

FEB 23 1993

REVIEW NO. _____

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development PARLOR GROVE ESTATES
2. Location of Development Ky 237 : HEBREW, Ky 41048
3. Total Acreage of Site 6.04 acres
4. Current Zoning RSE
5. Proposed Zoning (classification being requested) RS
6. Proposed Uses (please specify each use) Upscale subdivision
7. Name of Applicant(s) AKIN and MILLER LAND DEVELOPERS.
Phone Number(s) J.J. Miller 629-1906 John AKIN 586-6018
8. Address of Applicant(s) 3693 AKIN Lane
Burlington Ky 41005
City State Zip
9. Name of Property Owner(s) AKIN and Miller Land Developers
Phone Number(s) J.J. Miller 629-1906 John AKIN 586-6018
10. Address of Property Owner(s) 3693 AKIN Lane
FAX 629-1990 Burlington Ky 41005
City State Zip
11. Proposed Building Intensities (please specify) 2 building sites per acre; or less.
12. Are there any existing buildings on the site? NO
How many? _____
13. Deed Book 358 Page No. 288 Group No. 2002
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
- N/A Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Road Department
- Kentucky Transportation Cabinet
- N/A City of Florence Public Works Department
- N/A City of Walton Public Works Department
- N/A Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

STAFF REPORT

Request of Akin & Miller Land Developers (owner) for a Zoning Map Amendment on a 6.04 acre site located at the intersection of Brandon Drive and Hawes Drive, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Rural Suburban (RS). The site is part of Parlor Grove Estates Subdivision.

March 24, 1993

Request

This request is to extend the RS zoning district east to the older section of Parlor Grove to allow lots ranging from 0.513 acre to 0.725 acre. The developers intention is to have the smaller lots in Parlor Grove subdivision begin at the existing intersection of Brandon Drive and Hawes Drive. The adjacent undeveloped portion of Parlor Grove, known as the Brentwood Section, was rezoned from RSE to RS in 1990. A condition on that approved zone change was to develop the area under review as sensitively as possible. The condition is highlighted on an attachment. It primarily allows several home sites only as flag lots with frontage on existing streets within the subdivision. The site is very steep, and staff questions where the request is consistent with previous approval. A letter has been submitted by the applicant and is attached to this report.

1990 Comprehensive Plan

The site contains land in the Developmentally Sensitive (DS) and the Rural Lands (RL) future land use classifications. The RL is a recommended density of one dwelling per two acres, while the DS can require extensive site evaluation to determine the suitability for development. The site is found in sections C-1 and C-2 of the Future Land Use Map. The Environment Element and Land Use Element both caution against developing wooded hillsides which have value from a stability standpoint, as well as visual and wildlife impacts.

Site

The site contains slopes in excess of the 20 percent which is treated as developmentally sensitive by the Comprehensive Plan. Soils present on the site include RsB, JeD, and CyF. The CyF presents a severe hazard of erosion and occurs on the steep slopes of the site.

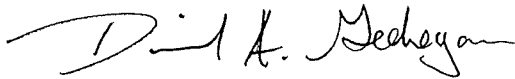
Staff Concerns

1. The submitted plan shows development of a public street where a condition on the 1990 zone change indicates only future lots.
2. An increase in lots will increase the need for turning lane provisions at KY 237, and will increase the impact on Britt Drive, which is constructed as a local street.

Conclusion

The Planning Commission and Fiscal Court need to carefully consider the consistency of this request with the previous approval, and with the road system of the subdivision. Should the request be approved, the Future Land Use Map would need to be changed.

