

OCT 7 1991

RECEIVED ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development N/A
2. Location of Development MT. ZION ROAD AND GUNPOWDER ROAD
3. Total Acreage of Site 14.4 ACRES
4. Current Zoning 1/2 IS CURRENTLY ZONED RS; 1/2 IS CURRENTLY ZONED A-2
5. Proposed Zoning (classification being requested) RS
6. Proposed Uses (please specify each use) 1 ACRE TO BE USED FOR RESIDENTIAL PURPOSES; REMAINDER TO BE USED FOR HORSES AND CONSTRUCTION OF NEW HOUSE.
7. Name of Applicant(s) HANS PHILIPPO AND CINDY PHILIPPO
Phone Number(s) 282-1424
8. Address of Applicant(s) 9764 WINDSOR WAY
FLORENCE KENTUCKY 41042
City State Zip
9. Name of Property Owner(s) SAME AS ABOVE
Phone Number(s) SAME AS ABOVE
10. Address of Property Owner(s) SAME AS ABOVE
City State Zip
11. Proposed Building Intensities (please specify) EXISTING RESIDENCE TO REMAIN ON ONE ACRE PARCEL WHICH WILL BE SOLD. EXISTING BARN WILL REMAIN ON REMAINDER OF TRACT TO BE USED FOR APPLICANT/OWNER'S HORSES AND CONSTRUCTION OF NEW HOUSE.
12. Are there any existing buildings on the site? YES
How many? TWO - ONE HOUSE, ONE BARN
13. Deed Book 457 Page No. 189 Group No. 2047
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:

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

APPLICATION FORM
ZONING MAP AMENDMENTS

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

SECTION B (To be completed by BCPC Staff)

1. Date Received 10-7-91
2. Fee Received \$ 852.40 R 7169
3. Check what has been submitted:
 Application Fee Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
- _____ No. of copies of plan received**
4. Is application complete? Yes _____ No
5. Staff Reviewer Cindy Moore
6. Committee Chairman Phil Wainstam
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 Approval
 Approval With Conditions
 Disapproval
9. Other: _____

** FIVE (5) COPIES ARE REQUIRED

BCPC: 7/11/88

[Signature]
APPLICANT

DATE: 10/4/91

Cindy Philipps
APPLICANT

DATE: 10/4/91

EXHIBIT "A"

STAFF REPORT

REQUEST OF HANS AND CINDY PHILIPPO FOR A ZONING MAP AMENDMENT FROM AGRICULTURAL ESTATE (A-2) TO RURAL SUBURBAN (RS)

November 20, 1991

This is the request of Hans and Cindy Philippo for a Zoning Map Amendment to change to current zoning designation of Agricultural Estate (A-2) to Rural Suburban to allow the existing single-family residence with a one (1) acre parcel to be divided from the remaining tract. The 14.4 acre tract, located at the northwest corner of Gunpowder Road and Mt. Zion Road, Union, Kentucky and is owned by Hans and Cindy Philippo. Approximately one-half of the 14.4 acre tract is currently zoned RS and the other half of the tract is zoned A-2. At this time, the applicant is requesting that the entire 14.4 acre tract be zoned RS.

If this request is ultimately approved by the Boone County Fiscal Court, the applicants have indicated to Staff that they plan to construct a second home on the property as their own residence. They would retain the remaining acreage and one of the existing barns for keeping their own horses.

Surrounding Land Uses and Zoning

The property to the north is also zoned both A-2 and RS. Suburban Residential One (SR-1) zoning districts are located directly to the east and south of this site. The property immediately to the west is zoned RS. Land uses of the adjacent properties include:

- North: Churchill Drive, Low Density Residential (Gunpowder Estates Subdivision)
- South: Low Density Residential (including Hampton Estates Subdivision)
- East: Farmland and Low Density Residential
- West: Farmland and Low Density Residential

Site Features

The Philippo property slopes gently down from the center of the 14.4 acre tract to Mt. Zion Road and Gunpowder Road. Soils on the property include Lindside silt loam (Ln), Newark silt loam (Nk), Jessup silt loam (JeC), and Faywood silty clay loam (FdD3). The Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky lists all four varieties of soil as severe in their capability of supporting a septic tank filter. The JeD and FdD3 varieties are rated severe due to their slow permeability and the Ln and Nk varieties are rated severe due to their subject to flooding.

