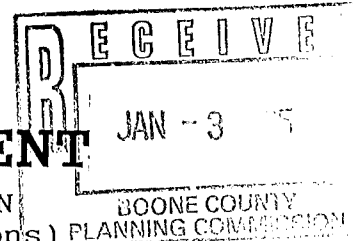


APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project _____
2. Location of Project NORTH BEND ROAD (Ky 237)
3. Total Acreage of Site 45.8 AC
4. Current Zoning of Site A-2 & RSE
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) _____
Single-family detached
7. Names of Applicant(s) Thomas Breidenstein
- Phone Number 341-1881 Fax No. 341-1469
8. Address of Applicant(s) 2701 Turkeyfoot Road
Covington KY 41017
City State Zip
9. Name of Property Owner(s) George Stewart & Anita Stewart
- Phone Number 768-4400 Fax No. 768-4403
10. Address of Property Owner(s) 1725 Eastern Ave.
Cincinnati, OH 45202-1710
City State Zip
11. Proposed Building Intensities (please specify) _____
12. Are there any existing buildings on the site? Yes
How many? 1
13. Deed Book 202 Page No. 676 Group No. 2004
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? No
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:
NO Boone County Water and Sewer District
NA Florence Water and Sewer Commission
NO Union Light Heat and Power
NO Cincinnati Bell
NO Owen County Rural Electric
NO Boone County Public Works Department

(over)

STAFF REPORT

Request of Thomas Breidenstein (applicant) for George Stewart and Anita Stewart (owners) for a Zoning Map Amendment for a 45.8 acre site located on North Bend Road, Boone County, Kentucky. The request is to rezone the site from Agriculture Estate (A-2) and Residential Suburban Estates (RSE) to Suburban Residential One (SR-1) to allow a subdivision of single family detached residences.

January 25, 1995

Location

The 45.8 acre site is located 2.4 miles north of I-275 on the west side of North Bend Road (237) just north of Thornwilde Subdivision and south of Rivershore Farms.

Site History

1988 The property owner submitted an application for a Zoning Map Amendment from Rural Suburban Estates (RSE) and Agricultural Estates (A-2) to Suburban Residential One (SR-1). The application was withdrawn by the applicant prior to the Public Hearing.

Jan 1989 Request for a rezoning to Suburban Residential One (SR-1) for a single family detached subdivision was recommended for denial by Planning Commission. Some of the issues that led to denial were the existing public facilities, physical limitations of the site, and the patterns of residential densities along North Bend Road. The Boone County Fiscal Court denied the request on February 7, 1989.

Feb 1993 Request for a rezoning to Suburban Residential One (SR-1) for single family detached homes, townhomes, and a clubhouse was withdrawn after a Public Hearing and before the Business Meeting. Concerns heard at the Public Hearing included the proposal to raise North Bend Road 16 feet along the site's frontage, sight distance to the south from the proposed entrance to the subdivision, and the Developmentally Sensitive areas along Sand Run Creek.

Surrounding Zoning and Land Uses (see Map #1)

- North: Open fields, woods zoned Agricultural Estates.
- South: Low density residential zoned Rural Suburban Estates (RSE) and Thornwilde Subdivision site zoned Residential Planned Development (RPD).
- East: Low density residential, open fields, and woods zoned Rural Suburban Estates (RSE).
- West: Open fields and woods zoned Agricultural Estates (A-2).

Site Characteristics

The 45 acre site contains 1,128 feet of frontage along North Bend Road. The roadway gradually slopes downward from the south to the north. A 12 inch water line runs along the east side of North Bend Road. Sewer service is not currently available to the site.

The site itself is primarily made up of fields and woodlands on land that contains some steep slopes. Sand Run Creek runs along the western edge of the property. Steep slopes lead down to the creek from the central portion of the site (a difference in elevation of about 125 feet). The majority of the creek area is located in Developmentally Sensitive areas.

Relationship to the 1990 Comprehensive Plan (see Map #2)

The **Future Land Use Map** shows the future use of the property to be Suburban Density Residential (SD), Rural Density Residential (RD), and Developmentally Sensitive (DS). Suburban Density allows for a residential density of four units per acre. The Rural Density calls for a density of no more than one unit per acre. Areas designated as Developmentally Sensitive include land with slopes of twenty percent or more, unique soil characteristics that limit development, or contain creeks, wooded areas, natural habitat that are important to a site's stability and visual character.

The **Land Use** element states that "Suburban Density development should be concentrated on land nearest to KY 237..." but such development "should not occur unless accompanied by widening and straightening of impacted portions of KY 237." The remaining area is "suitable only for Rural Density residential growth because of the existing residential character of the area, the Developmentally Sensitive stream valleys, and the existing condition of KY 237." Lastly, the element stresses that care must be given to the Developmentally Sensitive areas so as to avoid creating negative impacts to the hillsides.

The 1995 Comprehensive Plan Goals and Objectives of the **Environment** element state that developments proposed in Developmentally Sensitive areas are to be carefully reviewed to avoid negative impacts.

The Goals and Objectives for the **Housing** element of the 1995 Comprehensive Plan call for the "interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas." The goals and objectives go on to say that where the "infrastructure...and the public school system are not adequate, developers shall be encouraged to phase construction to ensure the provision of these items to support their development." This "phasing" of development is also mentioned in the Goals and Objectives of the **Public Services And Facilities** and **Transportation** elements.

The **Recreation** Goals and Objectives in the 1995 Comprehensive Plan state that "greenways or greenbelts located along creek valleys...shall be promoted as a possible lineal park system that would serve the multiple purposes of recreation, ecological conservation, and alternative transportation."

Concept Development Plan (see Map #3)

The submitted Concept Development Plan shows a total of 110 single family detached lots on the 45 acre site with one entrance from KY 237. The average lot size within the subdivision is about 1/4 acre. The density of the entire site (proposed park area included) is about 2.4 units per acre. With the park area subtracted, the density of the residential units is about 2.9 units per acre. The internal street system includes five cul-de-sacs and one future connector to the north. Although a portion of the site adjoins the Thornwilde Subdivision, there are no provisions for a connection either to or from Thornwilde due to the topography change at the Sand Run Creek.

Staff Concerns

1. This request is in agreement with the Future Land Use Map's designation of Suburban Density which covers about 1/2 of the site, but is not in agreement with the Rural Density category located along the northern 1/3 of the site.
2. The location of the entrance into the proposed subdivision is a concern due to the sight distance to the south. The Transportation Management Regulations in the Boone County Zoning Regulations (Article 32; Section 3213) require a minimum sight distance of 720 feet for a 45 MPH roadway. The roadway increases 25 feet in elevation 400 feet south of the proposed entryway and then levels off before sloping downward again. It appears from site observations that the required sight distance of 720 feet may not be met.
3. The condition of North Bend Road is a concern (specifically the width, hills, and bends) as this and other subdivisions develop along it.
4. The school system is currently suffering from overcrowding. A phasing of this development would help reduce negative impacts on the local schools.
5. While there is an opportunity for passive recreation along the Sand Run Creek valley, staff would like to know if the applicants would be willing to include active recreation possibly in the form of a tot lot? This would give children a place to play other than the steep hillsides leading down to the pond and creek.
6. Staff is concerned that the location of lots at the end of the cul-de-sacs overlooking the creek will force building on steep slopes in order to meet the front yard setbacks of 30 feet.
7. Lots that have frontage on North Bend Road should not be permitted curb cuts onto that road. All lots should be accessed from the internal street system.
8. Staff believes that it may be beneficial for the developers to install a left turn lane into the site from North Bend Road (especially considering the restricted sight distance from the northbound traffic).

Conclusion

The Planning Commission must use the following criteria in granting approval of a zone change or map amendment:

1. The map amendment is in agreement with the 1990 Comprehensive Plan; or
2. The existing zoning is inappropriate and the proposed zoning is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the 1990 Comprehensive Plan that substantially alter the area's character.

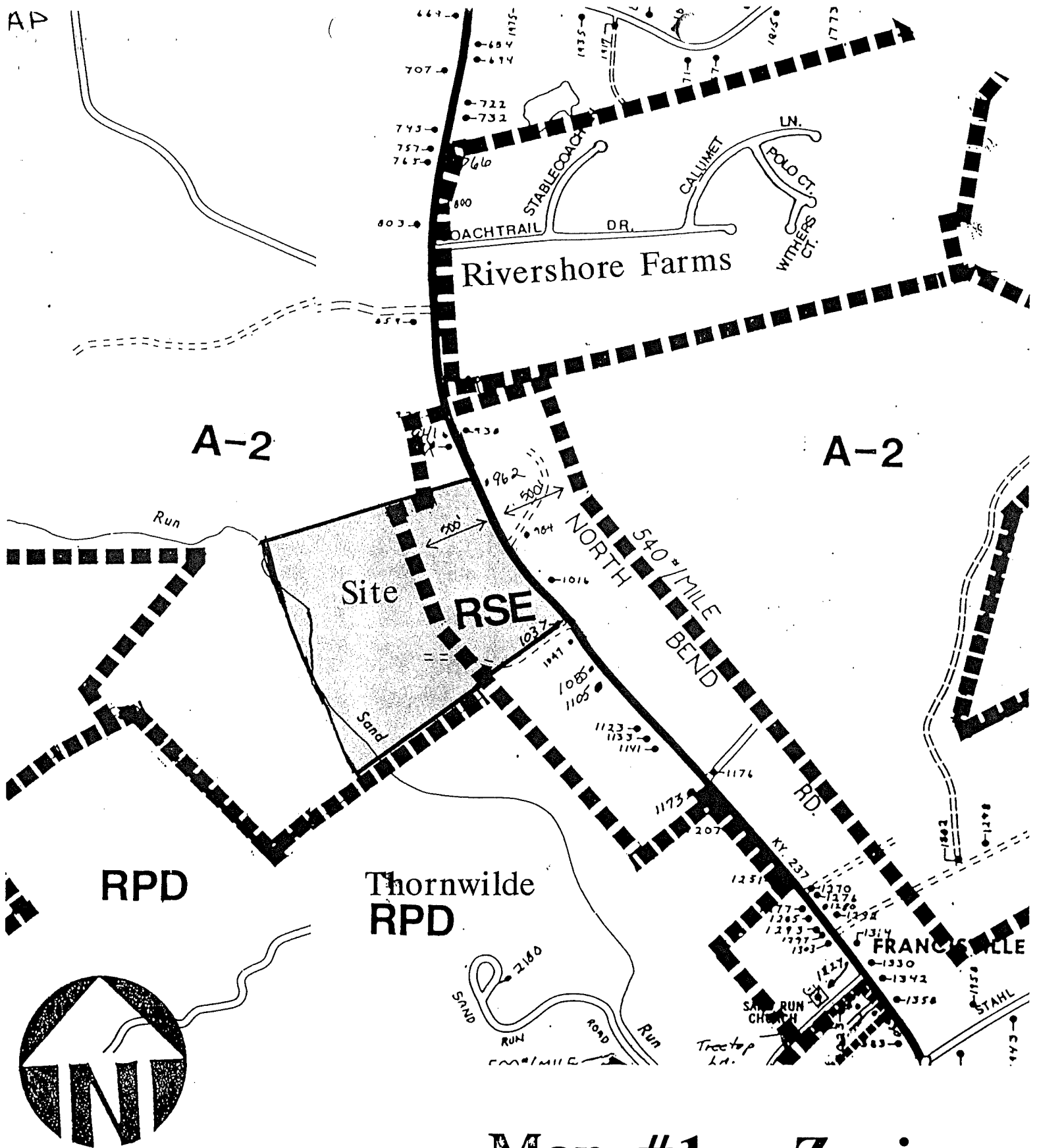
Should the Planning Commission recommend, and the Boone County Fiscal Court approve, this request for a Zoning Map Amendment, the Boone County Comprehensive Plan Future Land Use Map will need to be updated.

Respectfully submitted,

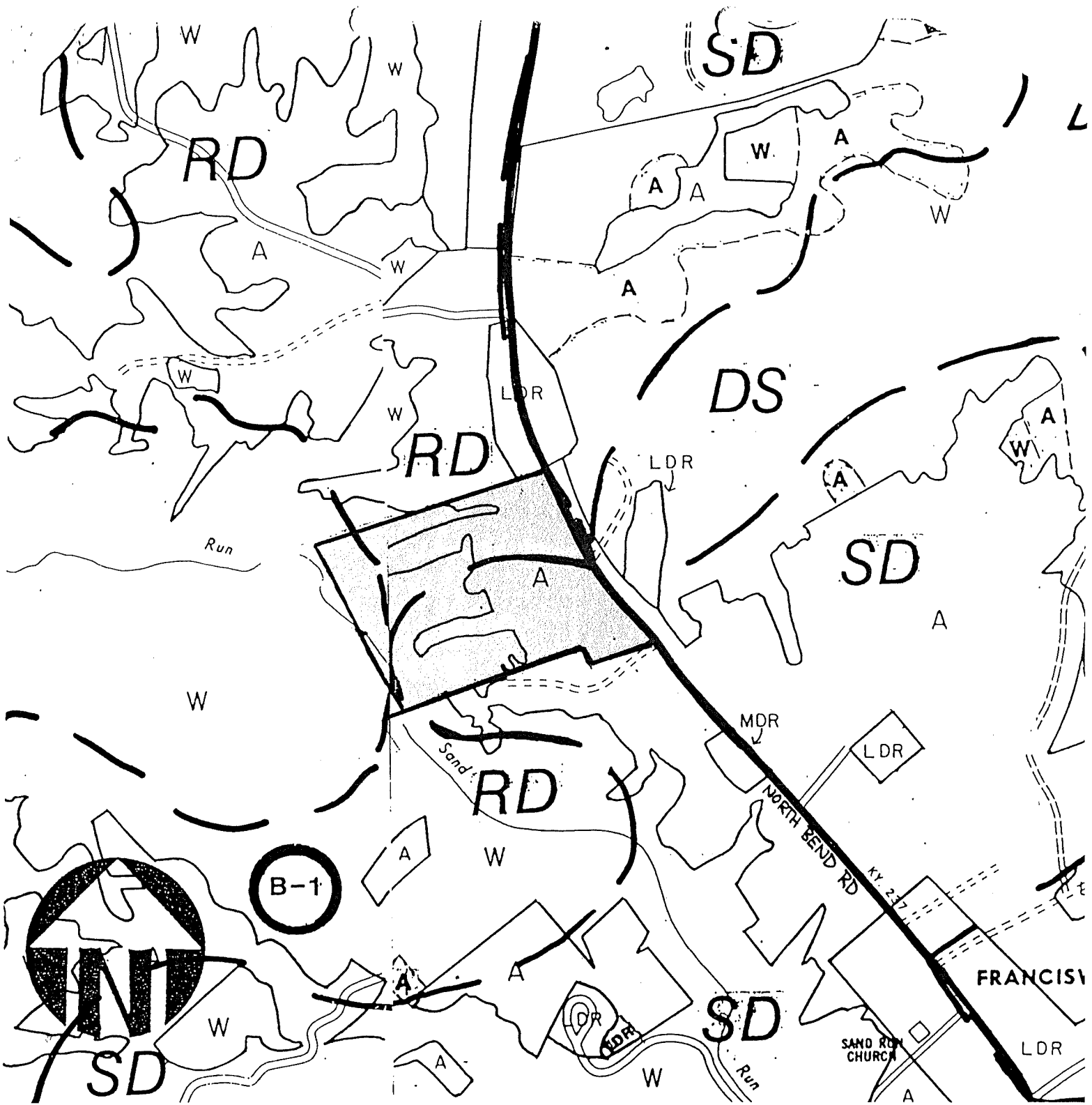


Robert A. Jonas
Planner

RAJ\par



Map #1 - Zoning
Breidenstein/Stewart



Map #2 - Future Land Use
 Breidenstein/Stewart



Map #3 - Concept Plan

Breidenstein/Stewart

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. McElroy, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, Mr. Viox - Chairman, and Mr. White.

Chairman Viox introduced the second item on the Agenda:

2. Applicant: Thomas Breidenstein for
George Stewart and Anita Stewart (owners)

Request: Zoning Map Amendment

The request of Thomas Breidenstein (applicant) for George Stewart and Anita Stewart (owners) for a Zoning Map Amendment for a 45.8-acre site located on North Bend Road, Boone County, Kentucky. The request is to rezone the site from Agriculture Estate (A-2) and Residential Suburban Estates (RSE) to Suburban Residential One (SR-1) to allow a subdivision of single-family detached residences.

Staff member Bob Jonas presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Tom Breidenstein, attorney, stated that he and Wayne Erpenbeck were present on behalf of Ray Erpenbeck who has an option to purchase the property. Mr. Erpenbeck will be the developer of the property, but will not be building the houses -- he will put in the infrastructure and sell off lots to developers. Mr. Breidenstein thanked the Staff for their careful review of the application. He stated that they are asking for a change to SR-1 to build 110 single-family homes, which is 2.4 houses per acre for the entire development. The minimum lot size is about one-quarter acre. The smallest lot frontage is 70 feet. In the SR-1 zone, the minimum lot size is 8,000 square feet with minimum lot frontage of 65 feet. He stated that they do not have renderings as they will not be building the houses. The houses will start at about \$130,000. He has been assured that the plan has been designed in such a way that the houses can be built on the flatter areas at the end of the cul-de-sacs. An important part of the plan is the reservation of approximately 8 acres of land for park. They are the steepest areas of the property and are unbuildable, but are ideal for hiking, biking, and nature preservation. This is one link in the chain of the linear park. Thornwilde has made reservation of the Sand Run Creek bottom and he anticipates the development to the north will also make a contribution. Access is thru pedestrian walkways on the western portion of the site.

Mr. Breidenstein stated that the Staff Report touched upon the major issue of access to the site, which has been a major issue of applications in the past and is an issue of this application. He and Ray Erpenbeck visited the site with Forrest Rankin of the Kentucky Transportation Cabinet. Mr. Rankin is the District Permit Supervisor and decides where access goes on state right-of-ways. Mr. Rankin has decided that access can be possible

and appropriate for this location. He has not given them a final permit designating a particular location, but access is possible based on state standards. Mr. Breidenstein stated that he has a letter from Mr. Rankin in this regard, which has been submitted to the Staff.

Mr. Breidenstein referred to Staff Concern #1 which indicates that the request is not in agreement with the rural density category and stated that the Concept Plan meets almost exactly the requirements when doing the calculations for the densities permitted under the land use designations. One-half the site, which is designated for Suburban Density, is 22 acres and 92 dwelling units would be permitted under the Future Land Use Map. Half of the site is designated for Rural Density and comes to 15 dwelling units per acre which, with the 92 dwelling units, is very close to the 110 proposed. He stated that they will continue to work with the state, the Staff, and the Committee to get the best location for access to the property. He stated that the Staff Report quotes Article 32 regarding safe access and they are cognizant of those requirements. He stated that access management regulations make provision for access to property and each property has to have some form of access. The provisions of the access management regulations can be utilized to make the access work. In regard to Staff Concern #3, Mr. Breidenstein stated that he is not aware of any planned improvements to S.R. 237 and Forrest Rankin informed them that there are no planned improvements to that road. He stated that they will work with the Committee regarding improvements necessary to the road due to this development. He referred to Staff Concern #4 regarding the school system and stated that he has not discussed phasing with the developer. In regard to Staff Concern #5, he stated that they have not discussed active recreation with the developer, but it can be taken up at the Committee Meeting. In regard to Staff Concern #6, he stated that it is their intent that the homes not be built on the steeper areas of the slope. Some of the backyards may include the upper portions of the ridge top, but it is their intent to preserve the steep slopes for the 8 acres of dedicated park proposed. In regard to Staff Concern #7, he stated that they can agree to no curb cuts from the lots facing North Bend Road. The lots will not have access onto North Bend Road. There would be only one curb cut on North Bend Road and that would be the access to the site. In regard to Staff Concern #8, he stated that they will work with the state to make the necessary improvements.

Mr. Breidenstein asked that the Commission approve the request as it complies with the Comprehensive Plan and will be a beneficial development for this area.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request.

Ms. Susan Cabot, Historic Preservation Planner, Boone County Historic Preservation Review Board, stated that her comments are not for or against the request. She stated that this area is a key area for pre-historic and historic archaeological sites given its proximity to the river, Sand Run Creek, and its topography. She stated that in the event anything is uncovered during work on the site which resembles human burial, the coroner must be notified by state and federal law. If anything of pre-historic or historic significance is indicated, the Review Board should be

contacted -- not with the intent of holding up the project, but to recover historic material.

Chairman Viox asked if there was anyone present in opposition to the request.

Diane Whitevate, a resident of 941 North Bend Road, which is directly adjacent to the property, read a letter she had written. The letter indicated that in the previous request there were to be 136 units on 53.52 acres and the new plan is for 110 homes on 45.8 acres. She believes the ratio is the same and is 3 homes per one-acre lot. She stated that when they purchased their property in 1988 from Mr. Stewart there were promises made. She stated that a lot of concerns have been raised including (1) that all homes surrounding the 45.8 acres will be built on 1.5 acres or more, (2) there is a down hill curve at the entrance which will cause a visibility problem, (3) the sewer system, (4) the number of subdivisions on North Bend Road has grown tremendously over the last year and there are considerations about schools, fire houses, churches, etc. and concern about where the money for them will come from, and (5) the current plan shows one entrance and one exit on the Bingham property and until that is developed there will be an increased traffic problem.

Mr. George Placke, who lives between the Strich property and the Leroy property, stated that there is a culvert underneath North Bend Road that drains down to Sand Run Creek and they will build houses on top of it. He has no problem with them building houses back in there, even on small lots, but he questions how they can build on top of the creek. He questioned the sewage. He stated that he cannot build houses on his one acre lots to the north because they are not large enough, but this developer is putting houses on one-quarter acre lots right across the street. He questioned the number of houses, the sewage system, and building houses on top of the creek.

Mr. Jeff Arrasmith, 1037 North Bend Road, stated that his property adjoins the south side. He is concerned about one-quarter acre lots and four houses per acre. He has almost four acres and the people around him have 2-acre to 5-acre tracts. He could not stop Drees from putting in quarter-acre tracts on the south and west sides and he does not want to be surrounded by quarter-acre tracts.

Mrs. Shirley Millar, 669 North Bend Road, stated that she has been there longer than most people and has seen the development. She stated that Mr. Breidenstein addressed the sight distance and the fact that someone should have the right to access their property. She urged the Commission to be aware that the only reason the sight distance is a concern is that Mr. Stewart sold off the other pieces of property. She stated that Mr. Breidenstein stated that he talked to Mr. Rankin who had given them a verbal approval of the sight distance. It is her understanding that the sight distance is a requirement of the Planning and Zoning Commission, not the state. She questioned the actual sight distance. She questioned which portion of the land is developable land. She stated that anytime anyone requests a zone change they take the entire piece of property and compute how many houses they would be able to build on it -- never taking

into consideration if a third of the acreage is not developable. She questioned why they can increase the intensity in this way.

Rae Lynn Kennet stated that the property identified on the map as "Leroy" is the Kennet property. "Leroy" is her husband's middle name. She stated that the proposed access to the property is right across from her parents' driveway (the Strich property). Their driveway was made before there were sight distance requirements and six cars per day were going up North Bend Road. She teaches at Goodrich Elementary and questioned where all of these children will be going. There are 694 children now and they have two classes in mobile units, double classes in the gym, and classes in the closets. Even with phasing, they have no more room and even if a new school is started, it will take a couple of years to get it underway. The kids have to go some place. She stated that the last time the road was going to be raised 18 feet. She asked if there is any guarantee when the state says they can have this access into the property that they will say it will not be raised because that was the recommendation last time. She asked if the property owners would be notified if this becomes a problem. She stated that there is a creek between the Strich and "Leroy" properties and there is a culvert. The road has been raised 14 feet and there is a deep ravine now. She stated that the lots will be on top of the creek.

Mr. Ken Brinkman, 1016 North Bend Road, stated that he moved out there four years ago to be in the country. He has almost 4.5 acres. He stated that the entrance is a problem, and they will have almost 3 homes per acre. He stated that they are indicating the park just because they cannot build a home there. He could put 12 more houses around his house, but he does not want that. He does not want to live in the city. He stated that there is something in the zoning about the homes and lots being about the same as what is around them -- and nobody around there has a quarter-acre lot now -- some are smaller and some are bigger.

Mr. Mike Ahrens, 1085 North Bend Road, next to the Arrasmith residence, stated that he bought four acres from Mr. Stewart in 1988 under the same promise -- he led them to believe that it would be developed in the same way, or estate type lots of 1 to 2 acres. He stated that they are not against the property being developed, but want it developed in a manner that fits the area and corresponds with the surrounding houses.

Chairman Viox asked Mr. Breidenstein to address the questions and concerns raised.

Mr. Wayne Erpenbeck stated that the sewers will be public. He stated that they have met with the Water & Sewer Commission and their only concern is that the whole area be looked at so that there is not a series of lift stations. He has met with Phil from the Water & Sewer District and he would like to meet with the property owners in this area and work out a sewer plan. He questioned if a new lift station should be put further down Sand Run Creek. He stated that the Sewer District requested that they upsize the force main when they put their lift station in so they can tap into their force main when they put in another lift station further down the creek. He stated that the culvert for S.R. 237 falls under the Subdivision Regulations and they will build to the standards of the Subdivision Regulations. Things like that are done everyday in

development. He stated that there is nothing unique about the topography and it is typical Northern Kentucky land.

Mr. Breidenstein stated that there was lengthy discussion about sight distance. They have access to the property. He submitted the letter from Forrest Rankin to the Chairman. Mr. Breidenstein stated that Mr. Rankin's letter talks about minimum sight distance requirements, which are of concern to the state and to him. Mr. Breidenstein was at the site last week with Mr. Rankin and they watched cars go by and timed them going over the hill. Based on Mr. Rankin's observations, there is adequate sight distance. Mr. Breidenstein stated that there are access management regulations built into the Zoning Regulations, which they can adequately address. Another concern was the amount of developable land, which the plan speaks to, and 8 acres are designated for park land and will not be developed. The remaining portion of the 45-acre site is lots and other improvements. The intent is to phase the development over 3 to 5 years. If the plan is approved, the schools would have that much lead time to make the proper and necessary arrangements to expand their facilities. They do not intend to raise the road for this development.

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

Mr. Damstrom stated that he hopes the Committee will stick to the 20% slope that is in the regulations. He stated that it is difficult to tell how the land lies, but the topographical lines indicate that there is some good elevation drops in the area. He asked that developers give the Commission more credit for intelligence when they are donating land that is not park land. It is not developable land and they are labeling it "park" so that the Commission will think they are giving something for nothing -- when it is a load off the developer's back.

Mr. Ries stated that he is concerned about only one access and the need for dual access for emergency purposes if one access is blocked. He asked if the letter is a final approval from Mr. Rankin.

Mr. Breidenstein stated that Mr. Rankin terms it a "Site Preliminary Access Review" and it is a verbal approval. Mr. Ries asked if the state can override the county in this regard.

Counselor Wilson stated that the review was for the purpose of issuing the state permit. When the state permit is issued, it may or may not be satisfactory to the Commission and does not mandate that the zone change be granted.

Mr. Ries stated that he has been to the site and you have to get out of the entrance quickly if a car is coming at medium speed. It is a dangerous access at that point and he would like to see it further down at the bottom of the hill.

Counselor Wilson advised that the confusion about issuing state permits and zoning comes into play when there is a zone change and the property owner wants to develop under current zoning -- and wants to get a state permit because they are on the state road -- and the state pre-exempts the

Commission. Mr. Costello advised that the state asks for input and it is certainly provided.

