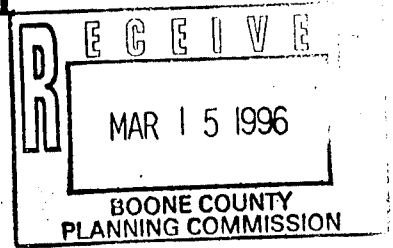


APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project Hidden Creek (Tentatively)
2. Location of Project See Attached
3. Total Acreage of Site Fifty Four
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) SRI

6. Proposed Uses (please specify each use) Detached Single-Family Dwelling Units

7. Names of Applicant(s) KEMM/Crist Development Company, LLC
Phone Number 331-7118 Fax No. 331-3614
8. Address of Applicant(s) P.O. Box 17390, 3636 Madison Pike
Covington, KY 41017
City State Zip
9. Name of Property Owner(s) See Attached
Phone Number 356-6720 Fax No. _____
10. Address of Property Owner(s) Suite 1400, 312 Walnut Street
Cincinnati, OH 45202
City State Zip
11. Proposed Building Intensities (please specify) Two to Three
Detached Single-Family Dwelling Units Per Acre

12. Are there any existing buildings on the site? Yes
How many? One
13. Deed Book See Attached Page No. See Attached Group No. 2024
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? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:
 X Boone County Water and Sewer District
 Florence Water and Sewer Commission
 X Union Light Heat and Power
 Cincinnati Bell
 X Owen County Rural Electric
 Boone County Public Works Department
(over)

312 WALNUT STREET
14TH FLOOR
CINCINNATI, OHIO 45202-4029

March 14, 1996

TO WHOM IT MAY CONCERN:

Please be advised that I am the Attorney for the Estate of Katherine G. Maddux and the devisee of the property owned by Katherine G. Maddux at the time of her death located on Rt. 18 approximately 1¼ miles west of Burlington, Kentucky (the "Maddux property"). KEMM/Crist Dev. Co., LLC has a viable purchase option for the Maddux property.

As the attorney for the Maddux estate and devisee I hereby grant to KEMM/Crist and their representatives all rights to pursue the ZONING changes required to develop the land for their proposed uses. I also grant them the right to pursue the procurement of required utilities and other infrastructures necessary for said development.



Daniel O. Berger
individually and as
Attorney for the Estate
of Katherine G. Maddux

DOB7202.JMD

EXHIBIT "A"

STAFF REPORT

Request of **KEMM/Crist Development Company, LLC (applicant)** for **Daniel Berger, Susan Berger, and the Estate of Katherine Maddux (owners)** for a Zoning Map Amendment on an approximate 54 acre site located at 3472 KY 18, Boone County, Kentucky. The request is for a zone change from Agricultural Estates (A-2) to Suburban Residential One (SR-1) to allow a subdivision for detached single family residences.

April 24, 1996

Location

The site is located One and One Fourth miles West of HWY 338 (Burlington) on HWY 18, Boone County, Kentucky (Sheet 1-Location Map)

Request

The applicant is requesting a change in the current zoning from Agricultural Estates (A-2) to Suburban Residential One (SR-1) to allow for detached single family houses. A change of zoning from (A-2) to (SR-1) would change the maximum intensity permitted on the site from *1 unit per 2 acres* to *4 units per acre*. The applicant has also indicated that the existing house and cemetery along with approximately four acres, which is part of the 54 acre tract, be excluded from the zone change request. A Zoning Map Amendment to Suburban Residential One would increase the maximum permitted density for the site to approximately 200 units.

The applicant has not submitted a Concept Development Plan.

Surrounding Land Uses and Zoning

(See Sheet 2-Zoning Map)

The site is surrounded on all sides by land zoned Agricultural Estates (A-2). A single family residence exists East of the property. Four single family residences exist below the site on the South side of HWY 18. The property borders the Allen Fork Creek entirely to the West and partially to the North. A single family residence also exists across the creek to the West.

Site History and Characteristics

(See Sheet 3-Areal Photo Map)

The site is the former home of the late local artist, Caroline Williams. The house and cemetery which date back to the early 1800's is located on the southeastern corner of the site.

The entire site is wooded with most trees being 6 inches in diameter or less (20-30 year growth). Moderately steep slopes border the site to the West and North where the Allen Fork Creek flows. The interior portion of the site is relatively flat.

The site currently does not have a water or sewer connection.

The applicant has provided a letter that was written to the Boone County Water District stating that a water main would be extended from Tosha Drive approximately 4200 feet along HWY 18 to the site. The applicant has also indicated that the sewer system would gravity feed to an existing lift station, located at the southwestern corner of the property, next to the Allen Fork Creek.

Relationship To The Comprehensive Plan

The 1995 Boone County Comprehensive Plan's Future Land Use Map indicates the site's interior land use classification as "*Suburban Density Residential*" (single family housing of up to four units per acre). The outer limits of the site, along the Allen Fork Creek to the North, West and South, are indicated as "*Developmentally Sensitive Areas*".

A *Developmentally Sensitive Area* as it applies to this site is defined as an area containing slopes of twenty percent or greater, significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character.

The *Environmental Objectives* of the 1995 Boone County Comprehensive Plan (p. 5), relating to this request state:

"New development or redevelopment shall attempt to design sites utilizing existing topography and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially where possible".

"Developmentally sensitive areas and scenic areas shall be identified and mapped and minimum standards shall be established for the preservation and restoration of these areas. Developments that are proposed in any of these areas shall be carefully reviewed according to these standards to assure that negative environmental impacts are minimized".

"Developmentally Sensitive hillsides in Boone County must be given special consideration. The preservation of these hillsides is a primary objective, and any proposed development on hillsides designated Developmentally Sensitive shall be carefully reviewed to insure potential impacts are minimal and the environmental integrity of the hillsides is maintained".

The *Housing Element* of the 1995 Boone County Comprehensive Plan (p. 9), states:

"Residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access"...and "where existing infrastructure, services, 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 developments".

The *Land Use Element* of the 1995 Boone County Comprehensive Plan for the West Burlington Area (p. 215), recognizes that:

"This section of Boone County is characterized by the Woolper Creek valley and the extensive Developmentally Sensitive areas associated with the creek. This section should nevertheless experience some population growth as the Burlington area changes from a rural community to a suburban community. This is due largely in part to the new sewer pump station on KY 18. The suburban growth around Burlington will be substantial, causing KY 18 and Idlewild Broad to serve as higher volume collector roads. New subdivisions should locate in close proximity to Burlington proper. Any new subdivisions should develop internal road networks rather than using the existing roads as primary access; this will avoid congestion and allow adequate space for necessary road improvements...Parts of the Woolper Creek valley should be preserved and included as part of the tourism/recreation potential of the area. To provide an appropriate entrance to the potential large western Boone County tourism area, KY 18 west of Burlington should maintain a rural appearance through unique subdivision design. The balance of land in this section should remain largely undeveloped or in agricultural uses, and suburban development should stay in the immediate watershed of the KY 18 pump station..."

Staff Concerns

1. The applicant has not submitted a Concept Development Plan. The lack of a plan does not enable the staff to properly assess the impacts the proposed development could have on the site. Examples of potential concerns are where the location of the entrance off KY 18 would be; is there a need for a deceleration lane on KY 18; what is the actual proposed density and how will the overall design be integrated with the existing topography on the site?
2. If the applicant wishes to exclude the house, cemetery and pond along with approximately four acres from the proposed zoning map amendment, then a plat or drawing showing the location of the "four acres" should be submitted to the Planning Commission before any action is taken.

3. Staff is concerned about the Allen Fork Creek area on the site. Staff suggests that development be restricted from areas within the Allen Fork Creek basin that are considered *Developmentally Sensitive*.
4. Staff reminds the Commission that although the 1995 Boone County Comprehensive Plan's Future Land Use Map indicates the site's interior land use classification as "Suburban Density Residential", the map represents a 25 year growth projection.

Conclusion

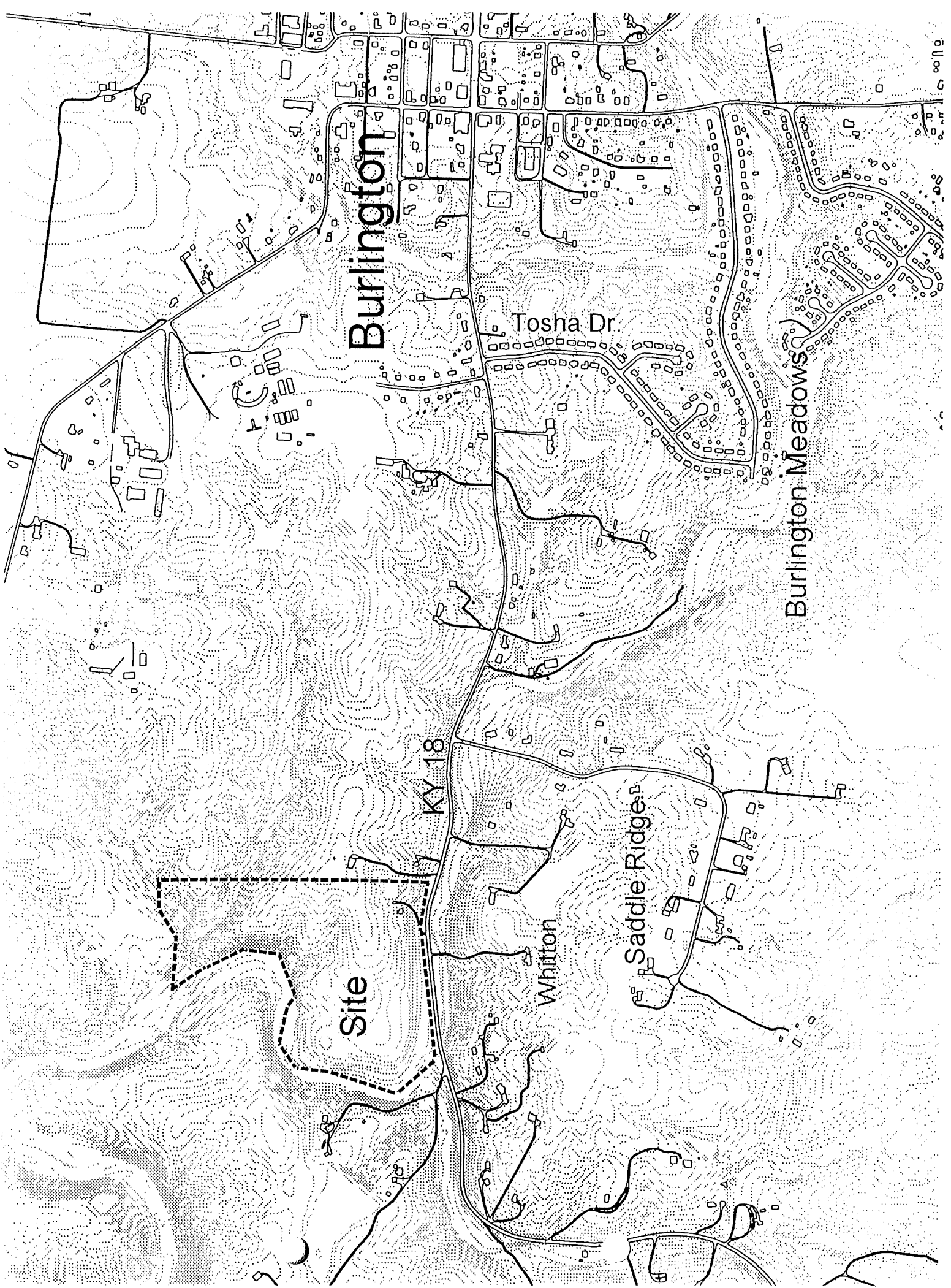
This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations. If recommended by the Planning Commission and Fiscal Court, the Future Land Use Map would not need to be amended.

Respectfully submitted,



Edward Coleman
Planner

EC\



Burlington

Tosha Dr.

Burlington Meadows

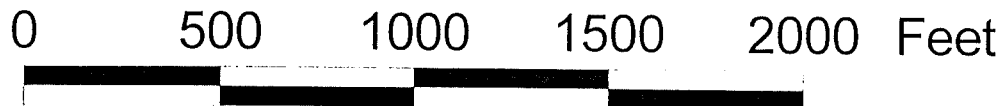
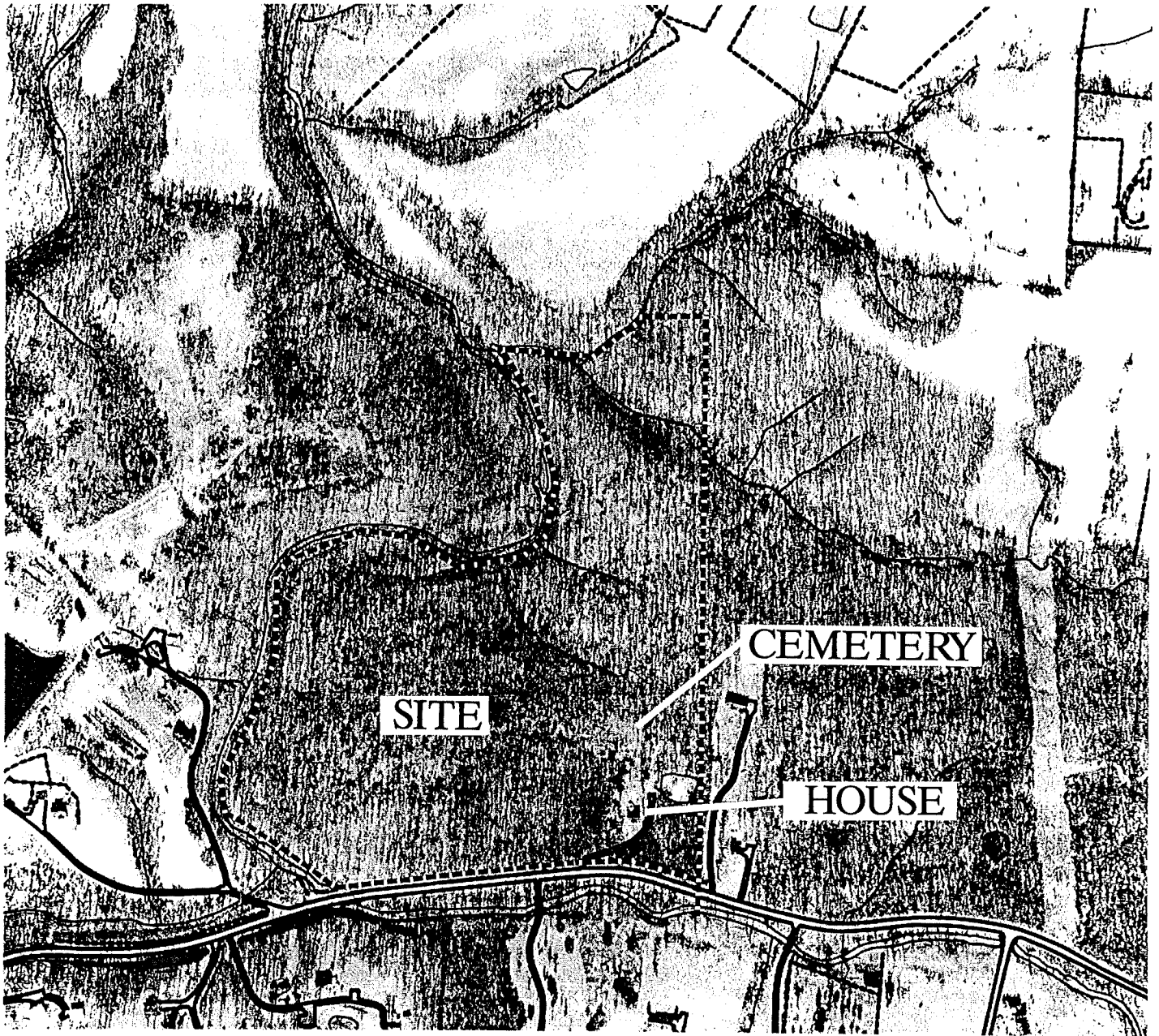
KY 18

Site




Whitton

Saddle Ridge

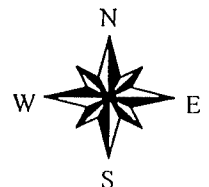
KEMM/CRIST Development



----- Property Line

-  G19road
-  G19fence
-  G19drain

April 23, 1996



PUBLIC HEARING ITEM NO. 4:

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

Following the recess, Mr. McKinney chaired the meeting and introduced the last item on the Agenda:

