clayton stated there is an economic change in the area in that the homes that are currently located have inflated in price which the market cannot bear. Mr. Clayton stated the developers propose to develop and work with the residents "as best we can" by making concessions that are reasonable and the developers do not wish to bring any harm to the residents or their future development. Mr. Clayton stated the developers have self-imposed restrictions upon themselves in that they have pledged 150' of tree lined boulevard (50' of right of way and 50' of setback on each side).

Vice-Chairman Neltner inquired of additional support to be expressed.

There was no audience response.

Vice-Chairman Neltner inquired of opposition to be expressed and proceeded.

Mr. Robert Garwood, 2889 Damascus Road, representing residents of the Mars Hill Subdivision, presented a petition signed by the residents of Mars Hill Subdivision which requests denial of the request. Mr. Garwood explained that based upon the purchases of the residents of the homes under the current zoning. Mr. Garwood refuted the statement of change in the area other than that of the Litton development in the area.

Mrs. Jane Menkhaus, 2625 Bethlehem Lane (nearest to the proposed development), inquired of the basis of Mr. Clayton's reference of the market. Mr. Clayton responded his reference was with regard to the developer's own study of the market. Mrs. Menkhaus stated she has seen no change within a two-mile radius. Mrs. Menkhaus stated the developer should have explored the feasibility prior to purchase of the area currently zoned SR-1. Mr. Walton stated he has a real estate expert with him who could explain the feasibility. Mrs. Menkhaus stated she had offered to purchase the lot next to her home and inquired if since the pro-

perty is included in the proposal if Mr. Walton was thus refusing her offer of purchase. Mr. Walton stated no and that the plan had been prepared prior to her previous request. Mrs. Menkhaus inquired who would maintain the grounds on the development, and would the units be rental property or owner-occupied units. Mrs. Menkhaus stated the residents do not have examples of previous developments by the developer to substantiate the type of quality of buildings the developer proposes.

Mr. Walton, developer, responded he thinks the area can be developed in a manner so as to be an asset to the existing residents in the subdivision. Mr. Walton stated he plans to a nice quality development and has built industrial and commercial buildings and that he is not a "shabby" builder, and gave an example of the Skilcraft Sheet Metal building on Limaburg Road and others. Mr. Walton responded the plan is to develop townhouses and to sell same with possible ownership of some units by the developer.

Mr. Clayton added that on the plan the exteriors are proposed to be brick, stone or rustic timbers to take on the characteristic of the Williamsburg Apartments on Galbraith Avenue in Cincinnati. Mr. Clayton stated there will always be property ownership and that hopefully the new owners will try to preserve the value of their properties.

Mr. Walton assured that the property will developed with restrictions similar to the restrictions on the existing properties in the area.

Mr. Bill Shepherd, Realty World - Wagner Development, related that area property values overall have all been reduced greatly from current asking prices for resale purposes. Mr. Shepherd contended that the vacant lots somewhat detracts from the potential purchase of properties in the area and contended the development could only enhance the property values as out of the original 65 single-family units proposed there exists only 18-19 units. Mr. Shepherd stated the development could possibly revitalize the area.

Mr. Paul Holland, a resident of Mars Hills Subdivision, stated the homes that did sell for low prices were unloaded by a distressed builder or financial institutions.

Mr. Harold O'Banion, a resident of Mars Hill Subdivision, stated the lots that Mr. Walton owns are unmowed and in disarray.

Vice-Chairman Neltner reminded the audience of the purpose of the public hearing process.

Mr. Walton responded he has spent approximately \$5,000 to clean up the vacant lots which were used for area construction garbage.

Chairman Neltner again reminded the audience of the purpose of the public hearing.

Mr. Walton stated he will continue to clean up and improve the vacant lots regardless of the outcome of the pending zone change.

Mr. Jim Estep, resident of Mars Hill Subdivision, stated that the area has not progressed in development as area realtors are anticipating a zone change in the area where property values could potentially be diminished by apartment dwellers. Mr. Estep stated that in previous meetings with the developer area residents have asked him to proceed with the original plan for single family dwelling units such as Drees, Ryan, and others have made success of developing single-family units. Mr. Estep contended Mr. Walton is proposing to take from the residents their property values and to decrease the County tax base. Mr. Estep stated the area streets and water and sewer systems cannot support the proposed development.

Mrs. Elizabeth Conrad, a nearby property owner which the sewer runs into, related that two years ago Mr. Clarkston came to her and in an effort to alleviate the area runoff problem a large culvert was installed. Mrs. Conrad described the flow at present is great and she expressed concern of increased building and the resultant additional water runoff.

Mr. Walton stated this is the first that he has heard of the problem and he contended that the Mars Hill Subdivision did not have a bearing on the problem. Mr. Walton stated he has spoken with Mr. Clarkston and that no mention was made of the problem.

Mrs. Conrad stated she had to donate the land to allow the work and there would be a record in the County of same. Mrs. Conrad stated the drive has eroded because of the runoff.

Mr. Clayton contended the U.S. Geological Survey shows the creek as a "blue line stream" and stated that has been a creek for a long period of time. Mr. Clayton assured the development would be done properly with regard to sewers and runoff and engineering.

Mr. Ray Neusbaum, 2664 Bethlehem Lane, stated he had recently purchased his property and improved his property and increased the value of his property.

Mrs. Bonnie Clayton, 2669 Bethlehem Lane, expressed concern of the tremendous drainage problem in the area and stated the erosion problem is so severe it is deteriorating the street. Mrs. Clayton expressed concern of the additional traffic on the street and of who will maintain the street.

Mr. Walton stated the street is designated and the County will maintain the street and that the County currently has plans to repair the street.

Mr. Estep stated if the County is maintaining the street why then do the residents have to avoid the holes and bad areas on the streets.

Vice-Chairman Neltner again reminded the audience of the purpose of the public hearing process.

Mr. Walton stated he has had two meetings with the residents and does wish to cooperate with the area residents. Mr. Walton stated he cannot afford to take the losses on the properties which would result as the market will not support his building and marketing single family homes in the area. Mr. Walton stated he is not in the comparable financial position of Drees and Ryan the residents had mentioned. Mr. Walton agreed the streets need to be repaired and that he has tried to through the Fiscal Court to speed up the repair process.

Mrs. Jane Menkhaus inquired of the price range the developer hopes to acquire from the sale of the properties as townhouses if Mr. Walton is proposing that a \$50,000 house would not sell.

Mr. Walton stated Mrs. Menkhaus misunderstood him in that he did not say a \$50,000 house would not sell what he did say was that he could not afford homes as those that currently exist in the subdivision.

Mrs. Menkhaus inquired of the monthly rental price of a rental unit and the actual selling price of the townhouses the developer hopes to acquire.

Mr. Clayton responded the townhouse/condominium would be \$50,000 to \$60,000 and rental of the townhouses would be in the \$550.00 to \$600.00 per month range.