Currently, four structures are located on the 14.4 acre tract including a single family dwelling unit, a shed, and two barns. All four structures are located on the eastern half of the site. The remaining portion of the property is primarily used as a pasture for horses.

Relationship to Comprehensive Plan

The Boone County Comprehensive Plan Future Land Use Map indicates that the future use of the property to be Rural Density Residential (RD), which the text describes as "residential uses that so not exceed one dwelling unit per acre. This includes isolated houses with no connecting agricultural uses, but does not include solitary farm residences." The A-2 district requires a 80,000 square foot parcel per residence, whereas the RS zoning district requires 20,000 square foot parcel per residence. (p. 199)

This portion of Boone County is referred to as the Union Area and is further described in Chapter 12, Land Use, of the Comprehensive Plan:

"This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature and growth associated with the City of Florence. Most of the residential development should be of Suburban or Rural Density. New subdivisions should be developed with connecting roads, providing alternative routes for residential traffic and decreasing the impact on major roadways." (p. 216)

" The construction of the Mt. Zion Interchange will provide an alternative route to I-71/75, the more urbanized portions of Norther Kentucky, and the Greater Cincinnati area. Improvements to Mt. Zion Road, between Union and the interchange, would be accompanied by infrastructure provisions, in the form of water and sewer service, to accommodate the anticipated residential growth. (p. 216 & 217)

Staff Concerns

1. Under the current Boone County Zoning Regulations, if this request is granted and the entire 14.4 acre tract is rezoned to RS, the applicant may be able to construct up to 29 additional single-family dwelling units on the property. This intensity of development does not agree with the future land use designation of RD as described above.

Conclusion

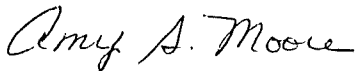
The Boone County Planning Commission must evaluate this and all zoning map amendments in terms of the three Findings of Fact prescribed in Article 3 of the

Boone County Zoning Regulations, namely:

1. The map amendment is in agreement with the adopted comprehensive plan; 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 Boone County Planning Commission recommend, and the Fiscal Court ultimately approve, this request for a Zoning Map Amendment, the Planning Commission should consider altering the Boone County Comprehensive Plan.

Respectfully submitted,



Amy S. Moore
Planner I

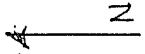
ASM:kat

PHILIPPO CONCEPT DEVELOPMENT PLAN

Phase I

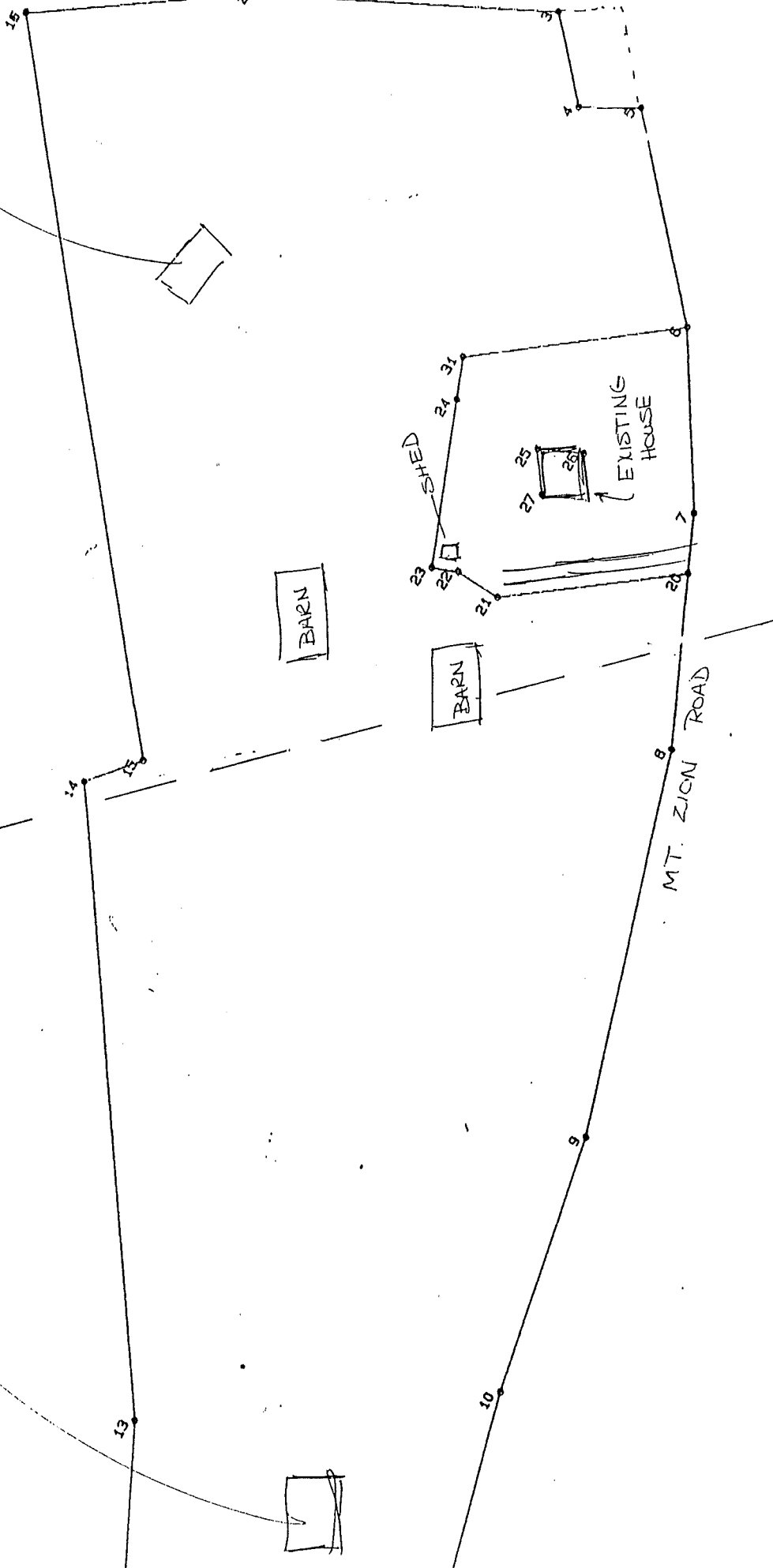
RS

A-2



Phase II

GILKINSON PMA



