

PV

# 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 EAST SIDE OF SOUTH ORIENT STREET
3. Total Acreage of Site 2.5 AC
4. Current Zoning of Site C-2
5. Proposed Zoning (Classification being requested) SR-2/SC
6. Proposed Uses (please specify each use) \_\_\_\_\_  
SR-2 USES
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 41017  
City State Zip
9. Name of Property Owner(s) ARLINGHAUS BUILDERS, INC.  
Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
10. Address of Property Owner(s) 142 BARNWOOD DRIVE  
EDGEWOOD KY 41017  
City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_  
8.0 D.U.A.
12. Are there any existing buildings on the site? NO  
How many? \_\_\_\_\_
13. Deed Book 481 Page No. 46 Group No. 2030
14. Are you also applying for:  
\_\_\_\_\_ Conditional Use Permit  
\_\_\_\_\_ Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
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

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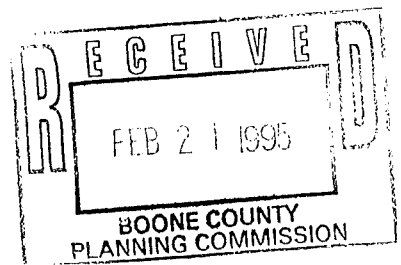


EXHIBIT "A"

## STAFF REPORT

Request of Raymond Erpenbeck Consulting Engineers (applicant) for Arlinghaus Builders, Inc. (owner) for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two/Small Community (SR-2/SC), for an approximately 2.5 acre site located on the east side of South Orient Street (Burlington), Boone County, Kentucky. The request is to allow up to eight residential dwelling units per acre.

March 29, 1995

### REQUEST

The following request is for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two/Small Community (SR-2/SC) for an approximately 2.5 acre site that is located on the east side of South Orient Street in Burlington, adjacent to the point where the street dead ends. The entire 572 foot frontage of the site along South Orient, at a depth of approximately 80 feet, is currently zoned SR-2/SC. The application form states that the land uses proposed include "SR-2 uses" and that the proposed building intensity is eight dwelling units per acre. No Concept Development Plan has been submitted with this request.

### SITE HISTORY

1980           The current zoning of the site was adopted and the Small Community Overlay District was created, both through the adoption of a new zoning ordinance and map that replaced the prior regulations that had been declared invalid.

### ADJACENT LAND USES

The uses adjacent to the site include the following:

- A.    A vacant lot is located immediately to the north (SR-2/SC along the street frontage, C-2 for the remainder of the site) and several detached, single family residences are located further to the north, all along South Orient (SR-2/SC).
- B.    A row of detached, single family residences along the west side of South Orient and two detached, single family residences to the southwest, beyond the dead of South Orient (SR-2/SC). Rogers Lane, and a few residences that are along Roger Lane, are behind the latter two residences.
- C.    A vacant area is located to the east (C-2).
- D.    A subdivision of detached, suburban density, single family residences is located to the south and southeast (Kingsgate Crossing, SR-1).

### SITE CHARACTERISTICS

As stated above, the site has approximately 572 feet of frontage along South Orient. South Orient is a paved, dead end street that has no curb, gutter, or definite turn-around area. A creek (Allen Fork) runs within the site along the south and east property lines. The site has rolling topography that generally drains toward the creek. Vegetation on the site includes intermittent tree lines along the side and rear property lines while the remainder of the site is in pasture. There are no structures or other impervious areas currently on the site. Soil types on the site include Ashton Silt Loam (AsB), Lindside Silt Loam (Ln), and Rossmoyne Silt Loam (RsC). The Ashton and Lindside soils have limited erosion potential, while the Rossmoyne has a somewhat greater erosion potential.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 1990 Boone County Comprehensive Plan Future Land Use Map designates the site in question, as well as all of the adjacent tracts, as "Suburban Density Residential" (SD). The document describes this designation as "residential uses that do not exceed four dwelling units per acre." The text of the Land Use Element (area C-3) reinforces the Future Land Use Map designation. As the proposal is for eight dwelling units per acre, the proposed density would fall within the Urban Density Residential category (up to twelve units per acre; the High Suburban Density Residential category provides for up to six units per acre).

The Comprehensive Plan also makes the following statements that relate to the proposal:

- A. A variety of housing opportunities within the established urban areas and within developing areas would encourage some of the higher income residents to reside there and thus lessen the isolation of different segments of society. Therefore, single-family housing should remain an ingredient of urban areas instead of being only targeted only for rural or suburban areas. Established single-family housing areas in urban areas should not experience an influx of multi-family or duplex construction, however, unless proper and adequate buffering can be provided. Large, left-over parcels in urban service areas are well suited for planned residential development, that includes high density residential areas (Housing Element, "Population Needs," pg. 113).
- B. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and public services. This provides a supply of affordable housing for county residents (Housing Element, "Housing Types," pg. 113).

- C. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. Between high density and low density there should be a gradation or buffer. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips (Housing Element, "Housing Densities," pg. 115).
- D. All residential developments should be designed to preserve natural features wherever possible (Housing Element, "Housing Densities," pg. 115).
- E. Residential development should occur near established urban or suburban centers as opposed to leapfrogging to isolated areas, such as the western portion of the county (Housing Element, "Residential Areas," pg. 115).
- F. Medium density will be the predominate form of residential development in the corridor (KY 18), and should not occur directly on KY 18, but with easy access to it. Some high density residential development should also occur off KY 18, near major cross streets such as Boone Aire Road, Limaburg Road, and Camp Ernst Road (Housing Element, "Florence-Burlington Area," pg. 117).
- G. The immediate Burlington area will experience infill housing, as well as continued growth of the surrounding subdivisions. Additional multi-family construction is anticipated, but should include buffering against single-family areas and be served by adequate public utilities and roadways. Most of this multi-family should occur east of the town's center to minimize traffic impact at KY 18 and KY 338 (Housing Element, "Florence-Burlington Area," pg. 117).
- H. Potential impacts include visual, noise or vibrations, odors dust, smoke, and light (underlines added). Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments (Land Use Element, "Buffering," pg. 201).

The 1995 Boone County Comprehensive Plan Goals and Objectives makes the following statements that relate to the proposal:

- A. Proper design principles shall be applied in development ("Overall," objective #3).
- B. Boone County shall strive to achieve a diversity and balance in competing land uses ("Overall," objective #6).
- C. A broad range of housing opportunities shall be provided which meets the needs and desires for all household types ("Housing," Objective #1).

- D. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on the progression of densities, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit ("Housing," Objective #5).

STAFF CONCERNS

1. Staff is concerned with the range of uses that are allowed under the SR-2/SC zone. In addition to the uses permitted in the underlying SR-2 zone, all principally permitted, accessory, and conditional uses in the C-2 (which includes O-1 and C-1), UR-1, and PF zones, along with bed and breakfast inns, are permitted as conditional uses. Further, because townhouse dwelling units are a principally permitted use on a minimum five acre site, the question arises as to whether the applicant intends to assemble this site with an adjacent site in order to pursue this type of endeavor. Therefore, the specific uses that are intended should be clarified and the Commission should consider prohibiting inappropriate uses, such as those incorporated into the Small Community Overlay zone by reference as conditional uses (C-2, UR-1, PF uses). Overall, the Commission will need to consider the various directions of the Comprehensive Plan when evaluating the proposal relative to land use.
2. The current condition of South Orient is a concern to Staff due to the lack of curb, gutter, and a definitive turn-around, and the inability of the site for access to be provided elsewhere. At present, nine single family residences and a small office building take access from this street (there are two other single family residences that face South Orient but take access from a side street). According to the ITE Trip Generation Manual, 5th edition, the existing traffic volume is theoretically 110.55 ADT (85.95 ADT for nine single family residences [9.55 X 9 units] and 24.6 ADT for the office [24.6 per 1,000 sf], although the office generation is probably "high" due to data limitations). Assuming that twenty duplex units were constructed on the site ("duplex dwelling units with attached garages" at eight units per acre is the most intensive use allowed by right in the zone for this site), the proposal would theoretically create an additional 117.2 ADT (5.86 ADT X 20 units). In addition, the Boone County Public Works Department has recommended that South Orient, from the intersection with Metts Lane, be upgraded to meet current county road specifications due to the increased impacts (refer to attached memo from Greg Sketch, Director of Engineering Services). Thus, the Commission will need to consider whether any improvements to South Orient are warranted due to the additional impact that would be created by this proposal (because a specific proposal has not been provided as discussed above, actual traffic impacts will vary).
3. Because no Concept Development Plan has been submitted with this request, the physical development of the project and its appropriateness for both the site in question and the adjoining properties is a concern. These concerns include the following:

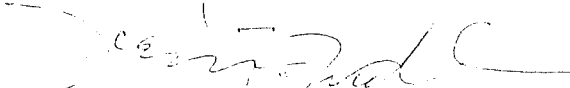
- A. The tree lines along the side and rear property lines should be retained and supplemented with additional trees so that a continuous landscape buffer is provided for the adjoining properties, and for the future residents of this site when considering there is a C-2 adjacency.
- B. The street frontage area should include a grassed area with a depth from the right-of-way that is representative of the front yards along South Orient. Large trees and other landscape elements (berming, hedging, accent plantings) should be provided in the front yard so that the development is visually diffused from the adjoining properties along South Orient (the typical requirement in the Zoning Regulations for street frontage trees for large parking lots is at least one tree per 40 feet of frontage). If uses other than single family residences or duplexes are intended, then substantial landscape buffering should be provided along the street frontage.
- C. To maintain the detached, single-family residential character of the area, any parking areas/driveways along South Orient per se should be limited to those which are placed in front of individual garages for individual units (i.e., driveways would be approximately 20 feet wide and the length of the front yard setback) and spaced along the street in a manner similar to those existing along the west side of the street. Larger parking/ driveway areas that serve more than one unit should be sited within the interior of the site.
- D. To avoid light pollution onto the adjoining properties, freestanding site light fixtures should have cut-off shields and should not exceed 12 feet in height. Bollard-style fixtures are preferable.
- E. To maintain the integrity of the creek that runs across the property and to serve the intent of the Comprehensive Plan, the Commission should consider prohibiting any substantial alteration to this water course, such as piping, rerouting, etc.
- F. The height, massing, and scale of the proposed buildings should be similar to the residences in the immediate vicinity so that the existing structures are not overwhelmed.

#### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. In addition, the Commission should review Section 940 "Suburban Residential Two" and Article 20 "Small Community Overlay District" of the Zoning

Regulations, including the applicable intent statements, prior to making a decision. The Future Land Use Map would need to be amended to reflect higher density residential uses if the Planning Commission and Fiscal Court approve this request.

Respectfully submitted,



Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW\par

attachments:

- air photo of area
- Future Land Use Map excerpt
- Zoning Map excerpt
- application materials
- memo from Greg Sketch, Director of Engineering Services, Boone County Public Works Department



FUTURE LAND USE MAP

SD

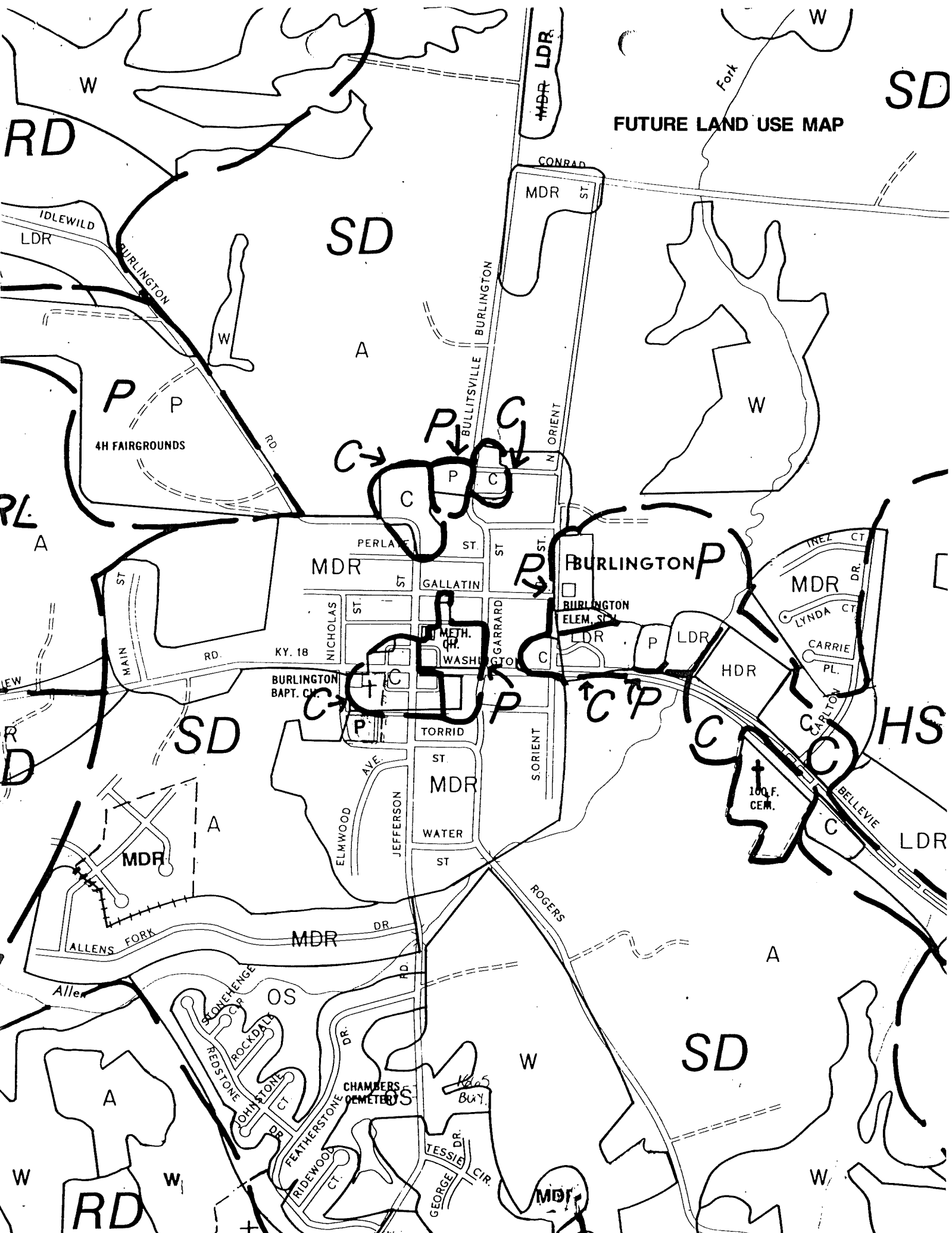
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APPLICATION FORM  
**ZONING MAP AMENDMENT**

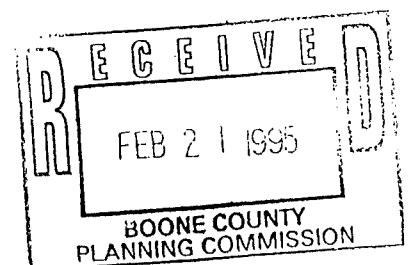
BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

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SR-2 USES  
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City State Zip
9. Name of Property Owner(s) ARLINGHAUS BUILDERS, INC.  
Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
10. Address of Property Owner(s) 142 BARNWOOD DRIVE  
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How many? \_\_\_\_\_
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\_\_\_\_\_ Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
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:  

<u>NO</u>	Boone County Water and Sewer District
<u>NA</u>	Florence Water and Sewer Commission
<u>NO</u>	Union Light Heat and Power
<u>NO</u>	Cincinnati Bell
<u>NO</u>	Owen County Rural Electric
<u>NO</u>	Boone County Public Works Department

(over)



NO Kentucky Transportation Cabinet  
NA City of Florence Public Services Department  
NO Boone County Building Department  
NO Northern Kentucky Health District  
NO U.S. Soil Conservation Service  
NO Local School District  
NO Local Fire District  
Other: \_\_\_\_\_

18. Project Jurisdiction/Location  
  X   Unincorporated Boone County            Walton  
           Florence            Union

19. Applicant's Signature Raymond G. [Signature]  
Property Owner's Signature Joe [Signature]

SECTION B (To be completed by BCPC Staff)

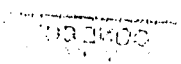
1. Date Received 2/21/93
2. Fee Received \$ 756.00 RA 5974
3. Check what has been submitted:  
  ✓   Application   ✓   Fee  
  ✓   Legal Description  
  ✓   Concept Development Plan  
  ✓   Address of Adjoining Property Owners  
           Number of copies of plan received\*\*
4. Is application complete?   ✓   Yes            No
5. Staff Reviewer \_\_\_\_\_
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date \_\_\_\_\_
8. Boone County Planning Commission Action:  
           Approval  
           Approval with Conditions  
           Denial
9. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\* Five (5) Copies Are Required

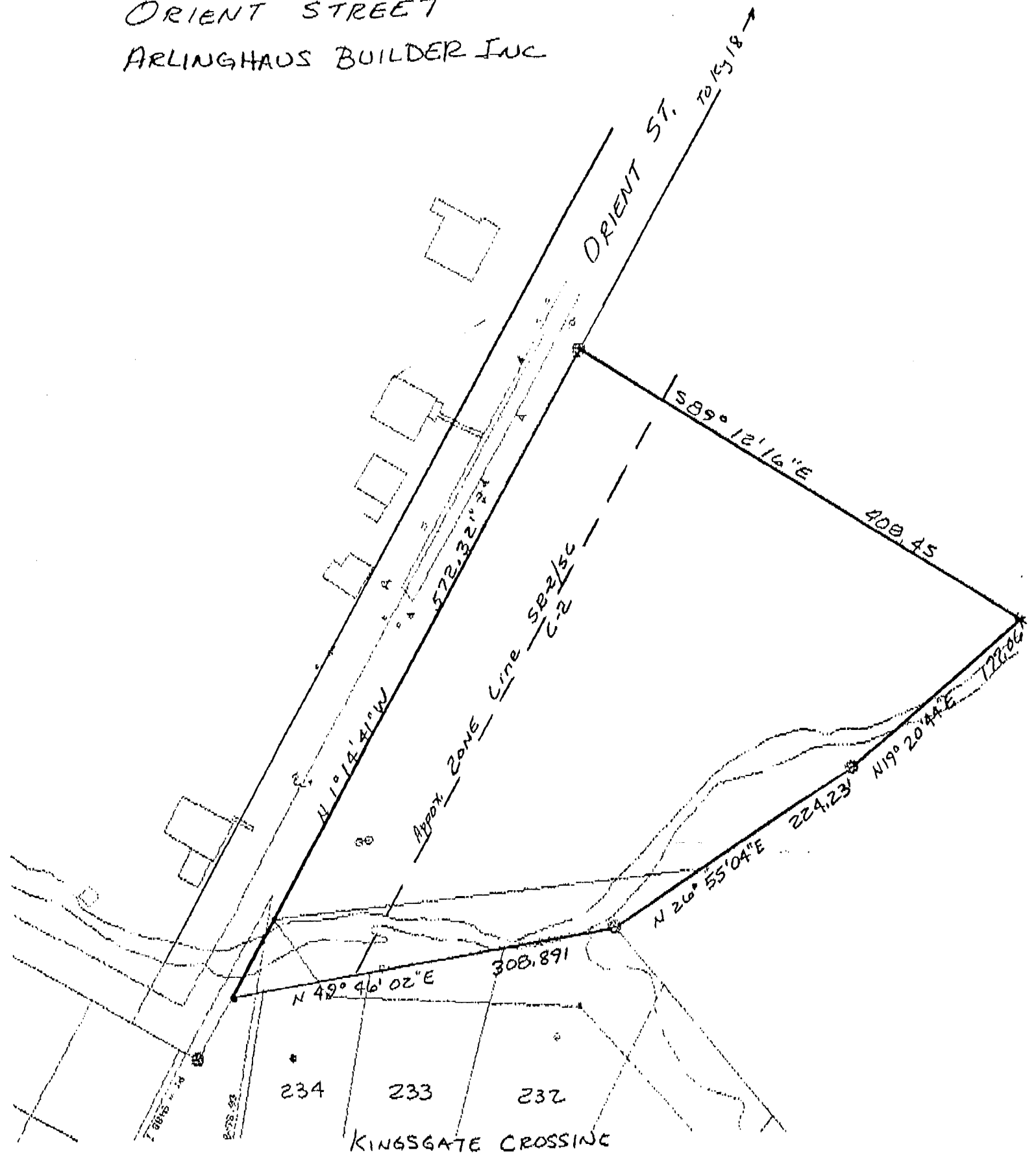
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(606) 334-2196 Phone  
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission for Zoning Map Amendment Fee.

An application consists of all fees paid in full, submitted drawings and a completed application form.



Proposed 2d Change  
ORIENT STREET  
ARLINGHAUS BUILDER INC



Scale: 1" = 100'



HARVEY F. PELLEY  
Director of Public Services

GREGORY SKETCH  
Director of Engineering

KENNETH R. LUCAS  
County Judge - Executive

COMMISSIONERS:

IRENE PATRICK  
District 1

SHIRLEY MEIHAUS  
District 2

HAROLD L. CAMPBELL  
District 3

## DEPARTMENT OF PUBLIC WORKS

5645 IDLEWILD ROAD  
BURLINGTON, KY 41005

Phone: 606 586-5445  
Fax: 606 586-5487

# MEMORANDUM

**TO:** Kevin Wall, AICP, CDT  
Director, Zoning Services  
Boone County Planning Commission

**FROM:** Greg Sketch, P.E., L.S.  
Director of Engineering

**RE:** **Proposed Zoning Map Amendment**  
**South Orient Street, Burlington**

**DATE:** March 29, 1995

It is the recommendation of the Public Works Department that the proposed zone change on South Orient Street, Burlington (from C-2 to SR-2/SC) be recommended for approval only with a condition that the developer upgrade South Orient Street from the intersection of Metts Lane to meet the current Boone County Street specifications. The current condition of the road will not support high density residential development.

If you have any questions please call me.

Thank You

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mr. Burch - Vice Chairman, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, and Mr. White.

Mr. Burch introduced the third item on the Agenda:

3. Applicant: Raymond Erpenbeck Consulting Engineers for  
Arlinghaus Builders, Inc. (owner)

Request: Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Arlinghaus Builders, Inc. (owner) for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two/Small Community (SR-2/SC) for a 2.5-acre site located on the east side of South Orient Street (Burlington), Boone County, Kentucky. The request is to allow up to eight residential dwelling units per acre.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Burch asked for the applicant's presentation.

Mr. Bob Schroeder, Arlinghaus Builders, using an exhibit, indicated the site shown in pink, the existing SR-2/SC area shown in salmon, and Kingsgate subdivision shown in yellow. He indicated a large area shown in green to the northeast, which they do not own. Mr. Schroeder stated that the concern is that approximately 80 feet on South Orient Street is already zoned SR-2/SC. He stated that they plan entirely residential use for the area proposed to be rezoned. They plan no commercial use of any type. They feel that SR-2 is more appropriate because of the access, the street, the surrounding homes, and the proximity to probable future commercial development. It is a more appropriate zone for property located at the end of a deadend street. The zone allows smaller lots and possibly duplexes or townhomes. They do not expect to have anything near 8 units per acre, but do not know what they plan to do at this time. He does not think the area is appropriate for the uses permitted in C-2, which would also be permitted in SC, but would agree to conditions of no commercial uses -- no bowling alleys, no liquor stores. He stated that they own the property to the south and are selling lots. They have a concern for what they do adjacent to their property and want it to be compatible with the existing residential area. He stated that there are not many trees there and the only trees are along the property line and the creek. There will be very little disturbance of the creek. There is a sewer line that runs mostly west of the creek and they will not get anywhere near the sewer line or the creek. The impact to the creek will be very minor.

Mr. Schroeder referred to the exhibit and the location of Metts Lane. Mr. Wall advised that the paper streets shown have been abandoned. Mr. Schroeder stated that Public Works requests that they rebuild South Orient Street from Metts Lane. They do not want to rebuild the street all the way from Metts Lane to their development. He stated that if they have to spend a lot more money, they have to justify it by a lot more units -- which they do not want to do and would rather keep the development on a smaller scale. He stated that there is no Concept Plan at this time.

Mr. Burch 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 who wished to speak in opposition or to ask questions.

Mr. Mike Coswell, 6103 South Orient Street, stated that his house is built on South Orient Street. He stated that from the deadend down to the creek was abandoned when he purchased his property in 1991. Extending South Orient Street will impact his property. He stated that the creek behind his house floods up within 12 feet of his house. The field absorbs a lot of water and he is concerned about the effect of parking lots in regard to the drainage.

Mr. James Maxwell, 6053 South Orient Street, stated that his house is almost across from the middle of the subject property. He is offended that they do not want to take on the expense of building a street. The street will be damaged by the construction vehicles. He questioned who would be responsible for any damage to the street. He feels that the developer should be responsible for damage to the street. He questioned what constitutes a residential unit. He stated that the developer does not know what he is going to put there, and questioned how then the residents can know if they are opposed. He questioned what kind of houses there will be. He asked if the road will be widened. He asked when construction will start. He stated that he does not want them to build 20 buildings.

Roy Cantrell, 6039 South Orient Street, agreed with Mr. Maxwell's concerns about the street. He stated that South Orient Street is now practically a one-lane road. The street was practically destroyed last summer when the equipment went down it to construct the sewers. The road has not been repaired. He is concerned about the extra traffic on the street. He stated that the street is not capable of handling this type of traffic.

Mr. Raymond Smith, 2791 Burlington Pike, stated that he borders the property on the north side. He questioned how the zone change would affect the zoning of his property.

Mr. Burch stated that there is zoning on the property now and if a user came in with a C-2 use, he would be allowed that use.

Counselor Wilson advised that a "dwelling" is a building used for residential purposes. A "dwelling unit" is space within that building for a residence. In a two dwelling unit building, there would be two spaces for two residential units. A single-family residential unit is a building for one family. He advised that the granting of this zone change does not

affect other properties, which retain their current zoning. Counselor Wilson explained that the request is for an SR-2 Zone, which allows various kinds of units. When a Development Plan is not submitted with the application, then the review hearing is to determine whether or not the SR-2 Zone -- unrestricted with all of its uses -- is appropriate. The Commission has to look at all of the uses allowed in SR-2 and make a determination when a Development Plan is not submitted. It has to be determined whether the maximum intensity of the SR-2 Zone is appropriate given the land use factors involved. He advised that if the road is a public road accepted by the county, then the county has the obligation for maintenance. The county has the right to determine at what level they are going to maintain it. If a developer will generate need for improving a street, then the applicant may be asked to agree to a condition for that improvement.

Mr. Kirby, Jr. arrived at this time.

Mr. Burch asked the applicant to address the concerns regarding stormwater and the creek.

Mr. Coswell stated that he is concerned about water runoff and the affect on his property. He stated that twice the water has been within 12 feet of his garage. He questioned his recourse if the applicant says there is no impact and then next year his basement floods.

Counselor Wilson advised that Mr. Coswell might end up in a private dispute as to who caused the runoff and the flooding. His recourse would not be to the Planning Commission. Mr. Wall advised that the Development Standards require water runoff to be maintained at pre-development rates and they will have to do something to keep the water on site so that it does not runoff any faster than it did before the development.

Mr. Maxwell stated that Planning & Zoning approved the construction that was done by O'Rourke for the sewers. He stated that there is a hole one foot deep and 4' to 8' in diameter at the top of the street, which he is sure was caused by commercial vehicles. He questioned recourse in regard to the road.

Mr. Costello advised that the sanitary sewer was put in by Boone County Water & Sewer. The Planning Commission did not review or approve the plans. He advised that they should talk to the Public Works Department in regard to the road. They should talk to Harvey Pelley and if they still have a problem, they can talk to the County Administrator, Jim Collins. Mr. Costello advised that Greg Sketch recognizes that there are some limitations to the road. He referred Mr. Maxwell to the letter from the Department of Public Works attached to the Staff Report.

Mrs. Smith questioned the property shown in green on the exhibit. Mr. Schroeder advised that they do not own any of the area shown in green. He indicated on the exhibit the areas that are not part of the zone change.

Mrs. Smith asked if there is sewer and city water to the property. Mr. Schroeder indicated on the exhibit the location of the sewer line, which he believes is gravity flow. He added that they have access to water and sewer through the subdivision.

Mr. Kirby advised that the sewer line work was done by Kenton/Campbell Sanitation District and Boone County had nothing to do with it. Kenton/Campbell Sanitation District is maintaining and servicing the line.

Mr. McMillian asked if they intend to run South Orient Street into the other subdivision. Mr. Schroeder replied "no" and advised that they are not going to try to open the street up or run anything through it. He indicated a steep area from the creek and stated that improving it would be more expensive than it is worth. He stated that there is a house closing tomorrow and they would have to get into their backyard to do that. Mr. McMillian asked what they intend to do to the street. Mr. Schroeder stated that they have not had engineers study the cost and have not made any decisions on what to do to the street. He stated that if they have to spend \$100,000 or so on the street, then they will have to put more units back there -- which the residents do not want. He stated that he does not know that all of the burden should be on them. They can speak to Greg Sketch and their engineers about the cost. He stated that he is sure they will have to improve some of the street in front of their property.

Mr. McMillian stated that something has to be done to the street if there are improvements back there. Mr. Schroeder stated that they could use the property for much more intensive use -- such as bowling alleys and liquor stores. He stated that they could come in now and not make any improvements to the street and put in a bowling alley.

Mr. Schroeder stated that they do not know when they plan to start building. It is possible something could be done this summer, or in a year or two. They do not have a buyer for the property or anyone who has asked to buy lots to build townhouses. He stated that they do not want commercial use there and that is why they are making this application.

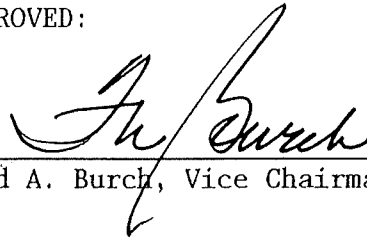
Mrs. Schaffer questioned the width of South Orient Street. Mr. Sketch advised that it is probably no more than 12 feet wide at the end. It is 15' to 20' feet wide approaching the subject property. The street is nowhere near current specifications. Mr. Maxwell stated that the street is a maximum of 12' to 15' wide.

Mr. Ries asked if their engineer could meet with Mr. Coswell to give him an idea regarding the runoff. He noted that the water level may go down when development occurs. Mr. Schroeder advised that when anything is developed on the property, it will meet all the requirements.

There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on April 10, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on April 19, 1995 at 8 P.M. on the third floor of the Administration Building.

Mr. Burch closed this Public Hearing.

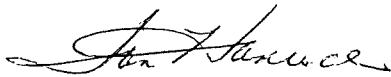
APPROVED:



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Fred A. Burch, Vice Chairman

Attest:



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Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BUSINESS MEETING  
BOONE COUNTY ADMINISTRATION BUILDING  
April 19, 1995  
8:00 P.M.

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The following Minutes are a partial record of the meeting, beginning with Agenda Item No. 3. The Minutes for Item No. 1 and deferral for Items 2, 8, and 9 were prepared and approved during the meeting.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
Mr. Phil Damstrom  
Mr. Robert Kirby, Jr.  
Mr. Mike McKinney  
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. William Bailey  
Mr. Fred Burch, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Mr. Dave Geohegan, AICP  
Mr. Jeff Hayes  
Ms. Jan Hancock, Secretary  
Mr. Mitch Light  
Mr. Kevin Wall, AICP

5. Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Arlinghaus Builders, Inc. (owner) for a Zoning Map Amendment from Public Facilities (PF) to Suburban Residential One (SR-1) for a six-acre site located north of Thunder Ridge Drive, Boone County, Kentucky. The request is to allow up to four residential dwelling units per acre.

Staff Member Mitch Light read the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

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

6. Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Arlinghaus Builders, Inc. (owner) for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two/Small Community (SR-2/SC) for a 2.5-acre site located on the east side of South Orient Street (Burlington), Boone County, Kentucky. The request is to allow up to eight residential dwelling units per acre.

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

Mrs. Schaffer questioned the total number of dwelling units. Mr. Wall advised that there would be a total of 14.

Mr. Neltner asked for a vote on the motion made by Mr. Damstrom and it carried unanimously.

7. Zoning Map Amendment

The request of Thomas W. Breidenstein (applicant) for Richwood Land Company (owner) for a Zoning Map Amendment to establish a Special Sign District on a 6.14-acre site located at the northeast quadrant of I-75/Richwood Road, Boone County, Kentucky. The site is currently zoned Commercial Services (C-3).

EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: April 19, 1995

RE: Request of Raymond Erpenbeck Consulting Engineers (applicant) for Arlinghaus Builders, Inc. (owner) for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two/Small Community (SR-2/SC), for an approximately 2.5 acre site located on the east side of South Orient Street, Boone County, Kentucky. The request is to allow up to eight residential dwelling units per acre.

### REMARKS:

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

### FINDINGS OF FACT

1. The Committee has concluded that due to the fact that the existing land use for the areas adjoining the site in question is exclusively detached, single family residential, and due to the fact that South Orient Street is not adequately constructed to accommodate commercial traffic, the current zoning is inappropriate and the proposed zoning is appropriate. Further, the site adjoins the Burlington town site, which is already zoned Suburban Residential Two/Small Community (SR-2/SC).
2. The Committee has concluded that the direction of the 1990 Boone County Comprehensive Plan is more adequately fulfilled through the proposed zoning rather than the current zoning. In particular, the Comprehensive Plan seeks higher density residential uses on the east side of Burlington.
3. The Committee has concluded that the attached conditions are necessary to mitigate the foreseeable community impacts that would be created by the development of the site and to help the proposal conform to the Comprehensive Plan. The applicant has signed a letter agreeing to the recommended conditions.

### CONDITIONS

1. A maximum of seven lots may be created from the tract. The lots may be used only for detached, single family residences, or duplex structures, or some combination thereof.

2. The applicant shall work with the Boone County Public Works Department to upgrade South Orient Street to the current, minimum County road specifications. As such, the owner shall be responsible for upgrading a proportionate share of South Orient Street, with the proportionate share determined by the Boone County Public Works Department. The street improvements shall be completed in accordance with the Boone County Subdivision Regulations.
3. Each duplex unit constructed within the zone change area, if any, shall have a two car garage.
4. The siding materials for all duplex structures shall be brick or brick/siding combinations, with at least fifty percent of the street facing facades being faced by brick.