Mrs. Menkhaus stated that if she were in the market for housing she would much prefer a single family detached dwelling unit for the \$50,000 to \$60,000 investment. Mrs. Menkhaus stated that although she can sympathize with Mr. Walton her life savings are invested in her property and she is totally in opposition to the development. Mrs. Menkhaus stated Hebron has a lot to offer with its quietness and country-style attractiveness.

Mr. Paul Holland stated there is a problem with certain parties owning other homeowner's property because of incorrect surveys. Mr. Holland inquired of how this property problem will be addressed prior to additional development.

Vice-Chairman Neltner stated he did not feel that was with the purview of the Commission.

Counselor Wilson suggested the affected parties contact their respective lawyers.

Mr. Clayton responded that the previous owner did place lot lines incorrectly but Mr. Clayton related that Cardinal Engineering did come in and survey and recorrect the lot line descriptions. Mr. Clayton stated that if this is still a problem for some the problem exists between the previous property owner and the affected parties. Mr. Clayton stated the current ownership of 10 lots by Mr. Walton and himself are not affected and included in the zoning map amendment request.

Mr. Garwood expressed concern of the impact of the proposed development on the local school district.

Denise Holland inquired if the County is planning to go out and resurvey the area properties. Counselor Wilson stated that the Commission will not come out and resurvey anyone's land and that if there is a dispute over who owns who's land that is a dispute between those property owners, and is not within the jurisdiction of the Commission.

Mr. Dave Hammer, 2683 Bethlehem Lane, invited all the Commission members to come down and physically view the area. Mr. Hammer stated he does not feel the market is a viable justification for the granting of the zoning map amendment as markets are subject to change and fluctuation. Mr. Hammer stated his home is covered by a covenant of various deed restrictions and inquired if the covenant covers the entire subdivision. Mr. Hammer stated he would like to see the area developed as it was originally proposed to be as single-family dwelling units and that he is fearful of decreased property values.

Counselor Wilson explained that deed restrictions and zoning regulations are two entirely separate issues. Mr. Wilson explained the Commission and the Zoning Enforcement Office has the authority to administer and enforce the zoning regulations and not private deed restrictions created within a subdivision. Counselor Wilson went on to explain that any action the Commission takes does not terminate or eliminate deed restrictions as deed restrictions survive. Counselor Wilson stated if there is a conflict between property owners on deed restrictions a legal court battle often follows.

Mr. Gerald Smith, 2631 Bethlehem, stated that according to the deed restrictions the developer can build smaller single-family dwelling units for sale.

Mr. Clayton responded with regard to the deed restrictions that there are three sections that are platted in the area and each area is governed by different deed restrictions. Mr. Clayton gave examples of previous homebuilding developments such as Swain Court, Warren Street and Winston Apartments and stated the developers are not novice to developing.

Mr. Clayton explained the deed restrictions that are on the properties now are namely 1,200 sq. ft or 1,500 sq. ft for a house and explained that the square footage of a house determines the cost of the development of the house. Mr. Clayton explained that what the developer is trying to alleviate now is that in the first three sections there are those above referenced deed restrictions and with the property that has not been platted or subdivided yet the developer is seeking to develop as multi-family dwelling units and to develop it as a marketable viable project. Mr. Clayton assured the developer wishes to develop the area in a quality manner.

Mr. Viox inquired of the copy of the applicant's plan and the copy of the Mars Hill Subdivision among the Commission's materials and asked that if the number of units proposed is 119 and the current lots as they exist are tallied what the total number of lots would be. Mr. Block responded and estimated there would be approximately 150 dwelling units. Mr. Viox inquired of the typical lot size in the subdivision. Mr. Block responded 75'x150'. Mr. Viox inquired of the permitted uses in the SR-1 zoning district. Mr. Block responded that SR-1 currently allows single-family and duplex housing. Mr. Viox inquired if there is a restriction on duplex for the size of lot. Mr. Block responded the lot size on duplex would be a required 16,000 square feet. Mr. Viox explained that Mr. Block stated in his report that the streets is currently 25 feet in width in the subdivision, and Mr. Viox stated that his recollection of the County ordinance is that the street is a local street and that in over 100 units a 28 foot street must be provided per the ordinance. Mr. Viox inquired if Mr. Block had the current ordinance. Mr. Block responded he did not have the ordinance but the subdivision regulations. Mr. Viox stated "this was done beyond that". Mr. Viox stated that if his recollection is correct a 28 foot wide street 8" thick must be provided. Mr. Viox suggested this be studied by the staff for if his recollection is correct the developer would then have to upgrade the street back to the development. M

Mr. Viox inquired of the developer in creating multiple home sales had thought about the establishment of a home owners association. Mr. Clayton responded the developer has not. Mr. Viox inquired if the developer planned to sell under a condominium regime or landominium regime. Mr. Clayton responded yes. Mr. Viox asked if the developer would be plotting zero lot lines and would create some HOA with covenants to maintain the buildings, etc.

Mr. Burch inquired if the plan is basically for single-family townhouses for resale. Mr. Walton responded the development has not progressed to that point at present. Mr. Walton stated the need with the adjacent Litton development will determine the market. Mr. Burch inquired if the area does contain deed restrictions.

Mr. Clayton stated the balance of the property or the subject property has not yet been platted and does not have deed

restrictions on it and is only governed by the County restrictions.

Mrs. Menkhaus inquired if back in 1975 the developer had presented the subdivision before the planning committee and presented it as a subdivision at that time would not the restrictions for the development of the subdivision be recorded as the comprehensive usage for the entire area.

Counselor Wilson responded no and that when a party submits a subdivision plat for approval by the Commission the Commission can only apply the subdivision regulations and cannot look at the deed restrictions. Mr. Wilson explained if the plat conforms to the regulations then the Board must approve it. Mr. Wilson emphasized the Board approves the plat as conforming to the subdivision regulations.

Mrs. Sharon Smith, 2631 Bethlehem Lane, inquired of the deed restrictions in the third parcel of the area. Counselor Wilson again emphasized the Board (Commission) does not have the authority to decide what deed restrictions apply where but rather can only (emphasis added) administer the zoning regulations. Mr. Wilson again explained the matter of the deed restrictions is a private matter for the owners of the subdivision to determine, and the Board cannot issue an opinion on those deed restrictions.

Mr. Estep asked if what Mr. Wilson was saying was that the issue of deed restrictions has to be resolved in a civil court. Counselor Wilson stated what that the Commission could not issue an opinion as to whether or not the deed restrictions apply to the land.

Mrs. Brenda O'Banion noted her previous experience with homeowner's associations.

Mr. Walton stated that when Mr. Shepherd commented he was referring to the properties owned by Mr. Walton with regard to much needed improvement.

Vice-Chairman Neltner explained the Planning Commission is a recommending body and that the decision will ultimately rest with the Fiscal Court.

Chairman Neltner inquired of the date of the application. Mr. Block responded the application was received the date of June 5, 1985 and that it must be acted upon within 60 days from the date of June 5th.

Vice-Chairman Neltner stated the date of review by the Commission would be July 3, 1985 and that the matter could be acted upon or deferred for additional study at that time. Mr. Neltner suggested the residents keep in close contact with the Planning Commission office so as to keep properly informed.

