

REVIEW NO. _____

APPLICATION FORM ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development DARTMOUTH WOODS
2. Location of Development CONRAD LAKE BOONIE CO.
3. Total Acreage of Site S. 2 AC
4. Current Zoning RS ✓
5. Proposed Zoning (classification being requested) _____
SR-1 ✓
6. Proposed Uses (please specify each use) _____
SINGLE FAMILY DETACHED
7. Name of Applicant(s) _____
Phone Number(s) _____
8. Address of Applicant(s) BUCKINGHAM WOODS INC.
JOHN & CHARLOTTE TAYLOR
City State Zip
9. Name of Property Owner(s) THOMAS & JANE TAYLOR
Phone Number(s) _____
10. Address of Property Owner(s) 1215 HILLTOP DRIVE
COVINGTON KY 40011
City State Zip
11. Proposed Building Intensities (please specify) _____
SR-1
12. Are there any existing buildings on the site? No
How many? _____
13. Deed Book 366 Page No. 76 Group No. 2025
14. Have you had a pre-application meeting with BCPC staff? _____
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

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

EXHIBIT "A"

STAFF REPORT

#1

REQUEST OF BUCKINGHAM WOODS, INC, (APPLICANT) FOR
THOMAS AND JANE TAYLOR (OWNERS) FOR A
ZONING MAP AMENDMENT TO REZONE THE
SITE FROM RURAL SUBURBAN (RS) TO
SUBURBAN RESIDENTIAL ONE (SR-1).

September 25, 1991

This request is for a Zoning Map Amendment on a 5.2 acre site located on the south side of Conrad Lane, east of KY 237, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Suburban Residential One (SR-1).

HISTORY OF THE SITE

This site was previously before the Planning Commission in the form of Subdivision Review. On December 6, 1989, a Preliminary Plat was approved for the 107 lot Dartmouth Woods Subdivision. Attached is a reduction of the Preliminary Plat showing the existing development plans for the 5.2 acres.

SURROUNDING LAND USES AND ZONING

North -	RS, single family residential development
South -	SR-1, developing Dartmouth Woods Subdivision
East -	RS, single family residential development
West -	SR-1, Deerfield Subdivision

EXISTING FEATURES OF THE SITE

The site is part of the developing Dartmouth Woods Subdivision. As an outlot of the subdivision there is an existing residence located along Conrad Lane. The property is vacant, and no significant vegetation is existing. The property slopes away from the Conrad Lane to the south; though no significant change in grade occurs.

Public sewer and water service exist for the property as part of the subdivision development. The original development plan shows that the property will not have access onto Conrad Lane or KY 237. A fire hydrant is located along Conrad Lane, opposite the frontage of the property.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1990 Boone County Comprehensive Plan does not specifically address this site, except the area will continue to "develop in a residential fashion, providing low to high density housing opportunities." The Future Land Use Map shows the property developing in a Suburban Density (SD). The Comprehensive Plan states that Suburban Residential is "residential uses that do not exceed four dwelling units per acre."

The existing RD zone has been in place since the 1970's, as indicated on historical zoning maps. Originally the RS zone represented a buffer that ran along the length of Conrad Lane from Bullitsville to Limaburg Roads. No documentation can be found that indicates why the original zoning was placed on the property.

CONCEPT DEVELOPMENT PLAN

A Concept Development Plan for this property was submitted as part of this application. The plan shows that two additional lots will be created due to the change in zoning district. The plan also shows that no additional access points will result if the change in zoning is recommended.

STAFF CONCERNS

1. The Staff believes that if the zone change is recommended, the outlot along Conrad Lane should also be rezoned SR-1, perhaps as part of the 1991 Zoning Update.

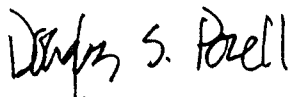
CONCLUSIONS

In conclusion, the Planning Commission should review this application as it relates to Article 3 of the 1986 Boone County Zoning Regulations. Specifically, the use of the following criteria should be used as a basis for a map amendment.

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive plan for the location in question; or
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

Should the request be approved, the 1990 Boone County Comprehensive Plan would not need to be amended.