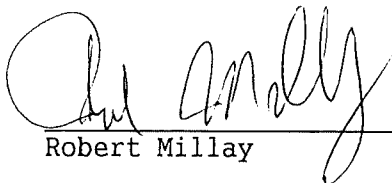
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

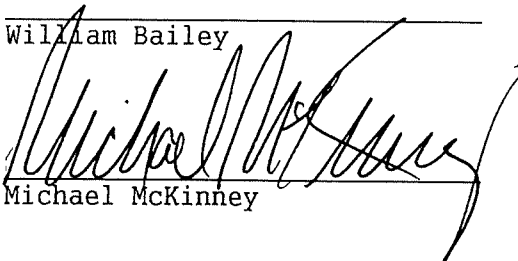
  
\_\_\_\_\_  
Phil Damstrom, Chairman

  
\_\_\_\_\_  
Barry Neltner

\_\_\_\_\_  
Fred Burch

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William Bailey

  
\_\_\_\_\_  
Robert Millay

  
\_\_\_\_\_  
Michael McKinney

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mr. Burch - Vice Chairman, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, and Mr. White.

Mr. Burch introduced the third item on the Agenda:

3. Applicant: Raymond Erpenbeck Consulting Engineers for  
Arlinghaus Builders, Inc. (owner)

Request: Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Arlinghaus Builders, Inc. (owner) for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two/Small Community (SR-2/SC) for a 2.5-acre site located on the east side of South Orient Street (Burlington), Boone County, Kentucky. The request is to allow up to eight residential dwelling units per acre.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Burch asked for the applicant's presentation.

Mr. Bob Schroeder, Arlinghaus Builders, using an exhibit, indicated the site shown in pink, the existing SR-2/SC area shown in salmon, and Kingsgate subdivision shown in yellow. He indicated a large area shown in green to the northeast, which they do not own. Mr. Schroeder stated that the concern is that approximately 80 feet on South Orient Street is already zoned SR-2/SC. He stated that they plan entirely residential use for the area proposed to be rezoned. They plan no commercial use of any type. They feel that SR-2 is more appropriate because of the access, the street, the surrounding homes, and the proximity to probable future commercial development. It is a more appropriate zone for property located at the end of a deadend street. The zone allows smaller lots and possibly duplexes or townhomes. They do not expect to have anything near 8 units per acre, but do not know what they plan to do at this time. He does not think the area is appropriate for the uses permitted in C-2, which would also be permitted in SC, but would agree to conditions of no commercial uses -- no bowling alleys, no liquor stores. He stated that they own the property to the south and are selling lots. They have a concern for what they do adjacent to their property and want it to be compatible with the existing residential area. He stated that there are not many trees there and the only trees are along the property line and the creek. There will be very little disturbance of the creek. There is a sewer line that runs mostly west of the creek and they will not get anywhere near the sewer line or the creek. The impact to the creek will be very minor.

Mr. Schroeder referred to the exhibit and the location of Metts Lane. Mr. Wall advised that the paper streets shown have been abandoned. Mr. Schroeder stated that Public Works requests that they rebuild South Orient Street from Metts Lane. They do not want to rebuild the street all the way from Metts Lane to their development. He stated that if they have to spend a lot more money, they have to justify it by a lot more units -- which they do not want to do and would rather keep the development on a smaller scale. He stated that there is no Concept Plan at this time.

Mr. Burch 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 who wished to speak in opposition or to ask questions.

Mr. Mike Coswell, 6103 South Orient Street, stated that his house is built on South Orient Street. He stated that from the deadend down to the creek was abandoned when he purchased his property in 1991. Extending South Orient Street will impact his property. He stated that the creek behind his house floods up within 12 feet of his house. The field absorbs a lot of water and he is concerned about the effect of parking lots in regard to the drainage.

Mr. James Maxwell, 6053 South Orient Street, stated that his house is almost across from the middle of the subject property. He is offended that they do not want to take on the expense of building a street. The street will be damaged by the construction vehicles. He questioned who would be responsible for any damage to the street. He feels that the developer should be responsible for damage to the street. He questioned what constitutes a residential unit. He stated that the developer does not know what he is going to put there, and questioned how then the residents can know if they are opposed. He questioned what kind of houses there will be. He asked if the road will be widened. He asked when construction will start. He stated that he does not want them to build 20 buildings.

Roy Cantrell, 6039 South Orient Street, agreed with Mr. Maxwell's concerns about the street. He stated that South Orient Street is now practically a one-lane road. The street was practically destroyed last summer when the equipment went down it to construct the sewers. The road has not been repaired. He is concerned about the extra traffic on the street. He stated that the street is not capable of handling this type of traffic.

Mr. Raymond Smith, 2791 Burlington Pike, stated that he borders the property on the north side. He questioned how the zone change would affect the zoning of his property.

Mr. Burch stated that there is zoning on the property now and if a user came in with a C-2 use, he would be allowed that use.

Counselor Wilson advised that a "dwelling" is a building used for residential purposes. A "dwelling unit" is space within that building for a residence. In a two dwelling unit building, there would be two spaces for two residential units. A single-family residential unit is a building for one family. He advised that the granting of this zone change does not

affect other properties, which retain their current zoning. Counselor Wilson explained that the request is for an SR-2 Zone, which allows various kinds of units. When a Development Plan is not submitted with the application, then the review hearing is to determine whether or not the SR-2 Zone -- unrestricted with all of its uses -- is appropriate. The Commission has to look at all of the uses allowed in SR-2 and make a determination when a Development Plan is not submitted. It has to be determined whether the maximum intensity of the SR-2 Zone is appropriate given the land use factors involved. He advised that if the road is a public road accepted by the county, then the county has the obligation for maintenance. The county has to right to determine at what level they are going to maintain it. If a developer will generate need for improving a street, then the applicant may be asked to agree to a condition for that improvement.

Mr. Kirby, Jr. arrived at this time.

Mr. Burch asked the applicant to address the concerns regarding stormwater and the creek.

Mr. Coswell stated that he is concerned about water runoff and the affect on his property. He stated that twice the water has been within 12 feet of his garage. He questioned his recourse if the applicant says there is no impact and then next year his basement floods.

Counselor Wilson advised that Mr. Coswell might end up in a private dispute as to who caused the runoff and the flooding. His recourse would not be to the Planning Commission. Mr. Wall advised that the Development Standards require water runoff to be maintained at pre-development rates and they will have to do something to keep the water on site so that it does not runoff any faster than it did before the development.

Mr. Maxwell stated that Planning & Zoning approved the construction that was done by O'Rourke for the sewers. He stated that there is a hole one foot deep and 4' to 8' in diameter at the top of the street, which he is sure was caused by commercial vehicles. He questioned recourse in regard to the road.

Mr. Costello advised that the sanitary sewer was put in by Boone County Water & Sewer. The Planning Commission did not review or approve the plans. He advised that they should talk to the Public Works Department in regard to the road. They should talk to Harvey Pelley and if they still have a problem, they can talk to the County Administrator, Jim Collins. Mr. Costello advised that Greg Sketch recognizes that there are some limitations to the road. He referred Mr. Maxwell to the letter from the Department of Public Works attached to the Staff Report.

Mrs. Smith questioned the property shown in green on the exhibit. Mr. Schroeder advised that they do not own any of the area shown in green. He indicated on the exhibit the areas that are not part of the zone change.

Mrs. Smith asked if there is sewer and city water to the property. Mr. Schroeder indicated on the exhibit the location of the sewer line, which he believes is gravity flow. He added that they have access to water and sewer through the subdivision.

Mr. Kirby advised that the sewer line work was done by Kenton/Campbell Sanitation District and Boone County had nothing to do with it. Kenton/Campbell Sanitation District is maintaining and servicing the line.

Mr. McMillian asked if they intend to run South Orient Street into the other subdivision. Mr. Schroeder replied "no" and advised that they are not going to try to open the street up or run anything through it. He indicated a steep area from the creek and stated that improving it would be more expensive than it is worth. He stated that there is a house closing tomorrow and they would have to get into their backyard to do that. Mr. McMillian asked what they intend to do to the street. Mr. Schroeder stated that they have not had engineers study the cost and have not made any decisions on what to do to the street. He stated that if they have to spend \$100,000 or so on the street, then they will have to put more units back there -- which the residents do not want. He stated that he does not know that all of the burden should be on them. They can speak to Greg Sketch and their engineers about the cost. He stated that he is sure they will have to improve some of the street in front of their property.

Mr. McMillian stated that something has to be done to the street if there are improvements back there. Mr. Schroeder stated that they could use the property for much more intensive use -- such as bowling alleys and liquor stores. He stated that they could come in now and not make any improvements to the street and put in a bowling alley.

Mr. Schroeder stated that they do not know when they plan to start building. It is possible something could be done this summer, or in a year or two. They do not have a buyer for the property or anyone who has asked to buy lots to build townhouses. He stated that they do not want commercial use there and that is why they are making this application.

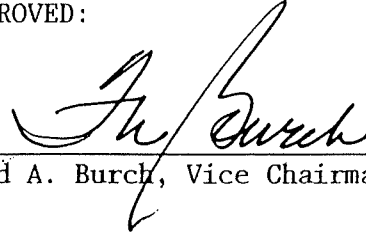
Mrs. Schaffer questioned the width of South Orient Street. Mr. Sketch advised that it is probably no more than 12 feet wide at the end. It is 15' to 20' feet wide approaching the subject property. The street is nowhere near current specifications. Mr. Maxwell stated that the street is a maximum of 12' to 15' wide.

Mr. Ries asked if their engineer could meet with Mr. Coswell to give him an idea regarding the runoff. He noted that the water level may go down when development occurs. Mr. Schroeder advised that when anything is developed on the property, it will meet all the requirements.

There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on April 10, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on April 19, 1995 at 8 P.M. on the third floor of the Administration Building.

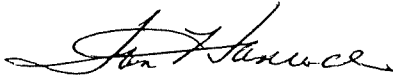
Mr. Burch closed this Public Hearing.

APPROVED:



Fred A. Burch, Vice Chairman

Attest:

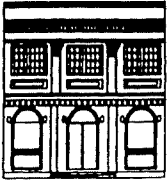


Jan Hancock, Recording Secretary

# BOONE COUNTY PLANNING COMMISSION

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



April 18, 1995

Mr. Joe Arlinghaus  
Arlinghaus Builders, Inc.  
142 Barnwood Drive  
Edgewood, KY 41017

FAX: 344-7983

RE: Recommended Conditions of Approval for Zone Change from C-2 to  
SR-2/SC - 2.5 Acre Site on South Orient Street (Burlington),  
Boone County, Kentucky

Dear Mr. Arlinghaus:

The following represents the conditions of approval as agreed by the Boone County Planning Commission's Zone Change Committee. If you, as the owner agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by 4:00 p.m., Tuesday, April 18, 1995.


## Conditions of Approval

1. A maximum of seven lots may be created from the tract. The lots may be used only for detached, single family residences, or duplex structures, or some combination thereof.
2. The applicant shall work with the Boone County Public Works Department to upgrade South Orient Street to the current, minimum County road specifications. As such, the owner shall be responsible for upgrading a proportionate share of South Orient Street, with the proportionate share determined by the Boone County Public Works Department. The street improvements shall be completed in accordance with the Boone County Subdivision Regulations.
3. Each duplex unit constructed within the zone change area shall have a two car garage.

Mr. Joe Arlinghaus  
April 18, 1995  
Page 2

4. The siding materials for all duplex structures shall be brick or brick/siding combinations, with at least fifty percent of the street facing facades being faced by brick.

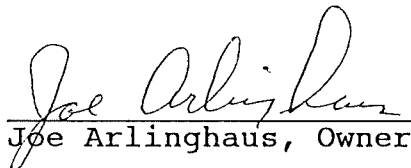
Sincerely,



Kevin T. Wall, AICP CDT  
Director, Zoning Services

**Agreement**

I, the owner, agree to the above listed conditions of approval for the requested Zoning Map Amendment from C-2 to SR-2/SC for an approximately 2.5 acre site located on South Orient Street (Burlington), Boone County, Kentucky.



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Joe Arlinghaus, Owner

4-19-95

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Date

## SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION

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

April 18, 1995

Mr. Joe Arlinghaus  
Arlinghaus Builders, Inc.  
142 Barnwood Drive  
Edgewood, KY 41017

FAX: 344-7983

RE: Recommended Conditions of Approval for Zone Change from C-2 to SR-2/SC - 2.5 Acre Site on South Orient Street (Burlington), Boone County, Kentucky

Dear Mr. Arlinghaus:

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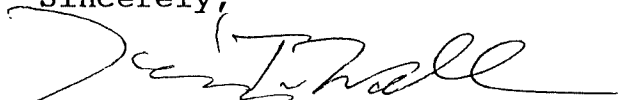
## Conditions of Approval

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2. The applicant shall work with the Boone County Public Works Department to upgrade South Orient Street to the current, minimum County road specifications. As such, the owner shall be responsible for upgrading a proportionate share of South Orient Street, with the proportionate share determined by the Boone County Public Works Department. The street improvements shall be completed in accordance with the Boone County Subdivision Regulations.
3. Each duplex unit constructed within the zone change area shall have a two car garage.

Mr. Joe Arlinghaus  
April 18, 1995  
Page 2

4. The siding materials for all duplex structures shall be brick or brick/siding combinations, with at least fifty percent of the street facing facades being faced by brick.

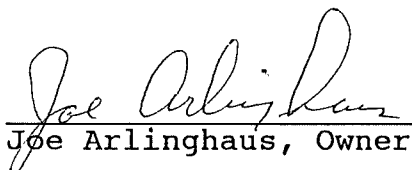
Sincerely,



Kevin T. Wall, AICP CDT  
Director, Zoning Services

**Agreement**

I, the owner, agree to the above listed conditions of approval for the requested Zoning Map Amendment from C-2 to SR-2/SC for an approximately 2.5 acre site located on South Orient Street (Burlington), Boone County, Kentucky.



---

Joe Arlinghaus, Owner

4-19-95

Date

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**June 27, 1995**  
**5:30 P.M.**

**ITEM V. JUDGE'S REPORT**

**APPOINTMENTS**

Commissioner Melhaus moved, seconded by Commissioner Patrick, to approve the reappointments of I. A. Archambault, II, Dan Houston, Walt Ryan, and George Whitton to the Boone County Zoning Appeals & Adjustment Board. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Patrick moved, seconded by Commissioner Melhaus, to approve the appointment of Richard Bass to the Petersburg Fire Protection District Board. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Campbell moved, seconded by Commissioner Melhaus, to approve the reappointment of Arnold Caddell to the Boone County Police Merit Board. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Melhaus moved, seconded by Commissioner Campbell, to approve the reappointment of Lois Skirvin to the NKADD Council on Aging. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Melhaus moved, seconded by Commissioner Campbell, to approve the appointment of Jack Gartner to the Transit Authority of Northern Kentucky (TANK) Board. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

**ITEM VI. ADMINISTRATIVE UPDATES**

**BIG BONE LANDING/CHANGES**

Commissioner Patrick moved, seconded by Commissioner Melhaus, to approve the Management Plan for the Big Bone Landing Marina and Campground with requested changes in rate structure for the 1995 season and to authorize the execution of the Supplemental Agreement No. 1 to the Department of the Army Lease relating to liability coverage for insurance purposes. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibits "B" & "C"

**ITEM VII. ORDINANCES & RESOLUTIONS**

**RESOLUTION NO. R-06-27-95-04. BOONE COUNTY WATER & SEWER DISTRICT  
SANITATION DISTRICT NO. 1 OF CAMPBELL AND KENTON COUNTIES**

Commissioner Melhaus moved, seconded by Commissioner Patrick, to approve Resolution No. R-06-27-95-04, a resolution approving a lease between the Boone County Water & Sewer District and the County of Boone, Kentucky, relating to the sewer system now owned and operated by the Boone County Water And Sewer District, approving an agreement between the Boone County Water And Sewer District, Sanitation District No. 1 Of Campbell and Kenton Counties and the County of Boone, Kentucky, relating to such sewer system, ratifying actions taken with respect to the lease and the agreement and authorizing the execution of various documents related to the lease. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

**ORDINANCE 920.308 - ERPENBECK/ARLINGHAUS BUILDERS, INC.**

Judge Lucas presented Ordinance No. 920.308 and declared a Public Hearing open at 5:58 p.m. Hearing no objection, Judge Lucas closed the Public Hearing at 5:59 p.m.

Commissioner Melhaus moved, seconded by Commissioner Campbell, to approve on Second Reading Ordinance 920.308, an ordinance of the Boone County Fiscal Court to consider the request of Raymond Erpenbeck Consulting Engineers (Applicant) for Arlinghaus Builders, Inc. (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Public Facilities (PF) to Suburban Residential One (SR-1) for a 6 acre site, generally located north of Thunder Ridge Drive, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution R-95-017-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "E"

**ORDINANCE 920.309 - ERPENBECK/ARLINGHAUS BUILDERS, INC.**

Judge Lucas presented Ordinance No. 920.309 and declared a Public Hearing open at 6:00 p.m. Subsequent to discussion, Judge Lucas closed the Public Hearing at 6:11 p.m.

Commissioner Melhaus moved, seconded by Commissioner Patrick, to approve, with two additional conditions, on Second Reading Ordinance No. 920.309, an ordinance of the Boone County Fiscal Court to consider the request of Raymond Erpenbeck Consulting Engineers (Applicant) for Arlinghaus Builders, Inc. (Owners) for a Zoning Map Amendment, such Zoning Map

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**June 27, 1995**  
**5:30 P.M.**

Amendment being a zone change from Commercial Two (C-2) to Suburban Residential Two/Small Community (SR-2/SC) for a 2.5 acre site, generally located on the east side of South Orient Street, Burlington, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution R-95-018-A. Those two additional conditions are: 1) The tree lines along the side and rear property lines should be retained and supplemented with additional trees so that a continuous landscape buffer is provided for the adjoining properties, and for the future residents of this site when considering there is a C-2 adjacency. 2) To maintain the integrity of the creek that runs across the property and to serve the intent of the Comprehensive Plan, the Commission should consider prohibiting any substantial alteration to this water course, such as piping, rerouting, etc. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "F"

**ORDINANCE NO. 920.310 - BREIDENSTEIN /RICHWOOD LAND COMPANY**

Judge Lucas presented Ordinance No. 920.310 and declared a Public Hearing open at 6:12 p.m. Subsequent to discussion, Judge Lucas closed the Public Hearing at 6:20 p.m.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 920.310, an ordinance of the Boone County Fiscal Court to consider the request of Thomas W. Breidenstein (Applicant) for Richwood Land Company (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a request for a Special Sign District in a Commercial Services (C-3) zoning district for a 6.14 acre site, generally located at the northeast quadrant of I-75/Richwood Road, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-019-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "G"

**ORDINANCE NO. 920.311 - 1995 BOONE COUNTY COMPREHENSIVE PLAN**

Judge Lucas presented Ordinance No. 920.311 and declared a Public Hearing open at 6:21 p.m. Hearing no objection, Judge Lucas closed the Public Hearing at 6:22 p.m.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 920.311, an ordinance of the Boone County Fiscal Court relating to the adoption and approval of the 1995 Boone County Comprehensive Plan and its various elements as amendments resulting from the update and review of the 1990 Boone County Comprehensive Plan as recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-020-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "H"

**ORDINANCE NO. 920.312. - CHILDRESS/MURRAY**

Judge Lucas presented Ordinance No. 920.312 and declared a Public Hearing open at 6:26 p.m. Hearing no objection, Judge Lucas closed the Public Hearing at 6:28 p.m.

Commissioner Campbell moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 920.312, an ordinance of the Boone County Fiscal Court to consider the request of Dan Childress and Shawn Murray (Applicants) for Preston and Helen Allen (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Rural Suburban (RS) to Industrial One (I-1) for a 2.06 acre site generally located on the south side of KY 16, approximately 1 mile north of Walton, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-021-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "I"

**ORDINANCE NO. 920.313 - POWERFONE, INC.**

Judge Lucas presented Ordinance No. 920.313 and declared a Public Hearing open at 6:29 p.m. Subsequent to discussion, Judge Lucas closed the Public Hearing at 6:34 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.313, an ordinance of the Boone County Fiscal Court to consider the request of Powerfone, Inc. (Applicant) for Florence P. Campbell (Owner) for a Zoning Map Amendment and Conditional Use Permit, such Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Public Facilities (PF) for a 2,500 square foot site located at 2620 Bullittsburg-Church Road, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission Via Resolution No. R-95-023-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "J"

**ORDINANCE NO. 450.2B - CABLE TV FRANCHISE**

Judge Lucas presented Ordinance No. 450.2B and declared a Public Hearing open at 6:35 p.m. Hearing no objection, Judge Lucas closed the Public Hearing at 6:36 p.m.