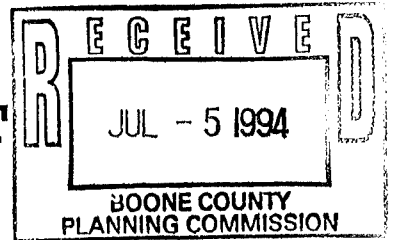


APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project Ripple Creek Estates
2. Location of Project North side of East Bend Road
3. Total Acreage of Site 26.86 Ac.
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) RS/PD
6. Proposed Uses (please specify each use) Single family detached

7. Names of Applicant(s) Raymond Erpenbeck Consulting Engineers
Phone Number 727-4200 Fax No. 342-5852
8. Address of Applicant(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
9. Name of Property Owner(s) K&P Development
Phone Number _____ Fax No. _____
10. Address of Property Owner(s) 5991 Carlton Dr.
Burlington KY 41005
City State Zip
11. Proposed Building Intensities (please specify) 2.0 D.V.A.

12. Are there any existing buildings on the site? Yes
How many? 1
13. Deed Book 333/334 Page No. 13/170 Group No. 2020
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? _____
16. Have you had a pre-application meeting with BCPC Staff? _____
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
NA Florence Water and Sewer Commission
Yes Union Light Heat and Power
Yes Cincinnati Bell
No Owen County Rural Electric
No Boone County Public Works Department
(over)

EXHIBIT "A"

STAFF REPORT

Request of Raymond Erpenbeck Consulting Engineers (applicant) for K and P Development (owner) for a Zoning Map Amendment on a 26.86 acre site located at the north side of East Bend Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Rural Suburban/Planned Development to allow a single-family detached residential development.

July 27, 1994

On September 15, 1993, the applicant requested and received approval from the Planning Commission for a Zoning Map Amendment on a 61.24 acre tract of land from Rural Suburban Estates (RSE) to Rural Suburban/Planned Development (RS/PD). The Boone County Fiscal Court adopted the resolution for the rezoning on November 30, 1993. This request would add an additional 26.86 acres of land and 30 additional lots to the previously approved zone change and Concept Development Plan if approved.

Surrounding Zoning and Land Uses (See Sheet #1)

North: Approved Ripple Creek Concept Development Plan for single family residents zoned Rural Suburban/Planned Development (RS/PD).

South: Residences zoned Rural Suburban Estates (RSE)

East: Undeveloped land zoned Rural Suburban Estates (RSE)

West: Approved Ripple Creek Concept Development Plan for single family residents zoned Rural Suburban/Planned Development (RS/PD).

Site Characteristics

The site which is located east of the previously approved Zoning Map Amendment is generally flat and contains a lake which is approximately two (2) acres in size. The applicant has not yet extended the water line to the site nor has the 24 inch sanitary gravity sewer line been constructed.

Relationship to the Comprehensive Plan

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates the future land use for this site as Rural Density Residential (See Sheet #2). The text of the Comprehensive Plan states that this area should experience some population growth as the Burlington area changes from a rural community to a suburban community. The suburban growth around Burlington should extend in all directions, causing KY 18 and Idlewild Road to serve as higher volume collector roads. New subdivisions should locate in close proximity to Burlington proper. The Comprehensive Plan further states, that subdivisions should develop internal road networks rather than using the existing roads as primary access; this will avoid congestion and allow adequate space for necessary road improvements.

In addition, the land use text indicates that transportation networks should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Also, appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets.

The Goals and Objectives section of the Comprehensive Plan indicates on Page 3 under transportation that proper access to adjoining property should be provided and/or retained when a property develops or redevelops and that new roadways shall be developed where needed and feasible.

Concept Development Plan

Access to the 26.86 acre development will be from the previously approved subdivision to the west (See Sheet #3). The development will have a density of 1.12 lots per acre with a total of 30 lots being added to the previous total of 103 lots. The existing house which is located on the site will remain and the existing lake will remain. Three (3) flag lots will have access off of East Bend Road and will back up to the existing lake. The applicant's plan does show a connection to the east which would serve the undeveloped property to the east.

Planned Development

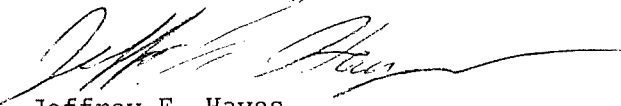
The intent of this article is to provide a permissive and alternative zoning procedure for innovative, mixed use residential, commercial, industrial or other type development or physical design proposals capable of proving substantial value to the community over the conventional districting and other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

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 or 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.

Conclusion

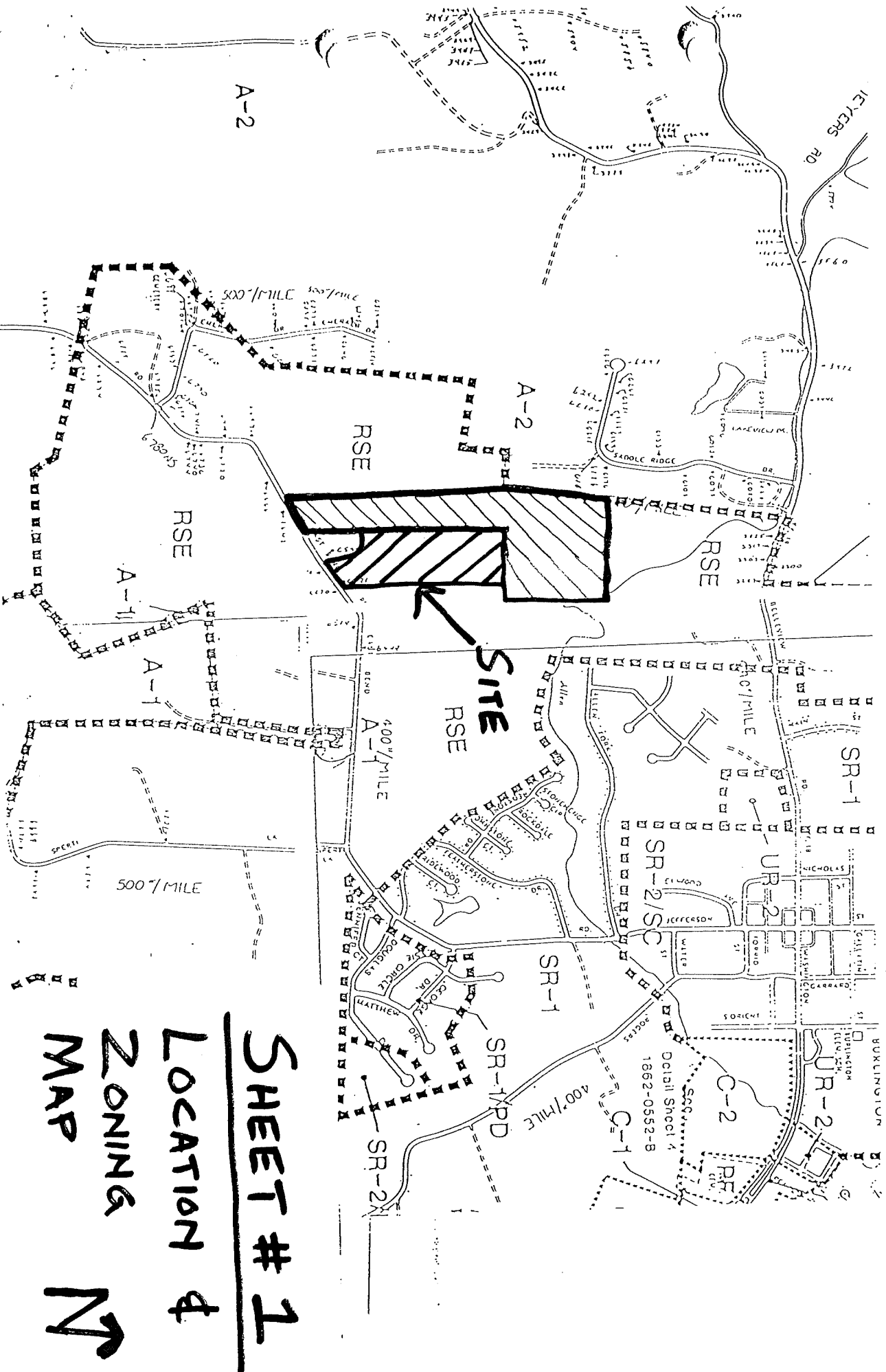
In conclusion, the proposed Zoning Map Amendment request generally is in agreement with the land use text of the Boone County Comprehensive Plan. However, it is not in agreement with the Future Land Use Map which indicates the area as Rural Density residential. Therefore, should this request be granted by the Boone County Fiscal Court, a change would be required to the Future Land Use Map from Rural Density Residential to Suburban Density Residential.


Respectfully Submitted,

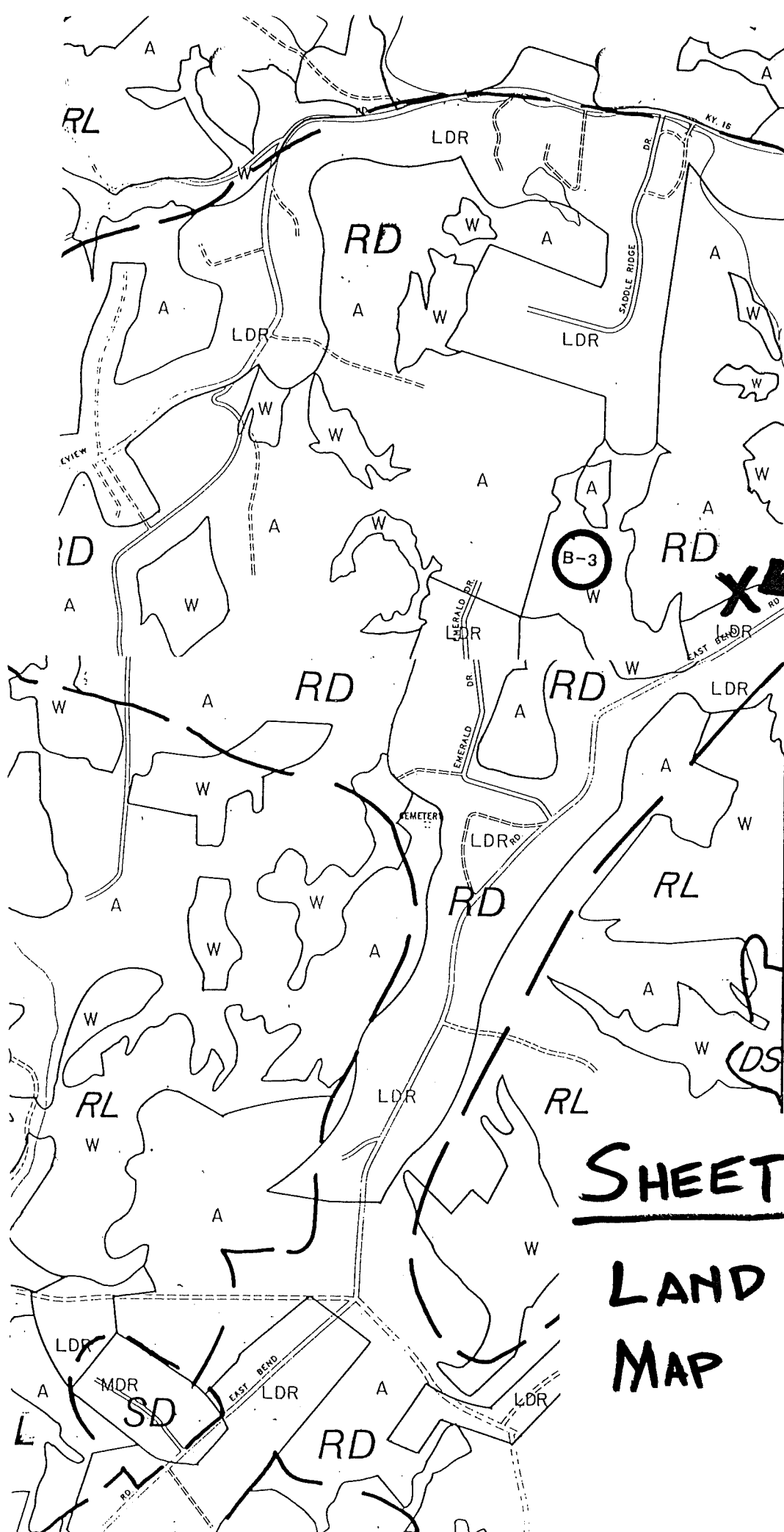


Jeffrey F. Hayes
Planner I

JFH\par



SHEET # 1
LOCATION &
ZONING
MAP 



SITE



B-3

SHEET #2

**LAND USE
MAP**



SHEET #3

CONCEPT PLAN



ACCESS
TO THE
EAST

KY 338



BOONE COUNTY PLANNING COMMISSION

July 27, 1994
8:30 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. McElroy, Mr. McMillian, Mr. Neltner, Mrs. Schaffer, Mr. Viox - Chairman, and Mr. White.

Mr. William Viox, Chairman, called the meeting to order at 8:55 P.M. and advised that the Committee Meetings for these items will be at 4 P.M. on August 8, 1994 in the Extension Office, Claxton Room. These items will be on the Agenda for the Business Meeting on August 17, 1994 at 8 P.M. in this room. Chairman Viox introduced the first item on the Agenda:

1. Applicant: Raymond Erpenbeck Consulting Engineers for K and P Development (owner)

Request: Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for K and P Development (owner) for a Zoning Map Amendment on a 26.86-acre site on the north side of East Bend Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Rural Suburban/Planned Development (RS/PD) to allow a single-family detached residential development.

Staff Member Jeff Hayes presented the Staff Report which included a review of the Concept Plan using the overhead projector and a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's comments.

Mr. Ray Erpenbeck, representing K and P Development (Mr. Kirby and Mr. Poston), stated that the density will be approximately 1.1 units per acre. One of the concerns of the previous zone change was the sanitary sewer and the water line. The sanitary sewer is under construction and anticipated to be in service this fall. The 16" water line is under construction and pipes were delivered to the site yesterday. They have permits and are ready to go. He stated that the subject site is a continuation of the previous zoning. They are under the allowable density for the RS Zone. They have added four lots on the north end of the property which are submitted as part of this application. This was done to balance out the acreage between the property owners. There are four flag lots in the front and the existing house. They will be able to protect most of the trees. He stated that the lots are in conformity with everything that has developed along East Bend Road.

Chairman Viox asked if there was anyone else present who wished to speak in regard to this request.

Mr. Frank Wareline stated that he lives in the middle of the development. He stated that on the first parcel of land that they changed the zoning on they struck the commercial use and said there would be no commercial use there. He asked if that holds true for the second parcel.

Mr. Erpenbeck stated that there will be no commercial development on this parcel. It is strictly single-family detached housing the same as was approved in the previous zone change, and he would make this a part of the record.

Chairman Viox asked if anyone else wished to speak. There being no response, he asked if there were any questions or comments from the Commission.

Mr. Wareline stated that when the first development was approved, he was told that if a pull off lane would be put in he would be notified -- and it looks like one was approved on the map.

Mr. Erpenbeck advised that they are working with the Department of Transportation on the design of the turn lane and, to his knowledge, they do not have a permit at this time. He will see that Mr. Wareline is notified in this regard.

Mr. Neltner asked if there are any other possibilities for access for the lots around the lake -- other than four additional drives onto the main road. Mr. Erpenbeck replied "not without endangering the lake". Using the plan he indicated the existing driveways and stated that three of the lots come off of one driveway. They have limited the access points. If they go with an access road, they will have to undercut and it is a swampy area. They did not want to do anything that would ruin the lake, which he understands is a good fishing lake.

Mr. Neltner asked if the access road for the lot having its own access onto KY 338 could serve the other three lots. Mr. Erpenbeck indicated on the drawing that this could not be done very easily because of the location of the garage.

Mr. Kirby, Sr. advised that they have made the decision that the lot with the barn on it and the lot with the house on it will be combined into one lot of about 1.5 acres. Mr. Neltner asked for clarification. Mr. Erpenbeck indicated Lots #114 and #115 on the plan and stated that they will be combined. The other three lots will remain as proposed.

Mr. Neltner asked if the lot on the corner will have a restriction that they cannot go out onto KY 338 and will have to access via the shared roadway. Mr. Erpenbeck stated that they can access Lot #111 with Lot #112 or #113, whichever the Commission prefers.

Mr. McMillian asked if the lake will be a county lake and if there will be access other than just from abutting properties. Mr. Erpenbeck advised

that the lake will be part of the HOA. Access will be from Ripple Creek Drive and the lake will be available to all property owners in the development.

Mr. Bill Peace, 8570 East Bend Road, stated that the appearance of the site has been changed considerably and stakes have been driven. Beautiful scenery has already been destroyed by trees being removed. He stated that it is as though it had already been approved. He stated that the Staff Report says to allow a single-family type, but does not say they will be built. He asked if the development is restricted to single-family or if there could be apartment buildings.

Mr. Erpenbeck stated that this is a PD Zone and the Concept Plan becomes binding. It is limited to single-family and no other uses will be permitted. The development will be single-family detached.

Mr. Peace stated that the Land Use text indicates that a transportation network should be extended to provide for the safe movement of traffic. He stated that appropriate road connections should be constructed. He asked if this relates only to this zone change and will have nothing to do with the safety of East Bend Road/KY 338, which is a very dangerous road. He stated that there would be additional traffic.

Mr. Erpenbeck stated that as part of the planning process, the Staff and Commission are concerned with the total picture and the total circulation of all developments present and future. For that reason, they have included the access to the Smith property so that when the property develops a circulation pattern can be developed in the area so that there is alternate access. He stated that that is the purpose of that section and that is what they have done.

Mr. Peace asked if there will be no changes because of this project to make the flow of traffic safer on East Bend Road. He stated that there will be a lot more traffic and it is a very dangerous, narrow, crooked highway.

Mr. Erpenbeck stated that the safety issue was addressed in the previous zone change last September or October with the inclusion of turn lanes into the development.

Mr. Peace stated that East Bend Road will not be changed and there will just be access to the lots that will be up near the lake. Mr. Erpenbeck agreed. Mr. Peace stated that the neighborhood is changing from the environment that he moved into and liked. He asked if the situation will be helped in anyway -- if water and sewer will be available to him and his neighbors.

Mr. Erpenbeck stated that the water line will go under construction within the next two weeks. It will be a major transmission line and his understanding is that all the abutting property owners will have the right to tap in. Mr. Peace stated that he lives across the street. Mr. Erpenbeck advised that that would be considered abutting. He stated that sewers will be brought up to this development. He could not say how they


would access the Peace property, but they will be available to the rest of the area.

Mr. Neltner asked if the request was advertised to include the four lots mentioned by Mr. Erpenbeck. Mr. Hayes advised that the application was advertised as the acreage shown on the application and the abutting property owners were notified. He stated that he did not notice the four lots in writing the Staff Report. The advertisement did not reflect a specific area -- it just said "north of East Bend Road". Mr. Kevin Costello, Director, asked if the legal description included the four lots and Mr. Hayes advised that it did.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on August 8, 1994 at 4 P.M. in the Extension Office, Claxton Room. This item will be on the Agenda for the Business Meeting on August 17, 1994 at 8 P.M..

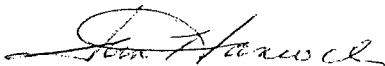
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING
August 17, 1994
8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:20 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. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mrs. Linda Schaffer
Mr. Earl White

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

subject to conditions (see Committee Report). Mr. Niemeyer advised that the applicant is out of town and has not signed the letter agreeing to the conditions.

Attorney Mike Duncan stated that the applicant has authorized him to sign the condition letter. He noted that the applicant testified at the hearing that he would sign the letter.

Counselor Wilson advised that it is necessary for the conditions to be agreed to in writing. Mr. Niemeyer stated that there is also a need to change the name of the applicant as the property has been transferred. He stated that the Bill of Sale or a letter from the original applicant will be provided in order to change the applicant.

Counselor Wilson stated that the application is for a zone change and a Conditional Use Permit, and there would be a separate motion for each. He explained that the Conditional Use Permit would only take effect if the zone change is ultimately approved by the Fiscal Court.

Mr. Owens moved by resolution to the Fiscal Court that the zone change request be approved based on the Staff and Committee Reports. Mr. McElroy seconded the motion and it carried unanimously.

Mr. Burch moved that the Conditional Use Permit be granted based on the Staff and Committee Reports. Mr. Owens seconded the motion and it carried unanimously.

Counselor Wilson explained that the Commission's action is a recommendation to the Fiscal Court for approval of the zone change. The Fiscal Court has the final decision and can go along with the recommendation, or override it. The Fiscal Court may have its own Public Hearing. The Conditional Use Permit will only take effect if the zone change is approved by the Fiscal Court. Interested parties should attend the Fiscal Court meeting.

3. Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for K and P Development (owner) for a Zoning Map Amendment on a 26.68-acre site on the north side of East Bend Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Rural Suburban/Planned Development (RS/PD) to allow a single-family detached residential development.

Staff Member Jeff Hayes presented the Committee Report which recommended approval of the request based on the findings of fact. There were no conditions. (See Committee Report).

There being no discussion, Mr. Owens moved by resolution to the Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Neltner seconded the motion.

Mr. Kirby stated that he would abstain from voting as he is involved with K and P Development.

A vote on the motion made by Mr. Owens found all voting members in favor. Mr. Kirby abstained. The motion carried.

4. Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Joseph and Carolyn Spille (owners) for a Zoning Map Amendment on a 19.08-acre site located on Pleasant Valley Road, east of Camp Ernst Road, Boone County, Kentucky. The request is to change the zone from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) in order to allow a residential subdivision.

Staff Member Bob Jonas presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

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

Chairman Viox stated that Agenda Item No. 6 would be heard next:

6. Zoning Text and Map Amendments

The request of the City of Florence to consider a series of Zoning Text Amendments to the Boone County Zoning Regulations and a Map Amendment to the Florence Zoning Map as part of the Main Street Zoning District Study. The proposed amendments generally affect property fronting on both sides of Main Street in Florence from the intersection of U.S. 42/Dixie Highway to Turfway Road, Florence, Kentucky. The proposed text amendments will include the formulation of a new zoning district for the study area and amendments to the appropriate articles in the Zoning Regulations.

Staff Member Jeff Hayes presented the Committee Report which recommended approval of the request based on the findings of fact, but with revisions (see Committee Report).

Mr. Bailey asked if the revisions were reviewed by the Main Street Committee and if they are in agreement. Mr. Hayes advised that most of the revisions are a reflection of a memorandum presented by the Main Street Association at the Committee Meeting.

Mr. Bailey stated that he is impressed with the study and the Staff has done an excellent job.

Mr. Kirby moved by resolution to the City of Florence that the text amendments and the zoning map amendment be approved, and that the study be adopted, based on the Staff and Committee Reports. Mr. Rush seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Thurman Owens, Chairman

DATE: August 17, 1994

RE: Request of Raymond Erpenbeck Consulting Engineers (applicant) for K and P Development (owner) for a Zoning Map Amendment on a 26.86 acre site on the north side of East Bend Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Rural Suburban/Planned Development (RS/PD) to allow a single-family detached residential development.

REMARKS:

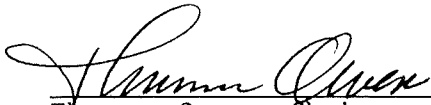
We the Committee, recommend approval of the request based upon the following findings of fact ~~and with the following conditions:~~

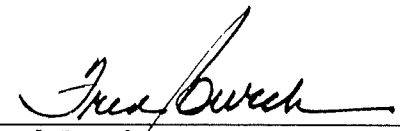
Findings of Fact


JFH

1. The request is in agreement with the adopted Boone County Comprehensive Plan which indicated that this area should experience some population growth as the Burlington area changes from a rural community to a suburban community.
2. There has been a major physical change that is planned for the area with the availability of water and sewer that was not anticipated in the adopted comprehensive plan which over time will substantially alter the area's character.

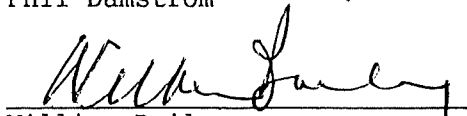
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

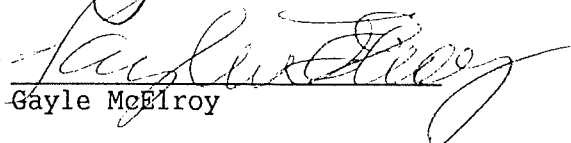

 Thurman Owens, Chairman


 Fred Burch


 Phil Damstrom


 Barry Neltner


 William Bailey


 Gayle McElroy

JFH\par

APPROVED
JAMES S. [Signature]
County Planning Commission
PRINTED: JUL 13 1981

Block	Area	Area	Area	Area
1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50
51	52	53	54	55
56	57	58	59	60
61	62	63	64	65
66	67	68	69	70
71	72	73	74	75
76	77	78	79	80
81	82	83	84	85
86	87	88	89	90
91	92	93	94	95
96	97	98	99	100



Boone County Recorder
October 5, 1994

**LEGAL SUMMARY
ORDINANCE NO. 920.290**

The Boone County Fiscal Court at its meeting held Tuesday, September 27, 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 RAYMOND ERPENBECK CONSULTING (APPLICANT) FOR K & P DEVELOPMENT (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO RURAL SUBURBAN/PLANNED DEVELOPMENT (RS/PD) FOR A 26.86 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF EAST BEND ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED 12-1 (ABSTENTION) BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-94-033-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.

**CAROLYN A. RUDICILL
FISCAL COURT CLERK
#P9502762**