Respectfully submitted,

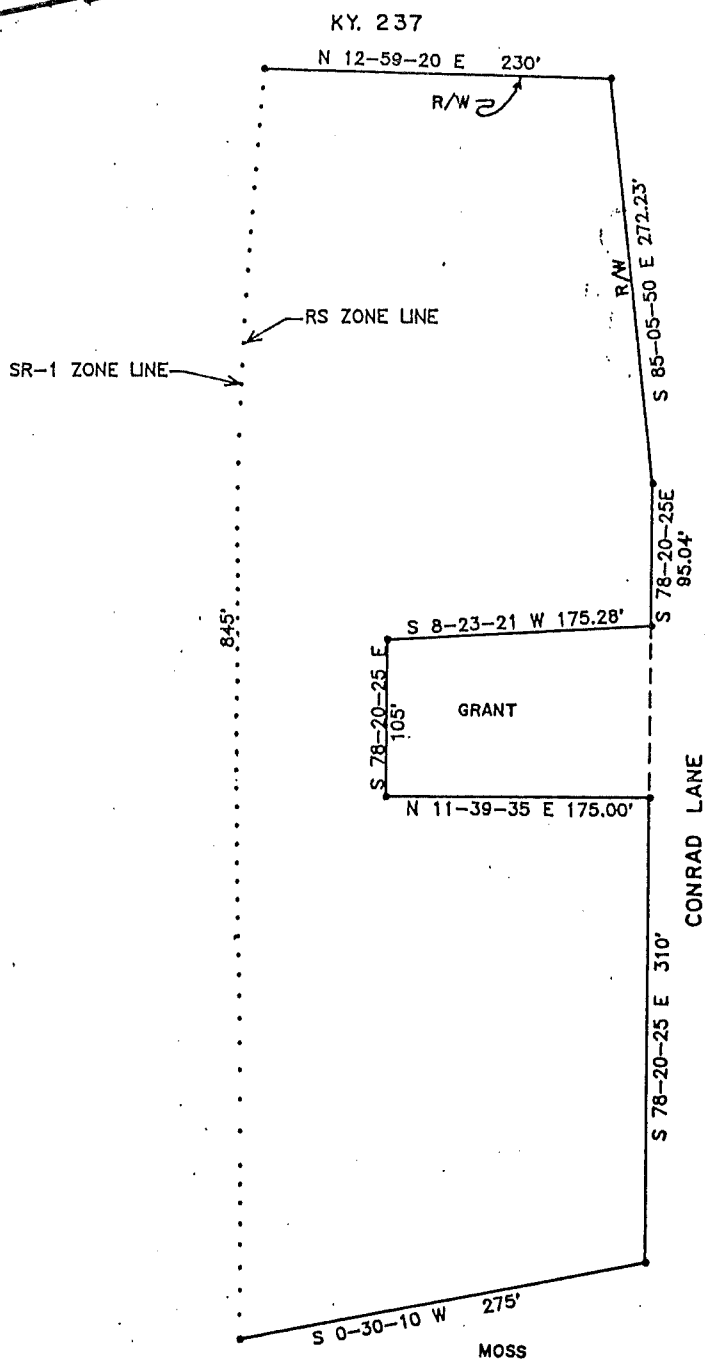


Douglas S. Powell
Senior Planner

DSP:kat



Legal Description



PROPOSED ZONE CHANGE
 FOR DARTMOUTH WOODS
 FROM RS TO SR-1
 BOONE COUNTY, KENTUCKY
 SCALE 1"=100' SEPTEMBER 3, 1991

 **VIOX & VIOX P.S.C.**
 CONSULTING ENGINEERS & SURVEYORS
 466 ERLANGER ROAD
 ERLANGER, KENTUCKY 41018
 PHONE: (606) 727-3293

JAMES MOSS
DB. 305 Pg. 246

Existing
Boundary

RS ZONING
SR-1 ZONING

Commission
(ground)
is required.
ways (N.Y. 337)

Lines Between
East &
South Drive

Water Main
Conrad Lane

Outlet
TAPPING SLEEVE
& VALVE

LANE

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N 11°39'35"E 175.00'

N 12°59'20"E 643.19'