Discussion followed of the streets, Committee review of the matter at issue, and follow-up with the Commission members

Counselor Wilson stated the recommendation will be based on facts that have come forth from the public hearing and not be based on private phone calls to Commission members etc.

Vice-Chairman Neltner closed the public hearing.

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

JULY 17, 1985

Chairman Paul Kroger called the meeting to order.

Roll call was taken by staff member Dee Ann Manley. 10 members present. Absent: Messrs. Burch, Collins, DeLong, and Slusher. All staff members present. Atty. Hugh Skees was also present.

The Minutes of the Business Meeting of July 3, 1985 were considered.

Mr. McMillian moved that the Minutes be approved as reviewed. The motion was seconded by Mrs. Smith. After discussion, the motion carried unanimously.

Administration

Staff member Dee Ann Manley stated that staff salaries and benefits for the weeks of 7-15-85 thru 7-26-85 amounted to \$5,087.09.

Mr. Jones moved that the bill be paid as presented. The motion was seconded by Mr. McMillian. After discussion, the motion carried unanimously.

Chairman Kroger referred two pieces of correspondence from OKI to staff for review.

Reports

Chairman Kroger noted the Enforcement Officer's Report and the Budget Comparative for the period ending June 30, 1985 were distributed for Commission members review.

There was no comment or discussion.

Directors Report

Chairman Kroger noted that a report from the Assistant Director would be included on the agenda of this evening's meeting and all future meetings as well.

Asst. Director Newton informed the Commission that a letter had been received from staff member Clay Shepherd advising that he was resigning his position with the Boone County Planning Commission as of July 19, 1985. Mr. Newton added a personal note that it was a pleasure to have worked with Mr. Shepherd.

Mr. Newton informed the Commission that the Fiscal had appointed him as the County's representative to the OKI Regional Council of Governments Technical Coordinating Committee. Mr. Newton noted that former Director Lynn had held this position previous.

Mr. Newton stated that he had been requested to be the Boone County Sub-Committee Chairman for the 1990 Cincinnati Census Statistical Area Committee. Mr. Newton stated he has accepted the position.

Chairman Kroger extended best wishes on behalf of the Commission to Mr. Shepherd in his departure.

Chairman Kroger declared a change in the order of business and proceeded to Item 5 of the Commission's agenda.

UNFINISHED BUSINESS

Zoning Map Amendment

Request of Lanny R. Holbrook (agent) for Tim Timberman, Inc., (option holder) for a Zoning Map Amendment from the current zoning of Suburban Residential Two, SR-2, Commercial Two, C-2 and Commercial Services, C-3 to Commercial Services, C-3 for the entire 44.25 acre tract lying northeast of Tanners Lane and south of Ky. 18, Burlington Pike, Florence, Kentucky.

A supplemental staff report was presented by staff member Chip Block. Mr. Block stated the Boone County Comprehensive Plan Land Use map indicates a planned future land use of high density residential and commercial for the subject property with the adjoining property planned for commercial and medium density residential. Mr. Block noted that should the Boone County Planning Commission recommend approval and the City of Florence recommend approval for the zoning the land use map would need to be changed from high density residential to recreation for the proposed municipal park area.

Asst. Director Newton stated the Committee Report recommended "approval for the zone change with the submitted concept development plan pursuant to Article 3 of the Boone County Zoning Regulations for the subject tract subject to the following reservations and conditions: the Committee wishes to emphasize that approval is for the concept development plan and does not constitute a commitment by the Planning Commission for the precise locations of the uses shown on the plan. Exact locations are to be determined after an engineering study of the boulevard is completed by the City of Florence Engineer. A generalized corridor has been drawn by the Boone County Planning Commission staff and was selected by the Florence City Council on May 21, 1985. This corridor which is shown on Exhibit A serves as a general route to be followed by the City Engineer and provides the basis for the discussion below. The Concept Development Plan submitted and agreed upon by the applicant will have

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recreation/park land to the east of the boulevard and be limited to the identified commercial uses to the west of said boulevard. The Committee wishes to emphasize that the only recreational uses permitted on the eastern side of the future boulevard are those listed under the accessory uses of the Commercial Services zoning district as identified in Sect. 942 Number 1 of the Boone County Zoning Regulations. Any changes to these land uses on the property shall constitute a major change to the Concept Development Plan and require a resubmittal and a new public hearing. Future curbcuts on that boulevard are to be minimized and shall be provided if deemed appropriate by the Boone County Planning Commission at that time. Shared and coordinated access points that provide four-way intersections will also be encouraged at the site plan review stage. In order to eliminate unnecessary curbcuts in the current plan the minor access point on Ky. Route 18 shall be omitted and shown on Location 1 on Exhibit B which is also attached. The southern access point leading into the home furnishings area shall be deleted which is shown on Location 2 on that exhibit and the north access point serving the automobile dealership can serve the home furnishing area by creating a parking lot connection at Location 3 of that exhibit. The Committee based its decision upon the following findings of fact. 1) The request is for rezoning from SR-2, C-2 and C-3 to Commercial Services, C-3 for the entire tract, and the four potential land uses would conform to the new zoning district. 2) The Boone County Comprehensive Plan has identified that Tanners Lane was planned to be relocated through this property. The plan then identifies the land lying to the north and west of that new road as planned for the future land use of commercial with statements in the land use plan supporting highly commercial land uses near the interchange of I-75 and Ky 18. This zone change request complies with the Comprehensive Plan which is on Page 4.3. 3) The Concept Development Plan has attempted to address the 'sensitive nature' of the adjoining residential development by providing for recreational land use to attempt to buffer the effect of the proposed land use from the existing residential land use."

Mr. Holbrook noted his presence and availability for questions.

Chairman Kroger stated the Committee report contained a number of conditions and a series of statements. Chairman Kroger asked Mr. Holbrook (agent) if he agreed to all of the statements contained in the Committee Report. Mr. Holbrook stated he was in agreement with the conditions.

Mr. Barnett moved that the Planning Commission by Resolution to the City of Florece approve and recommend a change of zoning for a 44.25 acre tract lying northeast of Tanners Lane and south of Ky. 18, Burlington Pike from the current zoning of Suburban Residential Two, SR-2, Commercial Two, C-2 and Commercial Services, C-3 to Commercial Services, C-3 for the entire tract based on the Committee and staff reports. The motion was seconded by Mrs. Smith. After discussion, the motion carried unanimously.

Chairman Kroger inquired if any further action were necessary at this time by the Commission. Mr. Block responded that a change would be necessary on the Comprehensive Plan Land Use map with respect to the recreational area. Mr. Newton affirmed the Commission should affect and direct the staff to change the map according to the proposed zone change.

Mr. Viox moved that the Commission direct the staff to make the necessary changes to the Boone County Comprehensive Plan Land Use map reflective of the changes of the zoning for the 44.25 acre tract should the City of Florence approve the zoning map amendment for the property. The motion was seconded by Mr. Jones. After discussion, the motion carried unanimously.

Site Plan Review

A request of Waco Oil Company (owner) for Site Plan Review to construct a food mart store on a 1.25 acre tract located on Turfway Road, Florence, Kentucky.

Staff member Clay Shepherd presented the staff report which stated the applicant is requesting site plan approval for the construction of a food mart store, retail motor fuel sales and carwash facility. Mr. Shepherd stated that gasoline sales and carwash services are conditions uses and have been approved for the subject property by the Florence Board of Adjustment on July 10, 1985. Mr. Shepherd noted the applicant will utilize existing access off of Turfway Road and will provide 18 off-street parking spaces with all parking spaces and driveways to be of concrete surfacing. Mr. Shepherd closed by stating the plan meets the minimum requirements for site plan review and that staff would recommend approval be granted. (The staff report indicated approval of the report by Staff Engineer Jim Jenkins).

Mr. Newton stated the Committee Report recommended approval of the request based upon the staff and Engineer's reports.

Mr. McMillian moved that the Commission approve the site plan review to construct a food mart store on a 1.25 acre tract located on Turfway Road, Florence, Kentucky. The motion was seconded by Mr. Viox. After discussion, the motion carried unanimously.

Site Plan Review

A request of Timothy Greene (agent) for Cardinal Industries, Inc., for Site Plan Review to construct ten (10) buildings that will contain 86 multi family dwelling units. This 7.2 acre tract is zoned UR-1 and is off of Limaburg Road, Boone County, Kentucky.

Asst. Director Newton stated the staff report given at the July 3, 1985 meeting "stands".

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Staff Engineer Jim Jenkins recollected for Commission members that at the previous meeting concerns were expressed with provisions for the sanitary sewage, storm water retention provisions, easements and coordination with the Boone County Water and Sewer. Mr. Jenkins related that since that meeting he has had discussion with the applicant and their engineer and that the applicant has submitted revised data relative to the storm water retention and have incorporated same into the plan without changing the plan itself. Mr. Jenkins suggested the applicant respond to their efforts of coordination through the Boone County Water and Sewer Dept.

Mr. Tim Greene (agent) for Cardinal Industries, Inc., stated that it is his understanding that Cardinal has been advised of the necessity to improve the sewage treatment facility for the area in the amount of \$596.00 per unit. Mr. Greene stated it is their position that while they are not here to discuss economics of the site they have agreed with the seller of the property to split the costs of the "extraordinary" cost and if granted approval and the site is economically feasible they are prepared to provide the improvement.

Asst. Director Newton stated the Committee Report recommended approval based upon the staff report dated July 3, 1985 and the staff engineer's oral report this evening.

Mr. McMillian moved that the Commission approve the site plan to construct ten (10) buildings that will contain 86 multi-family dwelling units. The motion was seconded by Mrs. Smith.

Mr. Barnett inquired of the staff engineer of the question of the depth of the size of the pipe that was to go through the Mid Valley Pipeline property. Mr. Jenkins responded he did have some concern which was subsequently calmed by the applicant's representation that coordination with Mid Valley Pipeline would occur on the matter. Mr. Platt, architect of the project, affirmed that contact with Mid Valley is in progress and coordination efforts would continue.

Mr. Barnett noted that the applicant was verbally agreeing to the provision of sanitary sewage and inquired if that assurance was shown on the site plan. Mr. Jenkins responded the line is shown but that his concern was of the adequateness of the package plant at the end of Limaburg Road being to accommodate the proposed buildings.

Chairman Kroger noted the fee is not an "extraordinary fee" but rather a capacity fee for the plant and its availability.

After discussion, the motion carried unanimously.

Site Plan Review

A request of Tom Kelly - Wildwood Motor Inn (owner) for Site Plan Review for construction of new buildings in place of existing hotel buildings and a new structure over the existing pool located at 7809 U.S. 42, Florence, Kentucky.

Staff member Clay Shepherd presented the staff report which stated the applicant is requesting site plan approval for the construction of new buildings in place of existing hotel buildings and a new structure over an existing pool area. Mr. Shepherd stated the applicant has been granted a variance for five (5) foot side yard setback and a five (5) foot rear yard setback. Mr. Shepherd stated the plan meets the minimum requirements of site plan review and that staff recommends approval be granted. (The staff report indicated the approval of Staff Engineer Jenkins).

Asst. Director Newton stated the Committee Report recommended approval based upon the staff and engineer's reports.

Chairman Kroger inquired if Mr. Jenkins had any additional comment on the site plan review. Mr. Jenkins responded no and that he had reviewed and discussed the matter with Mr. Shepherd and that he concurs with his report.

Mr. Tom Kelly was present and available for questions.

Mr. Viox moved that the Commission approve the site plan for the construction of new buildings in place of existing hotel buildings and a new structure over the existing pool for property located at 7809 U.S. 42, Florence, Kentucky. The motion was seconded by Mr. Neltner. After discussion, the motion carried unanimously.

Site Plan Review

A request of Warren Heist (agent) for Site Plan Review to permit the use of existing building for veterinary office and to construct a new parking lot located at Highway 42, Florence, Kentucky (Adjustment of agenda fee paid).

Staff member Clay Shepherd presented the staff report which stated the applicant is requesting site plan approval to renovate an existing house and for the construction of a parking lot to the rear of the property. Mr. Shepherd noted the plan generally follows the approved concept plan for the property. Mr. Shepherd also noted the applicant will eliminate one access onto U.S. 42 allowing ingress and egress into the property by way of joining use by K.&W. properties. Mr. Shepherd stated the plan meets the minimum requirements of site plan review and the staff would recommend approval be granted.

Asst. Director Newton stated the Committee Report recommended approval based on the staff and engineer's reports.

Mr. Jenkins noted for information purposes that the storm water provisions would tie in with the Rax retention basin.

The applicant stated there is an agreement with Rax for the connection.

Chairman Kroger inquired if any problems were anticipated with the proposed retention and water spill off as proposed. Mr. Jenkins responded not in his estimation.

Mr. Barnett inquired if the subject property was located in the C-3 zoning and inquired of a recent text amendments with regard to veterinary facilities. Mr. Block responded that what has occurred on the subject property is the property is in O-2 zoning. Mr. Barnett recalled the text amendment prohibited outside storage of animals and inquired if the plan for the proposed facility shows any outside storage of animals. Mr. Shepherd responded the plan does not.

Mr. Barnett moved that the Commission approve the site plan to permit the use of an existing building for veterinary office and to construct a new parking lot for property located at Highway 42, Florence, Kentucky. The motion was seconded by Mr. Viox. After discussion, the motion carried unanimously.

Zoning Map Amendment

Request of Harold W. Walton (property owner) for a Zoning Map Amendment from Suburban Residential One, Sr-1 to Suburban Residential Two, SR-2 for a 14.95 acre tract located adjoining Mars Hill Subdivision off of Ky. 20, Petersburg Road, Boone County, Kentucky.

