

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 McKAYS OVERLOOK
2. Location of Project HICKS PIKE
3. Total Acreage of Site 59 AC
4. Current Zoning of Site _____
5. Proposed Zoning (Classification being requested) _____
SR-1
6. Proposed Uses (please specify each use) _____
SINGLE FAMILY SUBDIVISION
7. Names of Applicant(s) ROBERT L. PORTER JR.
- Phone Number 485-6234 Fax No. _____
8. Address of Applicant(s) 12679 HUTTON DR.
- 431-3311 WORK# WALTON KY. 41094
- City State Zip
9. Name of Property Owner(s) SAME *
- Phone Number _____ Fax No. _____
10. Address of Property Owner(s) _____
- City State Zip
11. Proposed Building Intensities (please specify) _____
2.54 UNITS / AC
12. Are there any existing buildings on the site? YES
- How many? SHEPS
13. Deed Book X Page No. X Group No. 2069
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:

- | | |
|------------|---------------------------------------|
| <u>YES</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>YES</u> | Boone County Public Works Department |
- (CURE CUT APPROVED)

* OWNER OF MCKAY FARM
OWNER BY OPTION OF JA QUAY FARM

EXHIBIT "A"

STAFF REPORT

Request of **Robert L. Porter (applicant)** for a Zoning Map Amendment from Agricultural Estates (A-2) to Suburban Residential One (SR-1) for an approximate 59 acre site located near the southwest corner of the intersection of Hicks Pike and Richwood Church Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to all a subdivision for single family residences.

September 4, 1996

Location and Characteristics

The site is located on the west side of Richwood Church Road, approximately one tenth mile south of Hicks Pike (Sheet 1-Location Map).

The site has approximately 800 feet of road frontage along Richwood Church Road and runs parallel to Hicks Pike approximately three fourths of a mile. The western edge of the site adjoins property located on Harrison Way. The site also contains two access points (35 and 122 feet) along Hicks Pike near Richwood Church Road (Sheet 2-Property).

The eastern most portion of the site contains a blue line stream which flows parallel with Richwood Church Road. This area also contains the steepest slopes on the site, which are at most fair to moderately steep (maximum slope of 2:1). Mature trees and shrubs follow both sides of the stream and creates a natural screen or buffer from the property across Richwood Church Road. The majority of the site contains rolling fields and a couple of dry ponds. Mature wooded areas occur along the northern property boundary and throughout the western half of the site.

The property contains a farm house, a barn and two or three other out buildings and currently has no access to water or sewer facilities.

Request

The applicant is requesting a change in the current zoning from Agricultural Estates (A-2) to Suburban Residential One (SR-1) to allow a subdivision for single family residences. The applicant has indicated that the building intensity for the 59 acres will be 2.54 units per acre for a maximum of 150 units. The maximum intensity for Suburban One Residential (SR-1) is four units per acre.

The Concept Development Plan shows the proposed site entrance to be located off of the property that fronts Hicks Pike closest to Richwood Church Road. The plan contains five cul-de-sacs with the proposed street alignment generally following the ridge lines and high points on the property. The plan also contains three locations for future road connections with the adjacent properties. One future connection is shown on the north side of the property with two locations to the south (Sheet 3-Concept Development Plan).

Surrounding Land Uses and Zoning
(Sheet 4-Zoning Map)

Land surrounding the site on all sides is zoned Agricultural Estates (A-2).

North of the site are approximately 10 single family residences which all have frontage on Hicks Pike from Harrison Way (Walnut Hall Subdivision) to Richwood Church Road. Directly east of the site is Richwood Church Road which contains approximately eight single family residences. Immediately south is a single family residence whose property runs the entire length of the southern property boundary of the site. To the west is the Walnut Hall Subdivision. Harrison Way, the only street within the subdivision, contains single family residences on lots ranging in size from two to seven acres. Harrison Way terminates into a cul-de-sac one-half mile off of Hicks Pike.

Relationship To The Comprehensive Plan

The 1995 Boone County Comprehensive Plan's Future Land Use Map indicates the site's future land use classification as "Suburban Density Residential" and is defined as single family housing of up of to four units per acre.

The Environmental Element's goals and objectives of the Comprehensive Plan, specifically for the physical environment 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", (p.5).

The Housing Element's goals and objectives 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", (p.9).

The Land Use Element of the Comprehensive Plan contains development guidelines for future development and states:

"There are a number of general development guidelines which are applicable to all future growth in Boone County, regardless of type or scale. These guidelines are intended to mitigate the impacts of growth on the existing land uses, adjoining properties, public infrastructure, and the quality of life and safety in the County", (p.210).

These guidelines include:

Utilization of Existing Vegetation and Topography

"Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined", (page 210).

Buffering

"Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. 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. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate", (page 210).

Landscaping

"Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development and be incorporated into vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimized the visual impacts of the development from adjoining properties and roadways", (p.210).

Storm water Management and Erosion Control

"Developments must design and incorporate adequate provisions for the channelization and control of the rate of storm water flow on and from the site as well as control and mitigate erosion problems associated with developments", (p.211).

Access Management

"Protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns", (p. 211).

Design, Signs, and Historic Preservation

"Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use", (p.211).

Staff Concerns

1. Staff suggests that in order to preserve the unique land features on the site, the construction of roads, utilities, and houses should be located in areas that take advantage of the existing topography without severely leveling or altering the site.
2. Staff suggests that the most eastern area of the site containing the blueline stream be preserved and maintained as a buffer for the residents across from the property on Richwood Church Road. The preservation of this area could also be used by the residents of the proposed subdivision and surrounding neighbors as a passive recreation area.
3. Staff recommends the preservation of as many mature hardwood trees as possible on the site. Staff asks that the applicant identify the wooded areas on the western portion of the site and indicate disturb limits.

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 need to be amended.

Respectfully submitted,

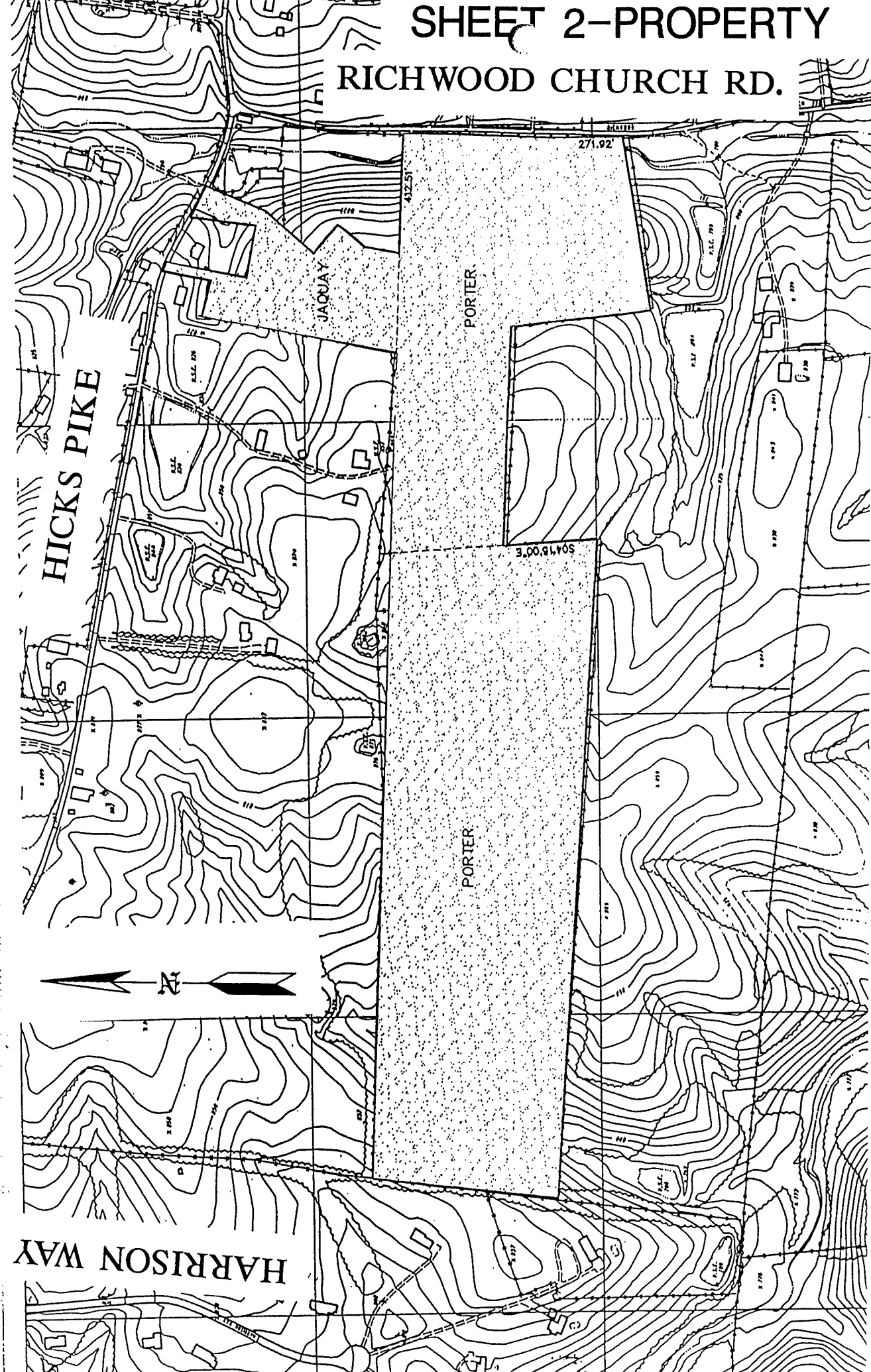


Edward Coleman
Planner

EC\pr

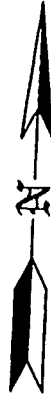
SHEET 2-PROPERTY

RICHWOOD CHURCH RD.



SHEET 4-ZONING

A-2



HARRISON WAY

570' / MILE

HICKS PIKE

SR-1

500' / MILE

SITE

A-2

RICHWOOD CHURCH RD.

500' / MILE

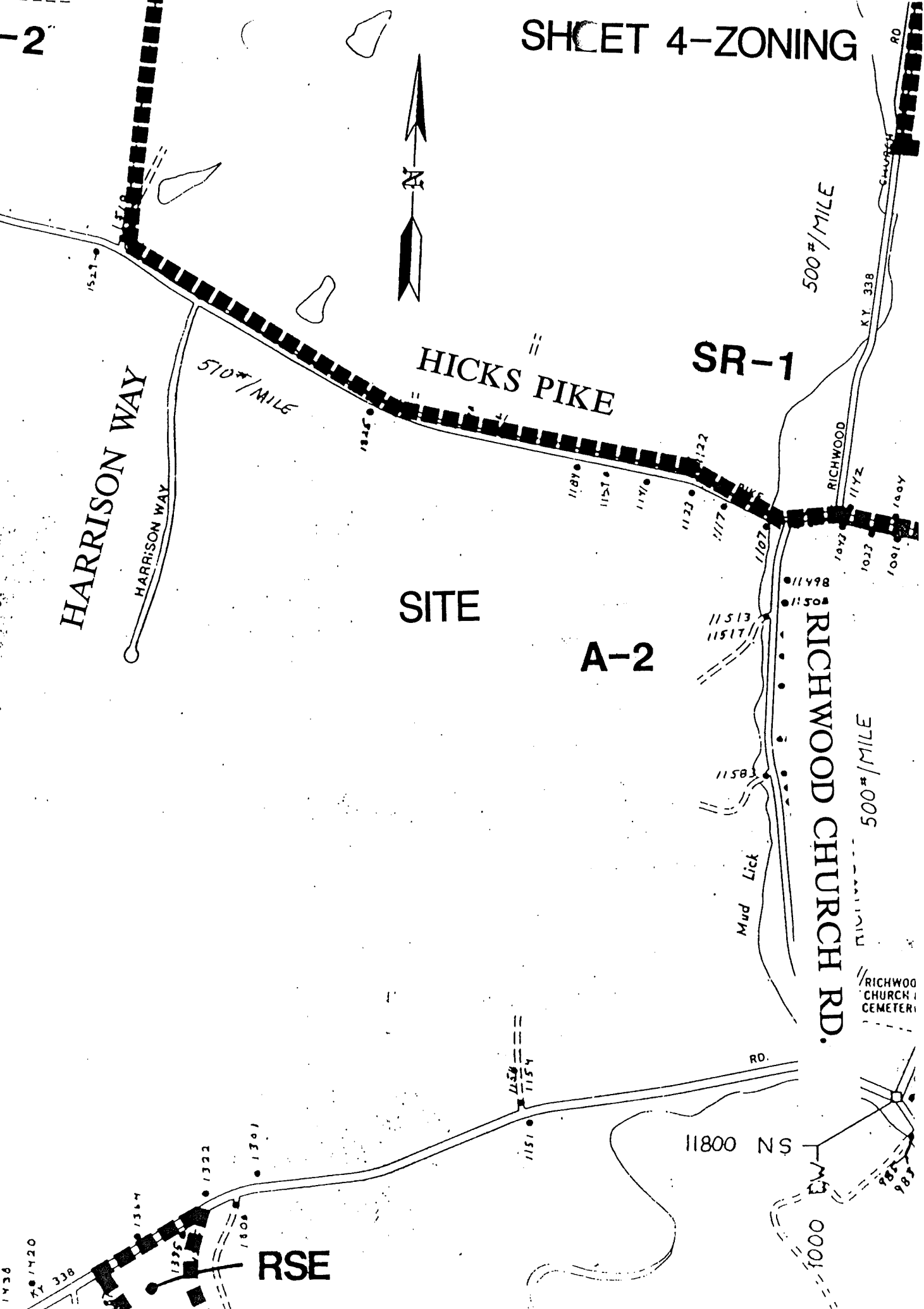
RICHWOOD CHURCH CEMETERY

11436
KY 338

RSE

11800 NS

1000



BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
September 4, 1996
7:00 P.M.

PUBLIC HEARINGS

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

Mrs. Judy Arnett, Secretary/Treasurer, called the meeting to order at 7:20 P.M. and introduced the item on the Agenda:

1. Applicant: Robert L. Porter (owner)

Request: Zoning Map Amendment

The request of Robert L. Porter (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 59-acre site located near the southwest corner of the intersection of Hicks Pike and Richwood Church Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow a subdivision for single-family residences.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report). Mr. Coleman advised that there is an error in the last sentence of the Staff Report (Page 4), and it should read ". . . . the Future Land Use Map would not need to be amended."

Mrs. Arnett asked for the applicant's presentation.

Attorney Gerry Dusing introduced the design engineer, Mr. Jim Viox, and the applicant, Mr. Robert Porter. Mr. Dusing stated that the proposed plan is in compliance with the Comprehensive Plan. He agreed with Mr. Coleman that the last sentence of the Staff Report contains a typo and it should say that the Future Land Use Map would not need to be amended. Using an exhibit of a map taken from the Comprehensive Plan, and being assisted by Jim Viox, Mr. Dusing stated that the site is zoned SR-1, which allows up to four units per acre. He noted the existing Triple Crown development and Decker Heights, which is under development for detached single-family residences. Jim Viox indicated the property owned by St. Luke Hospital. Mr.

Dusing stated that the orange line in the upper right hand corner of the exhibit indicates the Comprehensive Plan limits of SR-1. He stated that their site is not on the edge of the SR-1 designation, but near the middle. Mr. Dusing advised that the application states 59 acres, but the legal description indicates 63 acres.

Mr. Dusing referred to an exhibit of the Existing Zoning Map (Page 2 of the Staff Report). He stated that their site is not surrounded on all sides by A-2, and across the street is a large tract contiguous from Triple Crown to Hicks Pike zoned SR-1. They are contiguous on Hicks Pike to the zoning they are requesting. Referring to Sheet #4 of the Staff Report, he stated that they are an extension of surrounding zoning.

Mr. Dusing corrected his earlier comment and stated that the site is 59 acres.

Using an Exhibit of Sheet #3 in the Staff Report, Mr. Dusing stated that there is substantial frontage of the tract on Richwood Church Road -- but there is no access. During the negotiations for the property, it was indicated to them by the Staff that any access for single-family development on this corner should be from Hicks Pike -- it is not legally required, but it is strongly recommended. He stated that they acquired another tract to accommodate that access, which accomplishes the concerns in the Staff Report. He stated that the blue line stream along Richwood Church Road will not be disturbed and indicated the natural areas which will not be disturbed. He stated that they have addressed the concerns about access and traffic on Richwood Church Road and that there will not be any disturbance of the blue line stream or the natural area. He stated that access off Hicks Pike has been cleared for line of sight concerns by the county engineer. He stated that Mrs. Jaquay, the seller of the property, was present. Mr. Dusing stated that Mrs. Jaquay is retaining about five acres (approximately half) of her property and will be the most impacted, and some conditions of their sale will be incorporated into the Development Plan -- including the removal of the barn and the horse fence along the right-of-way at Hicks Pike.

Mr. Dusing stated the remaining Staff Concerns are good development considerations and they anticipated them. He referred to Staff Concern #1 and stated that the roads follow natural ridge lines to minimize disturbance. In regard to Staff Concern #2, he stated that they addressed this concern with their access off Hicks Pike. He stated that there will be no interplay with the creek along the Richwood Church Road side of the property. The western side of the property borders Walnut Hall, which was also developed by Mr. Porter, and there are two or three homes on Harrison Way in Walnut Hall that are contiguous to this tract. He referred to the Exhibit and stated that the terminations of the cul-de-sacs

are as indicated because there is significant hardwood vegetation along the back border. Referring to the exhibit, he stated that there is a rise of about 8 feet and then a flat plateau with dense woods that need to be preserved. He stated that the road connections follow the natural terrain and accommodate adjoining property. Referring to the exhibit, he stated that the engineer and land planners felt that the terminations shown would be the optimum points to connect if the adjoining property were to develop.

Mr. Dusing stated that there would be an agreed condition of the zone change that the appropriate infrastructure be brought to the site. He stated that water currently exists on Hicks Pike at the entrance to Walnut Hall at Harrison Way. It would be at Mr. Porter's expense to bring the water along Hicks Pike to the entrance to this subdivision. The location is not totally under their control and it would be wherever the county says to bring it. The line would come from Walnut Hall down Hicks Pike to the entrance to the subdivision -- or the other alternative is that water exists at Triple Crown on Richwood Road and is being extended as part of Decker Heights to the corner of Hicks Pike and Richwood Road. The location will be whatever the Water District tells them, and the Water District may say to loop the system. He stated that this is not part of the public water system extension project in the Richwood area -- they will coordinate with it, but this will be completely at Mr. Porter's expense. They would fit into the Master Plan for the area. He stated that public water would be a condition of approval. Public sewer exists to the pump station at the corner of Richwood Church Road and Ricwood Road and it would come through the right-of-way up to the subdivision. This development would bring sewer and water to the doorstep of the tract directly across the street that is zoned for development.

Mr. Dusing stated that the minimum build-out would be three years, and would more likely be five years. Development would progress from Hicks Pike.

Mr. Dusing stated that they meet the Comprehensive Plan based on the existing Land Use Map, and are just over half the density called for in the Comprehensive Plan.

Mr. Jim Viox noted that the Staff Report indicated concern about the blue line stream. He indicated the blue line stream and the cul-de-sacs on the exhibit, and stated that the backs of the lots will go down into the valley. He indicated the area having a maximum of 2:1 slope. He stated that they can preserve the green area and the stream area. He stated that only the corridor for the sanitary sewer has to go through there. He noted that the Staff Report indicated concern relative to utilizing the topography and stated that the street configuration utilizes the ridges and valleys as indicated in Staff Concern #1. He indicated the dry pond and

the natural drainage area and stated that they are not getting into the natural drainage area. Referring to the exhibit, he indicated the natural drainage area in the valley and the wooded areas. He stated that they will preserve the vegetation along the property line and will only cross the valley to the west once and can place lots around the cul-de-sac. He reviewed the locations of the cul-de-sacs and where they will preserve the vegetation. He indicated the divide of the topography and how the land drains into the sewer. He stated that if there is no sewer available along Richwood Road, a pumping station will be used and he indicated the flow into the system. He reviewed the topography and the location of the cul-de-sacs and the extension available if the adjacent land is developed. He stated that they have been responsive to the issue of no access onto Richwood Church Road. They will bring to the site the utilities needed to support the development. The street layout preserves the vegetation. He stated that they are preserving the blue line stream.

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

Pat Helmers, a resident of Richwood Church Road, questioned the sewage that would be brought down Richwood Church Road.

Jim Viox advised that the existing pump station at the intersection of Richwood Church Road and Richwood Road handles the sewage now. They are extending a gravity line from that pump station up Richwood Church Road and all of the sewage from the development will flow to the pump station. When they get into Phase II (3 or 4 years down the road), and if there is no gravity sewer available at the back of the subdivision, then another pump station will be brought to the system so that there would not be a need for septic systems and things of that nature.

There being no one else present who wished to speak in behalf of the request, Mrs. Arnett asked if there was anyone present in opposition to the request or having questions.

Mr. Jim Elliott, a resident of Harrison Way, questioned the lift station and what it will look like.

Jim Viox referred to the exhibit of the plan and stated that if the pump station is available it would serve the area at the back and on the cul-de-sac. In the event sewers have not been extended any further into Boone County, it would be a submersible pump station with apparatus above the ground, but not as large as the one at Richwood Church Road. The pump station will likely be underground with apparatus above and a driveway to the pump station. It will be adjacent to two lots that will be developed by Mr. Porter.

There being no further comments or questions from the audience, Mrs. Arnett asked if there were any comments from the Commissioners.

Mr. Neltner questioned the length of the road from where it goes off Church Road to the longest point. He asked if there is a problem with the maximum length.

Mr. Coleman indicated on the exhibit the road Mr. Neltner was referring to and advised that it is approximately one-half mile. Mr. Neltner stated that it is 2600 feet plus the spur. Mr. Coleman advised that it is approximately 2900 feet. Mr. Neltner questioned the recommended maximum length and Mr. Coleman advised that it is 1200 feet for a cul-de-sac. Mr. Costello noted that two outlets are shown. Mr. Coleman stated that in the future, if there were connections, what would be considered a cul-de-sac would be the portion he indicated on the exhibit. Mr. Neltner stated that his concern is that it is not known when, or if, that will happen.

Mrs. Schaffer questioned the acreage and asked if the Jaquay property is part of the zoning request.

Mr. Dusing indicated the Jaquay property included in the zone change request and stated that it is the only access to Hicks Pike. He advised that Mr. Porter thinks the application includes 57 acres.

Mrs. Schaffer questioned the second access to the west, which Mr. Coleman indicated on the exhibit.

Mr. Porter advised that there is a 40-foot entrance that Mrs. Jaquay owns and, because it is on this side of the road, he ends up with it. He stated that it is not an access to the subdivision and noted that it is not wide enough. He stated that the acreage is in three legal descriptions and 59 acres is what is on the application.

Mrs. Schaffer questioned the allowable density under the current zoning. Mr. Coleman advised that it is one unit per two acres.

Mr. Damstrom questioned the average lot size and an entrance feature for the subdivision.

Mr. Dusing advised that there is not an average lot size, other than 2.38 - 2.5 units per acre. He stated that they plan a specific monument type entrance feature. Jim Viox stated that there is enough frontage to allow for entrance features on either side of the entrance. He indicated green area that allows for expansion of the right-of-way or a monument and plantings in that area. He stated that there can be extensive treatment of the intersection. He stated that they intend to develop lots compatible with the area, but the

exact lot dimensions are not defined. Mr. Dusing stated that the target market is homes of \$120,000 - \$170,000 similar to Union Station.

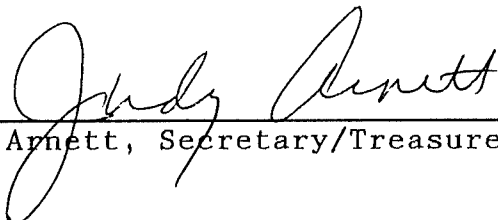
Mr. McMillian questioned a connection to Harrison Way.

Mr. Dusing stated that there is no place to go -- there is no right-of-way and they do not want to interconnect. He stated that when Harrison Way was developed, there was no right-of-way connection to this tract.

There being no further comments, Mrs. Arnett stated that the Committee Meeting for this item will be on September 23, 1996 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 October 2, 1996 at 8 P.M..


Mrs. Arnett closed this Public Hearing and called for a short recess.

APPROVED:



Judy Arnett, Secretary/Treasurer

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
October 2, 1996
8 P.M.

Mr. Mike McKinney, Vice Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Don McMillian
Mr. William Viox, Chairman

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. Kevin Wall, AICP

2. Zoning Map Amendment

The request of Robert L. Porter (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 59-acre site located near the southwest corner of the intersection of Hicks Pike and Richwood Church Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow a subdivision for 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). All Committee members were in favor of the Committee Report. The applicant has signed the letter agreeing to the conditions.

There being no discussion, Mr. Ries moved to approve the request based on the Staff and Committee Reports. Mr. Neltner seconded the motion and it carried unanimously.

NEW BUSINESS:

Mr. McKinney asked that Public Hearings be scheduled for the following items:

Agenda Item
No.
3

Utilization of an Underlying Zone

The request of James W. Berling (applicant) for Russell Rankin and Robert Hill (owners) for a Utilization of an Underlying Zone for an approximate 5.2-acre site located on the south side of U.S. 42 near Old Toll Road, unincorporated Boone County and Florence, Kentucky. The request is for a Utilization of an Underlying Zone in a Planned Development to allow all uses permitted in the C-2 Zone plus the sale of concrete fasteners.

4

Change in Concept Development Plan

The request of James W. Berling (applicant) for David A. Wolf Associates (owner) for a Change in Concept Development Plan for an approximate 12.5 acre site located on Cavalier Boulevard at Lot 8, Turfway Commercial Park, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office showroom uses in a Suburban Residential Two/Planned Development (SR-2/PD) Zone.

5
(withdrawn)

Text Amendments

The request of the Technical/Design Review Committee to consider a series of text amendments to Article 3 in the Boone County Subdivision Regulations regarding storm water management. The purpose of the request is to schedule a public hearing and hear presentations and comments regarding the proposed text amendments.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: October 2, 1996

RE: Request of **Robert L. Porter (applicant)** for a Zoning Map Amendment from Agricultural Estates (A-2) to Suburban Residential One (SR-1) for an approximate 59 acre site located near the southwest corner of the intersection of Hicks Pike and Richwood Church Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to all a subdivision for 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 and land use is in agreement with and conforms to the intent of the 1995 Boone County Comprehensive Plan.

The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals and Objectives stated in the 1995 Boone County Comprehensive Plan, concerning residential development. The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serves as the basis for this recommendation.

Conditions:

1. The locations of the streets, the entrance, and the future connections, as submitted on the Concept Development Plan, will not change, in order to minimize the amount cutting and filling needed to be performed on the site.
2. The applicant agrees to preserve the most eastern area of the site, which contains the blueline stream, by restricting any grading within the stream's flood plain, except where necessary to install the sewer line or other utilities.

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

Phil Damstrom, Chairman

For _____ Against _____
Abstain _____ Absent _____

Fred Burch

Fred Burch

For _____ Against _____
Abstain _____ Absent _____

William Bailey

William Bailey

For _____ Against _____
Abstain _____ Absent _____

Arnold Caddell

Arnold Caddell

For _____ Against _____
Abstain _____ Absent _____

Robert Millay

Robert Millay

For _____ Against _____
Abstain _____ Absent _____

Barry Neltner

Barry Neltner

For _____ Against _____
Abstain _____ Absent _____

TOTAL: 6 FOR 0 AGAINST 0 ABSTAIN 0 ABSENT

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
September 4, 1996
7:00 P.M.

PUBLIC HEARINGS

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

Mrs. Judy Arnett, Secretary/Treasurer, called the meeting to order at 7:20 P.M. and introduced the item on the Agenda:

1. Applicant: Robert L. Porter (owner)

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Mr. Dusing referred to an exhibit of the Existing Zoning Map (Page 2 of the Staff Report). He stated that their site is not surrounded on all sides by A-2, and across the street is a large tract contiguous from Triple Crown to Hicks Pike zoned SR-1. They are contiguous on Hicks Pike to the zoning they are requesting. Referring to Sheet #4 of the Staff Report, he stated that they are an extension of surrounding zoning.

Mr. Dusing corrected his earlier comment and stated that the site is 59 acres.

Using an Exhibit of Sheet #3 in the Staff Report, Mr. Dusing stated that there is substantial frontage of the tract on Richwood Church Road -- but there is no access. During the negotiations for the property, it was indicated to them by the Staff that any access for single-family development on this corner should be from Hicks Pike -- it is not legally required, but it is strongly recommended. He stated that they acquired another tract to accommodate that access, which accomplishes the concerns in the Staff Report. He stated that the blue line stream along Richwood Church Road will not be disturbed and indicated the natural areas which will not be disturbed. He stated that they have addressed the concerns about access and traffic on Richwood Church Road and that there will not be any disturbance of the blue line stream or the natural area. He stated that access off Hicks Pike has been cleared for line of sight concerns by the county engineer. He stated that Mrs. Jaquay, the seller of the property, was present. Mr. Dusing stated that Mrs. Jaquay is retaining about five acres (approximately half) of her property and will be the most impacted, and some conditions of their sale will be incorporated into the Development Plan -- including the removal of the barn and the horse fence along the right-of-way at Hicks Pike.

Mr. Dusing stated the remaining Staff Concerns are good development considerations and they anticipated them. He referred to Staff Concern #1 and stated that the roads follow natural ridge lines to minimize disturbance. In regard to Staff Concern #2, he stated that they addressed this concern with their access off Hicks Pike. He stated that there will be no interplay with the creek along the Richwood Church Road side of the property. The western side of the property borders Walnut Hall, which was also developed by Mr. Porter, and there are two or three homes on Harrison Way in Walnut Hall that are contiguous to this tract. He referred to the Exhibit and stated that the terminations of the cul-de-sacs

are as indicated because there is significant hardwood vegetation along the back border. Referring to the exhibit, he stated that there is a rise of about 8 feet and then a flat plateau with dense woods that need to be preserved. He stated that the road connections follow the natural terrain and accommodate adjoining property. Referring to the exhibit, he stated that the engineer and land planners felt that the terminations shown would be the optimum points to connect if the adjoining property were to develop.

Mr. Dusing stated that there would be an agreed condition of the zone change that the appropriate infrastructure be brought to the site. He stated that water currently exists on Hicks Pike at the entrance to Walnut Hall at Harrison Way. It would be at Mr. Porter's expense to bring the water along Hicks Pike to the entrance to this subdivision. The location is not totally under their control and it would be wherever the county says to bring it. The line would come from Walnut Hall down Hicks Pike to the entrance to the subdivision -- or the other alternative is that water exists at Triple Crown on Richwood Road and is being extended as part of Decker Heights to the corner of Hicks Pike and Richwood Road. The location will be whatever the Water District tells them, and the Water District may say to loop the system. He stated that this is not part of the public water system extension project in the Richwood area -- they will coordinate with it, but this will be completely at Mr. Porter's expense. They would fit into the Master Plan for the area. He stated that public water would be a condition of approval. Public sewer exists to the pump station at the corner of Richwood Church Road and Richwood Road and it would come through the right-of-way up to the subdivision. This development would bring sewer and water to the doorstep of the tract directly across the street that is zoned for development.

Mr. Dusing stated that the minimum build-out would be three years, and would more likely be five years. Development would progress from Hicks Pike.

Mr. Dusing stated that they meet the Comprehensive Plan based on the existing Land Use Map, and are just over half the density called for in the Comprehensive Plan.

Mr. Jim Viox noted that the Staff Report indicated concern about the blue line stream. He indicated the blue line stream and the cul-de-sacs on the exhibit, and stated that the backs of the lots will go down into the valley. He indicated the area having a maximum of 2:1 slope. He stated that they can preserve the green area and the stream area. He stated that only the corridor for the sanitary sewer has to go through there. He noted that the Staff Report indicated concern relative to utilizing the topography and stated that the street configuration utilizes the ridges and valleys as indicated in Staff Concern #1. He indicated the dry pond and

the natural drainage area and stated that they are not getting into the natural drainage area. Referring to the exhibit, he indicated the natural drainage area in the valley and the wooded areas. He stated that they will preserve the vegetation along the property line and will only cross the valley to the west once and can place lots around the cul-de-sac. He reviewed the locations of the cul-de-sacs and where they will preserve the vegetation. He indicated the divide of the topography and how the land drains into the sewer. He stated that if there is no sewer available along Richwood Road, a pumping station will be used and he indicated the flow into the system. He reviewed the topography and the location of the cul-de-sacs and the extension available if the adjacent land is developed. He stated that they have been responsive to the issue of no access onto Richwood Church Road. They will bring to the site the utilities needed to support the development. The street layout preserves the vegetation. He stated that they are preserving the blue line stream.

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

Pat Helmers, a resident of Richwood Church Road, questioned the sewage that would be brought down Richwood Church Road.

Jim Viox advised that the existing pump station at the intersection of Richwood Church Road and Richwood Road handles the sewage now. They are extending a gravity line from that pump station up Richwood Church Road and all of the sewage from the development will flow to the pump station. When they get into Phase II (3 or 4 years down the road), and if there is no gravity sewer available at the back of the subdivision, then another pump station will be brought to the system so that there would not be a need for septic systems and things of that nature.

There being no one else present who wished to speak in behalf of the request, Mrs. Arnett asked if there was anyone present in opposition to the request or having questions.

Mr. Jim Elliott, a resident of Harrison Way, questioned the lift station and what it will look like.

Jim Viox referred to the exhibit of the plan and stated that if the pump station is available it would serve the area at the back and on the cul-de-sac. In the event sewers have not been extended any further into Boone County, it would be a submersible pump station with apparatus above the ground, but not as large as the one at Richwood Church Road. The pump station will likely be underground with apparatus above and a driveway to the pump station. It will be adjacent to two lots that will be developed by Mr. Porter.

There being no further comments or questions from the audience, Mrs. Arnett asked if there were any comments from the Commissioners.

Mr. Neltner questioned the length of the road from where it goes off Church Road to the longest point. He asked if there is a problem with the maximum length.

Mr. Coleman indicated on the exhibit the road Mr. Neltner was referring to and advised that it is approximately one-half mile. Mr. Neltner stated that it is 2600 feet plus the spur. Mr. Coleman advised that it is approximately 2900 feet. Mr. Neltner questioned the recommended maximum length and Mr. Coleman advised that it is 1200 feet for a cul-de-sac. Mr. Costello noted that two outlets are shown. Mr. Coleman stated that in the future, if there were connections, what would be considered a cul-de-sac would be the portion he indicated on the exhibit. Mr. Neltner stated that his concern is that it is not known when, or if, that will happen.

Mrs. Schaffer questioned the acreage and asked if the Jaquay property is part of the zoning request.

Mr. Dusing indicated the Jaquay property included in the zone change request and stated that it is the only access to Hicks Pike. He advised that Mr. Porter thinks the application includes 57 acres.

Mrs. Schaffer questioned the second access to the west, which Mr. Coleman indicated on the exhibit.

Mr. Porter advised that there is a 40-foot entrance that Mrs. Jaquay owns and, because it is on this side of the road, he ends up with it. He stated that it is not an access to the subdivision and noted that it is not wide enough. He stated that the acreage is in three legal descriptions and 59 acres is what is on the application.

Mrs. Schaffer questioned the allowable density under the current zoning. Mr. Coleman advised that it is one unit per two acres.

Mr. Damstrom questioned the average lot size and an entrance feature for the subdivision.

Mr. Dusing advised that there is not an average lot size, other than 2.38 - 2.5 units per acre. He stated that they plan a specific monument type entrance feature. Jim Viox stated that there is enough frontage to allow for entrance features on either side of the entrance. He indicated green area that allows for expansion of the right-of-way or a monument and plantings in that area. He stated that there can be extensive treatment of the intersection. He stated that they intend to develop lots compatible with the area, but the

exact lot dimensions are not defined. Mr. Dusing stated that the target market is homes of \$120,000 - \$170,000 similar to Union Station.

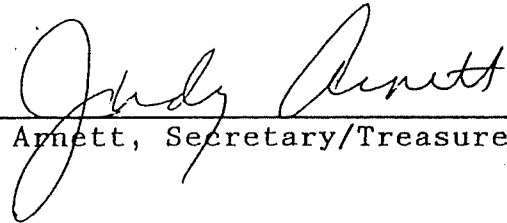
Mr. McMillian questioned a connection to Harrison Way.

Mr. Dusing stated that there is no place to go -- there is no right-of-way and they do not want to interconnect. He stated that when Harrison Way was developed, there was no right-of-way connection to this tract.

There being no further comments, Mrs. Arnett stated that the Committee Meeting for this item will be on September 23, 1996 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 October 2, 1996 at 8 P.M..

Mrs. Arnett closed this Public Hearing and called for a short recess.

APPROVED:



Judy Arnett, Secretary/Treasurer

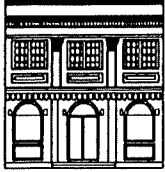
Attest:



Jan Hancock, Recording Secretary

**SUPPORTING
INFORMATION**

BOONE COUNTY PLANNING COMMISSION



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

October 1, 1996

Mr. Robert L. Porter
12679 Hutton Drive
Walton, KY 41094

Re: McKays Overlook Zoning Map Amendment

Dear Mr. Porter:

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, October 2, 1996.

Conditions for Approval:

1. The applicant agrees that the locations of the streets, the entrance, and the future connections, as submitted on the Concept Development Plan, will not change in order to reduce the amount cutting and filling on the site.
2. The applicant agrees to preserve the most eastern area of the site, which contains the blueline stream, by restricting any grading within the stream's flood plain, except where necessary to install the sewer line or other utilities.

Sincerely,

Edward Coleman
Planner

EC\par

Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment from Agricultural Estates to Suburban Residential One.

Robert L. Porter, Property Owner/Applicant

1966-1996

"30 YEARS OF PLANNING THE FUTURE OF BOONE COUNTY"

MINUTES
BOONE COUNTY FISCAL COURT
November 26, 1998
5:30 P.M.

part of an economic development project by the Nine West Manufacturing Corporation under the Kentucky Jobs Development Act (KRS 141.24.010-.160, KRS 141.120, KRS 141.350 and KRS 141.407). Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "C"

ORDINANCE NO. 11-96-02 - NEBCO EVANS DISTRIBUTION

Judge Lucas read a summary of Ordinance No. 11-96-02 and declared a Public Hearing open at 5:52 p.m. Hearing no discussion, Judge Lucas declared the Public Hearing closed at 5:53 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 11-96-02, an ordinance of the Fiscal Court of Boone County, Kentucky, providing for a credit of its Occupational License Fee for new employees as part of an economic development project by the Nebco Evans Distribution under the Kentucky Jobs Development Act (KRS 141.24.010-.160, KRS 141.120, KRS 141.350 and KRS 141.407). Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

ORDINANCE NO. 920.341 - ROBERT L. PORTER

Judge Lucas read a summary of Ordinance No. 920.341 and declared a Public Hearing open at 5:54 p.m. Subsequent to a brief discussion, Judge Lucas declared the Public Hearing closed at 6:01 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.341, an ordinance of the Boone County Fiscal Court to consider the request of Robert L. Porter (Owner) 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 approximately 59 acre site generally located near the southwest corner of the intersection of Hicks Pike and Richwood Church Road, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution No. R-96-027-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "E"

ORDINANCE NO. 920.342 - TOM RECHTIENE

Judge Lucas read a summary of Ordinance No. 920.342 and declared a Public Hearing open at 6:06 p.m. Hearing no discussion, Judge Lucas declared the Public Hearing closed at 6:07 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.342, an ordinance of the Boone County Fiscal Court to consider the request of Tom Rechtiene (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Rural Suburban (RS) to Commercial