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OWNER & DEVELOPER
TAYLOR/VOTEL
P.O. BOX 172
FLORENCE, KY. 41042

JAMES MOSS
DB. 305 Pg. 246

Proposed plan

*SHIPPED
CONRAD LANE*

Commission
(ground)
ion

as required,
of Highways

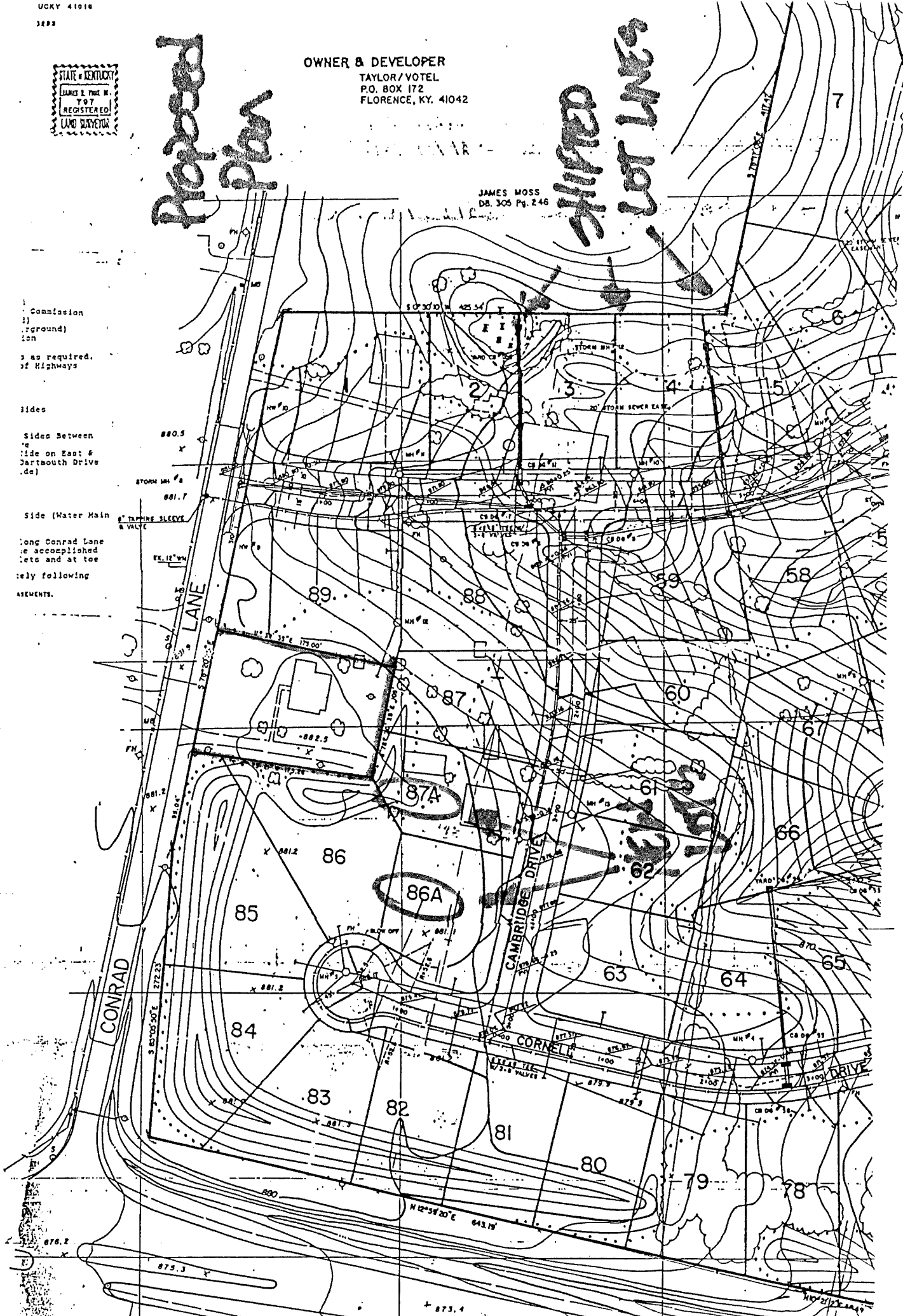
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Sides Between
Side on East &
Dartmouth Drive
(da)

Side (Water Main
8" TRAPPING SLEEVE
& VALVE

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ASEMENTS.