Staff member Chip Block presented a supplemental staff report which stated the Boone County Comprehensive Plan Land Use Map indicates the planned future use for the subject property as medium density residential while adjoining properties to the east, west and south are also planned for medium density residential. Mr. Block stated the adjoining tract to the north is planned as industrial and a planned development designation. Mr. Block noted that should the Boone County Planning Commission recommend approval or the Boone County Fiscal Court should approve the request for rezoning there would be no necessary changes to the land use map providing the Commission is in agreement with the text of the Comprehensive Plan.

Asst. Director Newton stated the Committee Report recommended "denial of the request based upon the following findings of fact: 1) the applicant has argued that economic changes in the area have occurred to justify the rezoning, however, no market studies had been supplied and the only testimony presented has

been by realtors stating that property values for the existing single family units in the area have reduced from their current asking prices. The Committee does not find sufficient reasoning in these comments to support and recommend approval of the request. 2) The applicant stated that the Comprehensive Land Use map supports the request as it indicates a planned future land use as being 2 to 8 dwelling units per acre. Therefore, his request has been to seek the maximum of 8 dwelling units per acre on this 14.95 acre tract. The effect of the request would be to double the intensity of developing over the present zoning of SR-1. The Committee finds that the Comprehensive Plan also supports the current zoning of SR-1 permitting up to 4 dwelling units per acre and the text of the plan does identify that residential development intensity would decrease further away from the community center (meaning Hebron) on page 3.14 of the Plan. 3) The Committee expresses its concern over the potential access on the development from this residential area into an area designated for industrial use. The effect of this access would not serve to buffer the residential development and planned future industrial land use. Since this serves as the only potential alternative access into the development it could result in industrial traffic using a single residential subdivision street as access to Ky. 20. 4) It may be possible for this property to be rezoned at a higher intensity than the present zone but a concept development plan would have to address access concerns compatible to existing single family uses in the vicinity and how it would maintain the character and integrity of the residential subdivision. Also the plan would have to address how the development would be buffered and would act as a buffer from the planned industrial uses to the north."

Chairman Kroger inquired if Mr. Walton had any comment. Mr. Walton stated he had no comment.

Mr. Viox moved that the Commission deny the request for a Zoning Map Amendment from Suburban Residential One, SR-1 to Suburban Residential, SR-2 for a 14.95 acre tract located adjoining Mars Hill Subdivision off of Ky. 20, Petersburg Road, Boone County. The motion was seconded by Mr. Barnett.

Mr. Martin stated he wished to abstain on the issue as he was not present at the public hearing for the request. Mr. McMillian stated he too would like to abstain as he was not present at the public hearing either.

After discussion, the motion carried.

Ayes: Messrs. Barnett, Davis, Greene, Jones, Neltner, Viox, Chairman Kroger and Mrs. Smith.

Abstain: Messrs. Martin and McMillian.

Chairman Kroger explained the appeal process available to Mr. Walton. Chairman Kroger informed the audience that the Boone County Fiscal Court would be advised of the recommendation of the Planning Commission.

NEW BUSINESS

A request of William B. Poynter for a Zoning Map Amendment from the current Public Facilities, PF zoning to Rural Suburban, RS zoning for property located off of Limaburg Road and Conner Road, Boone County. (The applicant is requesting a waiver of the fees).

Mr. William B. Poynter, accompanied by Mrs. Poynter, presented a drawing depicting the zoning districts of the subject property. Mr. Poynter related the past zoning history of the property, and indicated a 4 acre area (which amounts to approximately one-third of his property) which is currently zoned PF. Mr. Poynter explained he has owned the property for 33 years and that he had previously thought that Conner School might be interested in purchasing the 4 acre PF zoned tract.

Mr. Newton read aloud a letter from Gary Greiser, Asst. Superintendent of the Boone County Schools, acknowledging that the school does not wish to purchase the adjacent Poynter property, and stated the school has no objection to Mr. Poynter's requested rezoning.

Mr. Poynter explained that the divided zoning of his entire property restricts his possible sale of the property.

Chairman Kroger explained the procedural process of the rezoning of property.

Mr. Poynter explained the Commission had "taken" his land by partially rezoning it and then has told him that he would have to pay fees to have it restored to its previous zoning.

Mr. Viox moved that the Commission set the public hearing date for the request for August 22, 1985. The motion was seconded by Mrs. Smith. After discussion, the motion carried unanimously.

Mr. Viox moved that the Commission waive all but the hard costs for this application based on his belief that the rezoning was in error in 1980. The motion was seconded by Mrs. Smith. After discussion, the motion carried unanimously.

Site Plan Review

A request of Pilot Contracting Corporation (agent) for Metroweb, Inc. (property owner) on more or less than six acres located at the corner of Cox Avenue and Jamike, Boone County for Site Plan Review to permit site grading and building addition. This property is currently zoned Industrial One, I-1.

A request of James N. Gray Construction Company (agent) for the property owners Litton UHS-Conveyor Systems and Litton Automated Manufacturing Systems on a 75 acre tract located at the

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corner of Interstate 275, Ky 237, and Litton Lane, Boone County for Site Plan Review to construct office additions to existing buildings. This property is currently zoned Industrial One, I-1.

A request of D. Brigham Roberts, Architect and Associates (agent) for property owned by Nor-Com, Inc., on a 0.37 acre tract located at 2126 Petersburg Road, Boone County for Site Plan Review to construct a building addition. This property is currently zoned Commercial Two, C-2.

A request of R. E. Schweitzer Construction (agent) for Site Plan Review to construct addition to existing truck stop located at I-75, Richwood, Kentucky.

Chairman Kroger referred the foregoing Site Plan Reviews to Committee for additional study and review.

Site Plan Review - By Leave

A request of Mr. Steve Blank, P. R. Duke and Associates (owner/applicant) was presented orally for site plan review of an out lot of the Florence Plaza on Mall Road for the construction of a building for a location for a Pearl Vision Center. Chairman Kroger noted a check has also been submitted with the application.

Chairman Kroger referred the By Leave item to Committee for additional study and review.

Boone County Comprehensive Plan

Mr. Neltner informed the Commission that the work session on the Comprehensive Plan Reconnaissance had taken place the preceding week. Mr. Neltner added that the Committee hopes to have the Goals and Objectives of the Reconnaissance completed by that date for presentation. Mr. Neltner moved that the Commission set the public hearing date for the review of the Reconnaissance and the Goals and Objectives for August 7, 1985 at 7:00 p.m. The motion was seconded by Mr. Viox. After discussion, the motion carried unanimously.

Administration

Correspondence Received:

A request of the Northern Kentucky Area Development District with regard to the economic data base program which is a project proposed for area counties. Chairman Kroger referred this request to staff for review.

Chairman Kroger stated that the Northern Kentucky Area Development District had written and requested the Planning Commission make recommendations concerning an airport improvement program for the possibility of adding additional fire trucks, etc.

Personnel:

Chairman Kroger stated the Planning Commission's Executive Committee and Administrative Committee had met and was prepared to make recommendations for staff salaries for the year retroactive to July 1, 1985. Chairman Kroger stated the Commission is continuing their employee search to fill employee vacancies.