Respectfully Submitted,



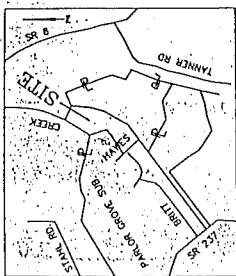
David A. Geohegan, AICP
Senior Planner

DAG:par

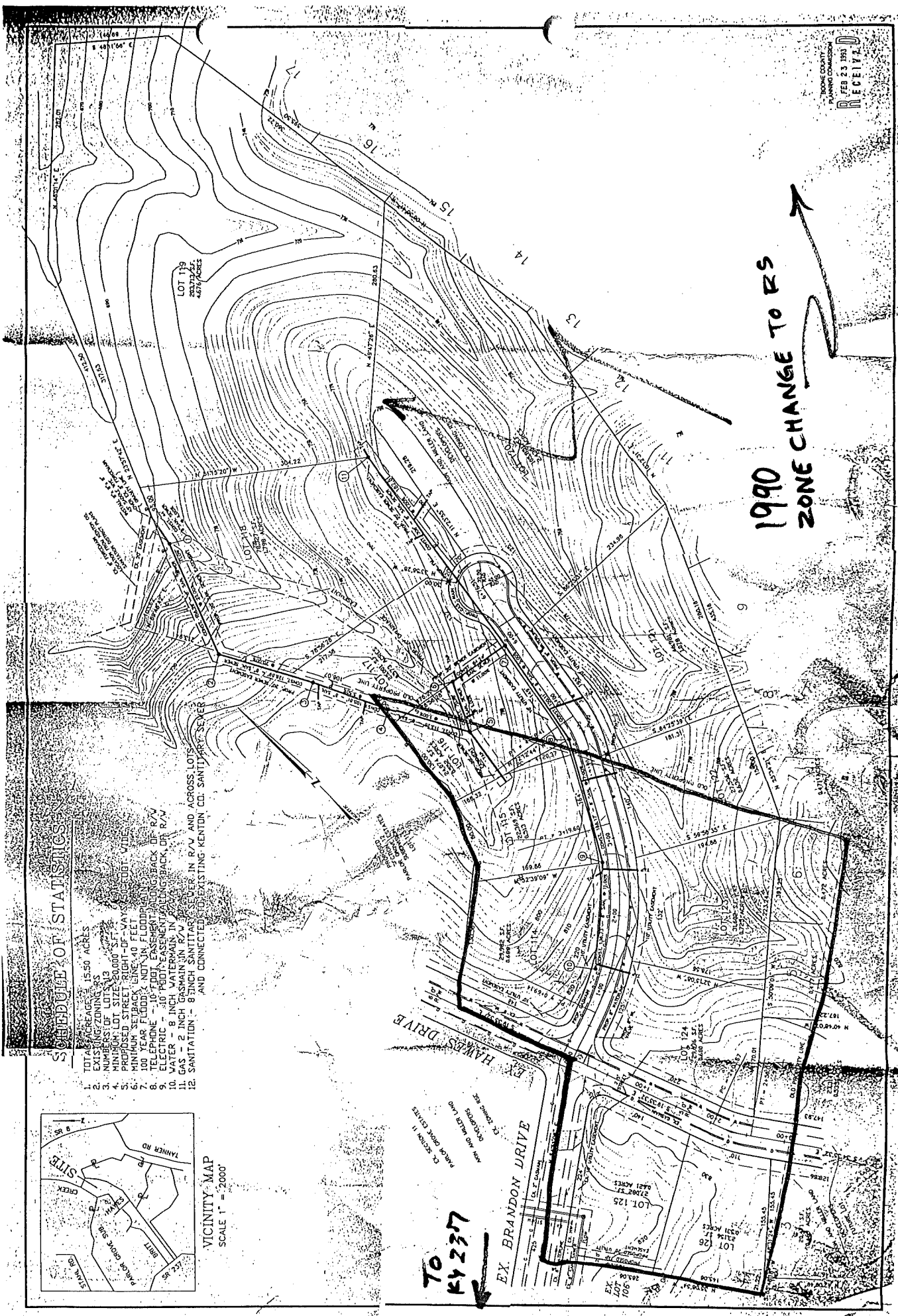
**PARLOR GROVE
RSE TO RS**

SCHEDULE OF STATISTICS

1. TOTAL ACRES - 15.50 ACRES
2. EXISTING ZONING - RS
3. NUMBER OF LOTS - 13
4. MINIMUM LOT SIZE - 20,000 SQ. FT.
5. MINIMUM LOT AREA - 450 SQ. FT.
6. MINIMUM LOT DEPTH - 100 FEET
7. MINIMUM LOT WIDTH - 40 FEET
8. 100 YEAR FLOOD - NOT IN FLOODPLAIN
9. TELEPHONE - 10' FOOT EASEMENT ALONG BACK DR. R/W
10. WATER - 8" INCH WATERMAIN IN R/W
11. GAS - 2" INCH GASMAIN IN R/W
12. SANITATION - 8" INCH SANITARY SEWER IN R/W AND ACROSS LOTS AND CONNECTED TO EXISTING KENTON CO. SANITARY SEWER

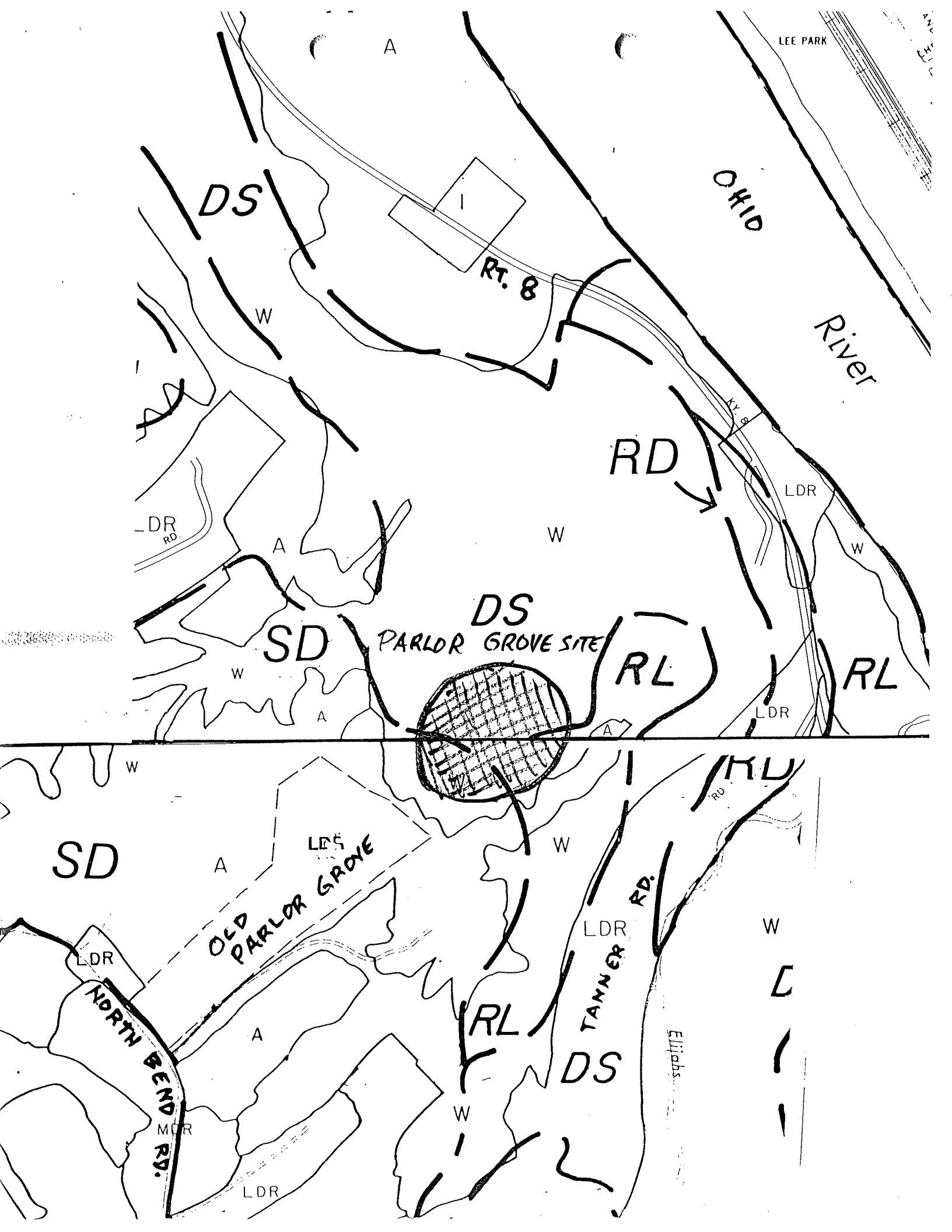


VICINITY MAP
SCALE 1" = 2000'



**1990
ZONE CHANGE TO RS**

**TO
R4237**



February 23, 1993

Mr. Kevin Costello
Boone County Planning and Zoning Commission
2995 Washington Street
Burlington, Kentucky 41005

Dear Kevin:

Attached is an application for a zoning map amendment from RSE to RS for 6.04 acres in Parlor Grove. Also attached is a plat showing the property and adjacent property owners with their names and addresses. A check in the amount of \$776.00 determined according to your fee schedule is also enclosed.

This is the small piece of land I briefly discussed with you which provides the transition from the original Parlor Grove into the new section of Parlor Grove containing the river view lots. The new section is already zoned RS and will have half acre lots. We intend to call this new area Grandview at Parlor Grove and are attempting to create a slightly more upscale section.

Also enclosed is a preliminary concept plan which includes the 6 acres to be rezoned as well as the remaining portion of the Foster Tract which has not yet been platted. Most of the property on this concept plan is already zoned RS.

We intend to put in a nice entry way to Grandview and feel the zoning and treatment of this 6 acres should be consistent with the remaining development of the Grandview area. I respectfully request that the Planning and Zoning staff give a favorable recommendation to the Commission in support of the change. If you have any questions, please contact me at 629-1906, or Buck at 586-6018.

Sincerely,



J. J. Miller
111 Thomas Street
Florence, KY 41042

CC: John Akin

Chairman Viox introduced the last item on the Agenda:

5. Applicant: Akin & Miller Land Developers (owner)
Request: Zoning Map Amendment

The request of Akin & Miller Land Developers (owner) for a Zoning Map Amendment on a 6.04-acre site at the intersection of Brandon Drive and Hawes Drive, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Rural Suburban (RS). The site is part of Parlor Grove Estates Subdivision.

Staff Member Dave Geohegan presented the Staff Report (see Staff Report).

Mr. Buck Akin of Akin & Miller Land Developers stated that this site is the entryway into the Grandview Section. Where the intersection is located is the old part of Parlor Grove which is zoned RSE. They are requesting a zone change to RS so that they can enhance the entryway into the new section.

J. J. Miller stated that they have 117 one-acre lots in Parlor Grove and 54 half-acre lots in the Grandview Section; and this area is the transition area between them. They believe that the proper transition is at the intersection. He stated that this does not make a significant difference in the density since it changes three lots in the RSE zone to 5 or 6 lots. The maximum density in the whole subdivision would go from 171 lots to 174 lots, which is not a significant impact on the density or the traffic.

Chairman Viox asked if there was anyone else present in behalf of the request. There was no response. Chairman Viox then asked if there was anyone present in opposition to the request or having questions.

Mr. Dennis Chantley, 2272 Britt Drive, stated that two years ago the Riverview Section was approved and now there is the Grandview Section. All of the new traffic is coming down Britt Drive. He suggested that they get access off Tanner Road or buy property to get access off North Bend Road. If they want a transition section, they can put a park there. He stated that if they are changing the name of the section, then they are putting in a new subdivision. They are developing a new concept, not adding to what they have. If they are concerned about the appearance of the transition, then they can put in a new entrance. He stated that they have changed the concept, and this is not what he wanted when he bought there.

Joan Burch, a resident of Jolee Drive, stated that she runs regularly. People walk on Britt Drive and the kids ride their bikes there. This zone change will bring double the traffic in on Britt Drive. She stated that they went to Planning & Zoning when they bought there and checked out the area, and this is not what they bought there to have.

Mr. Buck Akin stated that they are calling the Riverview Section "Grandview" and there are not two new subdivisions. This zone change will not double the traffic. They are asking for a zone change for 6.04 acres

to enhance the entryway of the Grandview section of Parlor Grove Subdivision with an increase of probably three additional lots. The development will be upscale from the Parlor Grove Subdivision and should be an asset to the Parlor Grove residents.

Fred Whey, a resident of Britt Drive, stated that they have not been able to get Akin & Miller to do the things they need -- they could not get into the sewers, they want lighting at the entrance, there are mosquitoes, there are shrubs grown up on the lots, etc.. He stated that this development is not an add on, it is another development. They do not feel that anything is being done to enhance their property.

Chris Walsh, a resident of Parlor Grove, stated that KY 237 is a very narrow road with a steep curve. The traffic will increase due to Cardinal Cove and Henry Fischer's development. She stated that Britt Drive is not a thru connecting street, it is a residential street. She has never heard of subdivisions where you have to drive through one to get to another one. She referred to the Staff Report and noted that Akin & Miller has put in a street where they only indicated lots, and there have been instances where things were promised that never happened. She stated that every year the plan changes and there is no consistency in what the homeowners can expect.

John Oxden, a resident of Parlor Grove, stated that they want a quiet community and it will be ruined by the additional traffic from the new units. Britt Drive will be more like a freeway than a side street. He asked that the plan not be approved.

Mr. J. J. Miller stated that most of the comments made are irrelevant to this request. The Riverview Section and the Preliminary plat are approved. The issue is the six acres of transition between one section and another. He stated that there was never an issue of coming off Tanner Road. He stated that the residents bought unsewered lots and they can go together as an HOA and get into the sewer. He stated that they will cooperate with the residents in regard to the lighting for the undeveloped lots, but the residents do not want to put anything into it. He emphasized that these issues are irrelevant to this application. He stated that he does not see that the three additional lots would impact Britt Drive or make a lot of difference in the flow of the traffic. They are identifying the section as Grandview only for marketing purposes. He stated that it is impossible to connect from Tanner Road.

Ms. Eunice Mills, a resident of Jolee Drive, questioned how changing three lots into six lots enhances a community.

Harry Welts, a resident of Britt Drive, questioned what they are doing to enhance the intersection.

Mr. J. J. Miller stated that they think the new section should start at the intersection and they want to put in a nice entryway. He emphasized that the 54 lots have already been approved.

Chairman Viox asked Mr. Geohegan to review the prior approval. Mr. Geohegan advised that the approval was given in October, 1991 subject to

nine conditions. He reviewed the conditions and noted that there was lengthy discussion in the Minutes.

Mr. Chantley stated that if they are making provision to access any other property, it does not show back there -- and it was part of the agreement in 1991.

Mr. J. J. Miller stated that they have complied with the agreed to conditions.

Chairman Viox asked if there were any comments from the Commission.

Mr. DeLong questioned the basis for the zone change. Mr. J. J. Miller stated that it is the best and most logical use of the land and is the best place to make the change from the one-acre to the half-acre lots.

Mr. Jim Lavelle questioned why the zone change should be granted on the wooded hillside when the newspapers indicate that there are efforts to protect and save the hillsides. He stated that the only possible reason is greed on the part of the developer, which is not a reason to change the zone.

Mr. Chantley stated that there is an "S" curve on KY 237 that the residents know about, but people coming thru do not. He stated that they need at least a short turn lane with the existing traffic and the other subdivisions.

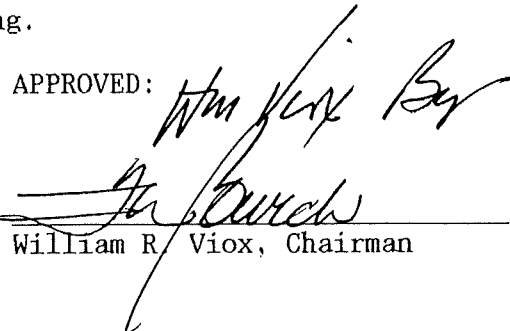
Mr. Akin stated that this was reviewed by KDOT and the summation was that a turn lane was not needed.

Paul Buckfall, a resident of Brandon Drive, stated that he built his home there because there were one-acre lots. If the zoning is left RSE, the transition will occur where the homes are not built and people buying there will know the situation because it will occur before they buy in.

There being no further comments, Chairman Viox stated that the Committee will meet in regard to this item on April 12, 1993 at 7 P.M.. This item will be on the Agenda for the Business Meeting on April 21, 1993 at 8 P.M..

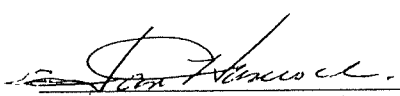
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

April 21, 1993 - 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. R. N. Greene
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Chairman Viox stated that each Commission member had received copies of the Minutes of the Public Hearings and the Business Meeting of April 7, 1993. He asked if there were any comments or corrections.

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

4. Zoning Map Amendment

The request of Akin & Miller Land Developers (owner) for a Zoning Map Amendment on a 6.04-acre site at the intersection of Brandon Drive and Hawes Drive, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Rural Suburban (RS). The site is part of Parlor Grove Estates Subdivision.

Staff Member Dave Geohegan read the Committee Report (see Committee Report). Mr. Geohegan advised that the Condition Letter has been signed by Mr. J. J. Miller as the applicant and owner.

There being no discussion, Mr. Rush moved by resolution to the Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of Mechlin-Berling Partnership (owner) for a Zoning Map Amendment on a 2.28-acre site located off Beemon Lane, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Suburban Residential One (SR-1) in order to allow six single-family lots.

Staff Member Amy Moore read the Committee Report (see Committee Report).

There being no discussion, Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Owens seconded the motion and it carried unanimously.

6. Zoning Map Amendment

The request of Charles Ash (applicant) for James and Barbara Baker (owners) for a Zoning Map Amendment on an 0.5-acre (approx.) site at 7815 Dixie Highway, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2) in order to convert an existing residence into an insurance office.

Mr. Kevin Costello, Assistant Director, presented the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. Ries moved that the request be denied based on the Staff and Committee Reports. Mr. Neltner seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Gayle McElroy, Chairman

DATE: April 21, 1993

RE: Request of Akin & Miller Land Developers (owner) for a Zoning Map Amendment on a 6.04 acre site located at the intersection of Brandon Drive and Hawes Drive, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Rural Suburban (RS). The site is part of Parlor Grove Estates Subdivision.

REMARKS:

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

Findings of Fact

1. The applicant has shown that the existing zoning of RSE is inappropriate for the site and the proposed zoning of RS is appropriate for the site because RS zoning surrounds the site on several sides, and that the change would make a logical location for transition of lot sizes based on the street configuration.

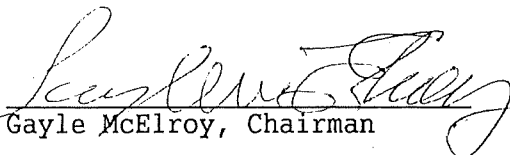
Conditions

The applicant is being asked to agree to include these items as part of the Zoning Map Amendment in order to clarify the plan presented at the March 24, 1993 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

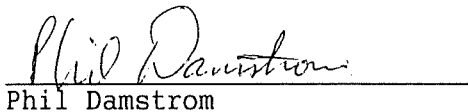
1. The development of the site shall be officially a section of Parlor Grove Subdivision.
2. Consistent with the adjacent 1990 zone change approval, the area will be developed only as lots or flag lots with frontage on existing streets in the subdivision. Any development of this area shall be allowed only after a site feature inventory, as described in the Comprehensive Plan, and if the developer can assure the Planning Commission that only minor disturbance will occur without affecting the character or stability of this area.

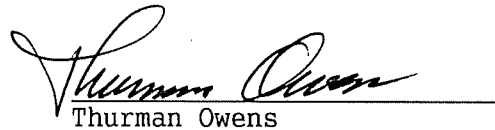
3. All lots within this proposed development shall be served by public sanitary sewer.
4. Because of the proximity of the development to Development sensitive areas, added erosion control measures shall be required, and shown in detail at Subdivision Review. Disturbed limits shall be clearly marked on the site before grading work.

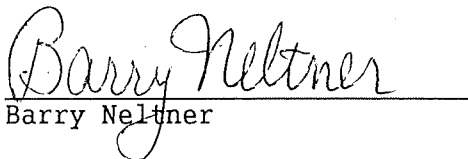
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.


Gayle McElroy, Chairman

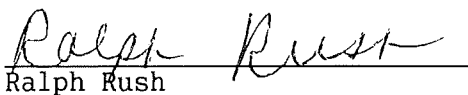
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Carol Smith


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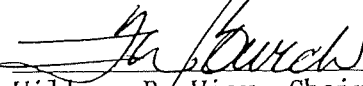
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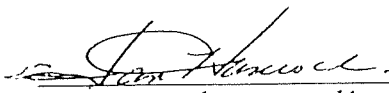
The Chairman closed this Public Hearing.

APPROVED:

William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

Boone County Recorder

June 30, 1993

LEGAL SUMMARY
ORDINANCE NO. 920.255

The Boone County Fiscal Court at its meeting held Tuesday, June 22, 1993, at 5:00 P.M., Second Floor Courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A REQUEST OF AKIN & MILLER LAND DEVELOPERS (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO RURAL SUBURBAN (RS) FOR A 6.04 ACRE SITE GENERALLY LOCATED AT THE INTERSECTION OF BRANDON DRIVE AND HAWES DRIVE, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-93-018-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 6:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK
P.O. #FC 67417

KENNETH R. LUCAS
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY

6-30-93