BARN

BARN

SHED

EXISTING HOUSE

MT. ZION ROAD

13

14

15

16

17

18

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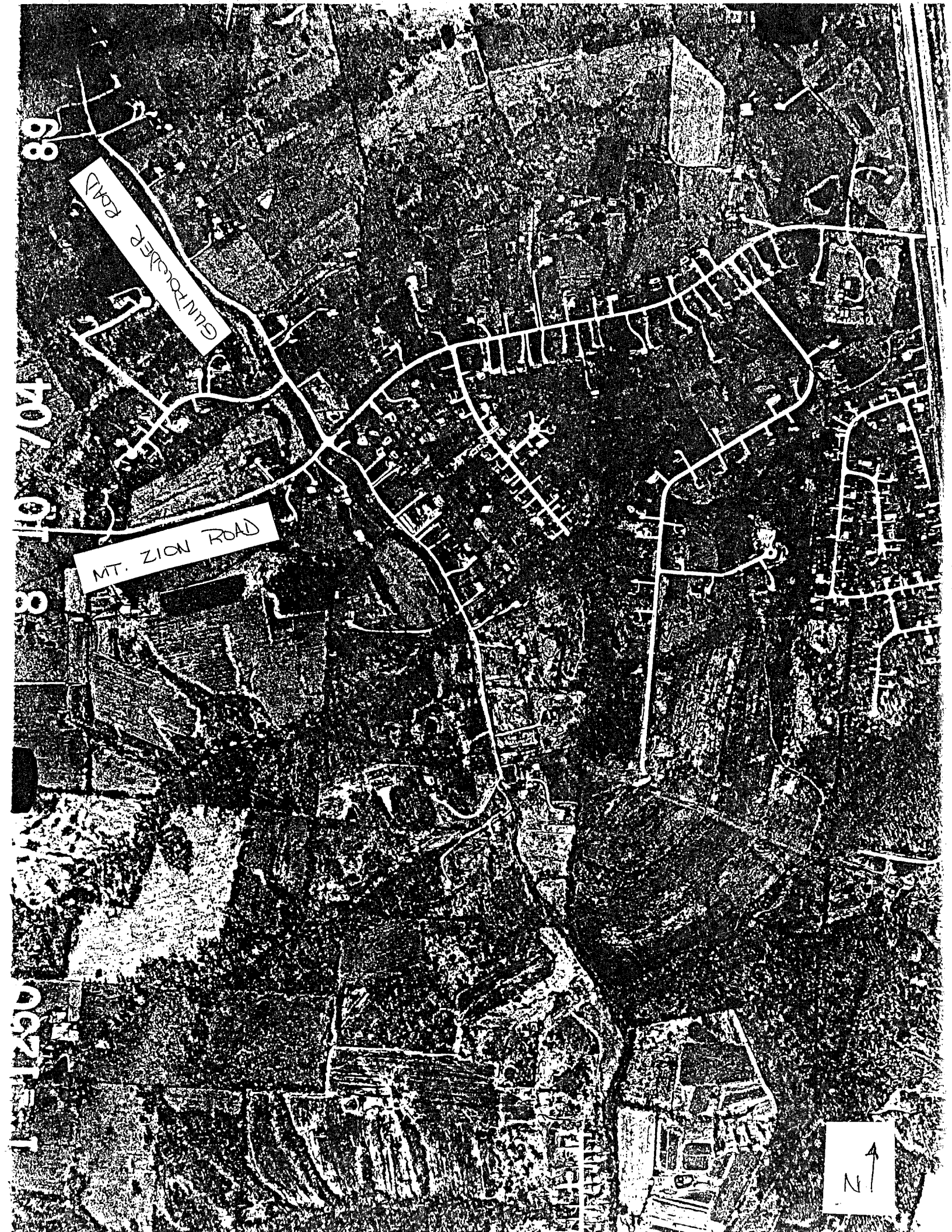
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89

GANTBORDER ROAD

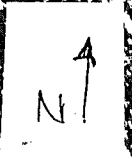
704

8

MT. ZION ROAD

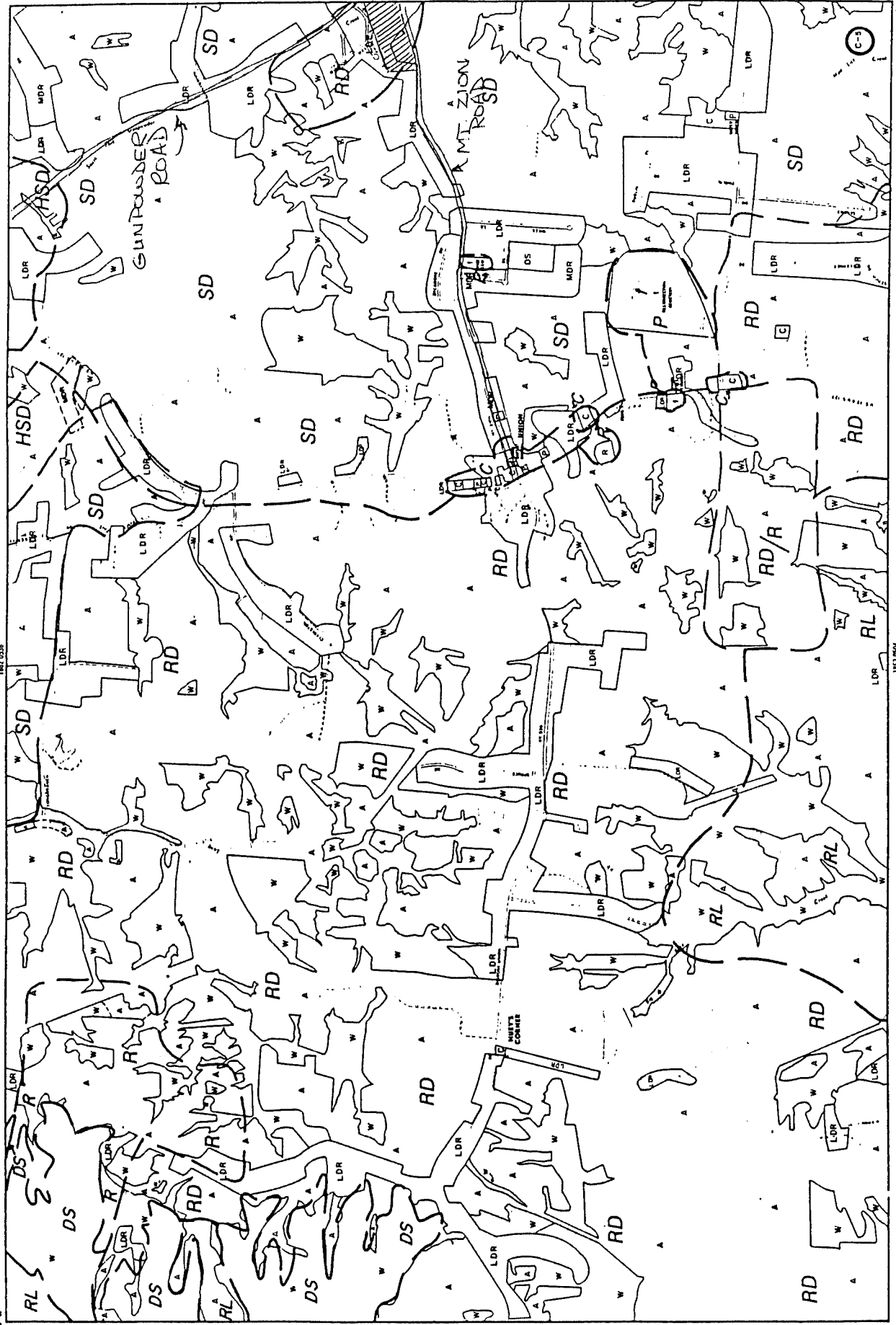
1200

POST



FUTURE LAND USE MAP

1862-0520



BOONE COUNTY PLANNING COMMISSION

November 20, 1991
7:00 P.M.

PUBLIC HEARING

Mr. William Viox, Chairman, called the meeting to order at 7:10 P.M..

Following a review of the Public Hearing process, Chairman Viox introduced the item on the Agenda:

1. Applicant: Hans and Cindy Philippo (owners)
Request: Zoning Map Amendment

The request of Hans and Cindy Philippo (owners) for a Zoning Map Amendment on a 14.4-acre site located on Mt. Zion Road, west of Gunpowder Road, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban (RS).

Staff Member, Amy Moore, presented the Staff Report which included a slide presentation (see Staff Report). Mrs. Moore noted a correction to the last paragraph of the Staff Report. It is the City of Union, not the Fiscal Court, that would ultimately approve the request.

The applicant, Mr. Hans Philippo, stated that the reason for the change is that he wants to sell an acre of property to his sister-in-law.

Mr. Mike Sketch, attorney for the applicant, indicated the location of the property on the map. He indicated the areas zoned A-2 and those zoned RS. He noted the location of an adjacent subdivision. He stated that the only goal the Philippo's had when they started this process was to sell off property to the sister-in-law and to build a house for themselves. They want an acre parcel for the existing house. He stated that the Staff advised them to extend the RS zoning for this purpose. They are not opposed to a stricter density requirement as there are no other plans. They want to move the process along and do not want another public hearing held as they are applying for financing. He asked that a change made by the Planning Commission not be great enough to require another Public Hearing. He stated that everything surrounding the property is subdivision.

Chairman Viox asked if there was anyone else present who wished to speak.

Mr. Frank Pierce, 1123 Churchill Drive, lives right behind the site. He is concerned that Mr. Philippo will sell the property and then someone else could build 29 residences on the property.

Mr. Filippo stated that the property right behind the Pierce's house is the property that is already zoned RS. It is the other side of the property that he wants to change and sell to his sister-in-law.