Chairman Kroger stated the first recommendation is to establish the salary for staff member Chip Block at an annual salary of \$20,000.

Chairman Kroger stated the second recommendation was to establish the salary for staff member Ralph Hopper at an annual salary of \$18,500.

Chairman Kroger stated the third recommendation was to establish the salary for staff member Dee Ann Manley at an annual salary of \$12,000.

Mr. Viox moved that the Commission approve the recommendations for the setting of staff salaries as presented by Chairman Kroger. The motion was seconded by Mr. Neltner. After discussion, the motion carried unanimously.

Chairman Kroger stated the next recommendation was for the renewal of the retention of the law firm of Vincent, Skees & Wilson, Attorneys at Law, and that the retainer be established at \$11,000 per year.

Mr. Viox moved that the Commission approve the annual retainer fee for the law firm of Vincent, Skees & Wilson for legal services. The motion was seconded by Mr. Neltner. After discussion, the motion carried unanimously.

Chairman Kroger extended renewal of the contractual arrangement with Mr. Jim Jenkins as the Planning Commission staff engineer. Chairman Kroger asked Mr. Jenkins if he were willing to continue this arrangement under the current terms and conditions. Mr. Jenkins stated he would.

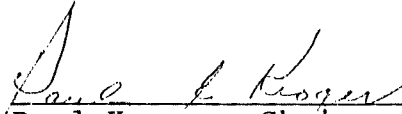
Mr. Viox moved that the Commission approve the contractual arrangement with Mr. Jim Jenkins to continue as Planning Commission Engineer. The motion was seconded by Mr. Davis. After discussion, the motion carried unanimously.

Asst. Director Newton introduced Felix Berry who will be interning with the Boone County Planning Commission during the summer and who is working on the Comprehensive Plan. Mr. Newton commended Mr. Berry for his "invaluable" work.

July 17, 1985

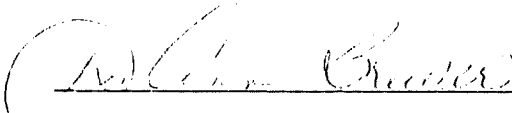
PAGE TWELVE

Mr. Neltner moved that the Commission adjourn.
The motion was seconded by Mr. Jones. The motion carried unani-
mously.



Paul Kroger, Chairman

Attest:



COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: July 17, 1985

RE: Request of Harold W. Walton (property owner) for a Zoning Map Amendment from Suburban Residential One, SR-1 to Suburban Residential Two, SR-2 for a 14.95 acre tract located adjoining Mars Hill Subdivision off of KY. 20, Petersburg Road, Boone County, KY.

REMARKS:

We the Committee recommend denial of this request based upon the following Findings of Fact:

- (1) The applicant has argued that economic changes in the area have occurred justifying this rezoning. However, no market study has been supplied and the only testimony presented has been by a realtor stating that property values for the existing single family units in the area have reduced from their current asking prices.

The committee does not find sufficient reasoning in these comments to support recommending approval of this request.

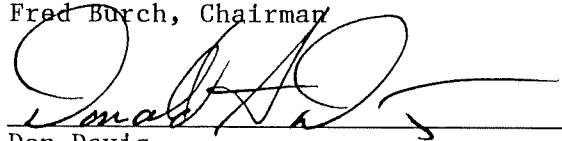
- (2) The applicant stated that the Comprehensive Plan Land Use map supports this request as it indicates planned future land use as being 2 to 8 dwelling units per acre. Therefore, his request has been to seek the maximum of 8 dwelling units per acre on this 14.95 acre tract. The effect of granting this request would be to double the intensity of development over the present zoning of SR-1.

The committee finds that the Comprehensive Plan, also supports the current zoning of SR-1 permitting up to 4 dwelling units per acre. And the text of the Plan does identify that residential development intensity would decrease further away from the community center (being Hebron) on page 3.14 of the Plan.

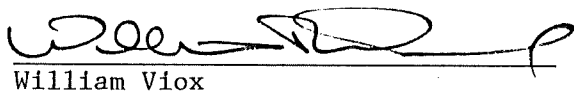
- (3) The committee expresses its concern over the potential access on the development plan from this residential area into an area designated for industrial use. The effect of this access would not serve to buffer the residential development from the planned future industrial land use. Since this serves as the only potential alternative access into the development, it could result in industrial traffic using a single residential subdivision street as access to KY. Route 20.
- (4) It may be possible for this property to be rezoned to a higher intensity than the present zone, but a concept development plan would have to address access concerns, compatibility with existing single family uses in the

vicinity and how it would maintain the character and integrity of the residential subdivision. Also, the plan would have to address how the development would be buffered and act as a buffer from the planned industrial uses to the north.

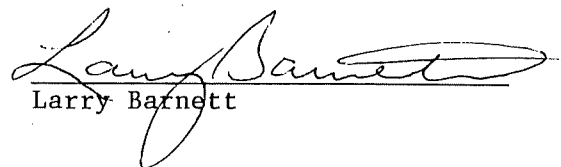
Fred Burch, Chairman



Don Davis

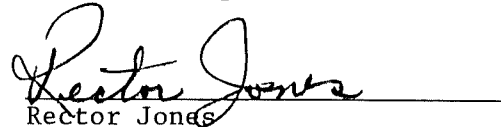


William Viox



Larry Barnett

Melvin Delong



Rector Jones

JOHN WEAVER
COMMISSIONER

IRENE PATRICK
COMMISSIONER

RONALD ROBINSON
COMMISSIONER

TERRY ROBERTS
COUNTY JUDGE/EXECUTIVE

TELEPHONE (606) 334-2240



COUNTY OF BOONE

2950 EAST WASHINGTON SQUARE • BURLINGTON, KENTUCKY 41005

M E M O R A N D U M

DATE: December 31, 1985

TO: Jerry Newton
Director, Boone County Planning & Zoning Commission

FROM: R.M. Mason
Executive Assistant/Personnel Director
Boone County Fiscal Court

RE: Ordinance 920.75 - Harold Walton Zone Change

Attached please find a copy of Ordinance 920.75 as approved by the Fiscal Court with stipulations as reflect within exhibits attached.

Jerry, this Ordinance should be placed in the Ordinance Book which we devised and have on file in your office.

Should you have any questions, please feel free to call me.

attachment - Ordinance 920.75

RMM:dt

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 SUBURBAN RESIDENTIAL ONE TO SUBURBAN RESIDENTIAL TWO FOR PROPERTY LOCATED ADJOINING MARS HILL SUBDIVISION, A 14.95 ACRE TRACT AND AS RECOMMENDED FOR DENIAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. (R-2)-85).