Mrs. Schaffer questioned the ownership of the green space and who would maintain the three paths to get there. Mr. Wayne Erpenbeck stated that the green space is an extension of the Treetops and Thornwilde areas. If the county does not accept it, it will be put in an HOA.

Mr. Neltner questioned the depth of the lots along North Bend Road. Mr. Wayne Erpenbeck advised that they are about 150 feet deep. Mr. Neltner asked if future widening of North Bend Road, assuming this area develops, will encroach on their properties. Mr. Wayne Erpenbeck stated that they showed the 30-foot right-of-way. He stated that the property goes to the side of the creek and the state has the 30-foot right-of-way. The 150 feet starts after that. He stated that they are about 180 feet from the center of North Bend Road now.

Mr. Bailey stated that he is also concerned about the road. He stated that every time there is discussion about development in this area, there is a lot of discussion about the roads and the problems. Most of the Staff Concerns seem to be about the roads. He questioned when the point is reached in an area that keeps developing that the development will not happen until there are roads to take care of the development.

Mr. Jonas stated that the sight distance required for this location on North Bend Road would be 720 feet. From a field survey, it appears that the figure in reality is between 600 and 650 feet right without a tape measure. The distance can be measured before the Committee meeting.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on February 6, 1995. This item will be on the Agenda for the Business Meeting on February 15, 1995 at 8 P.M..

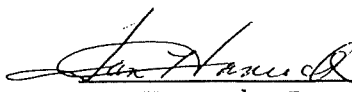
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING
Ellis Cooperative Extension Center
February 15, 1995
8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Robert Kirby, Jr.
Mr. Gayle McElroy

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. Mitch Light
Mr. Kevin Wall

Mr. McMillian stated that the Committee should have had advance notice of the new report. It could have been brought up to the Committee. Mr. Millay stated that the Committee met prior to the Business Meeting. He stated that it does not seem correct to put in all of the changes. He suggested that the changes be put in writing and submitted to the Committee.

Mr. Damstrom stated that there have been occasions in the past where Commission members have disagreed with the Committee Report. Another Committee Report was presented and was opposite from what the Committee had worked on for weeks or months, but that is the way the system works.

Chairman Viox asked for a vote on the motion made by Mr. Burch which found Mrs. Arnett, Mr. Bailey, Mr. Burch, Mr. Damstrom, Mr. Ries, Mrs. Schaffer, Mr. White, and Chairman Viox in favor. Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Rush, and Mrs. Smith were opposed. The motion carried by a vote of 8 to 5.

2. Zoning Map Amendment

The request of Thomas Breidenstein (applicant) for George Stewart and Anita Stewart (owners) for a Zoning Map Amendment for a 45.8-acre site located on North Bend Road, Boone County, Kentucky. The request is to rezone the site from Agriculture Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) to allow a subdivision of single-family detached residences.

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). He advised that the applicant has signed the condition letter.

Mr. Damstrom moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Neltner seconded the motion.

Mr. Damstrom stated that this request is an example of what everyone has been against in regard to density. He hopes that at some point the way density is computed will change. He stated that the density looks good on paper, but when the land that is not usable is considered, the density gets to a point where the development does not fit in with the character of the neighborhood. According to the current regulations, the density is low -- which is deceiving to the neighbors and the Commission. He stated that the density calculations should be applied only to those portions of the property that can be developed.

Mrs. Schaffer asked if the developer had committed to phasing the development over 3 to 5 years. Mr. Breidenstein stated that they did not make that commitment, but it was discussed briefly at the Committee level. He stated that he believes there would be a natural phasing over 3 to 5 years. Mrs. Schaffer stated that she is concerned about the impact not only on the roads, but also on the schools.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: February 15, 1995

RE: Request of Thomas Breidenstein (applicant) for George Stewart and Anita Stewart (owners) for a Zoning Map Amendment for a 45.8 acre site located on North Bend Road, Boone County, Kentucky. The request is to rezone the site from Agriculture Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) to allow a subdivision of single family detached residences.

Remarks

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

Findings of Fact

1. The request is generally in conformance with the Future Land Use map of the 1990 Boone County Comprehensive Plan which indicates the majority of the site to develop as Suburban Density Residential.
2. The proposed development conforms with the Land Use text which states that Suburban Density developments in this area should locate on land near KY 237, provide for connection to adjoining property, and avoid development in Developmentally Sensitive areas.
3. As desired for in the Recreation element of the Comprehensive Plan, the development is preserving land along Sand Run Creek for use as a greenway in continuance with the greenway existing in Thornwilde Subdivision to the south.

Conditions

These items are being included to help clarify the submitted Concept Development Plan and address concerns heard at the January 25, 1995 Public Hearing:


Conditions of approval

1. The applicant is to work with the Transportation Cabinet and Planning Commission staff to establish the exact location of the entrance into the subdivision that meets state and zoning requirements. This may entail elevation profiles and is to be completed at the Preliminary Plat Review.


2. The Developmentally Sensitive areas on the property are to be preserved and protected.
3. The areas which are indicated as "proposed park area" shall remain undeveloped. The applicant shall also pursue negotiations with the County or other agencies/organizations regarding the donation of this property for passive recreation uses.
4. No lots are to have direct access to North Bend Road.

The applicant has signed a letter of agreement with the above conditions.

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



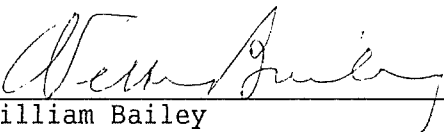
Fred Burch



Bob Millay



Barry Neltner



William Bailey

Gayle McElroy

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. McElroy, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, Mr. Viox - Chairman, and Mr. White.

Chairman Viox introduced the second item on the Agenda:

2. Applicant: Thomas Breidenstein for
George Stewart and Anita Stewart (owners)

Request: Zoning Map Amendment

The request of Thomas Breidenstein (applicant) for George Stewart and Anita Stewart (owners) for a Zoning Map Amendment for a 45.8-acre site located on North Bend Road, Boone County, Kentucky. The request is to rezone the site from Agriculture Estate (A-2) and Residential Suburban Estates (RSE) to Suburban Residential One (SR-1) to allow a subdivision of single-family detached residences.

Staff member Bob Jonas presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Tom Breidenstein, attorney, stated that he and Wayne Erpenbeck were present on behalf of Ray Erpenbeck who has an option to purchase the property. Mr. Erpenbeck will be the developer of the property, but will not be building the houses -- he will put in the infrastructure and sell off lots to developers. Mr. Breidenstein thanked the Staff for their careful review of the application. He stated that they are asking for a change to SR-1 to build 110 single-family homes, which is 2.4 houses per acre for the entire development. The minimum lot size is about one-quarter acre. The smallest lot frontage is 70 feet. In the SR-1 zone, the minimum lot size is 8,000 square feet with minimum lot frontage of 65 feet. He stated that they do not have renderings as they will not be building the houses. The houses will start at about \$130,000. He has been assured that the plan has been designed in such a way that the houses can be built on the flatter areas at the end of the cul-de-sacs. An important part of the plan is the reservation of approximately 8 acres of land for park. They are the steepest areas of the property and are unbuildable, but are ideal for hiking, biking, and nature preservation. This is one link in the chain of the linear park. Thornwilde has made reservation of the Sand Run Creek bottom and he anticipates the development to the north will also make a contribution. Access is thru pedestrian walkways on the western portion of the site.

Mr. Breidenstein stated that the Staff Report touched upon the major issue of access to the site, which has been a major issue of applications in the past and is an issue of this application. He and Ray Erpenbeck visited the site with Forrest Rankin of the Kentucky Transportation Cabinet. Mr. Rankin is the District Permit Supervisor and decides where access goes on state right-of-ways. Mr. Rankin has decided that access can be possible

and appropriate for this location. He has not given them a final permit designating a particular location, but access is possible based on state standards. Mr. Breidenstein stated that he has a letter from Mr. Rankin in this regard, which has been submitted to the Staff.

Mr. Breidenstein referred to Staff Concern #1 which indicates that the request is not in agreement with the rural density category and stated that the Concept Plan meets almost exactly the requirements when doing the calculations for the densities permitted under the land use designations. One-half the site, which is designated for Suburban Density, is 22 acres and 92 dwelling units would be permitted under the Future Land Use Map. Half of the site is designated for Rural Density and comes to 15 dwelling units per acre which, with the 92 dwelling units, is very close to the 110 proposed. He stated that they will continue to work with the state, the Staff, and the Committee to get the best location for access to the property. He stated that the Staff Report quotes Article 32 regarding safe access and they are cognizant of those requirements. He stated that access management regulations make provision for access to property and each property has to have some form of access. The provisions of the access management regulations can be utilized to make the access work. In regard to Staff Concern #3, Mr. Breidenstein stated that he is not aware of any planned improvements to S.R. 237 and Forrest Rankin informed them that there are no planned improvements to that road. He stated that they will work with the Committee regarding improvements necessary to the road due to this development. He referred to Staff Concern #4 regarding the school system and stated that he has not discussed phasing with the developer. In regard to Staff Concern #5, he stated that they have not discussed active recreation with the developer, but it can be taken up at the Committee Meeting. In regard to Staff Concern #6, he stated that it is their intent that the homes not be built on the steeper areas of the slope. Some of the backyards may include the upper portions of the ridge top, but it is their intent to preserve the steep slopes for the 8 acres of dedicated park proposed. In regard to Staff Concern #7, he stated that they can agree to no curb cuts from the lots facing North Bend Road. The lots will not have access onto North Bend Road. There would be only one curb cut on North Bend Road and that would be the access to the site. In regard to Staff Concern #8, he stated that they will work with the state to make the necessary improvements.

Mr. Breidenstein asked that the Commission approve the request as it complies with the Comprehensive Plan and will be a beneficial development for this area.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request.

Ms. Susan Cabot, Historic Preservation Planner, Boone County Historic Preservation Review Board, stated that her comments are not for or against the request. She stated that this area is a key area for pre-historic and historic archaeological sites given its proximity to the river, Sand Run Creek, and its topography. She stated that in the event anything is uncovered during work on the site which resembles human burial, the coroner must be notified by state and federal law. If anything of pre-historic or historic significance is indicated, the Review Board should be

contacted -- not with the intent of holding up the project, but to recover historic material.

Chairman Viox asked if there was anyone present in opposition to the request.

Diane Whitevate, a resident of 941 North Bend Road, which is directly adjacent to the property, read a letter she had written. The letter indicated that in the previous request there were to be 136 units on 53.52 acres and the new plan is for 110 homes on 45.8 acres. She believes the ratio is the same and is 3 homes per one-acre lot. She stated that when they purchased their property in 1988 from Mr. Stewart there were promises made. She stated that a lot of concerns have been raised including (1) that all homes surrounding the 45.8 acres will be built on 1.5 acres or more, (2) there is a down hill curve at the entrance which will cause a visibility problem, (3) the sewer system, (4) the number of subdivisions on North Bend Road has grown tremendously over the last year and there are considerations about schools, fire houses, churches, etc. and concern about where the money for them will come from, and (5) the current plan shows one entrance and one exit on the Bingham property and until that is developed there will be an increased traffic problem.

Mr. George Placke, who lives between the Strich property and the Leroy property, stated that there is a culvert underneath North Bend Road that drains down to Sand Run Creek and they will build houses on top of it. He has no problem with them building houses back in there, even on small lots, but he questions how they can build on top of the creek. He questioned the sewage. He stated that he cannot build houses on his one acre lots to the north because they are not large enough, but this developer is putting houses on one-quarter acre lots right across the street. He questioned the number of houses, the sewage system, and building houses on top of the creek.

Mr. Jeff Arrasmith, 1037 North Bend Road, stated that his property adjoins the south side. He is concerned about one-quarter acre lots and four houses per acre. He has almost four acres and the people around him have 2-acre to 5-acre tracts. He could not stop Drees from putting in quarter-acre tracts on the south and west sides and he does not want to be surrounded by quarter-acre tracts.

Mrs. Shirley Millar, 669 North Bend Road, stated that she has been there longer than most people and has seen the development. She stated that Mr. Breidenstein addressed the sight distance and the fact that someone should have the right to access their property. She urged the Commission to be aware that the only reason the sight distance is a concern is that Mr. Stewart sold off the other pieces of property. She stated that Mr. Breidenstein stated that he talked to Mr. Rankin who had given them a verbal approval of the sight distance. It is her understanding that the sight distance is a requirement of the Planning and Zoning Commission, not the state. She questioned the actual sight distance. She questioned which portion of the land is developable land. She stated that anytime anyone requests a zone change they take the entire piece of property and compute how many houses they would be able to build on it -- never taking

into consideration if a third of the acreage is not developable. She questioned why they can increase the intensity in this way.

Rae Lynn Kennet stated that the property identified on the map as "Leroy" is the Kennet property. "Leroy" is her husband's middle name. She stated that the proposed access to the property is right across from her parents' driveway (the Strich property). Their driveway was made before there were sight distance requirements and six cars per day were going up North Bend Road. She teaches at Goodrich Elementary and questioned where all of these children will be going. There are 694 children now and they have two classes in mobile units, double classes in the gym, and classes in the closets. Even with phasing, they have no more room and even if a new school is started, it will take a couple of years to get it underway. The kids have to go some place. She stated that the last time the road was going to be raised 18 feet. She asked if there is any guarantee when the state says they can have this access into the property that they will say it will not be raised because that was the recommendation last time. She asked if the property owners would be notified if this becomes a problem. She stated that there is a creek between the Strich and "Leroy" properties and there is a culvert. The road has been raised 14 feet and there is a deep ravine now. She stated that the lots will be on top of the creek.

Mr. Ken Brinkman, 1016 North Bend Road, stated that he moved out there four years ago to be in the country. He has almost 4.5 acres. He stated that the entrance is a problem, and they will have almost 3 homes per acre. He stated that they are indicating the park just because they cannot build a home there. He could put 12 more houses around his house, but he does not want that. He does not want to live in the city. He stated that there is something in the zoning about the homes and lots being about the same as what is around them -- and nobody around there has a quarter-acre lot now -- some are smaller and some are bigger.

Mr. Mike Ahrens, 1085 North Bend Road, next to the Arrasmith residence, stated that he bought four acres from Mr. Stewart in 1988 under the same promise -- he led them to believe that it would be developed in the same way, or estate type lots of 1 to 2 acres. He stated that they are not against the property being developed, but want it developed in a manner that fits the area and corresponds with the surrounding houses.

Chairman Viox asked Mr. Breidenstein to address the questions and concerns raised.

Mr. Wayne Erpenbeck stated that the sewers will be public. He stated that they have met with the Water & Sewer Commission and their only concern is that the whole area be looked at so that there is not a series of lift stations. He has met with Phil from the Water & Sewer District and he would like to meet with the property owners in this area and work out a sewer plan. He questioned if a new lift station should be put further down Sand Run Creek. He stated that the Sewer District requested that they upsize the force main when they put their lift station in so they can tap into their force main when they put in another lift station further down the creek. He stated that the culvert for S.R. 237 falls under the Subdivision Regulations and they will build to the standards of the Subdivision Regulations. Things like that are done everyday in

development. He stated that there is nothing unique about the topography and it is typical Northern Kentucky land.

Mr. Breidenstein stated that there was lengthy discussion about sight distance. They have access to the property. He submitted the letter from Forrest Rankin to the Chairman. Mr. Breidenstein stated that Mr. Rankin's letter talks about minimum sight distance requirements, which are of concern to the state and to him. Mr. Breidenstein was at the site last week with Mr. Rankin and they watched cars go by and timed them going over the hill. Based on Mr. Rankin's observations, there is adequate sight distance. Mr. Breidenstein stated that there are access management regulations built into the Zoning Regulations, which they can adequately address. Another concern was the amount of developable land, which the plan speaks to, and 8 acres are designated for park land and will not be developed. The remaining portion of the 45-acre site is lots and other improvements. The intent is to phase the development over 3 to 5 years. If the plan is approved, the schools would have that much lead time to make the proper and necessary arrangements to expand their facilities. They do not intend to raise the road for this development.

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

Mr. Damstrom stated that he hopes the Committee will stick to the 20% slope that is in the regulations. He stated that it is difficult to tell how the land lies, but the topographical lines indicate that there is some good elevation drops in the area. He asked that developers give the Commission more credit for intelligence when they are donating land that is not park land. It is not developable land and they are labeling it "park" so that the Commission will think they are giving something for nothing -- when it is a load off the developer's back.

Mr. Ries stated that he is concerned about only one access and the need for dual access for emergency purposes if one access is blocked. He asked if the letter is a final approval from Mr. Rankin.

Mr. Breidenstein stated that Mr. Rankin terms it a "Site Preliminary Access Review" and it is a verbal approval. Mr. Ries asked if the state can override the county in this regard.

Counselor Wilson stated that the review was for the purpose of issuing the state permit. When the state permit is issued, it may or may not be satisfactory to the Commission and does not mandate that the zone change be granted.

Mr. Ries stated that he has been to the site and you have to get out of the entrance quickly if a car is coming at medium speed. It is a dangerous access at that point and he would like to see it further down at the bottom of the hill.

Counselor Wilson advised that the confusion about issuing state permits and zoning comes into play when there is a zone change and the property owner wants to develop under current zoning -- and wants to get a state permit because they are on the state road -- and the state pre-exempts the

Commission. Mr. Costello advised that the state asks for input and it is certainly provided.

Mrs. Schaffer questioned the ownership of the green space and who would maintain the three paths to get there. Mr. Wayne Erpenbeck stated that the green space is an extension of the Treetops and Thornwilde areas. If the county does not accept it, it will be put in an HOA.

Mr. Neltner questioned the depth of the lots along North Bend Road. Mr. Wayne Erpenbeck advised that they are about 150 feet deep. Mr. Neltner asked if future widening of North Bend Road, assuming this area develops, will encroach on their properties. Mr. Wayne Erpenbeck stated that they showed the 30-foot right-of-way. He stated that the property goes to the side of the creek and the state has the 30-foot right-of-way. The 150 feet starts after that. He stated that they are about 180 feet from the center of North Bend Road now.

Mr. Bailey stated that he is also concerned about the road. He stated that every time there is discussion about development in this area, there is a lot of discussion about the roads and the problems. Most of the Staff Concerns seem to be about the roads. He questioned when the point is reached in an area that keeps developing that the development will not happen until there are roads to take care of the development.

Mr. Jonas stated that the sight distance required for this location on North Bend Road would be 720 feet. From a field survey, it appears that the figure in reality is between 600 and 650 feet right without a tape measure. The distance can be measured before the Committee meeting.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on February 6, 1995. This item will be on the Agenda for the Business Meeting on February 15, 1995 at 8 P.M..

The Chairman closed this Public Hearing.

APPROVED:

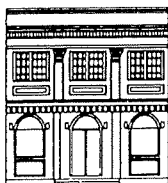
William R. Viox, Chairman

Attest:

Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



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

February 14, 1995

Mr. Thomas W. Breidenstein
Attorney At Law
2701 Turkeyfoot Road
Covington, KY 41017

RE: **Stewart Property Zoning Map Amendment Request**

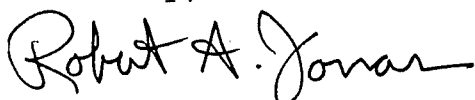
Dear Mr. Breidenstein:

The following represents the conditions of approval as decided upon by the Zone Change Committee. If you, as applicant, and the owner will agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and return it to our office by **Noon, Wednesday February 15, 1995.**

Conditions of approval

1. The applicant is to work with the Transportation Cabinet and Planning Commission staff to establish the exact location of the entrance into the subdivision that meets state and zoning requirements. This may entail elevation profiles and is to be completed at the Preliminary Plat Review.
2. The Developmentally Sensitive areas on the property are to be preserved and protected.
3. The areas which are indicated as "proposed park area" shall remain undeveloped. The applicant shall also pursue negotiations with the County or other agencies/organizations regarding the donation of this property for passive recreation uses.
4. No lots are to have direct access to North Bend Road.

Sincerely,



Robert A. Jonas
Planner

RAJ\par

FROM:BOONE CO PLANNING COM

TO:685 341 1469

FEB 14, 1995 4:18PM HB10 P.03

Mr. Thomas W. Breidenstein
February 14, 1995
Page 2

Agreement

We, the applicant and owner, agree to the above listed conditions for approval of the above referenced request.

Thomas W. Breidenstein 2-15-95
Applicant date

Raymond E. Spentz (owner by contract) 2/15/95
Owner (or representative of owner) date



DON C. KELLY, P.E.
SECRETARY OF TRANSPORTATION

JERRY D. ANGLIN
DEPUTY SECRETARY
AND
COMMISSIONER OF HIGHWAYS

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS, DISTRICT SIX
421-423 BUTTERMILK PIKE & I-75
COVINGTON, KY 41017
606-341-2700
JOE KEARNES
CHIEF DISTRICT ENGINEER

BRERETON C. JONES
GOVERNOR

January 25, 1995

Deters Benzinger & LaVelle, P.S.C.
2701 Turkeyfoot Road
Covington, Kentucky 41017

ATTENTION: Mr. Tom Breidenstein

RE: Preliminary Access Review
George Stewart Property
KY 237
BOONE COUNTY

This office conducted an on site preliminary access review of the above mentioned development. There is sufficient road frontage for an access drive that would meet minimum acceptable sight distance requirements. There is, also, enough frontage to provide for auxiliary lanes, should they be required.

If you have any questions, please do not hesitate to contact this office.

Sincerely yours,

J. E. Kearnes, P. E.

A handwritten signature in black ink that reads "Forrest M. Rankin".

Forrest M. Rankin
District Permits Supervisor

FMR/dlt

cc: J. E. Kearnes
D. J. Shea

MINUTES
BOONE COUNTY FISCAL COURT
March 21, 1995
5:30 P.M.

Reverend Wayne Cox (Florence Baptist Temple) and Reverend Tim Alexander (Florence Baptist Church) said they were present as citizens and stated that economic impact is not the only issue to be considered. They indicated they have seen much of the dark side of alcohol. They asked the court to think about the negative aspects to the community. They stated there is a large constituency in the county that do not want beer sales on Sunday. They asked that the businessmen withdraw their request, however, if not, they encouraged the Fiscal Court to vote the ordinance down. Reverend Cox commented that no beer sales are permitted on election day, and asked why the court would allow it to be sold on Sunday

Vic Harrison, resident of Burlington, referred to the section of the ordinance that states "...the Boone County Fiscal Court deems it necessary to enact this ordinance to protect and preserve the health, safety, welfare, and convenience of the inhabitants of Boone County...", and said he does not see how the passage of this ordinance will promote safety and welfare when it creates the potential for increased DUI's on the week end and the increased need for law enforcement. Mr. Harrison said he did not think the county could afford to pass this ordinance and also referred to the fact that beer sales are not permitted on election day.

Keith Groves, resident of Boone County, said it is an issue of values rather than profit and loss. Mr. Groves further said if fairness was the issue (referring to allowing beer sales in Boone County to make it fair for all of the businessmen) then what about fairness to the victims of drunk driving. Mr. Groves said government should care more about its people that profit and encouraged to court to vote no.

Rudi Stacey, citizen of Boone County, said that while the business may profit, the family loses and encouraged to court to vote no.

Reverend Terry Wilder (Burlington Baptist Church) said he is present as a citizen and that it has been his experience that alcohol often leads to excess and the Fiscal Court should support those who are saying no to alcohol.

Jim Berling said the business people do not wish to withdraw their request to allow the sale of beer on Sunday.

Judge Lucas then closed the Public Hearing at 6:25 p.m.

Commissioner Patrick commented that not all of Mr. Flick's customers want the sale of beer on Sunday as she has had numerous calls and letters opposing beer sales on Sunday.

Commissioner Melhaus said she has discussed this matter with the Boone County Police and they advised they see no reason for an increase in personnel as a result of Sunday beer sales. Ms. Melhaus said she believes the businesses in unincorporated Boone County are at a disadvantage when the sales are permitted in the City of Florence and neighboring counties of Kenton and Campbell. Ms. Melhaus further stated that passing this ordinance does not mean that people have to drink on Sunday, rather allows them to make that decision on their own.

Commissioner Campbell stated this is the hardest decision he has had to make since being in office, however, he agrees with Commissioner Melhaus.

Judge Lucas said it has been a difficult decision to make and entertained a motion. Commissioner Campbell moved, seconded by Commissioner Melhaus, to approve on Second Reading Ordinance No. 410.7, an ordinance of the Boone County Fiscal Court relating to regulation of the sale of alcoholic beverages and the times of day alcohol may be sold and repealing Ordinance No. 410.6. Judge Lucas called for a vote of the motion, Commissioner Patrick voted NO, Commissioner Melhaus voted AYE, Commissioner Campbell voted AYE and Judge Lucas voted AYE. Motion carried. Exhibit "B"

ORDINANCE NO. 920.301 - BREIDENSTEIN/STEWART

Judge Lucas read a summary of Ordinance No. 920.301, and declared a Public Hearing open at 6:31 p.m. Subsequent to discussion and additional conditions agreed too by the applicant, Judge Lucas closed the Public Hearing at 6:43.

Commissioner Campbell moved, seconded by Commissioner Melhaus, to approve, with two additional conditions, Second Reading of Ordinance No. 920.301, an ordinance of the

MINUTES
BOONE COUNTY FISCAL COURT
March 21, 1995
5:30 P.M.

Boone County Fiscal Court to consider the request of Thomas Breidenstein (Applicant) for George and Anita Stewart (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 45.8 acre site, generally located on North Bend Road, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution R-95-005-A. The two additional conditions are that Boone County Public Works be included in Condition 1 of the Boone County Planning Commission conditions with the second additional condition being that a left turn lane is included. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "C"

ORDINANCE NO. 920.302 - RICHWOOD LAND COMPANY

Judge Lucas read a summary of Ordinance No. 920.302, and declared a Public Hearing open at 6:45 p.m. Following a brief discussion, Judge Lucas declared the Public Hearing closed at 6:50 p.m.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on Second Reading/Public Hearing Ordinance No. 920.302, an ordinance of the Boone Fiscal Court to consider the request of Richwood Land Company (Owner) for a change in an approved Concept Development Plan, with conditions, in a Commercial Services (C-3) zone on a 6.1 acre site generally located in the northeast quadrant of the KY 338 and I-75 Interchange, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution R-95-006-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

RESOLUTION NO. R-03-21-95-01 - AOC

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve Resolution NO. R-03-21-95-01, a resolution of the Boone County Fiscal Court authorizing the County Judge/Executive to enter into Price Contract #BP005942 in the amount of \$6,156.00 and contract payment upon completion of installation with approval by the Circuit Clerk. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "E"

RESOLUTION NO. R-03-21-95-02 - GEMAP, INC

Commissioner Patrick moved, seconded by Commissioner Campbell, to approve Resolution No. R-03-21-95-02, a resolution authorizing the Boone County Judge/Executive, Kenneth R. Lucas, to execute a deed of easement to Gemap, Inc. on behalf of the Boone County Fiscal Court. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "F"

RESOLUTION NO. R-03-21-95-03 - HISTORIC PRESERVATION

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve Resolution No. R-03-21-95-03, a resolution of the Boone County Fiscal Court in support of continued federal funding for historic preservation programs. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "G"

ITEM V.

PERSONNEL MATTERS

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve the seasonal Parks appointments as outlined in Ken Hund's memo dated March 15, 1995, to the Personnel Director. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "H"

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve the appointment of John D. Klaserner to the position of full-time Assistant Building Inspector at the Grade/Step of 8/A, \$10.49 per hour. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve the Property Maintenance Staff upgrades as outlined in Don Wood's memo dated March 9, 1995, to the County Administrator. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "I"