Mr. Dean Shupe, Gunpowder Road, stated that he would be concerned if the Filippo's would sell or change their intentions. He stated that 29 additional units would be out of keeping with the neighborhood. He stated that an additional acre would not be a major hardship on the Filippo's and they could transfer two acres to their sister-in-law instead of one. There are other ways to solve the problem without prejudicing the current zoning of the land.

Mr. Floyd Sharp questioned the Filippo's objection to selling their sister-in-law two acres instead of one. He noted that they would still have 12 acres left to build a home on.

Mr. Filippo stated that their sister-in-law would have to pay them more and there is consideration of her finances.

Mr. Sketch stated that selling two acres to the family member is not the way to resolve the issue. The surrounding property is zoned RS and they are asking for an expansion of that zone. They suggested RSE to the Staff, which would be one dwelling unit per acre. The Staff said "no, the property around it is zoned RS and it should go RS". They do not have a problem with one house per acre. If they wanted to sell two acres, they would not have signed the application and paid the application fee. The two acres is not a workable solution.


Counselor Wilson stated that the minimum lot size in the RS zone is five acres. There is already RS zoning there. He questioned if the applicant was willing to have less than all of the remaining land zoned RS. He asked if the balance would be enough to meet the A-2 zoning district size of 20 acres. He asked if one acre out of seven is added to the existing RS district and the remaining six acres of A-2 zoning is added to the A-2 Zone in the area, would it meet the minimum 20-acre zoning district. If so, he could just change one acre to RS. Mrs. Moore stated that they would have to figure out the acreage. Counselor Wilson stated that if this can be done, they do not have to have another Public Hearing.

Mr. Sketch stated that their goal is to parcel off one acre with the house on it.

Mr. Filippo stated that the one acre he wants to sell off is in the middle of the A-2 Zone, it is not adjoining the RS Zone. He emphasized that he does not intend to do anything else.

Chairman Viox asked if there was anyone else present who wished to speak. There being no response, and there being no further comments from the Commissioners, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on December 4, 1991 at 8 P.M.. If the Committee is ready at that time, action will be taken; if not, the item will be recommended for deferral. Chairman Viox closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

December 4, 1991

8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Robert Kirby, Jr.
Mr. Don McMillian, Secretary/Treasurer
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. Lawrence Collins

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received a copy of the Minutes of the Public Hearing and the Business Meeting of November 20, 1991. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Sharp moved that they be approved as mailed. Mrs. Smith seconded the motion. A vote on the motion found all voting members in favor. Mr. Kirby was not yet present. The motion carried.

6. Preliminary Development Plan and Site Plan Review

The request of James W. Berling, P.E. (applicant) for Hechinger (owner) for Preliminary Development Plan Review and Site Plan Review to construct an 86,000 sq. ft. Home Quarters Warehouse at Thoroughbred Boulevard and Turfway Road, Florence, Kentucky. The 10-acre site is zoned Commercial Two/Planned Development (C-2/PD).

Mr. Jones moved that Agenda Items #2, #3, #4, and #6 be deferred as recommended above. Mr. McMillian seconded the motion. A vote on the motion found all voting members in favor. Mr. Kirby was not yet present. The motion carried.

1. Zoning Map Amendment

The request of Hans and Cindy Philipppo (owners) for a Zoning Map Amendment on a 14.4-acre site on Mt. Zion Road, west of Gunpowder Road, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban (RS).

Assistant Director, Kevin Costello, read the Committee Report (see Committee Report). Mr. Costello stated that the subject property is located in the City of Union and the Commission's recommendation should be sent to the City Council in Union.

There being no discussion of the request, Mr. Greene moved by resolution to the City of Union that the request be approved based on the Staff and Committee Reports. Mrs. Smith seconded the motion and it carried unanimously.

5. Site Plan Review

The request of James W. Berling (applicant) for CPX Design/Building Group, Inc. (owner) for Site Plan Review to construct a 2,430 sq. ft. building addition to Specialty Foods, Inc. at 2791 Circleport Drive, Boone County, Kentucky. The 3.4-acre site is zoned Industrial One (I-1).

Mr. Costello presented the Staff Report (see Staff Report).

Mr. Costello read the Committee Report which recommended approval of the request based on the Staff Report (see Committee Report).

There being no discussion, Mr. DeLong moved that the request be approved based on the Staff and Committee Reports. Mr. Kirby seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: December 4, 1991

RE: Request of Hans and Cindy Philippo (owners) for a Zoning Map Amendment on a 14.4 acre site located on the Mt. Zion Road and west of Gunpowder Road, ~~Boone County~~^{Union}, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Rural Suburban (RS).

REMARKS:

We, the Committee, based on the statements made and facts gathered at the November 20, 1991 Public Hearing, recommend approval of this request based on the following Findings of Fact:

Findings of Fact


1. The Committee believes that the current zoning of Agricultural Estate (A-2) is inappropriate due to the permitted densities of the residential zoning districts to the east, south, west and a portion of the north. The density permitted under the Rural Suburban zoning classification (approximately two dwelling units per acre) is in keeping with permitted development in the surrounding area of two to four dwelling units per acre.
2. The Committee also believes that the request corresponds with references made in the Boone County Comprehensive Plan regarding the future residential development and density in this area:

"This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature and growth associated with the City of Florence. Most of the residential development should be of Suburban or Rural Density." (p. 216)

Additional references to the Comprehensive Plan are made in the Staff Report.

3. Thirdly, the Committee believes that the impact of any future development not anticipated on this site will be controlled by the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

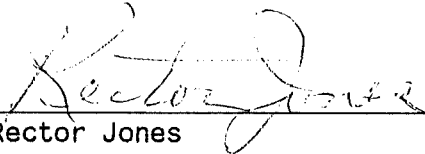
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



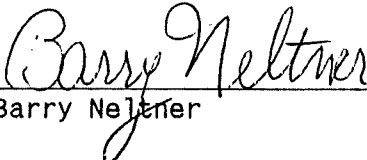
Phil Damstrom, Chairman

Fred Burch

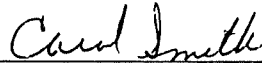
Larry Collins



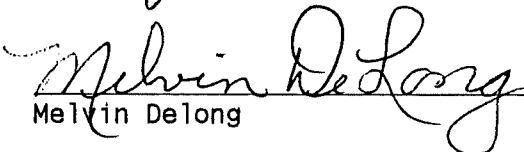
Rector Jones



Barry Neltner



Carol Smith



Melvin DeLong

PD:kat

Boone County Recorder

3-4-92

ORDINANCE NO. 92-004

ORDINANCE ADOPTING RESOLUTION NO. R-91-024-A, PASSED BY THE BOONE COUNTY PLANNING COMMISSION ON DECEMBER 18, 1991, SAID RESOLUTION APPROVING A ZONING MAP AMENDMENT TO THE BOONE COUNTY (UNION), KENTUCKY ZONING MAP, AND BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO RURAL SUBURBAN (RS) ON A 14.4 ACRE SITE GENERALLY LOCATED ON MT. ZION ROAD AND WEST OF GUNPOWDER ROAD, UNION, KENTUCKY.

Be it ordained by the City of Union, Kentucky;

SECTION I

In compliance with the requirements of Chapter 100 of the Kentucky Revised Statutes, the City of Union, Kentucky, hereby adopts Resolution R-91-024-A, passed by the Boone County Planning Commission on December 18, 1991, and further approves, adopts and amends the Boone County (Union), Kentucky Zoning Map on a 14.4 acre site located generally on Mt. Zion Road and west of Gunpowder Road in Union, Kentucky, presently owned by Hans Philipppo and Cindy Philipppo, his wife, said map amendment for the said 14.4 acre site constitutes a zone change from Agricultural Estate (A-2) to Rural Suburban (RS).

SECTION II

This Ordinance shall be in full force and effect when passed and published according to law.

PASSED and APPROVED on First Reading this 13th day of January, 1992.

PASSED and APPROVED on Second Reading on the 10TH day of FEBRUARY, 1992.


WARREN MOORE, Mayor

ATTEST:


NANCY SELLERS, Clerk