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission to deny a Map Amendment for a zone change from Suburban Residential One to Suburban Residential Two for certain real estate 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 denial of the zone change request, and;

WHEREAS, the Boone County Fiscal Court upon a request from property owner, granted a public hearing relative to the zone change request where upon the Boone County Fiscal Court appointed the Economic Development Coordinator, County of Boone, to review the request and all documentation as had been presented to the Fiscal Court with the property owner and residents as opposed to the zone change, of which a staff report was submitted; 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 approved and adopted, this map amendment being a zone change from Suburban Residential One to Suburban Residential Two. The real estate which is the subject of this zone change recommendation 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")

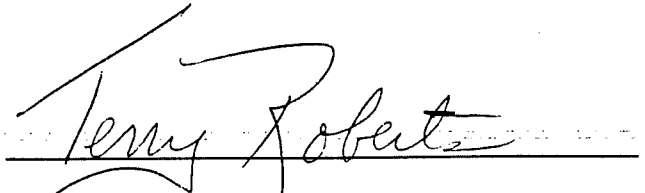
SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Fiscal Court, 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. (ATTACHMENT - EXHIBIT "B" and its attachments - EXHIBIT "C", "D" and "E".

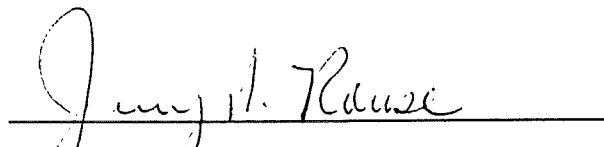
THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given first reading on the 16th day of Oct., 1985.

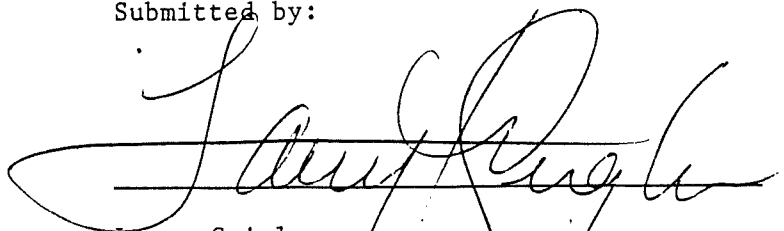
Adopted by the Fiscal Court of Boone County after second reading at a Regular Meeting on the 5th day of Nov., 1985, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.


Terry Roberts
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


Jerry W. Rouse
BOONE COUNTY CLERK

Submitted by:


Larry Crigler
BOONE COUNTY ATTORNEY

11/14/85
(DATE PUBLISHED)

PARCEL ONE - GROUP NO. 2006

Lying and being in the State of Kentucky and County of Boone located on the Northeast side of Kentucky Highway #20 approximately 1.6 miles Northwest of Hebron and is described thus:

Beginning at a post in the right-of-way of Kentucky #20 and being 25 feet from the centerline as measured at right angles and being N. 58-30 W. 542.35 feet from the Southeast corner of the 51 acre tract of which this is a part; thence with said right-of-way N. 58-30 W. 347.5 feet to a stake a corner with the 1.19 acre tract conveyed to Terry D. Gaines and Mary M. Gaines; thence with said tract for two calls N. 31-30 E. 347.9 feet to a stake; thence N. 58-30 W. 146.7 feet to a point in the 5 acre tract; thence with the line of the 5 acre tract N. 29 E. 820.7 feet to a post a corner with the 51 acre tract; thence with same for four calls N. 29-15 E. 264.0 feet to a post; thence N. 55-25 E. 1529.9 feet to a post; thence S. 32 E. 243.0 feet to a post; thence S. 26-30 W. 1564.6 feet to a post a corner with the 13.88 acre tract; thence with same for seven calls N. 61-30 W. 304.0 feet to a post; thence S. 61 W. 99.25 feet to a post; thence S. 56-30 W. 49.0 feet to a post; thence S. 50-30 W. 134.5 feet to a post; thence S. 49 W. 517.5 feet to a post; thence S. 38-10 W. 58.0 feet to a post thence S. 9-10 W. 363.0 feet to the beginning and containing 35.86 acres.

There is excepted from Parcel One the following:

- (a) A 5.011 acre tract conveyed to Hebron Church of Christ, Inc. by Deed dated June 2, 1976 and recorded in Deed Book 218, Page 220 of the Boone County Clerk's records at Burlington, Kentucky.
- (b) All of Mars Hill Subdivision, Section One, as shown in Plat Book 12, Page 35 of the Boone County Clerk's records at Burlington, Kentucky.
- (c) All of Mars Hill Subdivision, Section Two, as shown in Plat Book 15, Page 48 of the Boone County Clerk's records at Burlington, Kentucky.
- (d) All of Mars Hill Subdivision, Section Three, as shown in Plat Book 17, Page 15 of the Boone County Clerk's records at Burlington, Kentucky.

Subject to easements and restrictions of record.

PARCEL TWO - GROUP NO. 1227

Being all of Lot 16, Mars Hill Subdivision, Section One, as shown in Plat Book 12, Page 35 of the Boone County Clerk's records at Burlington, Kentucky.

There is excepted from Parcel Two that part of Lot 16 conveyed to Kentucky Federal Savings and Loan by Deed dated November 22, 1983 and recorded in Deed Book 310, Page 301 of the Boone County Clerk's records at Burlington, Kentucky.

Subject to easements and restrictions of record.

PARCEL THREE - GROUP NO. 1227

Being all of Lot 17, Mars Hill Subdivision, Section One, as shown in Plat Book 12, Page 35 of the Boone County Clerk's records at Burlington, Kentucky.

There is excepted from Parcel Three that part of Lot 17 conveyed to Michael D. Carney and Wife by Deed dated July 14, 1981 and recorded in Deed Book 286, Page 311 of the Boone County Clerk's records at Burlington, Kentucky.

Subject to easements and restrictions of record.

PARCEL FOUR - GROUP NO. 1466

Being all of Lots 22, 23, 27, 29, 31 and 33 of Mars Hill Subdivision, Section Three, as shown in Plat Book 17, Page 15 of the Boone County Clerk's records at Burlington, Kentucky.

Subject to easements and restrictions of record.

PARCEL FIVE - GROUP NO. 1466

Being all of Lot 26, Mars Hill Subdivision, Section Three, as shown in Plat book 17, Page 15 of the Boone County Clerk's records at Burlington, Kentucky.

There is excepted from Parcel Five that part of Lot 26 conveyed to James W. Snyder and Wife by Deed dated July 17, 1980 and recorded in Deed Book 286, Page 313 of the Boone County Clerk's records at Burlington, Kentucky.

Subject to easements and restrictions of record.

PARCEL SIX - GROUP NO. 1466

Being all of Lot 28 of Mars Hill Subdivision, Section Three, as shown in Plat Book 17, Page 15 of the Boone County Clerk's records at Burlington, Kentucky.

There is excepted from Parcel Six that part of Lot 28 conveyed to Lloyd D. House and Wife by Deed dated July 14, 1981 and recorded in Deed Book 287, Page 32 of the Boone County Clerk's records at Burlington, Kentucky.

Subject to easements and restrictions of record.

PARCEL SEVEN - GROUP NO. 1466

Being all of Lot 30 of Mars Hill Subdivision, Section Three, as shown in Plat Book 17, Page 15 of the Boone County Clerk's records at Burlington, Kentucky.

There is excepted from Parcel Seven that part of Lot 30 conveyed to Lloyd D. House and Wife by Deed dated July 14, 1981 and recorded in Deed Book 287, Page 32 of the Boone County Clerk's records at Burlington, Kentucky.

Subject to easements and restrictions of record.

The above described parcels are portions of the original William Roadcup tract of 35.86 acres, as recorded in Deed Book 216, page 93 of the records of the Boone County Clerk at Burlington, Kentucky.

*— requested confirmation of legal description
from property owner, Harold Walton — will
retain, when received, on file in office of
Co. Judge/Executive.
Epperson*

BOONE COUNTY FISCAL COURT
Findings of Fact
Ordinance No. 920.75
re: Harold Walton Zone Change Request
from SR-1 to SR-2
for property - a 14.95 acre tract - adjoining Mars Hill Subdivision

1. The Boone County Fiscal finds that the Map Amendment is in agreement with the Boone County Comprehensive Plan.

2. The stipulations as set forth on the attached and referred to as Exhibit "C" shall be made part of Ordinance No. (920.75). The drawing as attached to Exhibit "C" shall be made part of Ordinance No. (920.75) and referred to as Exhibit "D". Buffer requirements are addressed and referred to as Exhibit "E".

EXHIBIT C

Stipulations for Development of Mars Hill Property

1. Only the area directly north of lots A, B, G and L shall be zoned SR-2.
2. All lots south of the designated buffer zone shall remain zoned SR-1.
3. All vacant lots south of the designated buffer zone shall be developed as single family residences having at least 1200 gross square feet, and having an exterior design similar to existing housing in the subdivision. Also, these single family residences must be set back 50 feet from road right-of-way.
4. A buffer zone of 100 feet in width must be provided for as shown on the attached drawing (outlined in green). No construction is to occur in this area and no development use is to be made of the property.

The present owner of the buffer zone area, Mr. Hap Walton, is responsible for the initial planting of the area as specified and for its maintenance as long as he is the owner. If any portion of the buffer area is sold, deed restrictions must be included specifying that the area is to remain undeveloped and that the new owner is responsible for planting and maintenance.

5. The SR-2 zoned area will contain a maximum of 96 units, which may be any combination of townhouse, duplex, or single family units. Boone County Planning and Zoning regulations shall be followed in development of this area.
6. All townhouses will be of a Williamsburg design and similar to the designs shown in the attached photographs.
7. All streets shall be tree lined, all yards landscaped, and all parking hard surfaced.
8. Sufficient sewer facilities shall be provided to meet the needs of all new development.
9. A four foot wide sidewalk will be constructed by the developer as indicated on the attached drawing at the time that 30 units are constructed in the SR-2 zone.
10. Bethlehem Drive may initially be extended 550 feet from where paving now ends at lot number 21. No further extension of Bethlehem Drive shall occur until Damascus Drive is extended to meet with Bethlehem Drive. This ensures that there are two exits from the SR-2 zoned area.

EXHIBIT D

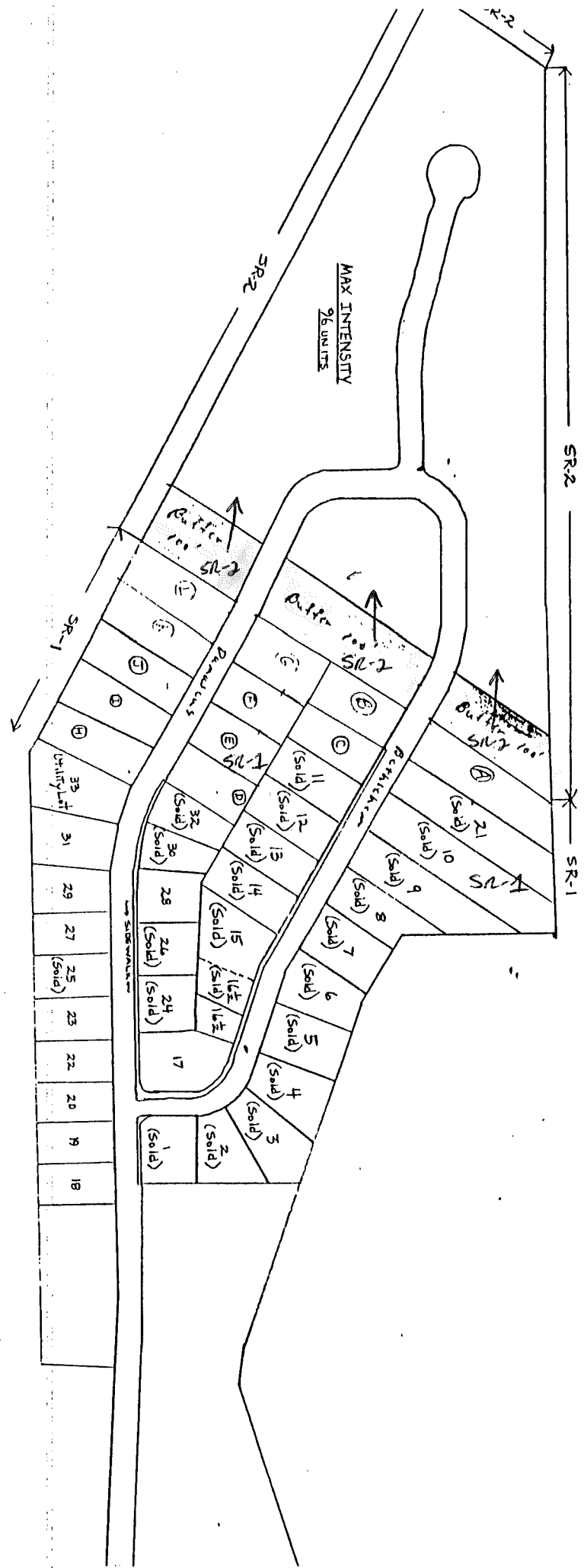


EXHIBIT E

Ordinance No. 920.75
Buffer Requirements

The buffer area as shown on Exhibit "D" shall follow these specifications:

1. Three rows of trees must be planted.
2. The row of trees immediately adjacent to the SR-1 zone must be white pines at least eight (8) feet tall not counting ball and planted fifteen (15) feet apart.
3. The second and third rows shall be deciduous trees at least ten feet tall with trunk diameters of approximately two inches. These shall be planted twenty-five feet apart.

Planting of the buffer zone must occur prior to or in conjunction with development of land adjacent to that portion of the buffer zone. That is:

1. Any development occurring east of Bethlehem Drive will require planting of the portion of the buffer zone east of Bethlehem Drive.
2. Any development occurring in the area between Bethlehem and Damascus Drives or directly north of where the roads meet requires the planting of the buffer zone portion lying between the two drives.
3. Any development occurring west of Damacus Drive requires the planting of the buffer zone portion located west of Damascus Drive.

Buffer requirements are to be enforced through deed restrictions and/or by the Boone County Planning & Zoning Commission, County of Boone, Commonwealth of Kentucky.