CONRAD LANE

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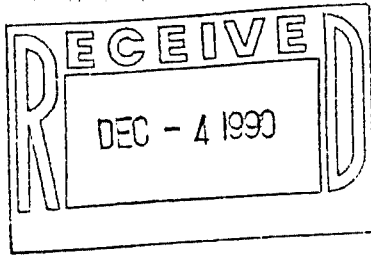
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November 30, 1990

Boone County Planning Zoning
2950 Washington Street
Burlington, Ky. 41005

Attn: Kevin Costello

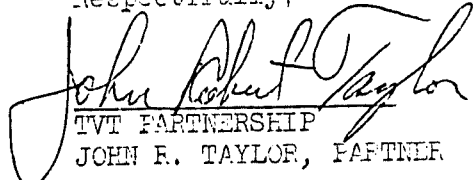
Dear Kevin,

Currently, approximately 5 acres of the 50 acres we own at the corner of Conrad Lane and Hwy. 237 is zoned SR. The remaining 45 acres is zoned SR-1. We request that the entire 50 acres be zoned SR-1.

Originally when the SR zoning was applied to the 5 acres, we do not think it was anticipated that sewers, water, etc. would be available in this area. With the development of Deerfield on the other side of Hwy. 237, sewers and all other utilities are now available to the area. We would like to develop the entire 50 acres as single family residential with all utilities, therefore we think the SR-1 zoning is the correct zoning. Additionally it makes no sense to have one/tenth of a parcel zoned SR with the remaining nine/tenths zoned SR-1. The land all lays the same, and there are no natural obstacles to prevent the entire parcel being developed together. Therefore, we would like to request the SR-1 zone for the entire 50 acres, particularly in light of the fact that all utilities are now available in the area.

We appreciate your consideration of this matter. If you have any questions or need additional information, please call.

Respectfully,


TWT PARTNERSHIP
JOHN R. TAYLOR, PARTNER

JRE/bb

BOONE COUNTY PLANNING COMMISSION

September 25, 1991
7:00 P.M.

PUBLIC HEARING

Mr. Fred Burch, Vice Chairman, called the meeting to order at 7:00 P.M..

Following an explanation of the Public Hearing process, Mr. Burch introduced the item on the agenda:

1. Applicant: Buckingham Woods, Inc. for
Thomas and Jane Taylor (owners)
Request: Zoning Map Amendment

The request of Buckingham Woods, Inc. (applicant) for Thomas and Jane Taylor (owners) for a Zoning Map Amendment on a 5.2-acre site located on the south side of Conrad Lane, east of KY 237, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Suburban Residential One (SR-1).

Staff Member, Doug Powell, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Burch asked if the applicant was present.

Mr. Jon Votel stated that he was speaking in behalf of the applicant, Buckingham Woods, Inc., and that he is a part-owner of the subject property. Mr. Votel stated that their original Preliminary Plat showed 107 lots and the rezoning would increase that number to 109 lots. He stated that of the fifty acres, only five acres is zoned RS, and the balance is zoned SR-1. Using the slides shown by Mr. Powell, he reviewed their proposal. He stated that there had been concern about the property owners along Conrad Lane. He indicated Lots #1 and #89, which are large lots fronting on Conrad Lane. These two lots will remain the same size. Mr. Votel indicated the location of lots that front on the interior street and back up to Conrad Lane. These lots will have a large berm behind them. These lots will not be seen from Conrad Lane and will be only slightly smaller than they were before. Their net gain is two lots. Mr. Votel added that under the Comprehensive Plan this area could be developed at 4 units per acre and their plan is for 2.5 units per acre.

Mr. Burch asked if there was anyone else present who wished to speak in behalf of this application. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Mary L. Cummings stated that she owns the acreage across the street and has a single-family house there. They built their house before KY 237 went through because they thought they would be in an area that would grow that

there would be nice houses with some room there. They moved there from a subdivision. Mrs. Cummings stated that all of this trouble is to gain them two more lots, and decreasing the value of her property to give them that. This change will devalue her property. It will bring down the values of the properties in the area. There are big houses in the area now.

Mr. Bob Grant stated that he is a newcomer to Boone County after retiring from the Navy. He chose Boone County because it is a nice place to live. He indicated his home, near the center of the slide, and stated that he purchased it in March, 1991. Before buying his home, Mr. Grant went to the Planning Commission office and looked at the plans to see what was planned for the Drees Subdivision. This information was important to him in making his investment. He stated that economics is behind this rezoning and it is counter to what the area is like. They were seeking a rural community. He stated that on Conrad Lane they do not have the built up area that is in the Drees development. He noted that on the Preliminary Plans there were large lots around the property he was buying and he was told at that time that the Drees homes would be \$150,000 and up. Then a sign went up that says that the homes are \$110,000. He feels that this is a disservice to the area. The cul-de-sac already does not have much room for parking and this change would aggravate that situation. The property as it is currently zoned is what he selected and is in his best interest.

Mr. Howard Ragenbogen stated that he has property on the opposite side of KY 237. The Drees Elkwood Subdivision is across from his house. The green area gets no attention and he questioned whose responsibility it is to maintain it.

Mr. Powell advised that Mr. Ragenbogen was referring to Deerfield Subdivision at the southwest corner of KY 237. Those berms are within the property owners' lots and would be the responsibility of the homeowners. Counselor Wilson advised that if an area gets bad enough to be a nuisance, some cities will send out the Public Service Department to do the maintenance and bill the property owner, or notify the property owner that it should be done. Mr. Kirby stated that this action is available through the county. Counselor Wilson advised that the county would have to determine that the condition warrants their attention and suggested that Mr. Ragenbogen contact the Fiscal Court and they can direct him to the proper department.

Mr. Votel stated that the Zoning Regulations would allow 65-foot frontage lots. If they went with 65-foot frontage lots on the SR-1 area, they could pick up another 30 lots. For every lot with 65-foot frontage vs. 90-foot frontage, they could pick up another one-half lot. They could end up with 140 to 150 lots. They are not out there for strictly economics and are trying to develop a nice subdivision compatible with the neighborhood. There are 90-foot lots. Drees is building the houses and they will be upper-end houses. The sign says \$110,000, but there are very few houses there less than \$150,000. They will leave the lots on Conrad Lane as they are. One of those lots is already sold and the other is already platted. Those lots cannot be changed at this point.

Mr. Kirby stated that he read that the price range of the houses is \$110,000 to \$180,000. Mr. Votel stated that this is correct.

Mr. Kirby stated that if there were one or two more lots in the development, the price of the homes would still be the same. Houses from \$110,000 to \$180,000 do not devalue the surrounding property. The original plat shows five lots fronting on Conrad Lane and the new plan only has four lots fronting on Conrad Lane. Mr. Kirby stated that he believes they have considered what Conrad Lane is going to look like.

Mr. Votel stated that the lots on Conrad Lane will correspond to the RS zoning.

Mr. Powell stated that he tried to determine when the existing zoning line was placed there. He found that back in the 1970's there was a band of RS zoning following Conrad Lane from Bullittsville to Limaburg Road. The zoning is 230 feet on the KY 237 side and 275 feet on the east side back from Conrad Lane.

In response to a question from Mr. Burch, Mr. Votel advised that the lots average 150 to 155 feet deep.

Mr. Burch advised that he is on the Committee for the Comprehensive Plan Update and if this zone change is approved, there will be a "notch" in it leaving the Grant's property at the old zoning. Mr. Burch asked Mr. and Mrs. Grant if they would want to change their property to SR-1.

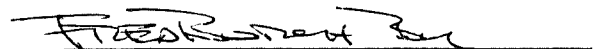
Mr. Grant stated that he feels that the street should be the same zone on both sides. If the zone is changed, the whole area should be changed. He believes that the zoning line is in the proper place as it is. If the line is going to be moved, then the whole area should be SR-1. He referred to the plan and stated that Lots #2, #88, #87A, and #86A are becoming smaller. There is an impact and there is a difference. When he evaluated buying this property, the lots around him were consistent. He stated that it does not make sense to chop out this section and leave his property and the property across the street as RS.

In response to a question from Mrs. Cummings, Mr. Votel advised that the house on Lot #1 is being built on the corner and will face Dartmouth Drive.

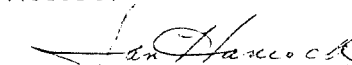
Mrs. Cummings stated that the berm area will be another weed patch. It will be another border that will stick up and nobody will take care of it.

There being no further comments, Mr. Burch stated that this item will be on the Agenda for the Business Meeting on October 2, 1991 at 8 P.M. and closed this Public Hearing.

APPROVED:


Fred Burch, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

October 2, 1991 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. R. N. Greene
Mr. Rector Jones
Mr. Robert Kirby, Jr.
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Melvin DeLong
Mr. Don McMillian, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received a copy of the Minutes of the Business Meeting of September 18, 1991 and the Public Hearing of September 25, 1991. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Kirby moved that they be approved as mailed. Mr. Jones seconded the motion and it carried unanimously.

Mr. Neltner noted that Mr. Erpenbeck had been verbally asked to remove an off-premise sign in a residential zone and suggested that it may be appropriate for the Staff to follow up on this with a letter.

Mr. Damstrom advised that this problem has been resolved.

UNFINISHED BUSINESS:

At this time, Chairman Viox advised that he had provided services in regard to Agenda Item No. 4 and would abstain in regard to this request. Mr. Neltner chaired the meeting at this time.

1. Zoning Map Amendment

The request of Buckingham Woods, Inc. (applicant) for Thomas and Jane Taylor (owners) for a Zoning Map Amendment on a 5.2-acre site located on the south side of Conrad Lane, east of KY 237, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Suburban Residential One (SR-1).

Staff Member, Doug Powell, read the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

Mr. Kirby moved by resolution to Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Jones seconded the motion.

There being no discussion, Mr. Neltner asked for a vote on the motion made by Mr. Kirby which found all voting members in favor. Chairman Viox abstained. The motion carried.

At this time, Chairman Viox again chaired the meeting.

2. Site Plan Review

The request of North American Properties (applicant) for B & J Development Company (owner) for site Plan Review to construct a 4,000 sq. ft. addition to the Village at the Mall project located on the east side of Mall Road, Florence, Kentucky. The one-acre site is zoned Commercial Two (C-2).

Mr. Kevin Costello, Assistant Director, presented the Staff Report which recommended deferral of the request (see Staff Report).

Mr. Costello read the Committee Report which recommended deferral of the request until the November 6, 1991 Business Meeting based on the Staff Report (see Committee Report).

Mr. Greene moved that the request be deferred until the November 6, 1991 Business Meeting based on the Staff and Committee Reports. Mr. Neltner seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Melvin DeLong, Chairman

DATE: October 2, 1991

RE: Request of Buckingham Woods, Inc. (applicant) for Thomas and Jane Taylor (owners) for a Zoning Map Amendment on a 5.2 acre site located on the south side of Conrad Lane, east of KY 237, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Suburban Residential One (SR-1).

REMARKS:

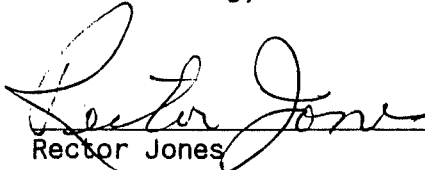
We, the Committee, based on the statements made and facts gathered at the September 25, 1991 Public Hearing, recommend approval of this request based on the following Findings of Fact:

Finding of Fact

1. The proposed use of this property is in conformance with the 1990 Boone County Comprehensive Plan. The Future Land Use Map calls for the property to develop as Suburban Density. The development of this site, as indicated by the Concept Development Plan, will be substantially less than the four dwelling units per acre that could be developed.

A copy of the Public Hearing minutes accompanies the finding and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

Melvin DeLong, Chairman



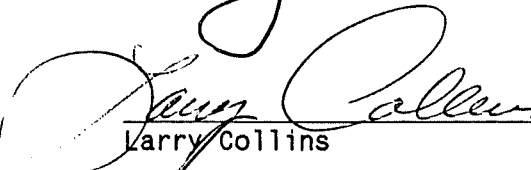
Rector Jones

Fred Burch




Barry Neltner

Carol Smith



Larry Collins



Phil Damstrom

MD:kat

Boone County Recorder

11-27-91

LEGAL NOTICE
ORDINANCE NO. 920.231

The Boone County Fiscal Court at its meeting held Tuesday, November 19, 1991, at 4:00 P.M., third floor courtroom, Administration Building, Burlington, Kentucky, gave Second Reading at 5:30 P.M. and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY BUCKINGHAM WOODS, INC. (APPLICANT) FOR THOMAS AND JANE TAYLOR (OWNERS) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS) TO SUBURBAN RESIDENTIAL ONE (SR-1) ON A 5.2 ACRE SITE GENERALLY LOCATED ON THE SOUTH SIDE OF CONRAD LANE, EAST OF KENTUCKY 237, BOONE COUNTY, KENTUCKY AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-91-021-A.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the County Judge/Executive and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK
P.O. #FC 36990

BRUCE FERGUSON
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY