

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 MT. ZION APARTMENTS
2. Location of Project MT. ZION RD. AT I-75
3. Total Acreage of Site 27.68
4. Current Zoning of Site UR-1
5. Proposed Zoning (Classification being requested) UR-1 / P.D.
6. Proposed Uses (please specify each use) MULTI - FAMILY
7. Names of Applicant(s) FRED BURNS
8. Address of Applicant(s) 3341 POST ROAD, LEXINGTON KY 40504
9. Name of Property Owner(s) JOYFUL ACRES INC.
10. Address of Property Owner(s) 4205 DIXIE HIGHWAY, ELSMERE KY, 41018
11. Proposed Building Intensities (please specify) 15.6 D.U./ACRE
12. Are there any existing buildings on the site? NO
13. Deed Book 487 Page No. 182 Group No. 2057
14. Are you also applying for: NO Conditional Use Permit, NO Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
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: YES Boone County Water and Sewer District, NO Florence Water and Sewer Commission, NO Union Light Heat and Power, NO Cincinnati Bell, N/A Owen County Rural Electric, N/A Boone County Public Works Department

(over)

EXHIBIT "A"

STAFF REPORT

Request of Fred Burns (applicant) for Joyful Acres, Inc. (owners) to change the zone from Urban Residential One (UR-1) to Urban Residential One/Planned Development. The 27.68 acre site is located at the northwest quadrant of I-75 and Mt. Zion Road, Boone County, Kentucky.

April 27, 1994

This request is for Joyful Acres, a multi-family residential development located on the northwest quadrant of the Mt. Zion Road/I-75 interchange (see sheet #1). This request for the Planned Development Overlay would permit the applicant to increase the permitted density from 12 units per acre to 15.6 units per acre as shown on the submitted Concept Development Plan.

Surrounding Zoning and Land Uses (See Sheet #2)

North: South Fork Creek, undeveloped land and residences located on Sunnybrook Drive zoned Suburban Density Residential One (SR-1)

South: Undeveloped land zoned Suburban Residential One (SR-1)

East: I-75 and vacant industrial property zoned Industrial Two (I-2)

West: Agricultural land and residences zoned Suburban Residential One (SR-1)

Site Characteristics

The topography of the site is generally flat and slopes towards South Fork Creek to the north. A drainage area was created during the interchange development which runs through the northeast third of the site. This northeast third of the site is heavily wooded and provides a buffer between the interstate and the proposed use. In addition, the west perimeter contains a wooded valley which provides somewhat of a buffer between the (SR-1) zone to the west. The site was graded during the construction of the Mt. Zion Road/I-75 interchange which removed some tree growth and altered the lay of the land. The northern property line abuts a branch of the South Fork Creek and has a very steep heavily wooded slope. Access to the proposed development would be from a Frontage Road created during the construction of the interchange.

Relationship to the Comprehensive Plan

The 1990 Boone County Comprehensive Plan Land Use Map, indicates the applicant's site as High Suburban Density (HSD) which establishes a density of six (6) units per acre (see sheet #3). The text of the Land Use Element speaks to this area on page 223 of the Comprehensive Plan by stating that:

West of I-75 and along Weaver Road should develop residentially in a similar fashion to Saddlebrook Farms Subdivision. Existing tree stands should be preserved to establish the contrast of this area from the Northern Kentucky Industrial Park, and to decrease noise impacts of I-75 and the airport.

The Mt. Zion Road interchange will have the single largest impact on this area. The west side of the interchange should develop rapidly with the new accessibility, but this development should be planned in such a way as to not greatly impact the existing and planned Suburban Density Residential uses. The northwest quadrant of the interchange should be an ideal location for higher density residential development of an apartment, condominium or townhouse type. This is compatible with the residential character of the area, and should provide housing opportunities for employees of the Florence urban area as well as providing a limit to over-expansion of commercial activity towards Union.

Planned Development

The intent of this article is to provide a permissive and alternative zoning procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of proving substantial value to the community over the conventional districting and other regulations prescribed as normal course in this order but requiring unique consideration, disposition, control and approval. Planned Development is a special overlay zoning district, which allows some variety among land uses and densities in return for imaginative designs.

The Planned Development zone is intended to encourage:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements;
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
3. A development pattern which preserves and utilizes natural topography and geological features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
5. A development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the comprehensive plan;

6. A signage package in harmony with the objectives of the Planned Development.

Concept Development Plan

The applicant is proposing a 432 unit multi-family development which would include 168 one bedroom apartments and 264 two bedroom apartments. The development will be situated on a 27.63 acre tract of land, and will involve the construction of an approximately one acre pond out of the drainage area which runs through the northeast third of the property (see sheet #4). This pond will be used for stormwater detention purposes for the runoff created by this development. A club house, pool, volleyball and tennis courts are indicated as being included with this proposed development. Only one means of ingress and egress is proposed, and the trees along the west property line will be preserved.

