

APPLICATION FORM ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project LASSING GREEN
2. Location of Project RICE PIKE
3. Total Acreage of Site 73
4. Current Zoning of Site AGRICULTURAL (A-1)
5. Proposed Zoning (Classification being requested) RURAL SUBURBAN (RS)
6. Proposed Uses (please specify each use) RESIDENTIAL SINGLE FAMILY LOTS
-CHANGE COMPREHENSIVE PLAN FROM RD & RL TO SD
7. Names of Applicant(s) THOMAS W. JONES
Phone Number 348-3762 Fax No. _____
8. Address of Applicant(s) 12293 GAINES WAY
WALTON KY 41094
City State Zip
9. Name of Property Owner(s) Ms. PATSY SLAYBACK
Phone Number 384-3441 Fax No. _____
10. Address of Property Owner(s) 10663 HIGHWAY 42
UNION KY 41091
City State Zip
11. Proposed Building Intensities (please specify) RESIDENTIAL SINGLE FAMILY LOTS WITH A MINIMUM OF
20,000 SQUARE FEET
12. Are there any existing buildings on the site? YES
How many? TWO
13. Deed Book 182 Page No. 497 Group No. 2055
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? No
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:
X Boone County Water and Sewer District
Florence Water and Sewer Commission
X Union Light Heat and Power
Cincinnati Bell
X Owen County Rural Electric
Boone County Public Works Department
(over)

EXHIBIT "A"

STAFF REPORT

Request of Thomas W. Jones (applicant) for Patsy Slayback (owner) for a Zoning Map Amendment on an approximately 73 acre parcel located on Rice Pike near U.S. 42, Boone County, Kentucky. The request is to change the zoning from Agricultural One (A-1) to Rural Suburban (RS).

March 23, 1994

This is a request for a Zoning Map Amendment on a 73 acre site to rezone the site from Agricultural Estate (A-2) to Rural Suburban (RS). The applicant has not submitted a Concept Development Plan. The applicant is also requesting a change in the 1990 Boone County Comprehensive Plan for future land use for this site from Rural Lands (RL) and Rural Density Residential (RD) to Suburban Density Residential (SD).

Surrounding Zoning and Land Uses (see Map # 2-Zoning Map)

- North: Public Facilities (PF) in the form of Ryle High School and yet to be completed Gray Middle School as well as the new county golf course. There is also a Suburban Residential/Planned Development zone to the Northwest of the site.
- South: Single family residents, woodlands, wetlands and farm lands south of Rice Pike and along U.S. 42 in the same Agricultural Estates (A-2) zone . Farther south on U.S. 42 are single family residents in the Twin Lakes subdivision zoned Suburban Residential (SR-1).
- East: Single family residents in an Suburban Residential (SR-1) zone and a Rural Suburban Estates (RSE) zone.
- West: Single family residents, woodlands, wetlands, and farm lands zoned Agriculture Estates (A-2).

Site Characteristics

The site is located almost a mile south of the intersection of Frogtown Road and U.S. 42 (see Map #1-Location Map). Currently, the site is used for grazing pastures for cattle. The topography of the site is generally gently rolling pasture land. There are two swales that meet in the southwestern part of the site and become part of the Dark Hallow Branch of the Big Bone Creek. Steeper slopes are found along the swale located in the western section of the site. The creek valleys are wooded and the ridge tops are open grazing lands.

Soils present on the site include Faywood silty clay loam (FcD) usually found on slopes of 12-20 percent slopes and two types on Nicholson silt loam; (NIB) found on 0-6 percent slopes and (NIC) found on 6-12 percent slopes. The Faywood soils are located on upper hillsides in long, narrow areas and, if disturbed, present a very severe hazard of erosion. The Nicholson soils are located on ridgetops and the (NIB) present a moderate hazard of erosion while the (NIC) present a severe hazard of erosion.

The site has a 450 foot frontage on U.S. 42 and approximately 1,550 feet of frontage on Rice Pike. The site basically encircles the old Victorian farmstead at the corner of Rice Pike and U.S. 42. Rice Pike is a narrow country road (18 feet wide) that has steep grade changes along the site frontage up to U.S. 42. The intersection of Rice Pike and U.S. 42 reveals some traffic problems. Rice Pike is on a steep grade where it intersects with U.S. 42. The posted speed limit on U.S. 42 in this area is 45 MPH, however, going south at the bend before the site the speed limit is 35 MPH. For drivers stopped on Rice Pike and attempting to turn and go north on U.S. 42, the topography and bends in U.S. 42 allow poor sight distance in both directions so the driver can't see approaching cars until they are very close to the intersection. The applicant has proposed a site plan (109 lots) with a single access to Rice Pike (see Map #3-Proposed Site Plan).

The site has access to water and sanitary sewers via the southeast sewer system of Boone County. The developer will have to obtain an easement through the contiguous Boone County Public School property to the north. The developer will also have to provide a pump station and line extension to the subdivision.

Relationship to the Comprehensive Plan

The 1990 Future Land Use Map (See Map #4-Land Use Map) indicates future Rural Lands (RL) and Rural Density Residential (RD) uses for the request site. The Rural Lands (RL) classification is defined in the 1990 Boone County Comprehensive Plan as follows:

This classification is intended for areas which should remain in a rural character and includes agricultural uses, woodlands, recreation uses, and residential uses that do not exceed one dwelling unit per two acres. The Rural Lands designation was applied to areas which are not expected to experience significant development within the twenty-five year planning horizon due to insufficient growth factors such as lack of demand, existing or planned public or private utilities, and adequate transportation networks.

The Rural Density Residential (RD) classification is defined in the 1990 Boone County Comprehensive Plan as follows:

Residential uses that do not exceed one dwelling unit per acre. This includes isolated houses with no connecting agricultural uses, but does not include solitary farm residences. This classification also includes all land that is directly utilized for residential purposes, such as yards and streets.

Most of the surrounding land nearby the request site, carry a future land use designation of Rural Lands (RL) or Rural Density Residential (RD). However, approximately 2,000 feet south of the request site on U.S. 42, the existing sub-division Twin Lakes has a future land use designation of Suburban Density Residential (SR), which allows residential uses that do not exceed four dwelling units per acre. Also, to the east of the request site, between Mt. Zion and Frogtown Road there is a large land area with the future land use designated to be Suburban Density Residential (SR).

Section C-6: New Haven Area of the Land Use Element states the following about the area where the requested site is located:

This section of Boone County is characterized by a substantial portion of U.S. 42, Richwood Road, Hicks Pike, Rice Pike, and the Twin Lakes sub-division. Development in this area should occur in the form of Rural Density Residential subdivisions along U.S. 42, KY 338, and Hicks Pike. The U.S. Soil Conservation Service identifies prime agricultural land between U.S. 42, Richwood Road and Hicks Pike; this land should remain in agricultural uses. Development of this section of the county is dependent upon the Richwood Interchange, the impacts of the Mt. Zion Interchange on Union, and the availability of public sewer service. It important that residential subdivisions construct internal roadway systems rather than using the existing roads for primary access; these existing roads should serve as corridors to move traffic through the area.

The Housing Element of the 1990 Boone County Comprehensive Plan states the following about the Rice Pike/US 42 area:

The Union area along U.S. 42 from Longbranch Road to the Beaverlick area and the Rice Pike, Hicks Pike, and Richwood Road areas contain an existing agricultural-horse farm-estate residential character. This area presents a unique opportunity where the character of new housing should be designed to enhance the horse farm atmosphere of the area.

Staff Concerns

1. The Institute of Transportation Engineers Trip Generation Manual 5th Edition provides traffic volume levels for varying land uses. The manual indicates that the number of trips generated by the proposed 109 Single-Family Detached Housing Units would be as presented below:

<u>Weekday Trips</u>	
Average # of trips	1041
Average # of AM trips	81
Average # of PM trips	111

Though the applicant has not included a Concept Development Plan, he proposes to have a single access out of the proposed subdivision on to Rice Pike (see Map #3-Proposed Site Plan). Most of the residents will probably attempt to travel U.S. 42 thus necessitating turning at the intersection with blind views in both directions. Staff has been told even today it is difficult to turn on to U.S. 42 from Rice Pike in the AM. With 81 new trips using this route, there would undoubtedly be even greater stacking of traffic. Staff suggests that a second access will be needed that would connect directly with U.S. 42 north of Rice Pike. This would allow a safer access out of the subdivision with improved sight distance either direction. This would also ease the movement of school buses through the subdivision lessening the need for turn around or backing out of cul-de-sacs. Applicant suggested building a pedestrian path to the adjacent school complex and staff recommends that this should happen.

2. Staff believes this proposed use is not consistent with the Comprehensive Plan Housing Element's suggestion that "new housing should be designed to enhance the horse farm atmosphere of the area".
3. A detailed erosion control plan should be submitted at the Improvement Plan stage which addresses erosion control measures for each phase of the development. These plans should include a detailed time schedule for grading work and re-establishment of ground cover to control soil erosion as well as measures to protect the creeks within the site.
4. If this Zoning Map Amendment is approved, it would necessitate a change in the Boone County Comprehensive Plan of the future land use designation for this site from Rural Lands (RL) and Rural Density Residential (RD) to Suburban Density Residential (SD).

Conclusion

The Boone County Planning Commission and Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three criteria necessary for a Zoning 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 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 the substantially alter the area's character.

STAFF REPORT - Jones/Slayback Zone Change
March 23, 1994

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The Commission should closely evaluate the impacts of this development on the natural environment, road networks, public facilities and the character of the area.

Respectfully submitted,

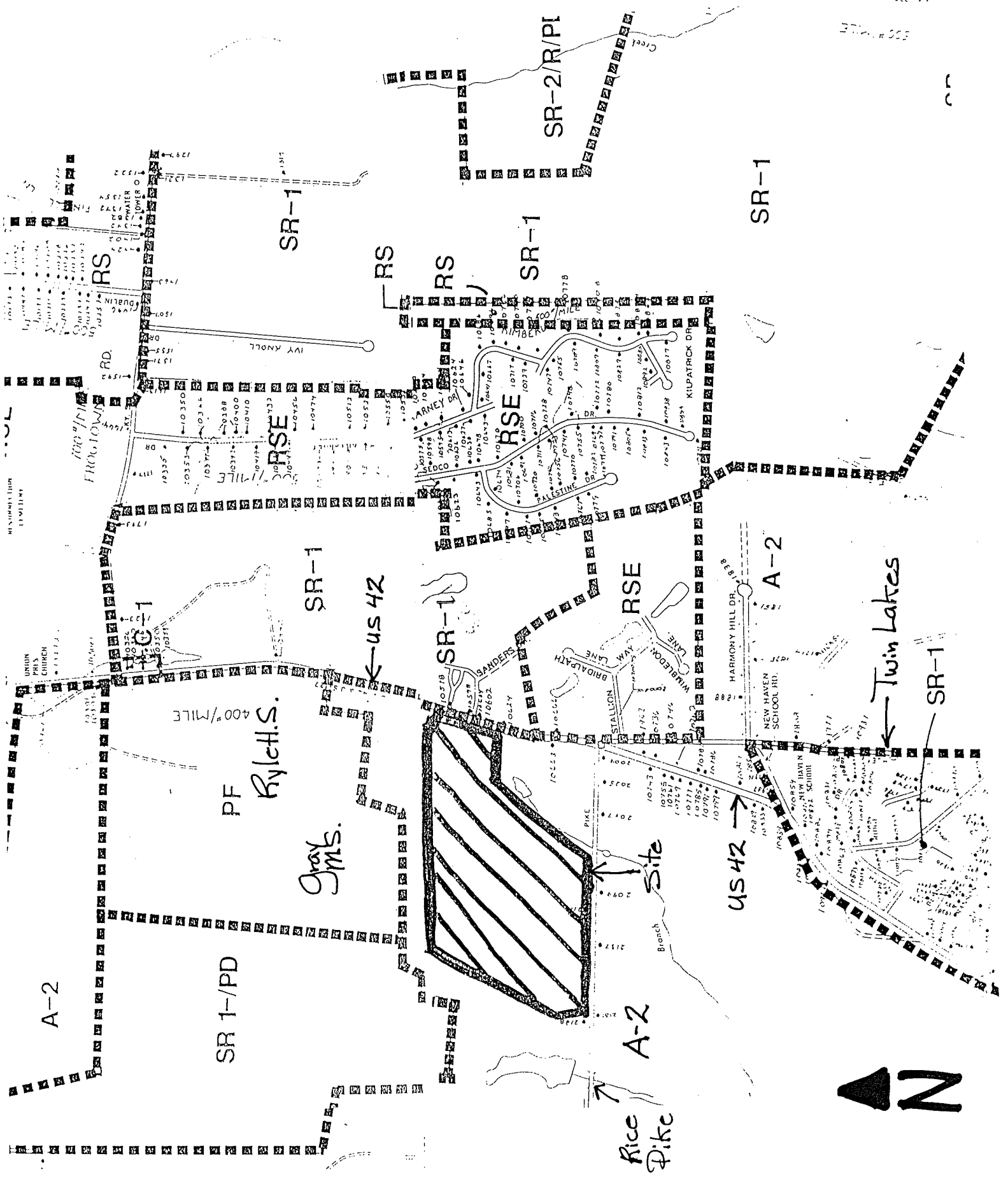
A handwritten signature in cursive script that reads "Dean E. Niemeyer". The signature is written in black ink and is positioned to the right of the typed name.

Dean E. Niemeyer
Planner I

DEN\par

Zoning Map

Map #2





Map #3

45
44
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Rice Pike

Proposed
Site
Plan



Commission members present for Public Hearing Item #2: Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, and Mrs. Schaffer.

Mr. Burch introduced the second item on the Agenda:

2. Applicant: Thomas W. Jones for
Patsy Slayback (owner)
Request: Zoning Map Amendment

The request of Thomas W. Jones (applicant) for Patsy Slayback (owner) for a Zoning Map Amendment on an approximate 73-acre parcel located on Rice Pike near U.S. 42, Boone County, Kentucky. The request is to change the zoning from Agricultural Estate (A-2) to Rural Suburban (RS).

Staff Member Dean Niemeyer presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Niemeyer read a letter submitted by Mr. Tim McCubbin of Wimbledon Lane in Union, expressing concerns about the traffic, the sewer system, and the price of the homes (see EXHIBIT 1).

Mr. Niemeyer stated that the applicant has assured him that an easement has been purchased for the sewer at Ryle High School. There is sewer available for the site.

Mr. Burch asked for the applicant's presentation.

Mr. Gerry Dusing, attorney, introduced Mr. Jim Viox, engineer; Mr. Ron Mechlin, development consultant; and Mr. Tom Jones, principal of T.W. Construction. He submitted samples of Mr. Jones' work to the Commission.

Mr. Jim Viox, Viox & Viox, representing Mr. Jones, displayed the plan for development -- which is the same plan reviewed for the previous development, but it has been enhanced. The developer flew the topo, the vegetation, the remaining Slayback property, and the edge of the Ryle School site. Mr. Jim Viox reviewed the plan noting that the green color represents the existing vegetation intended to be retained. The black dashed arrows indicate the natural drainage through the site. There are three different water sheds which flow to the south. He stated that Mrs. Slayback intends to preserve the area outside the orange line shown on the plan. Mr. Viox indicated a tree line along the property and some dense vegetation, which makes a natural separation for the development. The area of development is about 75 acres. They are only requesting 109 units on 75 acres. With the current zoning being split, it would allow for about 60 to 70 dwelling units without the zone change. The reason for the zone change is to utilize the topo by using the ridges and knolls and preserving the natural vegetation, and having the needed infrastructure. He indicated the pedestrian system shown in orange on the plan.

Mr. Jim Viox stated that they contacted the School Board today and indicated that Mr. Jones would be contacting them to discuss the possibility of a pedestrian way connected to the school facility to allow

the children attending the school to use it, and to have access to the recreation and athletic facilities there. They would not have to use the bus service for activities and the parents who would normally drive them to school would not have to come out on Rice Pike and U.S. 42. The adults will be able to use the pedestrian way and not have to use their cars. The traffic generation should be less than would normally be expected. One of the considerations was the fact that the property is near the school. In regard to the utilities and access through the school site, he stated that Boone County Water and Sewer has taken over the maintenance and ownership of the sanitary sewer system constructed to serve the school complex and they acquired an easement to the property line of the Slayback tract, recognizing that there would be a time when the sewer would be extended. It will be gravity sewer to the pump station, and then pumped back into the system that goes to Union and Richwood and is treated in Kenton County. The easement exists in favor of Boone County Water and Sewer Commission. The construction of sanitary sewers, including pump station and force main, is Mr. Jones' responsibility.

Mr. Jim Viox stated that the intersection is at the highest place on Rice Pike and there is adequate sight distance. From the intersection going to U.S. 42 there are only about three residences. He stated that there was a suggestion of a second curb cut on U.S. 42 and they believe it should not be required because the water shed comes through there for the valley above the lake, which would have to be filled, and the access would come onto U.S. 42. It would have to be a steep approach and there will be another connection on U.S. 42. He thought good planning was to keep down the number of intersections on a highway that carries the kind of traffic flow U.S. 42 carries. There is a major intersection beyond the Ferguson property that serves the Ryle School complex which has taper and left storage lane. There would then be three intersections in the stretch there and they feel that it is better planning to have the traffic controlled at the two intersections. Extensive modification to the topography would be necessary to construct an intersection. Mr. Jim Viox indicated the traffic coming over the rise, which would impact an approaching intersection. He does not think an additional curb cut on U.S. 42 is needed. He stated that in the past, movement through a subdivision has been discouraged. Rice Pike is 18 feet wide and leads into what will eventually be other development and traffic will shortcut through the development. The only advantage he sees would be that school buses could go through without turning around.

Mr. Jim Viox indicated the area below the adjoining property and stated that the vegetation can be preserved. The entire site will be graded down below the school and Mr. Ferguson. Mrs. Slayback has been sensitive to the kind of developer she would sell to and recently agreed to sell the property to Mr. Jones because of the type of development he plans for the site. Mr. Jones is utilizing the topography in its natural state. With the zoning they are asking for extended to the maximum density on 75 acres, they could get more than 109 homes. Many of the lots are deep. He indicated the flag lots.

Mr. Dusing stated that they will submit a detailed erosion control plan at the next level. He stated that he takes issue that the request does not conform to the existing Comprehensive Plan. It does conform to the Plan.

Mr. Dusing stated that if you review the entire text of Rural Density Residential Subdivision, it states that development should occur -- rural density residential subdivision is dependent on public sewer. If the Boone County Water and Sewer Commission got the easement to extend to this property and that was not anticipated in the text of the Comprehensive Plan -- then it is an obvious compatibility with the text of the Comprehensive Plan. In regard to the three criteria for a zone change, he stated that if you are compatible with the Comprehensive Plan you are entitled to a zone change. The Comprehensive Plan text says that residential development should occur in the Rural Density Residential designation with sewer. The other criteria that is appropriate is in regard to major changes of a physical, social nature, etc.. He stated that Ryle High School, Middle School, and Elementary School complex was not mentioned or anticipated in the Comprehensive Plan. The golf course and school complex are major physical changes. The third and fourth major changes are the public sewer and public water, which occurred and are not mentioned in the text -- except to say that they should occur. He referred to Page 2 of the Staff Report in regard to the rural land designation. He stated that it is significantly back from U.S. 42. He questioned how it could be said that the Slayback property with public water, next to a public school complex and a golf course, fits the rural lands designation -- which are lands not expected to experience significant development in the twenty-five year planning horizon. He stated that there is demand in Boone County for high quality residential development like this development.

Mr. Dusing stated that his immediate reaction to the plan was "why so few lots?" when they are entitled to over 3 units per acre. He stated that they are building high end houses, compatible with the development across the street. Major changes have occurred to meet the third criteria of changes not anticipated in the Comprehensive Plan -- water, sewer, a major school complex, and a major golf complex.

Mr. Burch asked if anyone else wished to speak.

Mr. Dick Benson, representing Patsy Slayback (the owner of the land being sold to Mr. Jones), stated that Mrs. Slayback turned down other people and took this project because of the quality of the homes. Her family has lived there for five generations and she is the person most affected by this development. Mrs. Slayback will live there until she dies. He stated that one of the concerns was the traffic coming out on Rice Pike and there was mention of 1,041 trips -- which is about one car every five minutes. He does not think a car every five minutes will be of any great significance. The turn will not be any more dangerous than it is now. The situation has existed there for years without any tragedies. He referred to Staff Concern #2 that "new housing should be designed to enhance the horse farm atmosphere of the area" and stated that Staff decided that the homes would not do that. He stated that enhances means "improve or make better" and no housing development is going to enhance a horse farm.

Mr. Burch asked if anyone else wished to speak in favor of the request. There being no response, he asked if anyone wished to speak in opposition or ask questions.

Donna Huffmaster, a resident of The Downs, asked if the developer had considered that they have a volunteer fire department in the area and cannot get enough volunteers. The traffic is a problem. She cannot imagine having to make left-hand turns there. She asked if there is any guarantee of the price of the homes. She asked if another development is needed with Triple Crown. She stated that this is a unique and attractive area and every effort should be made to maintain it.

Mr. Dusing stated that the more houses there are out there, the better chance to get volunteers for the fire department. He stated that the traffic issue was covered by Mr. Viox. He advised that with the zoning, there could be one unit per acre if there were septic tanks. They are going up to 109 units, which is not significant. The houses being in the \$200,000 to \$300,000 range in not within the Commission's jurisdiction and he does not have an answer -- except that is what Mr. Viox said and what Mr. Jones represents to the Commission. He stated that with the costs involved in this type of development -- infrastructure, roads, public water, public sewer, development costs, and the size of the lots -- they cannot put a house there that costs much less than that. The price is market driven. In regard to whether another development is needed, he stated that that is Mr. Jones' risk.

Maggie Baton, a resident of The Downs, stated that The Downs are on 1 - 2 acre lots and many people who purchased there bought acreage on either side of them to have the open space. She questioned if 80-foot frontages contribute to the rural atmosphere and the reason why people moved to the area. It is a unique area and people who have built in the area would like to maintain the rural atmosphere. The traffic projections are not realistic. There are only 21 homes in The Downs Subdivision and people go in and out going to work and school and stores -- families have 2 and 3 cars -- and she believes the traffic impact will be greater than what is indicated.

Mr. Benson stated that Mrs. Slayback's family has been there over a hundred years and they could have said that they did not want The Downs to come in. This is progress.

Mary Gering, Rice Pike, stated that she lives in the third house on the street. The traffic is terrible. Rice Pike is 18 feet wide. The equipment beats up the roads. When you get to the top of the hill, you have to wait 5 to 7 minutes because of the angle of the road and the traffic.

Steve Andrew, 2009 Rice Pike, stated that he lives on the corner. He has lived there for 14 years and has had cars miss his house by five feet turning off U.S. 42 and going down Rice Pike. He has two small children who play outside, and not one of these homes is worth the life of one of his children.

Mr. Benson stated that he has not been to the intersection, and for all he knows it may be a horrible intersection, but another car every five minutes is not heavy traffic and the problem is going to be no worse because of this development.

There being no further comments from the audience, Mr. Burch asked if there were any comments or questions from the Commission.

Mr. Ries stated that he met Mr. Jones four years ago when he built his house. He is a very honest, fair, and credible person, and will do what he says he will do. Mr. Ries stated that the traffic is a nightmare no matter where you go and he is reluctant to stop development because of the traffic problem. Unless there is a problem, the state is not going to correct it. The residential growth in the area is probably more needed than commercial development.

Mr. McMillian stated that he does not see any easement to the next farm that might want to develop. He does not like one-exit subdivisions, and they get into the same problems as Dilcrest. He stated that an exit could be arranged onto U.S. 42.

Mr. Neltner referred to the connection to U.S. 42 and noted that Mr. Jim Viox indicated that people would cut through the subdivision. He asked if they would consider taking the road through to U.S. 42, but instead of having the current connection, put a circle there and have the upper connection be onto Rice Pike so that anyone cutting through would have two stop signs and a number of curves.

Mr. Jim Viox indicated where they considered a second curb cut with the other end being a deadend. He indicated the only place on Rice Pike where there is a crest of the hill and you can see. He indicated where it would be dangerous to come out on Rice Pike because of a car coming over the hill. He indicated where it is a 10% grade and would only be 200 feet from the crest of the hill. He stated that he had discussed the various locations with the Staff and had suggested that the Staff go out and look at them. He thinks the Staff would agree where the location is not good for a curb cut. He stated that an additional curb cut on U.S. 42 is not warranted. Access points on arterials should be discouraged. There is consideration of the topography. He thinks it would become the artery for Rice Pike if the connection is made.

Mr. Rush stated that he lives in a development that has one-third more houses with one entrance. It is not a problem. He feels that one entrance and exit to a community is worthwhile and does not present a problem.

Mr. Owens stated that he is under the impression that Ryle School is over capacity now. Mr. Niemeyer stated that the high school has a capacity of 1,500 and there are approximately 900 students now. In the future, they would add on classrooms. Mr. Niemeyer inquired how this might impact the school system and the main concern seemed to be school buses and student access to the school. The school did not see a problem with this size subdivision and indicated that a new grade school will have to be built for New Haven.

Mrs. Schaffer stated that the boundary line goes through Lots #92 and #93. She asked if the property abuts Ryle or if there is property in between. Mr. Jim Viox advised that this is a Concept Plan, not a Preliminary Plat. Mr. Jones had them develop the plan prior to coming to agreement on the actual boundary. They recently came to an understanding that Mrs. Slayback wanted to preserve her lake. Because of the offset of the property line, they will have to move the street. The plan is the concept and shows that they are preserving the vegetation and the lake. They will align it on the Preliminary Plat. There is sufficient square footage so that they can get the same number of lots and the same square footage. The school complex abuts their property line. There was a swap of property between the School Board and Mr. Ferguson. Mr. Ferguson's property abuts the school complex. He indicated the location of the sewer line off their property and the approximate location of the easement.

Mr. Burch asked if Mr. Dusing had any further comments. Mr. Dusing stated that everything had been said.

Mr. McMillian questioned a road connection to the other farm, if they decide to develop it. Mr. Jim Viox explained that there are only two property owners that connect, other than the school. When they come back with a Preliminary Plat, if it is determined that they have to provide access, they would give the right-of-way for someone to build an access. He stated that the plan is not part of the zoning issue, but it was made available for discussion.

There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on March 28, 1994 at 7 P.M.. This item will be on the Agenda for the Business Meeting on April 6, 1994 at 8 P.M..

Mr. Burch closed this Public Hearing.

APPROVED:


Fred R. Burch, Vice Chairman

Attest:

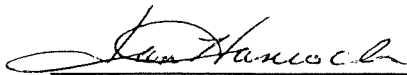

Jan Hancock, Recording Secretary

EXHIBIT 1

3/23/94

PUBLIC HEARING
ITEM # 2

March 22, 1994

Mr. Dean E. Niemeyer
Boone County Planning Commission
2995 Washington Street
Burlington, KY. 41005

Dear Mr Niemeyer:

My wife and I will not be able to attend the public hearing on the request of Thomas W. Jones for a zone change on the 73 acre parcel located on Rice Pike and near U.S. 42. I appreciate your offer to bring our concerns forward at the hearing.

We are very concerned about the traffic on both U.S. 42 and Rice Pike. One hundred plus homes being added to an area, where the highway system is barely holding its own, can only increase the risk of serious accidents. Because the parcel is so close to U.S. 42, it's safe to assume that a large majority of the homeowners and building contractors will utilize U.S. 42. The Rice Pike entrance to U.S. 42 is up hill with a less than adequate vision of southbound traffic. Southbound U.S. 42 traffic also has a problem seeing vehicles entering from Rice Pike. The 45° angle of the Hicks Pike entrance across from Rice Pike is also a problem. Drivers in these additional one hundred plus homes dramatically increases the chances for automobile accidents at that intersection. (Please keep in mind that this entire area is even more dangerous at night because we have no street lighting at all.) Rice Pike is a quaint, narrow county road that was not built to handle the additional traffic that this request will bring with it.

I have to assume that Mr. Jones will be connecting to the sewer system that currently stops at Ryle High School. One hundred plus homes on 73 acres would not provide adequate area for septic systems. I also assume that Mr. Jones would bear the expense to connect into the sewer system. My wife and I are emphatically opposed to using any county funds to help Mr. Jones.

Mr. Jones' plan to build \$200,000 to \$300,000 homes in this area makes sense because of the purchase and preparation costs, but I'm skeptical since I'm not aware of T.W. Jones, the homebuilder, building homes in that price range. He currently advertises homes that range in price from \$115,000 to \$160,000. How serious are his intentions?

Because our biggest concern focuses on safety and the highway system is not planned to be enhanced anytime soon, we are opposed to the one hundred plus homes in the request. We would support less density in the neighborhood, perhaps reducing the building sites to half the original proposal.

Thanks again for sharing our concerns.

Regards,

A handwritten signature in black ink, appearing to read 'Tim McCubbin', written in a cursive style.

Tim McCubbin
2009 Wimbledon Lane
Union, KY. 41091

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

April 6, 1994
8:00 P.M.

Mr. Barry Neltner, Temporary Presiding Officer, called the meeting to order at 8:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mrs. Linda Schaffer
Mrs. Carol Smith, Secretary/Treasurer
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Ralph Rush
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director
Ms. Jan Hancock, Secretary
Mr. Robert Jonas
Mr. Dean Niemeyer

Mr. Kirby moved that Agenda Items Nos. 1, 3, 5, 7, 8, 10, and 11 be deferred to the April 20, 1994 Business Meeting. Mrs. Schaffer seconded the motion and it carried unanimously.

Mr. Neltner advised that the following item is recommended for deferral to the June 1, 1994 Business Meeting:

6. Site Plan Review: The request of Winn Dixie Louisville, Inc. (applicant) for C. W. Henne Companies and Frisch's Restaurants, Inc. (owner) to construct a Winn Dixie Market Place. The 9.89-acre site is zoned Commercial Services (C-3) and Commercial Services/Planned Development (C-3/PD) and is located at Turfway Road and KY 18, Florence, Kentucky.

Mr. Kirby moved that Agenda Item No. 6 be deferred to the June 1, 1994 Business Meeting. Mrs. Schaffer seconded the motion and it carried unanimously.

Mr. Neltner introduced Agenda Item No. 2:

2. Zoning Map Amendment

The request of Thomas W. Jones (applicant) for Patsy Slayback (owner) for a Zoning Map Amendment on an approximate 73-acre parcel located on Rice Pike near U.S. 42, Boone County, Kentucky. The request is to change the zoning from Agriculture Estate (A-2) to Rural Suburban (RS).

Staff Member Dean Niemeyer read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). Mr. Niemeyer advised that the applicant has signed a letter agreeing to the conditions.

Mr. Ries 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.

4. Zoning Map Amendment

The request of David Hopper and Tim McNeely (applicants) for David Hopper - H & M Construction (owner) for a Zoning Map Amendment on an approximate 1.88-acre parcel located on Bessemer Lane off KY 16, Boone County, Kentucky. The request is to rezone the site from Agriculture Estate (A-2) to Industrial One (I-1).

Staff Member Bob Jonas 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 the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. McElroy seconded the motion.

Mrs. Schaffer stated that at the Public Hearing Chairman Viox had a concern about the property changing ownership in the future as it is

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission
FROM: Phil Damstrom, Chairman
DATE: April 6, 1994
RE: Request of Thomas W. Jones (applicant) for Patsy Slayback (owner) to consider a Zoning Map Amendment on an approximately 73 acre parcel located on Rice Pike near U.S. 42, Boone County, Kentucky. This is a request for a Zoning Map Amendment to change the zoning from Agricultural Estate (A-2) to Rural Suburban (RS).

REMARKS:

We, the Committee, recommend approval based on following findings of fact and with the following conditions:

Findings of Fact

1. Section C-6: New Haven Area of the Land Use Element of the 1990 Boone County Comprehensive Plan states the following about the area where the requested site is located:

Development of this section of the county is dependent upon the Richwood Interchange, the impacts of the Mt. Zion Interchange on Union, and the availability of public sewer service. It important that residential subdivisions construct internal roadway systems rather than using the existing roads for primary access; these existing roads should serve as corridors to move traffic through the area.
2. The site has access to water and sanitary sewers via the southeast sewer system of Boone County. The Boone County Water and Sewer Commission has obtained an easement through the contiguous Boone County Public School property to the north. The applicant will have to provide a pump station, force main and sanitary sewers for the subdivision.
3. The development for the site will have a single access on to Rice Pike and, therefore, will not impact U.S.42 with a new primary access.
4. Since no Concept Development Plan has been submitted for this request, the Committee believes that the attached conditions are important to enable consistency with the Comprehensive Plan. The applicant has signed a condition letter demonstrating his agreement with these conditions.

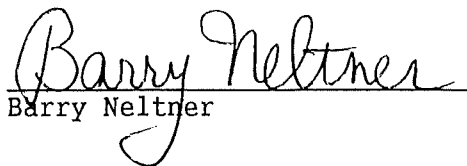
Conditions

1. Applicant/developer agrees to give right-of-way along the site's approximately 1,500 foot frontage on Rice Pike to the owner of the road to allow for future road improvements. The size of the right-of-way the Boone County Public Works Department would need is 60 feet total for Rice Pike, which is classified as a collector street by the Boone County Subdivision Regulations. The existing right-of-way is approximately 30 feet, so the applicant will need to dedicate an additional 15 feet. At the Improvement Plan stage, the applicant shall work closely with the Boone County Public Works Department to determine whether additional right-of-way for Rice Pike improvements will be needed for the entrance road area of the subdivision. The Public Works Department might need the additional right-of-way (over 60 feet) for future improvements on Rice Pike for flattening the steep grades in both directions to this entrance road.
2. The maximum density of the residential development will remain at the proposed 109 lots on the 74 acre site.
3. A detailed erosion control plan will be submitted at the Improvement Plan stage which addresses erosion control measures for each phase of the development. These plans will include a detailed time schedule for grading work and re-establishment of ground cover to control soil erosion as well as measures to protect the creeks within the site.
4. To help preserve the horse farm atmosphere of the area, the applicant/developer will erect wood, rail fencing (comparable to fences for horse farms) along the site frontages on U.S 42 and Rice Pike. This shall be detailed at the Improvement Plan Review.

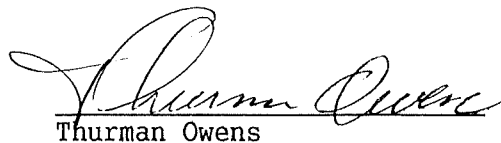
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

Phil Damstrom, Chairman

Fred Burch



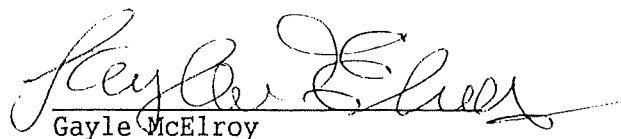
Barry Neltner



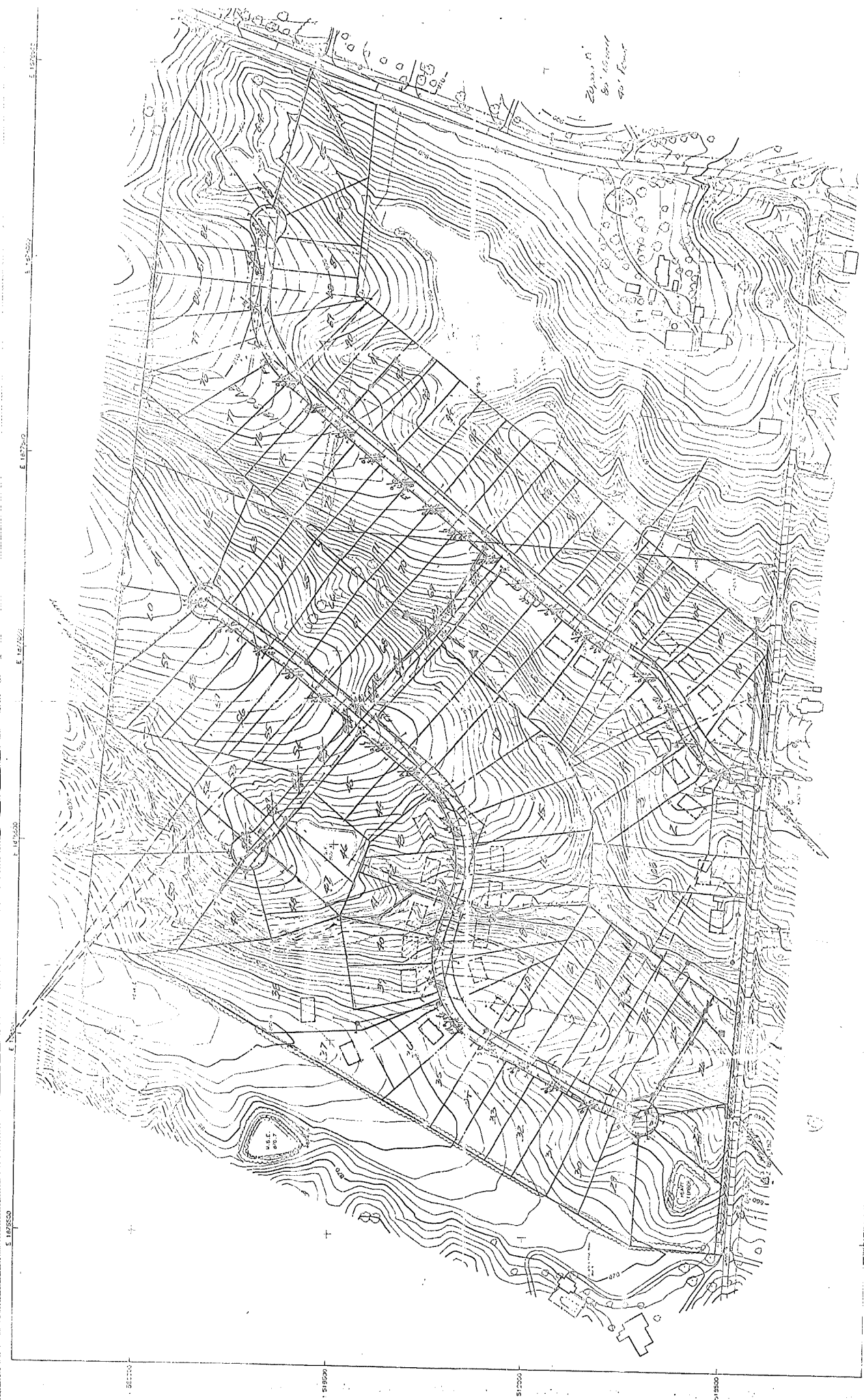
Thurman Owens



William Bailey



Gayle McElroy



*2000 ft. contour
to 1000 ft. contour*

Jones / Sloybeck St.
Boyer County, Kentucky
Map 6 V12

E 187550

E 187500

E 187500

E 187500

E 187500

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Boone County Recorder

May 25, 1994

**LEGAL SUMMARY
ORDINANCE NO. 920.272**

The Boone County Fiscal Court at its meeting held Tuesday, May 17, 1994, at 6:30 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 THOMAS W. JONES (APPLICANT) FOR PATSY SLAYBACK (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATES (A-2) TO RURAL SUBURBAN (RS) FOR A 73 ACRE SITE GENERALLY LOCATED ON RICE PIKE NEAR U.S. 42, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-94-007-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 Fiscal Court Clerk 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**