4. Applicant: KEMM/Crist Development Company, LLC for Daniel Berger, Susan Berger, and the Estate of Katherine Maddux (owners)

Request: Zoning Map Amendment

The request of KEMM/Crist Development Company, LLC (applicant) for Daniel Berger, Susan Berger, and the Estate of Katherine Maddux (owners) for a Zoning Map Amendment on an approximate 54-acre site located at 3472 KY 18, Boone County, Kentucky. The request is for a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) to allow a subdivision for detached, single-family residences.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

Ms. Susan Cabot, Historic Preservation Planner, reviewed the historic significance of the site. The site was the long time home of artist Caroline Williams. She noted that the house has been suggested to be excluded from the zone change. There is a 19th century log cabin on the site, which is believed to have been moved to the site, and is a good example of the early settlement log cabin development in the county. There are two timber frame barns from the mid-19th century on the site. There is also a highly significant cemetery on the site where Benjamin Johnson and Reverend Christopher Wilson are buried. The cemetery received a lot of care from Caroline Williams and her mother. It is important that this site be preserved. Ms. Cabot is concerned that a Concept Development Plan has not been submitted. It is impossible to determine the impact on the four-acre tract without knowing what it covers and how the development will proceed around the tract. She asked that the Concept Development Plan be submitted at the Committee level and that there be extensive landscape buffer between the development and the four-acre tract. Ms. Cabot agreed with the Staff Concerns.

Ms. Cabot stated that the Planning Commission and the Historic Preservation Review Board are looking into developing a plan for the western river corridor of Boone County. This area serves as a major entrance to the western river corridor and just below the site is the beginning of the Boone County scenic highway. She asked that this subdivision be sensitive to the area -- including the topography, the woodland features, and the creek -- and that it not follow the pattern of routine subdivision development and serve as a transition area between the

more intense development and the more rural/recreational/historic/natural area of the western river corridor.

Mr. McKinney asked for the applicant's presentation.

Attorney Mike Duncan displayed the Concept Plan and stated that he is the attorney for the applicant. He introduced the members of the development team: Paul Michaels and his son, Pete, representing KEMM; Mr. Richard Crist; Mr. Mike Reeves, Development Manager; Mr. Dan Berger, owner/owner's representative; and Mr. Jim Viox, Project Engineer. Mr. Duncan explained that KEMM is a combination of "K" for Kate, Mr. Michaels' wife; "E" for Ellen, their daughter; and MM for Michaels' Men.

Mr. Duncan stated that the main legal issue is "How does this proposal relate to the Comprehensive Plan?". He stated that the development will be called Hidden Creek Subdivision. He referred to the Concept Plan and stated that the green indicates areas they do not propose to disturb. They want to leave the trees in as many places as possible. They have made a commitment to the owner to take down trees only where they have to take them down. He stated that there are many wooded areas, especially along the creek. They will stay as far from the creek as they can with the sewer line, and the homes will be above the sewer line on the more level area.

Mr. Duncan reviewed the exhibit. He traced the property line and indicated Allen Fork Creek and the entrance to the subdivision. He stated there will be lots along the main street and there will be cul-de-sacs and side streets, but they will not have homes along KY 18. He stated that KEMM Development has developed in Boone County and was the developer that finished up Mars Hill Subdivision on the other side of Hebron. This development will be very similar to that one and will have moderately priced homes of \$150,000 to \$180,000. Because they intend to preserve the natural features, the density will be less than three units per acre. They are asking for four units per acre, which is what the Comprehensive Plan allows, but they are requesting 75% of the density that would be allowed. He stated that sewer lines have not been run through the property, but sewer is available at the pump station (which he indicated at the corner of the property). He stated that Boone County is committed to assisting the developer and the developer is committed to assisting the county to get the sewer line up to the Boone County Public Service Building and the animal shelter. The county made a commitment to run the sewer line up there, which will only happen if this property develops in a reasonable fashion.

In regard to the findings required by KRS 100, Mr. Duncan stated that there is only a need to look at the first finding -- whether it is in compliance with the Comprehensive Plan. He stated that the Staff did an excellent job on the Staff Report and, as referenced in the Staff Report, the Land Use Plan depicts this property for future use as Suburban Density Residential -- which is four units per acre. He referred to the orange shown on the map and stated that the text of the Comprehensive Plan also supports this property as being in the area that would be recommended for four units per acre. He referred to Page 215 of the Comprehensive Plan under the Land Use Element and stated that for the western Burlington area

the text focuses on this property being developed and encourages a road connection between KY 18 and Idlewild Road. He stated that there is a note on the Plan which says "Future connection to Idlewild Road". The applicant owns property in that area and they will connect up once that property is developed. They intend to follow the Comprehensive Plan and that connection will be made as part of this development. Also on Page 215 in the Land Use Element it says that suburban development should stay in the immediate water shed of the KY 18 pump station -- and that water shed includes the whole area they are talking about developing. The pump station is in the corner of the site. This area is part of the western Burlington area which should experience some population growth as the Burlington area changes from a rural community to a suburban community -- which is due to the new sewer/pump station on KY 18. He stated that the Comprehensive Plan says this property should be developed in a suburban residential fashion similar to what they propose.

Mr. Duncan referred to the Housing Element on Page 95 of the Comprehensive Plan -- "As a result of the county's expected population growth, a significant increase in the supply of housing will be necessary". He stated that industry has been coming into the county and homes follow jobs. People will be moving into the county. He stated that it is forecast in the Comprehensive Plan that the population will go up to 90,000 -- and they are offering a nice place for the people to live. Mr. Duncan referred to Page 100 of the Comprehensive Plan -- "The Goals and Objectives of this Plan advocate a plan to meet the broad range of housing needs . . maintenance of the existing supply of housing . . and construction of new housing." He stated that this development will help enhance the future housing base we will need in Boone County. He referred to Page 105 of the Comprehensive Plan and stated that areas of greatest projected population growth are in Florence, Union, Burlington, and the Hebron/west river area. He stated that they believe people will want to live on this property and it is in the Comprehensive Plan that it is expected that people will want to move there. He referred to Page 108 of the Comprehensive Plan in the Housing Element and stated that there will be even greater development pressure to build in the area just west of Burlington because of the new sanitary sewer line and pump station. He referred to the orange area shown on the exhibit and stated that where reasonable development of four units per acre would be expected and promoted, they are asking for three units per acre.

Mr. Duncan stated that from a legal standpoint, everything is in place. It is predicated in the Comprehensive Plan that this development would happen and that it would happen soon because of the natural features of the land, the availability of water and sewer, and because people will want to live here. He stated that the finding is that it is in accordance with the Comprehensive Plan and there should be a recommendation of approval to the Fiscal Court.

Mr. Jim Viox reviewed the Concept Plan. He indicated the site in relation to Allen Fork Creek and a tributary of Allen Fork Creek. The tributary comes up into the City of Burlington and a smaller tributary flows from the fair grounds, the animal shelter, and the Public Works building. He stated that the yellow line is the existing sanitary sewer along KY 18 on the opposite side of the road. He indicated the pump station. The sewer

line is accessible from the property and is currently at Tosha. He stated that the Water Commission is planning to extend the water line down KY 18 in the direction of this development and from where that project ends, the developers will extend the line to this property. He noted a dashed purple line which indicates the potential road route between KY 18 and Idlewild Road and KY 338. The route is on top of the ridge and avoids the cemetery. There will be an ultimate connection to Idlewild Road and KY 338. He indicated homes that are connected to a treatment plant that needs to be removed, and this development will allow that to occur. The sewer line will serve this development and others and may be able to cross the creek and serve some of the land on the northwest side of the tributary. He stated that the six loops on the plan indicate cul-de-sacs. He stated that there has been discussion about the need to preserve some land around the log cabin and the cemetery. The area shown in pink represents generally the area which will be preserved around the log home and the cemetery. He indicated the house and adjacent pond and stated that access to that tract in the future could be gained from the internal road system.

Mr. Viox stated that the previous site KEMM developed was 2.65 units per acre. They do not feel that the density here will exceed three units per acre and will be between 2.5 and 3 units per acre. He stated that the green represents (without getting into the engineering and design) the areas that can be preserved. He stated that the houses will be above the sanitary sewer and the natural slope. There will not be any houses along KY 18 and that entire hillside should be able to be preserved, except for the grading necessary to put the road through there.

Mr. McKinney asked if anyone else 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 to the request.

Mr. Mike Cassidy, 5769 Vice Lane, stated that zone changes such as this do nothing to improve the standard of life for the people in Boone County and the people in the immediate vicinity of the site. He stated that it is the responsibility of the Planning Commission to protect the health and safety of the residents. He stated that KY 18 is not designed to take on additional traffic. The residents living beyond Tosha Drive have been impacted by the additional traffic from the high density development of Tosha Drive and there will be additional traffic from the new apartment complex being developed east of Tosha -- which he believes is 75 to 100 units and 150 to 200 additional vehicles accessing a road (KY 18) which is ill-prepared at this time. KY 18 is not suitable for this additional traffic with the gravel trucks and traffic that exists. He stated that the development will be tied into the sewer system. Runoff will not be an asset to the area. He stated that high density means high enrollment in the maxed out school facilities. Within the last 10 - 12 months there have been a minimum of two developments on Camp Ernst Road, Rogers Lane, Conrad Lane, two developments on East Bend Road, etc.. He questioned where we will put these additional children. The children are in overcrowded classrooms and have classes in permanent/temporary trailers. He stated that the county is woefully behind the state recommended building schedule for one new school per year. He does not want the argument that high density provides higher tax revenues -- which has been

used in the past and has yet to work. He stated that the welfare of the children is threatened by the ever-increasing overcrowding of the schools. The development of this property at its present zoning would be a further burden to the facilities and services of Boone County. Promoting an even higher density of SR-1 will further push the limits of the county services and threaten the public health, safety, and welfare. He asked that the zone change be denied. He stated that the Staff indicated a concern, and he has a concern, that a Concept Development Plan was not submitted. He stated that the request should be tabled until the Concept Development Plan can be submitted. He stated that the environmental objectives encourage preservation of the existing character of the land -- and by developing the land in its present A-2 zoning, we reduce the preservation, but with development in SR-1 we totally abandon it. Preservation of the hillsides can be done by maintaining the A-2 zoning.

Mr. Cassedy referred to the Housing Element -- "Where existing infrastructure services and the public school system are not adequate, developers shall be encouraged to phase construction to ensure preservation of all of these items to support their developments.". He stated that this speaks for itself. He stated that anyone who has been in Burlington Elementary knows the conditions and going to SR-1 will increase the enrollment in that school. In regard to the Land Use Element, he stated that we know there will be additional growth in the county, but there is nothing to say that this property cannot be developed as A-2. He stated that he saw the pumping station go in and it seems that it was a political pre-thought. He agreed with the Staff Concern in regard to the Concept Development Plan. He stated that if the application was brought in without a Concept Development Plan, it was ill-prepared. He stated that there was a comment that the development would be less than 3 units per acre, but there is nothing to substantiate that. He stated that we do not know how many homes they are talking about. He stated that the Comprehensive Plan does not say that this property is to be developed as SR-1 -- it says it could be developed as SR-1 -- but it could also be developed as A-2, which would be a better buffer for the sensitive areas. He asked that the request be deferred until the Concept Development Plan is submitted and that there be consideration of denying the application.

Jan Garbett, a resident of Boone County and a descendent of Benjamin Johnson, who owned the property in the late 1700's, stated that her concern is in regard to the impact on the cemetery -- especially where the road goes along the ridge. The cemetery appears to be at the edge of the road. She stated that in 1837, Reverend Christopher Wilson died and Lucy Johnson Wilson had a written deed which talks about Christopher's grave site of one-half acre that has been set aside. She stated that they do not know if this grave site is within the four acres that includes the cemetery and the house. It is possible in the older cemetery areas that there could be some grave sites besides Christopher's. She stated that when they dig for roads, graves might be found and there might be a temptation to see the markers that have sunk as field stones and they might be destroyed. Any additional graves outside of the four-acre area should be protected and respected. She stated that Christopher Wilson was a significant Boone Countian from the late 1700's. She stated that this development could create a unique residential area in tune with the historic background. She asked that the proper steps be taken --

notifying the coroner and the Planning Commission -- if grave sites are found outside the four-acre area when construction begins.

Mr. McKinney asked if there was anyone else present who wished to speak in opposition to the request. There being no response, he asked if there were any comments or questions from the Planning Commission.

Mr. Ries asked if there had been consideration of the four acres with the cemetery, the log cabin, and the pond being a park. He asked how they would be protected and if they would be fenced.

Mr. Duncan stated that the developer is concerned about the cemetery and about making a fine development. He stated that he was involved in the negotiation of the contract and they are bound by contract to set aside four acres (plus or minus). The area with the cemetery will be set aside as a separate parcel and not sold to this developer. He stated that there is a clearly defined area where the cemetery plots are and it is easy to tell where the graves are. They are knowledgeable of what they have to do if they run into other graves. He stated that Mr. Michaels is committed to following the law.

Mr. Ries asked who would maintain the four-acre parcel. He questioned if it could be a park.

Mr. Berger stated that he owns the property as a result of the friendship of his family and Caroline Williams' family. His mother grew up in College Hill with Caroline and her sister, Katherine Maddux. Caroline did not marry or have children. He stated that he has a warm place in his heart for this property and it is like family property to him. He stated that Mrs. Conrad first had contact with this group and she died in an automobile accident. He remembers talking to her about having the property developed. She knew development was the wave of the future. She was impressed by the individuals involved in the group. He has also been impressed with their sincerity in wanting to preserve the natural areas. He stated that there was no question when he said that he was not going to sell them the pond, the cabin, or the cemetery. He wants to preserve that area. He stated that he is on the Board of Trustees of Spring Grove Cemetery and the Glendale Cemetery and has an interest in seeing cemetery property maintained and preserved. It is his intention that the property be maintained.

Mr. Neltner asked if the four acres is part of the request and would also be rezoned. Mr. Coleman advised that the four acres is included in the application, but the applicant asked if it could be removed from the zone change request. He stated that if the four acres is to be excluded, it is necessary to have an indication of where the four acres is and what the configuration of that parcel is.

Counselor Wilson advised that the four acres is not going to be rezoned.

Mr. Duncan stated that they cannot give a metes and bounds description at this time, but the parcel will include the house, the pond, and the cemetery and will roughly follow the right-of-way of the road. He stated that by the time they come in for a Preliminary Plat, they will have a

legal description of the four acres that is not included in the zone change. It was included by mistake on the original application and they want it excepted out of the rezoning.

Mr. Neltner asked if the exhibit displayed is being submitted as an official Concept Development Plan.

Mr. Duncan stated that a Concept Development Plan is not required for a residential development. What they are presenting tonight is a conceptual drawing of how they intend to develop the property. He stated that when they do the engineering, the road or the sewer may shift. They are willing to commit that what is displayed is the concept they will follow. He stated that a Development Plan can be a combination of written and graphic materials. Theirs is a combination of the drawing, and a commitment that the density will be in the range of 3 units per acre and that they intend to develop the property in such a fashion that there would not be any more than 150 lots.

Mr. Jim Viox stated that part of the reason they were not able to do a Concept Development Plan is the issue of the four acres. Until they get a good topo with the vegetation and all of the features, they would not be able to represent where the four acres will be. He stated that what is on the Concept Plan is traffic configuration, what they feel are the green spaces to be preserved, the sanitary sewer, and the water system.

Mr. McKinney asked if there were any further questions.

Mr. Caddell asked that it be confirmed that there will not be any lots that will face onto KY 18. Mr. Viox agreed.

Mr. Michaels stated that he would be agreeable for Ms. Garbett to accompany them to excavate and probe the cemetery site prior to the platting of the cemetery. He stated that they will search it to her satisfaction to see if there are areas to be excluded.

Mr. Duncan stated that there was a comment about the overcrowded school system. He stated that the school system was overcrowded ten years ago and ten years before that -- which was known when the Comprehensive Plan was written. The elements from Population to Land Use predicted that more residents would come to Boone County and that there would be students in the school system. The Comprehensive Plan made recommendations for land use and density and they are in keeping with that. The Comprehensive Plan predicted population growth areas. He stated that there has been testimony from the school in regard to areas outside of the growth areas that they could not handle that growth because they were concentrating on handling the type of growth proposed this evening. He stated that as this development phases in, the school system will catch up to the development and ten years from now someone else will be before the Planning Commission with the same problem. It is a constant problem. He stated that there was a comment about KY 18 being overtaxed. He stated that KY 18 is not in the same condition when you pass Burlington as it is in before you get to Burlington. When the Comprehensive Plan was drawn, it predicted the population growth and that the western part of Boone County would develop in this fashion, and it recognized that in some areas there needs to be

improvements. He referred to Page 189 and Page 193 of the Comprehensive Plan, and to the map on Page 192 and stated that after the Planning Commission made all of the population, density, and growth projections, no recommendations were made for any improvements to KY 18 in this area because it was believed that KY 18 could handle the growth. He stated that the road system is similar to the school system -- when houses develop -- kids come into the schools and cars come onto the roads -- and there is tax money to pay for roads if needed. He stated that these issues are addressed in the Comprehensive Plan and do not need to be readdressed.

There being no further comments, Mr. McKinney stated that the Committee Meeting for this item will be on May 6, 1996 at 4 P.M. in the second floor conference room of this building. This item will be on the Agenda for the Business Meeting on May 15, 1996 at 8 P.M..


Following a review of the Public Hearing process by Counselor Wilson, Mr. McKinney closed this Public Hearing.

APPROVED:



Michael McKinney, Vice Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
May 15, 1996

Mr. William Viox, Chairman, called the meeting to order at 8:07 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. William Bailey
Mr. Arnold Caddell
Mr. Phil Damstrom
Mr. Mike McKinney, Vice Chairman
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mrs. Linda Schaffer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Susan Cabot, Historic Preservation
Mr. Ed Coleman
Ms. Jan Hancock, Secretary
Mr. Mitch Light
Mr. Kevin Wall, AICP

3. Zoning Map Amendment

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an approximate 4.43-acre tract at 123 Chambers Road, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Agricultural Estate (A-2) and Rural Suburban (RS) and is owned by Allan E. and Janice E. Stephens.

Staff Member Mitch Light presented the Committee Report which recommended that the current zoning not be changed as a result of the annexation of the tract into the City of Walton, based on the findings of fact (see Committee Report).

There being no discussion, Mr. McMillian moved to adopt the Committee Report. Mr. Damstrom seconded the motion and it carried unanimously.

Chairman Viox stated that he is involved with the engineering in regard to Item #4 and represents the Diocese in regard to the site involved in Item #5. He turned the chair over to Mr. McKinney and left the room at this time.

The Vice Chairman chaired the meeting at this time and introduced the next item on the Agenda:

4. Zoning Map Amendment

The request of KEMM/Crist Development Company, LLC (applicant) for Daniel Berger, Susan Berger, and the Estate of Katherine Maddux (owners) for a Zoning Map Amendment on an approximate 54-acre site at 3472 KY 18, Boone County, Kentucky. The request is for a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) to allow a subdivision for detached, single-family residences.

Staff Member Ed Coleman presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. Caddell moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Millay seconded the motion.

Mrs. Schaffer stated that the Comprehensive Plan is 25 years into the future and is projected based on the elements of Population and Housing. The Comprehensive Plan designates this area as suburban density residential -- which is generally up to four units per acre. The only other classifications are rural density, which is up to one unit per acre and high suburban density which is up to 8 units per acre. She stated that just because it is up to four units per acre, does not mean it should

be SR-1. The closest proximity of a different zoning is RS, which is two units per acre and RSE, which is one unit per acre. She stated that the request is for four units per acre, even though they are committing to a 3-unit per acre density. She stated that the site is in the western part of the county and the Land Use Map says that we should be concerned with the rural residential corridor that leads down to the river -- and whatever the Planning Commission does will have a dramatic impact. She questioned how the Planning Commission will turn down the next developer who wants SR-1 and does not want to limit the development to 3 units per acre. She stated that the Planning Commission needs to consider the impact on the western part of Burlington and the impact on the character of the area. At the meeting on Monday, the citizens were asked what the western portion of the county should be in the future. Mrs. Schaffer stated that she does not feel that the request is in agreement with the Comprehensive Plan based on the character of the area, which has not changed, and the Comprehensive Plan is based on the future for 25 years.

Mr. McKinney agreed with Mrs. Schaffer. He stated that there is a serious traffic problem around Burlington now -- which will not get any better until there are some road improvements. He stated that meetings like the meeting on Monday evening at Kelly Elementary School do not serve anyone well if we ask the residents to state their preference and then ignore them.

Mr. Millay stated that at the Public Hearing there was very little public appearance against the project. He stated that the project is not quite in western Boone County -- it is not quite in the area they were discussing on Monday night.

Mrs. Schaffer stated that one of the questions was "What do you consider to be western Boone County?" and the residents had to draw a diagram of what they considered to be western Boone County.

There being no further comments, Mr. McKinney asked for a roll call vote on the motion made by Mr. Caddell which found Mr. Bailey, Mr. Damstrom, Mr. Caddell, Mr. McMillian, Mr. Millay, Mr. Neltner, and Mr. White in favor. Mrs. Arnett, Mr. McKinney, and Mrs. Schaffer were opposed. The motion carried by a vote of 7 to 3. Chairman Viox was not present and did not vote.

5. Houston-Donaldson Study Review

The request of Michael Habel (applicant) for the Roman Catholic Diocese of Covington (owner) to determine the review process by the Long-Range/Comp Plan Committee as outlined in the Houston-Donaldson Study. The proposed use is Citicorp's Northern Kentucky Cards Center, a 270,000 sq. ft. office complex with a 30,000 sq. ft. child care center. The 81.3-acre site is located between Houston Road and I-75, Boone County, Kentucky and is zoned Office Two/Planned Development (O-2/PD) and Commercial Two/Planned Development (C-2/PD).

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Arnold Caddell, Chairman

DATE: May 15, 1996

RE: Request of KEMM/Crist Development Company, LLC (applicant) for Daniel Berger, Susan Berger, and the Estate of Katherine Maddux (owners) for a Zoning Map Amendment on an approximate 54 acre site located at 3472 KY 18, Boone County, Kentucky. The request is for a zone change from Agricultural Estates (A-2) to Suburban Residential One (SR-1) to allow a subdivision for detached, single family residences.

REMARKS:

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

FINDINGS OF FACT

The Committee has determined that the proposed development is in agreement with the 1995 Boone County Comprehensive Plan's Land Use section for the West Burlington Area (p. 215-216).

The request for a Zoning Map Amendment from Agricultural Estates to Suburban Residential One is also in agreement with the 1995 Boone County Comprehensive Plan's Future Land Use Plan which indicates this area to develop as Suburban Density Residential land uses.

The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals and Objectives stated in the 1995 Comprehensive Plan.

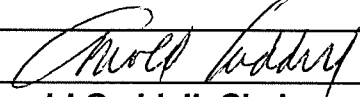
CONDITIONS

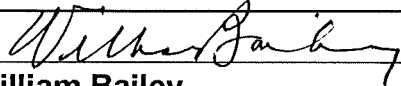
1. The zone change will apply to only 50 of the 54 acres listed on the Zoning Map Amendment application. The log house, pond, and cemetery, including approximately 4 acres are not to be part of the Zoning Map Amendment. The property boundaries of the 4+/- acres will be established and identified at the time of the preliminary plat review.
2. Access to all lots will be from within the site. No lots shall have access directly onto KY 18.

- 3. The density for the site shall not exceed 3 units per acre or a maximum of 150 lots.
- 4. No portion of any house or accessory structure is to be built within 50 feet of the right-of-way along KY 18.
- 5. Developmentally Sensitive Areas on the site will be noted on the Improvement Plan and are not to be disturbed beyond the necessary sewer improvements.


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

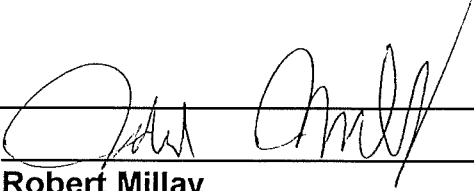
A copy of the Public Hearing minutes accompanies the findings and recommendations serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

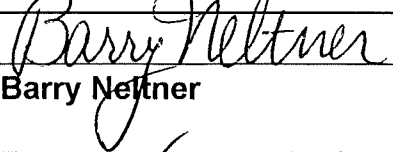
			
Arnold Caddell, Chairman			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
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William Bailey			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
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Fred Burch			
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Phil Damstrom			
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Robert Millay			
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Barry Neltner			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

TOTAL:	<u>5</u>	FOR	<u> </u>	AGAINST	<u> </u>	ABSTAIN	<u>1</u>	ABSENT
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PUBLIC HEARING ITEM NO. 4:

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

Following the recess, Mr. McKinney chaired the meeting and introduced the last item on the Agenda:

4. Applicant: KEMM/Crist Development Company, LLC for Daniel Berger, Susan Berger, and the Estate of Katherine Maddux (owners)

Request: Zoning Map Amendment

The request of KEMM/Crist Development Company, LLC (applicant) for Daniel Berger, Susan Berger, and the Estate of Katherine Maddux (owners) for a Zoning Map Amendment on an approximate 54-acre site located at 3472 KY 18, Boone County, Kentucky. The request is for a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) to allow a subdivision for detached, single-family residences.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

Ms. Susan Cabot, Historic Preservation Planner, reviewed the historic significance of the site. The site was the long time home of artist Caroline Williams. She noted that the house has been suggested to be excluded from the zone change. There is a 19th century log cabin on the site, which is believed to have been moved to the site, and is a good example of the early settlement log cabin development in the county. There are two timber frame barns from the mid-19th century on the site. There is also a highly significant cemetery on the site where Benjamin Johnson and Reverend Christopher Wilson are buried. The cemetery received a lot of care from Caroline Williams and her mother. It is important that this site be preserved. Ms. Cabot is concerned that a Concept Development Plan has not been submitted. It is impossible to determine the impact on the four-acre tract without knowing what it covers and how the development will proceed around the tract. She asked that the Concept Development Plan be submitted at the Committee level and that there be extensive landscape buffer between the development and the four-acre tract. Ms. Cabot agreed with the Staff Concerns.

Ms. Cabot stated that the Planning Commission and the Historic Preservation Review Board are looking into developing a plan for the western river corridor of Boone County. This area serves as a major entrance to the western river corridor and just below the site is the beginning of the Boone County scenic highway. She asked that this subdivision be sensitive to the area -- including the topography, the woodland features, and the creek -- and that it not follow the pattern of routine subdivision development and serve as a transition area between the

more intense development and the more rural/recreational/historic/natural area of the western river corridor.

Mr. McKinney asked for the applicant's presentation.

Attorney Mike Duncan displayed the Concept Plan and stated that he is the attorney for the applicant. He introduced the members of the development team: Paul Michaels and his son, Pete, representing KEMM; Mr. Richard Crist; Mr. Mike Reeves, Development Manager; Mr. Dan Berger, owner/owner's representative; and Mr. Jim Viox, Project Engineer. Mr. Duncan explained that KEMM is a combination of "K" for Kate, Mr. Michaels' wife; "E" for Ellen, their daughter; and MM for Michaels' Men.

Mr. Duncan stated that the main legal issue is "How does this proposal relate to the Comprehensive Plan?". He stated that the development will be called Hidden Creek Subdivision. He referred to the Concept Plan and stated that the green indicates areas they do not propose to disturb. They want to leave the trees in as many places as possible. They have made a commitment to the owner to take down trees only where they have to take them down. He stated that there are many wooded areas, especially along the creek. They will stay as far from the creek as they can with the sewer line, and the homes will be above the sewer line on the more level area.

Mr. Duncan reviewed the exhibit. He traced the property line and indicated Allen Fork Creek and the entrance to the subdivision. He stated there will be lots along the main street and there will be cul-de-sacs and side streets, but they will not have homes along KY 18. He stated that KEMM Development has developed in Boone County and was the developer that finished up Mars Hill Subdivision on the other side of Hebron. This development will be very similar to that one and will have moderately priced homes of \$150,000 to \$180,000. Because they intend to preserve the natural features, the density will be less than three units per acre. They are asking for four units per acre, which is what the Comprehensive Plan allows, but they are requesting 75% of the density that would be allowed. He stated that sewer lines have not been run through the property, but sewer is available at the pump station (which he indicated at the corner of the property). He stated that Boone County is committed to assisting the developer and the developer is committed to assisting the county to get the sewer line up to the Boone County Public Service Building and the animal shelter. The county made a commitment to run the sewer line up there, which will only happen if this property develops in a reasonable fashion.

In regard to the findings required by KRS 100, Mr. Duncan stated that there is only a need to look at the first finding -- whether it is in compliance with the Comprehensive Plan. He stated that the Staff did an excellent job on the Staff Report and, as referenced in the Staff Report, the Land Use Plan depicts this property for future use as Suburban Density Residential -- which is four units per acre. He referred to the orange shown on the map and stated that the text of the Comprehensive Plan also supports this property as being in the area that would be recommended for four units per acre. He referred to Page 215 of the Comprehensive Plan under the Land Use Element and stated that for the western Burlington area

the text focuses on this property being developed and encourages a road connection between KY 18 and Idlewild Road. He stated that there is a note on the Plan which says "Future connection to Idlewild Road". The applicant owns property in that area and they will connect up once that property is developed. They intend to follow the Comprehensive Plan and that connection will be made as part of this development. Also on Page 215 in the Land Use Element it says that suburban development should stay in the immediate water shed of the KY 18 pump station -- and that water shed includes the whole area they are talking about developing. The pump station is in the corner of the site. This area is part of the western Burlington area which should experience some population growth as the Burlington area changes from a rural community to a suburban community -- which is due to the new sewer/pump station on KY 18. He stated that the Comprehensive Plan says this property should be developed in a suburban residential fashion similar to what they propose.

Mr. Duncan referred to the Housing Element on Page 95 of the Comprehensive Plan -- "As a result of the county's expected population growth, a significant increase in the supply of housing will be necessary". He stated that industry has been coming into the county and homes follow jobs. People will be moving into the county. He stated that it is forecast in the Comprehensive Plan that the population will go up to 90,000 -- and they are offering a nice place for the people to live. Mr. Duncan referred to Page 100 of the Comprehensive Plan -- "The Goals and Objectives of this Plan advocate a plan to meet the broad range of housing needs . . . maintenance of the existing supply of housing . . . and construction of new housing." He stated that this development will help enhance the future housing base we will need in Boone County. He referred to Page 105 of the Comprehensive Plan and stated that areas of greatest projected population growth are in Florence, Union, Burlington, and the Hebron/west river area. He stated that they believe people will want to live on this property and it is in the Comprehensive Plan that it is expected that people will want to move there. He referred to Page 108 of the Comprehensive Plan in the Housing Element and stated that there will be even greater development pressure to build in the area just west of Burlington because of the new sanitary sewer line and pump station. He referred to the orange area shown on the exhibit and stated that where reasonable development of four units per acre would be expected and promoted, they are asking for three units per acre.

Mr. Duncan stated that from a legal standpoint, everything is in place. It is predicated in the Comprehensive Plan that this development would happen and that it would happen soon because of the natural features of the land, the availability of water and sewer, and because people will want to live here. He stated that the finding is that it is in accordance with the Comprehensive Plan and there should be a recommendation of approval to the Fiscal Court.

Mr. Jim Viox reviewed the Concept Plan. He indicated the site in relation to Allen Fork Creek and a tributary of Allen Fork Creek. The tributary comes up into the City of Burlington and a smaller tributary flows from the fair grounds, the animal shelter, and the Public Works building. He stated that the yellow line is the existing sanitary sewer along KY 18 on the opposite side of the road. He indicated the pump station. The sewer

line is accessible from the property and is currently at Tosha. He stated that the Water Commission is planning to extend the water line down KY 18 in the direction of this development and from where that project ends, the developers will extend the line to this property. He noted a dashed purple line which indicates the potential road route between KY 18 and Idlewild Road and KY 338. The route is on top of the ridge and avoids the cemetery. There will be an ultimate connection to Idlewild Road and KY 338. He indicated homes that are connected to a treatment plant that needs to be removed, and this development will allow that to occur. The sewer line will serve this development and others and may be able to cross the creek and serve some of the land on the northwest side of the tributary. He stated that the six loops on the plan indicate cul-de-sacs. He stated that there has been discussion about the need to preserve some land around the log cabin and the cemetery. The area shown in pink represents generally the area which will be preserved around the log home and the cemetery. He indicated the house and adjacent pond and stated that access to that tract in the future could be gained from the internal road system.

Mr. Viox stated that the previous site KEMM developed was 2.65 units per acre. They do not feel that the density here will exceed three units per acre and will be between 2.5 and 3 units per acre. He stated that the green represents (without getting into the engineering and design) the areas that can be preserved. He stated that the houses will be above the sanitary sewer and the natural slope. There will not be any houses along KY 18 and that entire hillside should be able to be preserved, except for the grading necessary to put the road through there.

Mr. McKinney asked if anyone else 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 to the request.

Mr. Mike Cassidy, 5769 Vice Lane, stated that zone changes such as this do nothing to improve the standard of life for the people in Boone County and the people in the immediate vicinity of the site. He stated that it is the responsibility of the Planning Commission to protect the health and safety of the residents. He stated that KY 18 is not designed to take on additional traffic. The residents living beyond Tosha Drive have been impacted by the additional traffic from the high density development of Tosha Drive and there will be additional traffic from the new apartment complex being developed east of Tosha -- which he believes is 75 to 100 units and 150 to 200 additional vehicles accessing a road (KY 18) which is ill-prepared at this time. KY 18 is not suitable for this additional traffic with the gravel trucks and traffic that exists. He stated that the development will be tied into the sewer system. Runoff will not be an asset to the area. He stated that high density means high enrollment in the maxed out school facilities. Within the last 10 - 12 months there have been a minimum of two developments on Camp Ernst Road, Rogers Lane, Conrad Lane, two developments on East Bend Road, etc.. He questioned where we will put these additional children. The children are in overcrowded classrooms and have classes in permanent/temporary trailers. He stated that the county is woefully behind the state recommended building schedule for one new school per year. He does not want the argument that high density provides higher tax revenues -- which has been

used in the past and has yet to work. He stated that the welfare of the children is threatened by the ever-increasing overcrowding of the schools. The development of this property at its present zoning would be a further burden to the facilities and services of Boone County. Promoting an even higher density of SR-1 will further push the limits of the county services and threaten the public health, safety, and welfare. He asked that the zone change be denied. He stated that the Staff indicated a concern, and he has a concern, that a Concept Development Plan was not submitted. He stated that the request should be tabled until the Concept Development Plan can be submitted. He stated that the environmental objectives encourage preservation of the existing character of the land -- and by developing the land in its present A-2 zoning, we reduce the preservation, but with development in SR-1 we totally abandon it. Preservation of the hillsides can be done by maintaining the A-2 zoning.

Mr. Cassedy referred to the Housing Element -- "Where existing infrastructure services and the public school system are not adequate, developers shall be encouraged to phase construction to ensure preservation of all of these items to support their developments.". He stated that this speaks for itself. He stated that anyone who has been in Burlington Elementary knows the conditions and going to SR-1 will increase the enrollment in that school. In regard to the Land Use Element, he stated that we know there will be additional growth in the county, but there is nothing to say that this property cannot be developed as A-2. He stated that he saw the pumping station go in and it seems that it was a political pre-thought. He agreed with the Staff Concern in regard to the Concept Development Plan. He stated that if the application was brought in without a Concept Development Plan, it was ill-prepared. He stated that there was a comment that the development would be less than 3 units per acre, but there is nothing to substantiate that. He stated that we do not know how many homes they are talking about. He stated that the Comprehensive Plan does not say that this property is to be developed as SR-1 -- it says it could be developed as SR-1 -- but it could also be developed as A-2, which would be a better buffer for the sensitive areas. He asked that the request be deferred until the Concept Development Plan is submitted and that there be consideration of denying the application.

Jan Garbett, a resident of Boone County and a descendent of Benjamin Johnson, who owned the property in the late 1700's, stated that her concern is in regard to the impact on the cemetery -- especially where the road goes along the ridge. The cemetery appears to be at the edge of the road. She stated that in 1837, Reverend Christopher Wilson died and Lucy Johnson Wilson had a written deed which talks about Christopher's grave site of one-half acre that has been set aside. She stated that they do not know if this grave site is within the four acres that includes the cemetery and the house. It is possible in the older cemetery areas that there could be some grave sites besides Christopher's. She stated that when they dig for roads, graves might be found and there might be a temptation to see the markers that have sunk as field stones and they might be destroyed. Any additional graves outside of the four-acre area should be protected and respected. She stated that Christopher Wilson was a significant Boone Countian from the late 1700's. She stated that this development could create a unique residential area in tune with the historic background. She asked that the proper steps be taken --

notifying the coroner and the Planning Commission -- if grave sites are found outside the four-acre area when construction begins.

Mr. McKinney asked if there was anyone else present who wished to speak in opposition to the request. There being no response, he asked if there were any comments or questions from the Planning Commission.

Mr. Ries asked if there had been consideration of the four acres with the cemetery, the log cabin, and the pond being a park. He asked how they would be protected and if they would be fenced.

Mr. Duncan stated that the developer is concerned about the cemetery and about making a fine development. He stated that he was involved in the negotiation of the contract and they are bound by contract to set aside four acres (plus or minus). The area with the cemetery will be set aside as a separate parcel and not sold to this developer. He stated that there is a clearly defined area where the cemetery plots are and it is easy to tell where the graves are. They are knowledgeable of what they have to do if they run into other graves. He stated that Mr. Michaels is committed to following the law.

Mr. Ries asked who would maintain the four-acre parcel. He questioned if it could be a park.

Mr. Berger stated that he owns the property as a result of the friendship of his family and Caroline Williams' family. His mother grew up in College Hill with Caroline and her sister, Katherine Maddux. Caroline did not marry or have children. He stated that he has a warm place in his heart for this property and it is like family property to him. He stated that Mrs. Conrad first had contact with this group and she died in an automobile accident. He remembers talking to her about having the property developed. She knew development was the wave of the future. She was impressed by the individuals involved in the group. He has also been impressed with their sincerity in wanting to preserve the natural areas. He stated that there was no question when he said that he was not going to sell them the pond, the cabin, or the cemetery. He wants to preserve that area. He stated that he is on the Board of Trustees of Spring Grove Cemetery and the Glendale Cemetery and has an interest in seeing cemetery property maintained and preserved. It is his intention that the property be maintained.

Mr. Neltner asked if the four acres is part of the request and would also be rezoned. Mr. Coleman advised that the four acres is included in the application, but the applicant asked if it could be removed from the zone change request. He stated that if the four acres is to be excluded, it is necessary to have an indication of where the four acres is and what the configuration of that parcel is.

Counselor Wilson advised that the four acres is not going to be rezoned.

Mr. Duncan stated that they cannot give a metes and bounds description at this time, but the parcel will include the house, the pond, and the cemetery and will roughly follow the right-of-way of the road. He stated that by the time they come in for a Preliminary Plat, they will have a

legal description of the four acres that is not included in the zone change. It was included by mistake on the original application and they want it excepted out of the rezoning.

Mr. Neltner asked if the exhibit displayed is being submitted as an official Concept Development Plan.

Mr. Duncan stated that a Concept Development Plan is not required for a residential development. What they are presenting tonight is a conceptual drawing of how they intend to develop the property. He stated that when they do the engineering, the road or the sewer may shift. They are willing to commit that what is displayed is the concept they will follow. He stated that a Development Plan can be a combination of written and graphic materials. Theirs is a combination of the drawing, and a commitment that the density will be in the range of 3 units per acre and that they intend to develop the property in such a fashion that there would not be any more than 150 lots.

Mr. Jim Viox stated that part of the reason they were not able to do a Concept Development Plan is the issue of the four acres. Until they get a good topo with the vegetation and all of the features, they would not be able to represent where the four acres will be. He stated that what is on the Concept Plan is traffic configuration, what they feel are the green spaces to be preserved, the sanitary sewer, and the water system.

Mr. McKinney asked if there were any further questions.

Mr. Caddell asked that it be confirmed that there will not be any lots that will face onto KY 18. Mr. Viox agreed.

Mr. Michaels stated that he would be agreeable for Ms. Garbett to accompany them to excavate and probe the cemetery site prior to the platting of the cemetery. He stated that they will search it to her satisfaction to see if there are areas to be excluded.

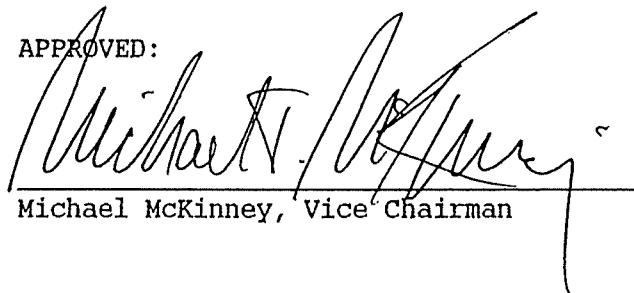
Mr. Duncan stated that there was a comment about the overcrowded school system. He stated that the school system was overcrowded ten years ago and ten years before that -- which was known when the Comprehensive Plan was written. The elements from Population to Land Use predicted that more residents would come to Boone County and that there would be students in the school system. The Comprehensive Plan made recommendations for land use and density and they are in keeping with that. The Comprehensive Plan predicted population growth areas. He stated that there has been testimony from the school in regard to areas outside of the growth areas that they could not handle that growth because they were concentrating on handling the type of growth proposed this evening. He stated that as this development phases in, the school system will catch up to the development and ten years from now someone else will be before the Planning Commission with the same problem. It is a constant problem. He stated that there was a comment about KY 18 being overtaxed. He stated that KY 18 is not in the same condition when you pass Burlington as it is in before you get to Burlington. When the Comprehensive Plan was drawn, it predicted the population growth and that the western part of Boone County would develop in this fashion, and it recognized that in some areas there needs to be

improvements. He referred to Page 189 and Page 193 of the Comprehensive Plan, and to the map on Page 192 and stated that after the Planning Commission made all of the population, density, and growth projections, no recommendations were made for any improvements to KY 18 in this area because it was believed that KY 18 could handle the growth. He stated that the road system is similar to the school system -- when houses develop -- kids come into the schools and cars come onto the roads -- and there is tax money to pay for roads if needed. He stated that these issues are addressed in the Comprehensive Plan and do not need to be readdressed.

There being no further comments, Mr. McKinney stated that the Committee Meeting for this item will be on May 6, 1996 at 4 P.M. in the second floor conference room of this building. This item will be on the Agenda for the Business Meeting on May 15, 1996 at 8 P.M..

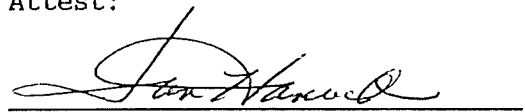
Following a review of the Public Hearing process by Counselor Wilson, Mr. McKinney closed this Public Hearing.

APPROVED:



Michael McKinney, Vice 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

May 14, 1996

Mr. Mike Reeves
KEMM/Crist Development Company, LLC
3636 Madison Pike
Covington, KY 41017

RE: Recommended Conditions of Approval for a Zoning Map Amendment from A-2 to SR-1, on an approximate 54 acre site, located at 3472 KY 18

Dear Mr. Reeves:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant agree to the following conditions, please indicate so by signing at the space provided below and returning this letter to the Planning Commission office by 4:00 P.M. Wednesday, May 15, 1996.

Conditions of Approval

1. The zone change will apply to only 50 of the 54 acres listed on the Zoning Map Amendment Application. The log house, pond, and cemetery, including approximately 4 acres are not to be part of the zoning map amendment. The property boundaries of the 4+/- acres will be established and identified at the time of the preliminary plat review.
2. Access to all lots will be from within the site. No lots shall have access directly onto KY 18.
3. The density for the site shall not exceed 3 units per acre or a maximum of 150 lots.
4. No portion of any house or accessory structure is to be built within 50 feet of the right of way along KY 18.

1966-1996

"30 YEARS OF PLANNING THE FUTURE OF BOONE COUNTY"

Mr. Mike Reeves
KEMM/Crist Development Company, LLC
May 14, 1996
Page 2

5. Developmentally Sensitive Areas on the site will be noted on the Improvement Plan and are not to be disturbed beyond the necessary sewer improvements.

Sincerely,



A. Edward Coleman
Planner

AEC\par

Agreement:

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment from A-2 to SR-1 for approximately 50 acres located at 3472 KY 18.



Mike Reeves, Applicant
KEMM/Crist Development

MINUTES
BOONE COUNTY FISCAL COURT
JUNE 25, 1996
5:30 P.M.

ITEM VIII. **NEW BUSINESS**

Assistant County Attorney Gwen Vice presented to the Boone County Fiscal Court an ordinance establishing an Emergency Medical Services Advisory Council and affiliating said Council with similar councils established by the Counties of Kenton and Campbell to be placed on the July 9, 1996, agenda for first reading.

ITEM IX. **ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 920.³³²~~302~~ - KEMM/CRIST DEVELOPMENT COMPANY

Judge Lucas read a summary of Ordinance No. 920.322, and declared a Public Hearing open at 5:43 p.m.

Mr. Mike Duncan, Attorney representing the KEMM/CRIST Development Company stated their proposal is for a single-family residential subdivision that is in conformance with the Planning & Zoning Commission's Comprehensive Plan. This development would establish a sewer system with availability to the surrounding areas in the county.

Judge Ken Lucas interjected into Mr. Duncan's presentation that last year the Fiscal Court allowed the Fair Board to hook into the county's sewer plant located by Public Works to accommodate the Fair. Judge Lucas also stated that it was said KEMM/CRIST Development had the backing of the Boone County Fiscal Court. It was stated even though discussions were made with some staff and Water and Sewer people there were never any discussion with the Fiscal Court and or Judge Lucas and this should be clarified for the record. He could see however, that a joint endeavor would benefit this project. Mr. Duncan apologized if misquoted saying that Fiscal Court had committed, but he knows it is a high priority of Fiscal Court to get public sewerage to these facilities.

Jim Collins stated he and Greg Sketch spoke to Dick Crist about the possibility of backing this sewer project in order to remove the sewer plant facility and identified money in the budget for this purpose.

Commissioner Patrick asked Mr. Crist when sewers will be coming to Burlington and Hebron. Mr. Crist stated the Sanitation District has adopted an assessment policy for the extension of sewer facilities and are meeting with the Health Department during July to discuss problem areas.

Mr. Duncan stated they are not buying approximately 4 acres which has a cabin, family cemetery and pond on it. The zone change will not effect the zoning on that property and he will work on a legal description before the closing. Mr. Duncan asked that the Fiscal Court adopt this ordinance.

MINUTES
BOONE COUNTY FISCAL COURT
JUNE 25, 1996
5:30 P.M.

Judge Lucas declared the Public Hearing closed at 5:52 p.m. 

Commissioner Patrick moved, seconded by Commissioner Meihaus to approve Second Reading of Ordinance No. 920.332, an ordinance of The Boone County Fiscal Court to consider the request of KEMM/CRIST Development Company, LLC (Applicant) for Daniel Berger, Susan Berger and the estate of Katherine Maddux (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) on an approximate 54 acre site located at 3472 Ky. 18, Boone County, Kentucky recommended (7-3) by the Boone County Planning Commission via Resolution R-96-012-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "A"

ORDINANCE NO. 920.333 - DECASTRO

Judge Lucas read a summary of Ordinance No. 920.333, and declared a Public Hearing open 6:03 p.m.

Mr. Dave Schneider, Attorney for the applicant Decastro Trust, presented a copy of the parcels already purchased and stated homes will be taken down shortly. He requested the remaining parcels be zoned C-3 and to add lots 1, 2, and 3 as expansion to the existing Toyota parking. Mr. Schnieder also requested the vacating and closing Ashcraft Drive.

Commissioner Meihaus stated the requirements made by Planning & Zoning for buffering between residential and commercial are very important.

Commissioner Patrick also added concern for appropriate lighting. Mr. Schneider mentioned that one of the conditions by the Planning & Zoning Commission states that the required lighting be focused on the lot itself and not adjoining properties.

Judge Lucas declared the Public Hearing closed at 6:07 p.m. 

Commissioner Campbell moved, seconded by Commissioner Meihaus to approve Second Reading Ordinance No. 920.333, an Ordinance of The Boone County Fiscal Court to consider the request of the Patrick Decastro Trust (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) on an approximate 1.5 acre site generally located on Ashcraft Drive, Boone County, Kentucky recommended unanimously by the Boone County Planning Commission via Resolution R-96-010-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "B"

ITEM X

PERSONNEL MATTERS

Commissioner Meihaus moved, seconded by Commissioner Patrick to approve the Golf Course Seasonal upgrades for Robert Ahlfeld; Andy Dusing, Teejay Evans, Jeremy Hurm