The applicant is requesting an increase in density of 3.6 units per acre over the 12 units that are currently permitted within the Urban Residential One (UR-1) zone. Water service for the site will be extended from Mt. Zion Road and sanitary sewer will be pumped from Sunnybrook Drive to the site and a force main will be constructed along Sunnybrook Drive to Weaver Road.

Staff Concerns

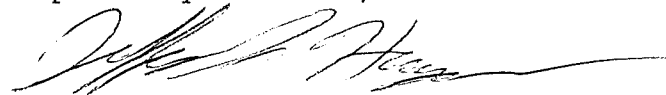
1. Staff believes that the tree stand which exists along the northeast third of the property should be preserved as a buffer between the interstate and the proposed residential development. The applicant's concept plan shows the removal of these trees.
2. Every effort should be made to avoid the hillside along the northern property line during construction to preserve the wooded area designated as open space in the Boone County Comprehensive Plan and to protect the South Fork Creek from sedimentation.
3. Staff questions whether this is a unique, innovative or imaginative design as described in Article 15 to permit the increase in the proposed density.
4. Staff is concerned with the single means of ingress and egress and would suggest that at a minimum an emergency access be explored to Sunnybrook Drive.
5. Special consideration should be given to erosion control during construction and staff would recommend that the site be seeded to provide ground cover immediately after grading to protect South Fork Creek.
6. The existing trees along the west and north property lines should be preserved to provide a natural buffer to the neighboring Suburban Residential One (SR-1) zoned property. Additional landscaping may be needed along the north and northwest corner of the property which abuts the residences on Sunnybrook Drive to create a more substantial buffer.

7. The parking areas indicated on the submitted concept development plan in the northwest corner of the site should be reoriented to prevent automobile lights from shining towards residences located along Sunnybrook Drive. As an alternative, staff would recommend that one apartment building be oriented along the ridge line in this northwest corner with the parking located in the interior of the site. This would provide a view of a valley instead of a parking lot for some units while blocking out any automobile lights that may shine towards the residences along Sunnybrook Drive.
8. Staff questions what type of signage will be proposed for this development, its location and size. The Boone County Zoning Regulations only permit one free-standing sign 50 square feet in size.

Conclusion

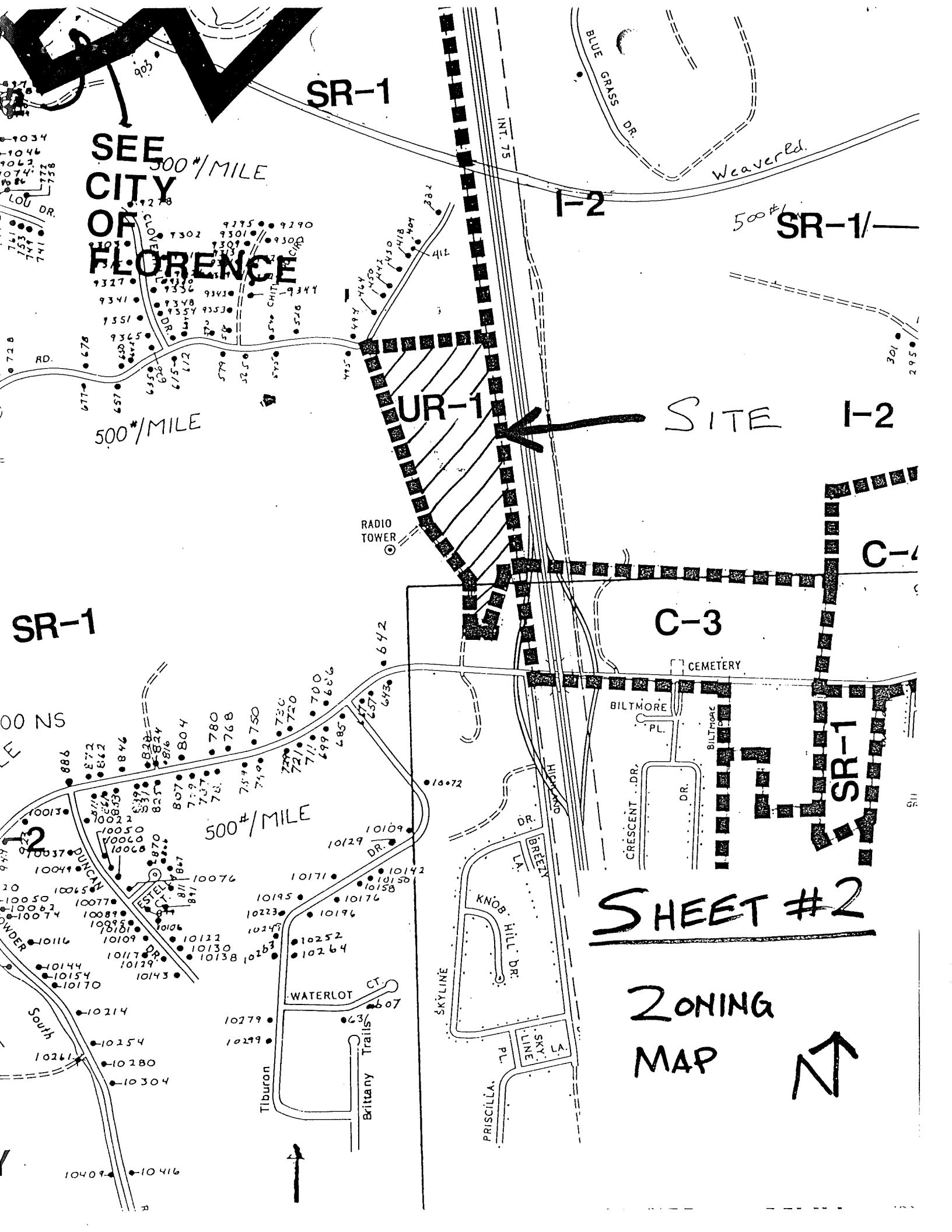
In conclusion, the proposed Zoning Map Amendment request is not in agreement with the Future Land Use Map of the Boone County Comprehensive Plan which indicates this area should develop as High Suburban Density Residential (HSD). However, the text of the comprehensive plan does indicate that this site is an ideal location for higher density residential. If this request should be granted by the Boone County Fiscal Court, a change would be needed in the Boone County Comprehensive Plan Future Land Use Map from High Suburban Density (HSD) to Urban Density (UD) residential.

Respectfully Submitted,



Jeffrey F. Hayes
Planner I

JFH/par



SR-1

SEE CITY OF FLORENCE

I-2

500# SR-1

UR-1

SITE I-2

C-1

C-3

CEMETERY

SR-1

SHEET #2

ZONING MAP



SR-1

00 NS

500# / MILE

500# / MILE

500# / MILE

LOU DR

RD

DUNCAN

WATERLOT CT

Tiburon

Brittany Trails

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KNOB HILL DR

BREEN LA

PRISCILLA

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BILTMORE DR

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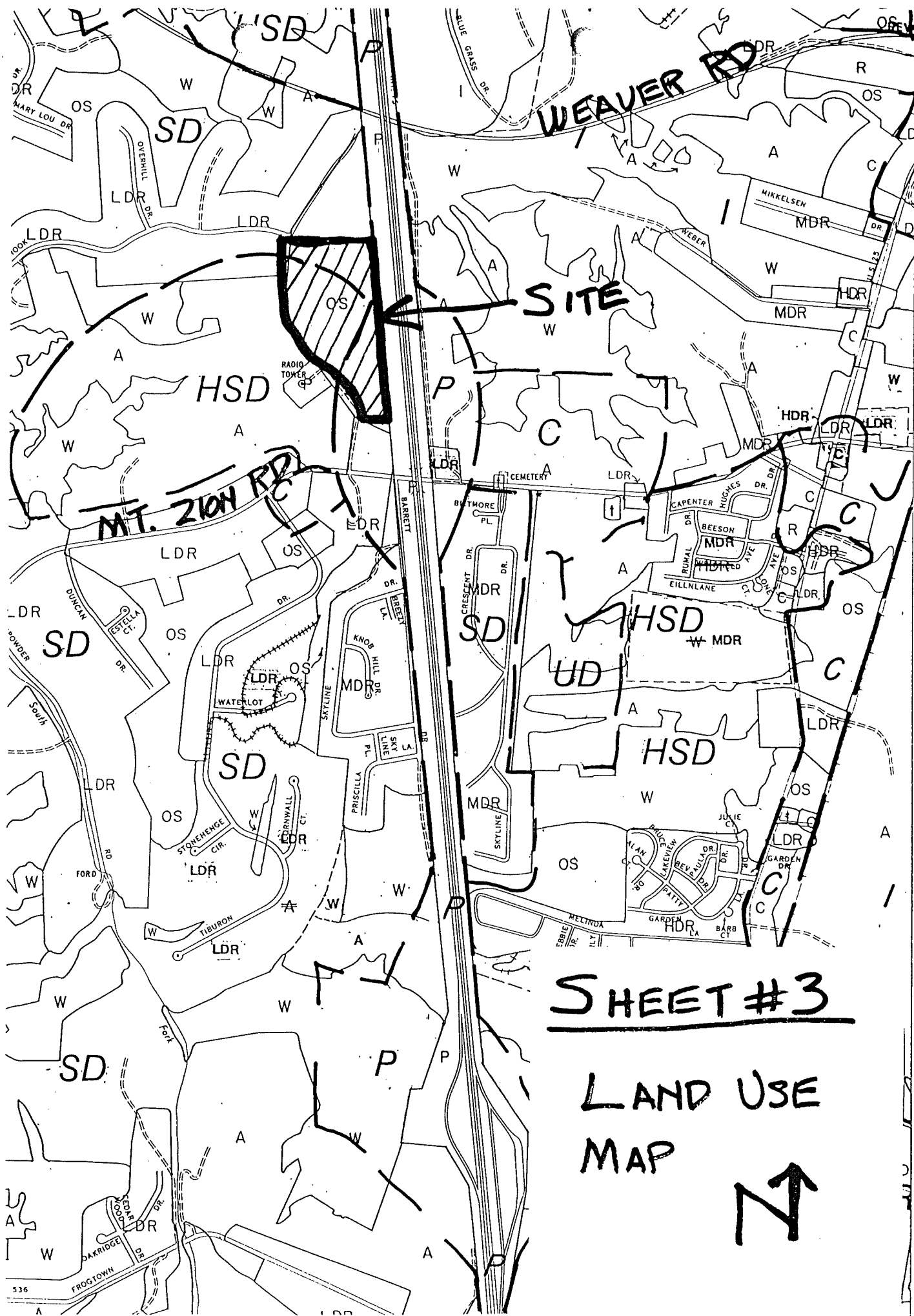
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SHEET #3

**LAND USE
MAP**



BOONE COUNTY PLANNING COMMISSION

April 27, 1994
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mr. Viox - Chairman, and Mr. White.

Mr. William Viox, Chairman, called the meeting to order at 7 P.M.. The Chairman stated that Agenda Item No. 2 has been postponed until May 4, 1994. Counselor Wilson advised that Agenda Item No. 2 will be rescheduled at the Business Meeting on May 4, 1994 -- the Public Hearing will not be held at that time.

Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Applicant: Fred Burns for Joyful Acres, Inc. (owner)
Request: Zoning Map Amendment

The request of Fred Burns (applicant) for Joyful Acres, Inc. (owner) to change the zone from Urban Residential One (UR-1) to Urban Residential One/Planned Development (UR-1/PD) to allow a multi-family residential development. The 27.68-acre site is located at the northwest quadrant of I-75 and Mt. Zion Road, Boone County, Kentucky.

Staff Member Jeff Hayes presented the Staff Report which included a review of the attached maps and a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's comments.

Mr. Tim Flynn, Senior Vice President of Fred Burns and Associates, gave a slide presentation of their development in Lexington. He indicated the access to the site and the landscaping, which included Bradford pear trees. The buildings are all brick construction. He showed the clubhouse. He stated that the signs are a sand blasted material. He indicated a sitting room. Mr. Flynn stated that what is shown in the slide presentation is the exact product they will duplicate in Boone County. He showed slides of a multi-use room for parties and meetings, the office area, and a hallway leading to the pool. There is also a pool table and bar area. He showed a slide of the exercise facilities, including Nautilus, treadmills, etc.. They have aerobics twice a week. He showed the laundry facility for people not having a washer and dryer in their apartment. He showed slides of the interior of the apartments, which are 1,000 square feet with two full baths. He showed a slide of the tennis court, the pool area, and the parking lot. The garages are brick

with metal doors to be maintenance free. The slides were submitted for the record. Mr. Flynn distributed brochures to the Commissioners.

Mr. Fred Burns reviewed a drawing of the property. He indicated an existing area of fill with no trees. He stated that driving up I-75 you are looking right into the property and they want to take advantage of the view. He indicated a lake to be used as a retention area. Several apartment units will overlook the lake and some will overlook the creek. He stated that a tennis court has been eliminated to save the trees. He indicated the trees that would be removed and those which would remain. To make the project work financially, they need a three-story structure. The people who live in this type of development usually make \$20,000 up and into the \$60,000 range. They will not take tenants who do not make 3.5 times their rent per month. He noted that the Staff Report talks about another access. They are not opposed to another access and estimate the cost to be about \$30,000. He indicated a possible access from the rear of the property and stated that it would be good for the fire department. He indicated the area they would develop first. He noted that they are concerned about the creek and are addressing the water areas first.

Mr. Burns stated that he is from Lexington and has four daughters. He has properties in Lexington and in Florida. He became interested in the Boone County area when his daughter came here to go to school and could not find an apartment. Their market studies indicate a large amount of subsidized housing in this area, but not much high quality housing. He stated that they like brick and high quality. He stated that this property was sold before he got there and the only thing that kept it from being subsidized housing is that the Kentucky tax people turned down the tax credits. There is a strong need for high scale apartments. These apartments will run from about \$550 to \$675 a month and are all one- and two-bedroom units.

Mr. Burns referred to Staff Concern #7 and stated that he is not sure what the Staff is talking about, but does not think it is a major thing. He stated that they tried to stagger the buildings for the effect. They will be putting in racquetball courts and probably eliminating the pool tables. He is not sure about the Staff concern in regard to the lighting. He indicated where they are removing trees. He stated that they will put in sidewalks and curbs. They are hard with their management. They build the units, rent them, and stay there.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Mr. Tim Raterman, a resident of South Hampton Estates on the southwest quadrant of the I-75/Mt. Zion Interchange, stated that their main concern is property values. They have substantial investments in the residential area. He agreed with Staff Concern No. 3. He questioned if the development is imaginative enough to increase property values. He stated that they are proud of their area and have an interchange which is not littered with fast food restaurants and gas stations. He is concerned about the overall aesthetics of the area and the property values.

Kathy Whitis, 495 Sunnybrook, which is right on the northern corner of the property, stated that they are concerned about property values. They moved out there from a dense area to have land. They are concerned about the flooding of South Fork Creek. Since the area has been cleared, they have had significant flooding which is affecting the bridge over the creek. There is erosion from the flooding.

Charlie Carmony, a resident of Mt. Zion Road for 17 years, stated that it is hard to get in and out of their driveway. If these apartments go in, they will need a tank to get out of the driveway. He questioned when the development would end. An interchange was put in and now apartment buildings -- he questioned why they don't just bulldoze his home.

Mr. Lawrence Whitis stated that he and his wife, Kathy, live at the end of Sunnybrook Drive. One of their concerns would be Sunnybrook Drive becoming an alternative back exit to the project. Sunnybrook Drive was not built to accommodate traffic and has just recently been paved.

There being no further comments from the audience, Chairman Viox asked for comments and questions from the Commission.

Mr. McMillian asked if Sunnybrook Drive goes through to Weaver. Mr. Hayes replied "no" and noted that it goes to Gunpowder.

Mr. Kirby questioned the age of the development in Lexington shown in the slides. He noted that the Bradford pear trees look to be 1.5 to 2 stories tall. He questioned the size of trees they plan to use in this development in the beginning.

Mr. Burns advised that the Lexington development is four years old. The Bradford pear trees have a maximum height of 25 feet, and are approaching 16 feet at this time. Bradford pear trees are used a lot in the Lexington area as borders between the sidewalks and the street because they flower in the early spring and hold their leaves. The trees were a little large when they were put in to be nicer looking and they would most likely use trees equally as large in this project. He stated that they have concerns about their neighbors and will work closely with them through construction and after.

Mr. Owens questioned the school age population in the development, based on their experience in Lexington.

Mr. Burns stated that since there are no 3-bedroom units, they do not get a significant number of children. They have a large 65 and older crowd. He stated that 10% - 15% are over 65. They have 35 children in the 216-unit complex and 10 - 15 of them are below school age, another 10 - 15 would be school age to high school, and the balance would be young adults.

Mr. Ries questioned the zoning in the area. Mr. Hayes explained that the Comprehensive Plan says it is an ideal location for high-density residential because it was known ahead of time that there would be the interchange. The area was rezoned because of the interchange. The area was SR-1 and changed to UR-1.

Mrs. Schaffer stated that the site is in the City of Florence. She asked if the frontage road is a public access road or just for this property. Mr. Hayes advised that it is a state road which was put in when the interchange was put in. Mrs. Schaffer stated that the road is just to serve this property. Mr. Hayes agreed.

Mrs. Schaffer asked if the streets within the development would be privately maintained. Mr. Burns replied "yes". He added that the whole property would be privately maintained. They have a cleaning service come in to do the sidewalks and streets and seal the blacktop about every other year. They paid for the fire hydrants in Lexington and the city maintains them.

Mr. Bailey questioned how much of the 27 acres is open space and how much is recreation. Mr. Burns stated that the lot coverage is 13%. He stated that under four acres is lot coverage. Recreation is in excess of 50%, possibly 75%, but you have to take out the parking area. Mr. Bailey restated his question. Mr. Burns stated that there would be over 17 acres if you consider the picnic/park area in the front and the inaccessible areas. He stated that maybe 2 or 3 acres would be swings or volleyball or tennis courts. Mr. Bailey asked if Mr. Burns was saying that 17 acres would be open space. Mr. Burns replied "yes" and added that two acres of that would be recreational. Mr. Burns stated that less than four acres would actually be recreational, but if you include the yard, it would be 10 or 12 acres.

Mrs. Schaffer questioned where Sunnybrook Drive goes. Mr. Hayes stated that it is ingress/egress from Gunpowder and Evergreen.

Chairman Viox asked if there were any further comments from the Staff.

Mr. Hayes stated that he received a letter from John Brockett, a resident of South Hampton. He summarized the letter which indicated Mr. Brockett's concern about the traffic to be generated from this development. Mr. Brockett is also concerned about storm water problems and thinks that the stormwater generated from the development would go towards South Hampton. Mr. Hayes advised that the stormwater goes away from that area and would not impact South Hampton. The letter is a part of the record.

Mr. Hayes completed the Staff Report in regard to the Staff Concerns. He noted that the drawing presented by the applicant has some differences from the submitted Concept Plan.

Chairman Viox asked if the applicant wished to comment in regard to the Staff Concerns or the comments from the community.

Mr. Burns stated that, obviously, the development would create more traffic. The traffic will be primarily 8 AM - 9 AM and 5 PM - 6 PM. He stated that mobile homes are going in catercorner to the property and they will create traffic too. He commented on the high quality of the development and the quality of the neighborhood. He stated that they do not allow tenants who break into the neighborhoods and they go after people who write back checks and have DUI's. He stated that it is

important to the property that certain elements not be there. They will work with the neighbors in any way that is reasonable. He is not sure he agrees with the Staff about the lighting problem and stated that the neighbors can be involved in the selection process for the shrubbery. He stated that the maintenance people clean up the property in the mornings. They use a central dumpster and there will not be 10 different dumpsters on the property. He believes the water may be cleaner than it was because they pick up trash. There will not be tires and other materials in the water.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on May 9, 1994 at 7 P.M. in Room 3B. People should check with the Staff as the location may have to be changed. This item will be on the Agenda for the Business Meeting on May 18, 1994 at 8 P.M..

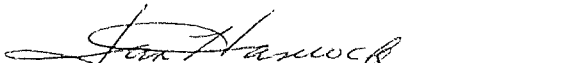
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:


Jan Hancock, Recording Secretary

Amendment To The April 27, 1994, Public Hearing Minutes

(see correction in the May 4, 1994 Business Meeting Minutes)

At the May 4, 1994 Business Meeting, the Minutes of the April 27, 1994 Public Hearing were amended as follows:

Mrs. Schaffer stated in Public Hearing Item No. 1, Page 4, she asked if the site was in the City of Florence and was told it was not. Mr. Costello advised that the site is not in the City of Florence.

Mr. McMillian moved that the Minutes be approved as amended. Mr. Ries seconded the motion and it carried unanimously.

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

May 18, 1994
8:00 P.M.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:45 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mr. William Viox, Chairman*
Mr. Earl White
* Chairman Viox arrived after Item No. 4

COMMISSION MEMBERS NOT PRESENT:

Mrs. Carol Smith, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director
Mr. Dave Geohegan, AICP
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Dean Niemeyer

adjacent residential use. The Committee questioned if there was enough room for landscaping and the applicant generally sketched the driveway as it will appear on the site -- not like it is shown on the Concept Plan. The driveway will enter the building instead of going around to the back.

Mr. Jon Votel stated that they want the driveway against their building. They do not want green space between their building and the driveway. He stated that the driveway is about 8' to 10' away and there will be enough room for the evergreen trees.

Mrs. Schaffer questioned the gravel road. Mr. Votel advised that the gravel road is where their entrance will be. It is at the corner of their property and the adjacent property. The entrance has to be there because it is the only place where the water line is low enough. He stated that it will have to be a wider entrance than what is there now and all the additional width will be on their property when they get off the state right-of-way. For the first 25 feet, it may not be ten feet on their property, but once it goes past 25 feet, it will be ten-feet wide for the rest of the way.

Mrs. Schaffer stated that there will be screening on the two sides. Mr. Votel agreed.

There being no further comments, Mr. Burch asked for a roll call vote on the motion made by Mr. Damstrom which found Mrs. Arnett, Mr. Bailey, Mr. Burch, Mr. Damstrom, Mr. Kirby, Mr. McElroy, Mr. McMillian, Mr. Owens, Mr. Neltner, Mr. Ries, Mr. Rush, and Mr. White in favor. Mrs. Schaffer was opposed. Chairman Viox was not yet present. The motion carried by a vote of 12 to 1.

Chairman Viox chaired the meeting at this time and advised that the following item has been withdrawn:

1. Zoning Map Amendment: The request of Robert Porter et al (applicant) for Fifth Third Bank - Trustee (owner) to change the zone on an approximate 90-acre site at 7936 Pleasant Valley Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential One/Planned Development (SR-1/PD) to allow a single-family detached residential development.

Chairman Viox introduced the next item on the Agenda:

2. Zoning Map Amendment

The request of Fred Burns (applicant) for Joyful Acres, Inc. (owner) to change the zone from Urban Residential One (UR-1) to Urban Residential One/Planned Development (UR-1/PD) to allow a multi-family residential development. The 27.68-acre site is located at the northwest quadrant of I-75 and Mt. Zion Road, Boone County, Kentucky.

Staff Member Jeff Hayes read the Committee Report which recommended approval of the request based on the findings of fact, but subject to six

conditions (see Committee Report). He advised that the applicant has signed the letter agreeing to the conditions.

Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved. Mr. Neltner seconded the motion.

Mrs. Schaffer stated that the Public Hearing minutes were amended and approved and this site is not in the City of Florence. Chairman Viox asked that the record show that the site is not in the City of Florence.

Chairman Viox asked for a vote on the motion made by Mr. Kirby and it carried unanimously.

3. Zoning Map Amendment

The request of John McCausland, Buchanan Development (applicant) for Lawrence and Mary Lou Howe, and Lawrence and Frannie Lawson (owners) to change the zone from Rural Suburban (RS) and Industrial One (I-1) to Residential One-Family (R1F) on a 107-acre site located on the north side of Maher Road. The total project lies in both Boone County and Kenton County and totals 214 acres. The Kenton County and Municipal Planning and Zoning Commission is currently evaluating a Zoning Map Amendment on the portion of the project in that county. The request is to allow a single-family residential development.

Chairman Viox advised that the applicant wishes to speak in regard to this request.

Mr. Martin Butler, attorney, asked that this request be deferred for a month as they are working on some new developments which they believe are responsive to some of the concerns raised. He requested deferral to June 15, 1994.

Mr. Kirby moved that the request be deferred to the June 15, 1994 Business Meeting. Mr. Neltner seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of Joseph Berkshire (applicant and owner) to change the zone on a 16.6-acre site located between Oakbrook Subdivision and Thunder Ridge Subdivision on Pleasant Valley Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Suburban Residential One (SR-1) to allow a single-family residential development.

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

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

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: May 18, 1994

RE: Request of **Fred Burns (applicant)** for **Joyful Acres, Inc. (owners)** to change the zone from Urban Residential One (UR-1) to Urban Residential One/Planned Development. The 27.68 acre site is located at the northwest quadrant of I-75 and Mt. Zion Road, Boone County, Kentucky.

REMARKS:

We the Committee, recommend approval of the request based upon the following findings of fact:

Findings of Fact:

1. The proposed Zoning Map Amendment is in agreement with the 1990 Boone County Comprehensive Plan, which indicates that the northwest quadrant of the interchange should be an ideal location for higher density residential development of an apartment, condominium or townhouse type. The Committee feels that the proposed apartment units are compatible with the existing residential character of the area, and should provide housing opportunities for employees of the Florence urban area as well as providing a limit to over-expansion of commercial activity towards Union.
2. The Committee believes that the proposed Concept Development Plan preserves and utilizes natural topography and geological features, trees, and other vegetation. In addition, this development provides needed recreational amenities such as a lake, tennis courts, swimming pool, and volleyball court which is in agreement with the Recreation Element of the Comprehensive Plan.
3. The Committee believes that the proposed density is in agreement with the Housing Element of the Comprehensive Plan which indicates that high gross density development should be encouraged to locate in areas with immediate or convenient access both to major streets or highways and to significant commercial areas and public facilities. The proposed development borders and has convenient access to the interstate and is in close proximity to the commercial services of the City of Florence.

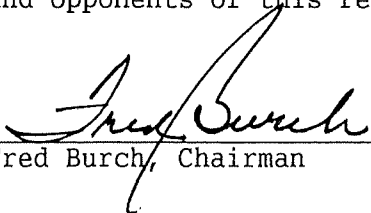
Conditions:

The applicant is being asked to agree to and include these items as part of the Concept Development Plan and to address questions and comments at the Public Hearing:

1. An emergency access shall be provided to Sunnybrook Drive. The design of this emergency access point will be determined during the Site Plan Review procedure.

2. Berming and buffering may be necessary along the northwest property line to screen the existing residence on Sunnybrook Drive. This buffering will be designed in such a way that it prevents lights of automobiles from shining into the residences on Sunnybrook Drive. The location and design of this buffer will be reviewed during the Site Plan Review procedure.
3. The trees along the north and west property lines shall be preserved. In addition, the large stand of trees located in the northeast corner of the property will be preserved as indicated on the Concept Development Plan.
4. All disturbed areas will be seeded immediately after grading along the north property line. In addition, every effort should be made to avoid grading on the northern property line. Additional erosion control measures may be required if necessary during the Site Plan Review procedure.
5. The permitted free-standing sign will be of a monument design, which will be of a masonry construction, low to the ground and appropriately landscaped.
6. The design and materials used for the proposed apartment development shall be similar to that which was presented at the Public Hearing. In addition, landscaping and amenities such as the swimming pool, tennis courts, volleyball court, club house and fitness room shall be provided as presented at the Public Hearing.

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.



Fred Burch, Chairman



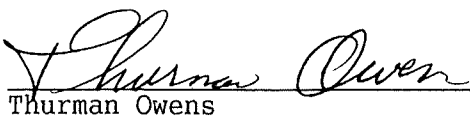
Barry Neltner



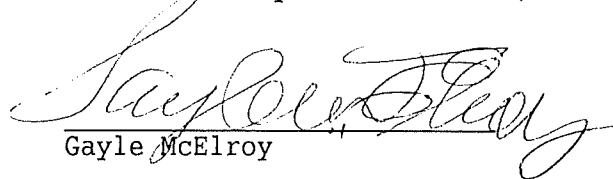
Phil Damstrom



William Bailey



Thurman Owens



Gayle McElroy

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

May 17, 1994

Mr. Fred Burns
3341 Post Road
Lexington, KY 40504

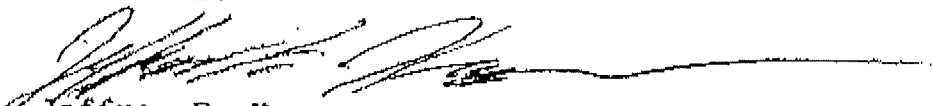
RE: Conditions of Approval for the Joyful Acres Zoning Map Amendment

Dear Mr. Burns:

The following represents the conditions being discussed by the Zone Change Committee. If you, as the applicant will agree to these conditions, please indicate so by signing your name at the space indicated at the end of this letter and return this letter by 3:00 PM on May 18, 1994.

1. An emergency access shall be provided to Sunnybrook Drive. The design of this emergency access point will be determined during the Site Plan Review procedure.
2. Berming and buffering may be necessary along the northwest property line to screen the existing residence on Sunnybrook Drive. This buffering will be designed in such a way that it prevents lights of automobiles from shining into the residences on Sunnybrook Drive. The location and design of this buffer will be reviewed during the Site Plan Review procedure.
3. The trees along the north and west property lines shall be preserved. In addition, the large stand of trees located in the northeast corner of the property will be preserved as indicated on the Concept Development Plan.
4. All disturbed areas will be seeded immediately after grading along the north property line. In addition, every effort should be made to avoid grading on the northern property line. Additional erosion control measures may be required if necessary during the Site Plan Review procedure.
5. The permitted free-standing sign will be of a monument design, which will be of a masonry construction, low to the ground and appropriately landscaped.

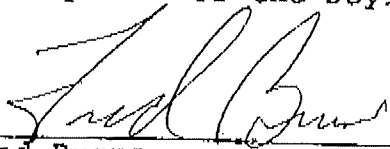
Sincerely,


Jeffrey F. Hayes
Planner I

JFH\par

Mr. Fred Burns
May 17, 1994
Page 2

I, the applicant, agree to the above listed conditions for approval of my request for the Joyful Acres Zoning Map Amendment.



Fred Burns
Applicant

Boone County Recorder

June 29, 1994

LEGAL SUMMARY ORDINANCE NO. 920.278

The Boone County Fiscal Court at its meeting held Tuesday, June 21, 1994, at 5:30 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 FRED BURNS (APPLICANT) FOR JOYFUL ACRES, INC. (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM URBAN RESIDENTIAL ONE (UR-1) TO URBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (UR-1/PD) FOR A 27.88 ACRE SITE GENERALLY LOCATED AT THE NORTHWEST QUADRANT OF I-75 AND MT. ZION ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION. VIA RESOLUTION R-94-013-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 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK