

RECEIVED

APPLICATION FORM

NOV 07 1997

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION
BRASHEAR BOLTON, INC.

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

- 1. Name of Project BBP APARTMENTS
2. Location of Project 51 CAYTON ROAD
3. Total Acreage of Site 1.1 ACRES
4. Current Zoning of Site RS
5. Proposed Zoning (Classification being requested) UR1
6. Proposed Uses (please specify each use) MULTI-FAMILY RESIDENTIAL
7. Names of Applicant(s) JOSEPH N. BRASHEAR
8. Address of Applicant(s) 1106 RACE ST. CINCINNATI, OHIO 45210
9. Name of Property Owner(s) (SAME AS APPLICANT)
10. Address of Property Owner(s) (SAME AS APPLICANT)
11. Proposed Building Intensities (please specify) EIGHT (8) DWELLING UNITS
12. Are there any existing buildings on the site? NO
13. Deed Book 393 Page No. 268 Group No.
14. Are you also applying for: NO Conditional Use Permit NO Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months: Boone County Water and Sewer District, Florence Water and Sewer Commission, Union Light Heat and Power, Cincinnati Bell, Owen County Rural Electric, Boone County Public Works Department, Kentucky Transportation Cabinet, City of Florence Public Services Department, Boone County Building Department

EXHIBIT "A"

STAFF REPORT

Request of Joseph N. Brashear, (applicant) for Ralph Bolton, Dennis Comberger, and Joseph N. Brashear (owners) to consider a Zoning Map Amendment from Rural Suburban (RS) to Urban Residential One (UR-1) for an approximate 1 acre parcel located on the south side of Cayton Road, approximately .2 miles west of Hopeful Church Road, Boone County, Kentucky. The request is for a zone change to allow eight (8) townhouse units.

July 22, 1998

REQUEST

The following is a request for a zone change from Rural Suburban (RS) to Urban Residential One (UR-1) for a 1 acre tract located on the south side of Cayton Road across from Hampton Ridge Estates Subdivision. The subject site is immediately to the east of the existing residence at 1079 Cayton Road.

The proposal involves an eight-unit townhouse structure with attached garages. The proposed density is permitted by the Suburban Residential Two (SR-2) zone, however, the SR-2 zone requires a 5 acre minimum district size which cannot be met by the lot in question and the site is adjoining an existing UR-1 zone. This UR-1 zone was created through the 1996 Zoning Update. The townhouse structure is proposed to be sited along the east property line (side yard area) in a linear fashion and a driveway that terminates with a cul-de-sac is proposed to run along the west property line. A buffer yard area with trees is indicated along the west property line between the proposed driveway and the existing residence to the west. The southern portion of the site is proposed to be an open space area. The project is proposed to be served by public water and sewer. A new storm pipe is proposed to be connected to an existing culvert that runs under Cayton Road and outlets onto the site; this new storm pipe would outlet at the rear of the site.

ADJOINING LAND USES

The existing land uses and zoning that adjoin the subject site include the following:

- A. A vacant area to the immediate east and southeast (UR-1). This site is planned for a multi-family residential project. Several detached, single-family residences are located further to the east on both sides of Cayton Road (RS).

- B. A subdivision containing small-lot detached, single-family residences (Hampton Ridge Estates) is located to the north directly across Cayton Road (SR-1/PD). The gross density for Hampton Ridge Estates is approximately 4.4 dwelling units per acre.
- C. A detached, single-family residence is located immediately to the west along the south side of Cayton Road (RS, this residence is across the street from Hampton Ridge Drive). Additional detached, single-family residences are located further to the west along both sides of Cayton Road along with a church that is located on the south side of the road (RS).
- D. The Boone County PeeWee Football facility is located immediately to the south (R).

SITE CHARACTERISTICS

The lot is trapezoidal in shape and has 165 feet of frontage along Cayton Road, is 436 feet and 438 feet deep respectively along the side lot lines, and is 44 feet across the rear property line. The site has existing tree vegetation along the east and rear portions of the site. The topography of the site runs toward the rear of the lot, and there is a sharp drop between Cayton Road and the front of the lot (sharp drop occurs in the vicinity of the right-of-way line). As mentioned above, there is an existing culvert under Cayton Road that outlets onto the lot; based on this fact coupled with the existing topography, a large portion of the site currently functions as a drainage swale. Public water is available along Cayton Road. Although public sewer is in two locations in the general area, it does not currently adjoin the lot in question.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site, and the adjoining area to the west along the south side of Cayton Road, for High Suburban Density Residential uses. The Comprehensive Plan describes this designation as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero lot line development, and also pertains to mobile home parks." The Land Use Element text ("C-4: Camp Ernst Area," pg. 222) does not specifically mention the site in question, but generally states the following regarding this portion of the county at large: "the large area between Hopeful Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road should develop in a Suburban Residential fashion. The area must develop with local access and limited access collector road connections as

a high priority . . . " This portion of the Land Use Element also states "undeveloped land to the west of the Mall Road commercial establishments should develop as Urban Density Residential uses to provide a transition to planned and existing High Suburban Density residences along Hopeful Road."

The Housing Element provides the following comments that relate to the proposal.

- A. Large lot areas, including Union, will see multi-family construction, although this high density development should occur close to highway arterials and urban services, and be sensitively developed in terms of building height, setbacks, mass, and visual impact. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of densities and land uses outlined in the Future Land Use Plan ("Housing Types," pg. 102).
- B. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people ("Housing Types," pg. 102).
- C. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing densities should vary within the established developed areas, which is in agreement with the objective of land use selection based on housing densities rather than housing types ("Housing Densities," pg. 104).
- D. The areas of greatest projected population growth are in the Florence-Union-Burlington area, south along I-75, and in the Hebron-North River area. The western and southern sections of Boone County are projected to experience less population growth, thus, less of a housing demand. As noted previously, there is a desire of the population to live in rural areas that are convenient to the centers of commercial activity. This suggests a gradual, outward movement of housing construction from

the Florence area. This movement is accelerated directionally by major thoroughfares such as KY 18, KY 237, and interstate interchanges. Residential development should occur near established urban or suburban areas, as opposed to leapfrogging to isolated areas, such as the western portion of the county . . . Development in established areas takes advantage of existing services and lessens the strain on the transportation network ("Residential Areas," pp. 105 and 106).

- E. The west Hopeful Road area has been the most active new home construction area in Boone County evidenced by the building of 650 new housing units from 1990 to 1994. The proposed improvements to Hopeful Road are actually scheduled to begin in the spring of 1995 . . . ("Florence-Burlington Area," pg. 108).

The Land Use Element makes the following statements that relate to the proposal.

- A. 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 ("Buffering," pg. 210).
- B. Development 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 should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pp. 210 and 211).

- C. 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 ("Design, Signs, and Historic Preservation," pg. 211).

The 1995 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, but only in appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Boone County shall strive to achieve a diversity and balance in competing land uses ("Overall," Objective 6).
- D. The needs of Boone County's population base are accommodated through the provision of orderly growth ("Population," Goal).
- E. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life while allowing a reasonable economic return ("Environment," Goal).
- F. 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 ("Environment," Physical Objective 2).
- G. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- H. A broad range of housing opportunities shall be provided which meets the needs and desires for all household types ("Housing," Objective 1).
- I. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on the progression of densities, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit ("Housing," Objective 5).

STAFF CONCERNS

1. Staff's primary concern with this proposal is the provision of sufficient buffering for the existing single-family residence immediately to the west. This concern is based on Staff's conclusion that due to the relatively small size of the proposal, its direct impacts will largely be contained to the immediate area. Because the developing lot is less than three acres, the Zoning Regulations only require a Buffer Yard "A" to be provided along the common lot line (10 foot wide strip with plantings that have more ornamental versus screening qualities). This will not provide effective visual separation from the proposed townhouse building when considering the proposed orientation of this structure to the existing residence .

Minimally, Staff suggests that landscape materials with screening qualities be provided in this buffer area, such as mixed evergreen species with some ornamental deciduous trees, possibly coupled with a fence or wall that is located on the interior side of the landscape buffer. As a comparison, Buffer Yard "A" is the normal requirement for the street frontage landscaping adjoining Cayton Road and the lot perimeter landscaping along the rear property line adjoining the PeeWee Football facility. Further, retention of the majority of the existing vegetation along the south and east portions of the site will also help lessen the visual impact of the project and fulfill a policy directive from the Comprehensive Plan.

2. Staff is concerned with storm drainage on the site, particularly when considered the existing precarious grade from Cayton Road that needs to be overcome and due to the fact that the site has experienced a relatively large amount of storm water flow due to the culvert that outlets onto the site. Staff suggests that the applicant provide a schematic (such as a longitudinal site section) of the site grading and conceptual storm water control system for the Zone Change Committee to review to ensure that storm water will be controlled and will not adversely effect the neighboring property. When considering the steep elevation drop between Cayton Road and the front of the lot, this schematic would also help demonstrate that a reasonable driveway grade (and resulting sight visibility for motorists leaving the site) can be accomplished.
3. Two options for sanitary sewer service are possible for this proposal, however, no public sanitary sewer abuts the site. Thus, the applicant should explain this issue further to verify that it is feasible for the project to use the public system.
4. When considering that the site directly abuts a single-family residence, the fact that the area is developing and that no architectural concept has been provided, Staff recommends that the proposed structure be subject to architectural design review

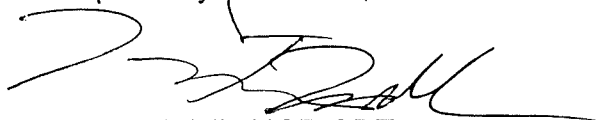
through the Site Plan process. This would help ensure that the proposed structure uses elements indicative of single-family residences in the vicinity (pitched roof forms, multiple building massings, materials such as brick and/or lap siding, etc.) to help this structure relate to the neighboring property and to help create a transition from the single-family residence to the west to the neighboring UR-1 property to the east that is planned for multi-family dwellings.

5. As an informational note, not all setbacks have been met on the Concept Development Plan. In addition to the front yard setback not being met, Section 3161 requires "a minimum 30 foot setback from all property lines of adjacent property not included as part of the townhouse or multi-family development as approved" (side setback along the east property line does not meet this requirement). One method for overcoming this requirement would be to integrate this proposal with the multi-family project planned for the neighboring property to the east (this could also help the project overcome some of the limitations inherent in the size and shape of the lot). Another method would be to divide the units into two buildings (with two or three units in the second building), with the second building being placed at the end of the driveway cul-de-sac and facing the street - because the lot tapers towards the rear, this solution may permit both structures to meet the setback requirements. Regardless, all development standards will need to be met through the Site Plan process and any necessary variances will need to be granted by the Board of Adjustment.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three statutory criteria for granting a zone change outlined in Article 3 "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if the Planning Commission and Fiscal Court approve this request.

Respectfully submitted,

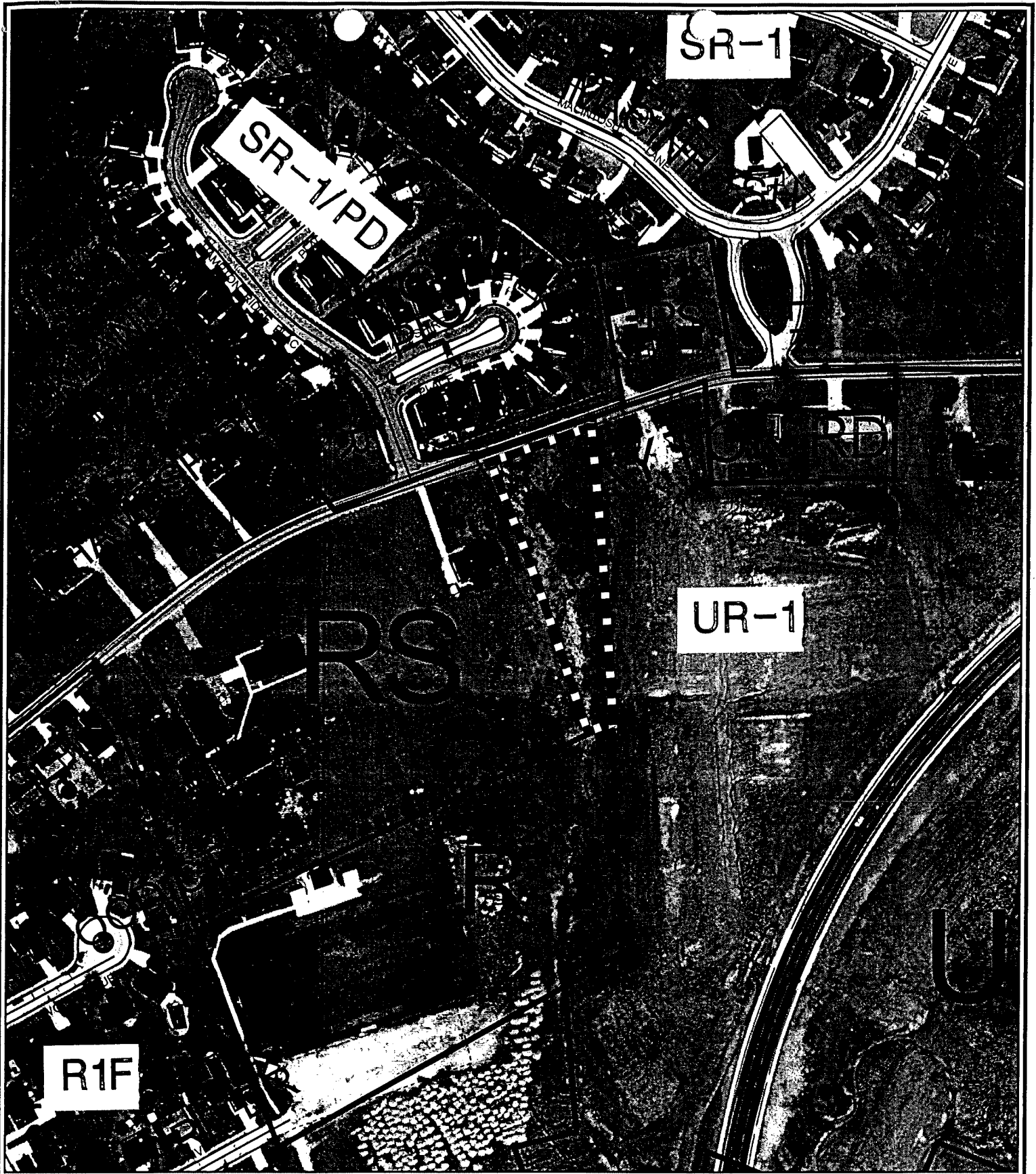


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW\pr

attachments:

- * aerial photo w/ zoning information
- * Future Land Use Map excerpt
- * application materials and Concept Development Plan

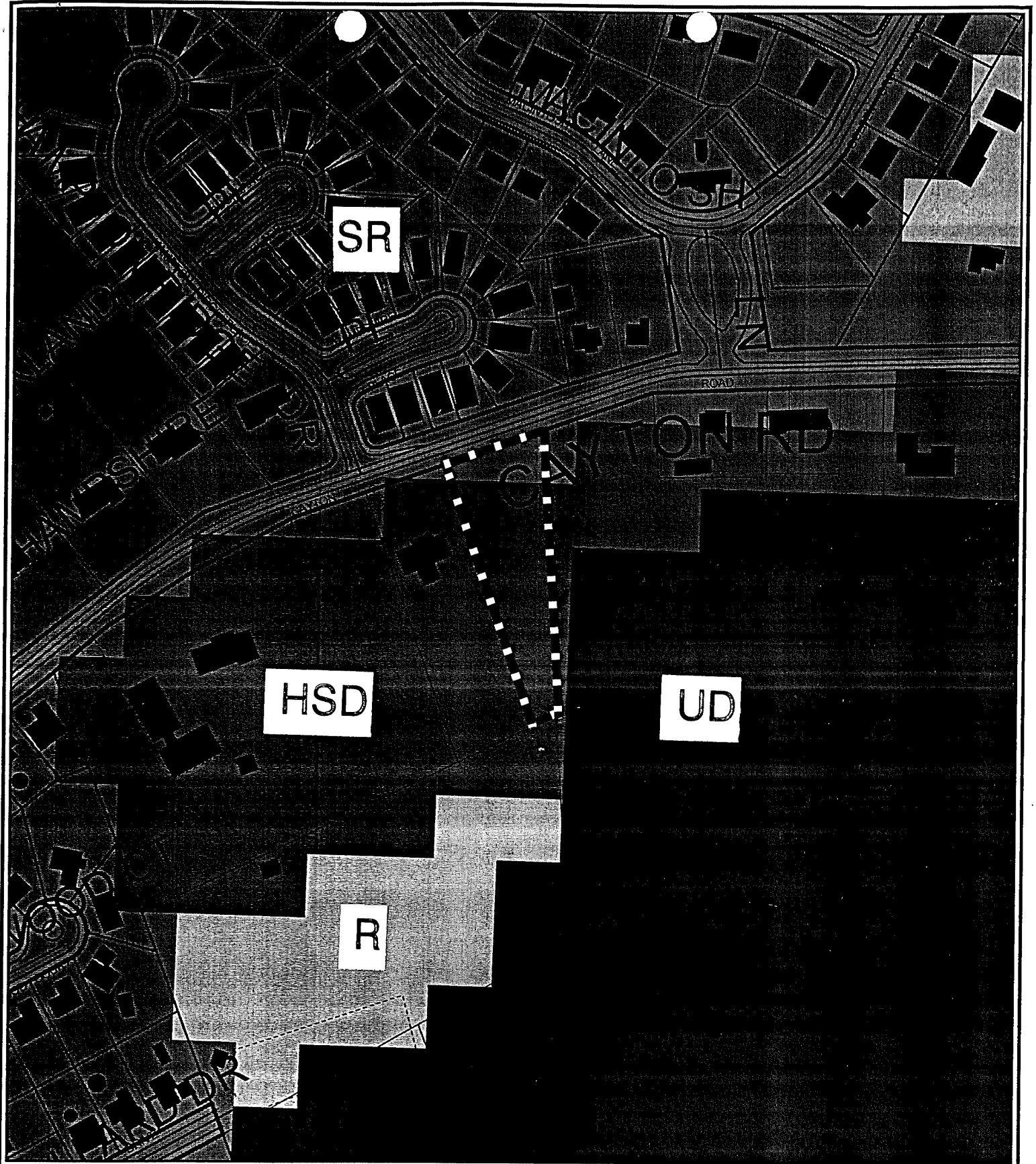


BBP Existing Zoning

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 15, 1998



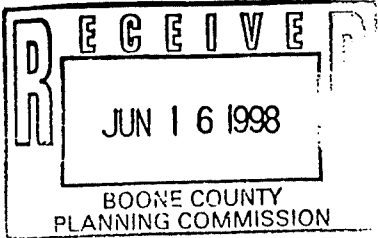


BBP Future Land Use

200 0 200 Feet

1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 15, 1998





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APPLICATION FORM

NOV 07 1997

ZONING MAP AMENDMENT
BRASHEAR BOLTON, INC.
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

- 1. Name of Project BBP APARTMENTS
2. Location of Project 51 CAYTON ROAD
3. Total Acreage of Site 1.1 ACRES
4. Current Zoning of Site RS
5. Proposed Zoning (Classification being requested) UR1
6. Proposed Uses (please specify each use) MULTI-FAMILY RESIDENTIAL

- 7. Names of Applicant(s) JOSEPH N. BRASHEAR
Phone Number (513) 621-5537 Fax No. (513) 395-2104
8. Address of Applicant(s) 1106 RACE ST.
CINCINNATI, OHIO 45210
City State Zip

- 9. Name of Property Owner(s) (SAME AS APPLICANT)
Phone Number Fax No.
10. Address of Property Owner(s) (SAME AS APPLICANT)

- 11. Proposed Building Intensities (please specify) EIGHT (8) DWELLING UNITS
City State Zip

- 12. Are there any existing buildings on the site? NO
How many? -

- 13. Deed Book 393 Page No. 268 Group No.

- 14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance

- 15. Have you submitted a Concept Development Plan? YES

- 16. Have you had a pre-application meeting with BCPC Staff? YES

17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
Florence Water and Sewer Commission
Union Light Heat and Power
Cincinnati Bell
Owen County Rural Electric
Boone County Public Works Department
Kentucky Transportation Cabinet
City of Florence Public Services Department
Boone County Building Department

- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

18. Project Jurisdiction/Location
- | | |
|--|---------------------------------|
| <input type="checkbox"/> Unincorporated Boone County | <input type="checkbox"/> Walton |
| <input checked="" type="checkbox"/> Florence | <input type="checkbox"/> Union |

19. Applicant's Signature Joseph D. Brashers
- Property Owner's Signature (SAGE)

SECTION B (To be completed by BCPC Staff)

1. Date Received June 16, 1998
2. Review Fee _____
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Discription
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer Kevin Wall
6. Committee Chairman Berry McHenry
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
9. Other: _____

** Five (5) Copies Are Required

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

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

CAYTON ROAD

N72°08'15"E
165.00'

1.015 ACRES
44,213 S.F.

THE CAYTON CORPORATION
D.B. 523, PG. 118
EXIST. USE : APARTMENTS

GARY WILMHOFF
D.B. 340, PG. 46
EXIST. USE : RESIDENTIAL

N71°51'42"W
436.56'

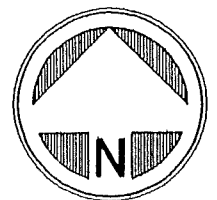
S01°52'38"E
438.44'

S65°34'29"W
44.55'

BOONE COUNTY
PEE WEE FOOTBALL
D.B. 358, PG. 186
EXIST. USE : FOOTBALL FIELD

SITE PLAN

SCALE : 1" = 50'-0"



CAYTON ROAD

N12°08'15"E
165.00'

BUFFER YARD
LINE

DRIVEWAY

439.51'

515.85'

439.51'

505.238'E

UNIT 1

UNIT 2

UNIT 3

UNIT 4

UNIT 5

UNIT 6

UNIT 7

UNIT 8

EXISTING OPEN AREA: 44,213 S.F.
PROPOSAL: 15,742 S.F.
REMAINING OPEN AREA: 28,471 S.F.

S65°54'29"Y1
44.53'

SITE PLAN

SCALE : 1" = 50'-0"



June 15, 1998

Mr. Kevin Wall, AICP CDT
Director, Zoning Services
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

Dear Mr. Wall:

Application for Zoning Map Amendment - Cayton Road

We are the owners of two lots totalling 1.1 acre, located on the south side of Cayton Road approximately .2 miles west of the intersection of Cayton and Hopeful Road. I have attached a copy of the plat for the property

In accordance with Article 3 of the Boone County Zoning Regulations, we are, with this letter, applying for an amendment to the Zoning Map for Boone County. We are requesting that zoning for this property be changed from a RS Zone to a URI Zone.

The map amendment is in agreement with the Boone County Comprehensive Plan, thereby complying with the first criteria for the granting of a map amendment contained in Section 308 of Article 3 of the Boone County Zoning Regulations.

The Boone County Comprehensive Plan calls for High Suburban uses for the parcel. This designation permits up to eight units per acre. This density is not permitted under the present zoning and is permitted under the zoning we are proposing.

The property adjoining this site to the east is Zoned URI. An apartment complex is planned for an approximately 10 acre site to the east. Property across Cayton Road is zoned SR1/PD. A Planned Development containing garden apartments has been constructed on this site.

We have enclosed a copy of a concept development plan, indicating how we plan to develop the site.

The following is our response to the requirements listed in Section 303:

Mr. Kevin Wall
June 15, 1998
Page 2.

1. General Site Characteristics

The site is owned by Ralph Bolton, Joseph Brashear and Dennis Comberger.

The site is located on the south side of Cayton Road. It is a trapezoidal shaped lot about 425 feet long, and slopes down about 15 feet from its northeast corner to its southwest corner. The site drains to the southwest. It is covered with brush, with some open areas at the west and north edges. Somel 10-15 year-old trees are located on the east edge of the property.

2. Transportation Patterns - The site fronts on the south side of Cayton Road, which is a public street. We are proposing that a driveway enter the site from Cayton Road, and provide access to parking garages serving the eight proposed townhouses.

3. Land Use Characteristics - The 1.1 acre site is presently vacant. We are proposing that eight two story townhouses with attached one car parking garages be placed on the site. The 1,200 square foot townhouses will be separated from the property to the west, which is in an RS zone, by a 20 foot buffer zone, as required by the zoning code. A 20 foot driveway from Cayton Road, along the east edge of the buffer zone, will provide access to the garages.

4. Utilities and Infrastructure - The site is served by water, gas, electric, sewer and storm utilities from Cayton Road. Each unit will have its own electric, gas and water meters and service. Each unit will be served by branches off a common trunk through the site. Sewer lines will go to a lift station on the north side of Cayton road, or to a sewer on the south side of Cayton to the east of the site. A culvert under Cayton presently empties storm runoff onto the north edge of the site. A pipe will be connected to this culvert, and extended to the south end of the site to the drainage that presently drains the site.

5. Relationship of the proposed zoning to the Comprehensive Plan - The proposed zoning and development is in agreement with the Boone County Comprehensive Plan. The Boone County Comprehensive Plan calls for High Suburban Density uses for the parcel. This designation permits up to eight units per acre. This density is not permitted under the present zoning and is permitted under the zoning we are proposing.

Mr. Kevin Wall
June 15, 1998
Page 3.

In addition to the Concept Development Plan, we have attached an area map showing adjacent property owners and existing land uses within 200 feet of the parcel, and the calculation of open space before and after development. We believe we have furnished the other "optional information" listed in Section 303 in paragraphs 1 through 6 above.

If you need and additional information, please let me know.

Very truly yours,



Joseph N. Brashear
Brashear Bolton

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
July 22, 1998
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Damstrom, Mr. Hicks, Mr. McKinney, Mr. McMillian, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Newman, Mrs. Schaffer, and Mrs. Smith.

Mr. Robert Millay, Chairman, called the meeting to order at 7 P.M. and introduced the first item on the Agenda:

1. Applicant: Joseph N. Brashear for Ralph Bolton, Dennis Comberger, and Joseph N. Brashear (owners)
Request: Zoning Map Amendment

The request of Joseph N. Brashear (applicant) for Ralph Bolton, Dennis Comberger, and Joseph N. Brashear (owners) to consider a Zoning Map Amendment from Rural Suburban (RS) to Urban Residential One (UR-1) for an approximate 1.1 acre parcel located on the south side of Cayton Road, approximately .2 miles west of Hopeful Church Road, Boone County, Kentucky. The request is for a zone change to allow eight townhouse units.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). Mr. Wall also passed around photographs provided by the neighbor.

Mrs. Arnett, Mr. McKinney, Mr. Neltner, and Mrs. Schaffer arrived during the presentation of the Staff Report.

Chairman Millay asked for the applicant's presentation.

Mr. Joe Brashear, applicant, representing the ownership partnership of the property, stated that Mr. Wall had given a better overview of the proposal than he could offer. He stated that they meet, or will meet, the concerns of the Housing Element and they will comply with

the Comprehensive Plan. They will address the Staff Concerns to the satisfaction of the Staff, the Planning Commission, and the neighborhood. They will be good neighbors. They agree with Staff Concern #1 regarding screening, particularly for the single-family residence to the west. He stated that Joe Hoh with Cardinal Engineering was also present, and Cardinal Engineering has looked at the storm drainage situation. Mr. Brashear stated that the storm drainage will be successfully addressed. They do not intend to do a development that has problems of its own or causes problems to adjoining property owners. He stated that this project will be a transition development between existing single-family residential and the currently under-construction large multi-family development to the east of the site. He presented a modification to the Site Plan. He stated that he is not clear about their failure to meet the front yard setback -- they thought they had a 30-foot setback. He stated that if it is physically possible, they will comply with all of the setback requirements. He stated that the modified Site Plan shows that they can comply with the setback requirements and maintain the number of units and amenities shown on the original Site Plan. He offered to answer any questions.

Mrs. Smith arrived during the applicant's presentation.

Mr. Joe Hoh, Vice President of Cardinal Engineering, addressed Staff Concerns #2 and #3. He stated that David Whitacre, the engineer responsible for this project, was out of town and he is filling in for him. He stated that they are aware that the site lies below the existing sanitary sewer on the opposite side of the road and intend to install a pump station that will be in the ownership of the condominium association, which will maintain it. They have shown a connection to the existing storm sewer that comes under Cayton Road. He stated that they plan to pipe to a detention basin on the south side of the site. The detention facility will release the stormwater from their site into the receiving stream without adding to the flow beyond the amount allowed by the Subdivision and Zoning Regulations. He stated that the project will improve the drainage situation for the adjoining properties as they will be containing their storm drainage on site and it now runs across the site onto adjoining properties.

This concluded the applicant's presentation.

Chairman Millay asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or to ask questions.

Mr. Tony Frohlich stated that he grew up on Cayton Road, when there were only seven houses on the road, and his family lived there for 33 years. He and his nine brothers and sisters could play on the road and never see a car. He has a special place in his heart for

Cayton Road. He stated that he was present on behalf of his friends, Gary and Anita Wilmhoff, who live in the house directly to the west of this project. They have a beautiful house on two acres, with a manicured lawn and park-like setting. They are opposed to the project. One of their main concerns is drainage.

Mr. Frohlich stated that the site is a swamp. It has been a drainage swale as far back as he can remember and it is subject to flooding. There have been times when that portion of the road has been closed due to flooding. He offered pictures showing the flooding problem in the area and the drop from the road. He stated that the site is 4' or 5' below Cayton Road. Raising the site to the level of Cayton Road would require a large amount of fill and will disrupt the natural flow of the water, which will push the water onto the Wilmhoff property -- which is not allowed to be done. He stated that most of the proposed development is in the front of the property next to his client's home. The project will increase the volume and intensity of the water, and affect the amount of drainage that the property would normally absorb. He stated that the plan says that they will provide a 20-foot buffer, but the buffer is in a driveway and provides a single row of trees, which is unreasonable next to a single-family home. He stated that there have been no major changes that would justify any findings to grant the zone change. The applicant's only argument is that the ten-acre tract to the east is zoned UR-1 and they should be allowed the same zoning -- but that zoning was adopted in the 1996 map amendment. The Wilmhoff's attended those meetings and made their arguments against that zone change -- but the developer made some persuasive arguments including that it was not a Cayton Road piece of property, it is Hopeful Road property. The majority of the front access was on Hopeful Road and Hopeful Road allows for high density development. The developer presented what he maintained to be a berm and heavy landscaping for his development and stated that it would not impact the people on Cayton Road -- but you cannot make those arguments about this property. The applicant is bootstrapping and saying that they are adjacent to the UR-1. Mr. Frohlich stated that each property needs to be looked at by itself and in looking at the merits of this property, there is no justification for a zone change. Gary and Anita Wilmhoff ask the Planning Commission to find that the RS Zoning continues to be appropriate.

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The Chairman asked the applicant to respond to Mr. Roberts' questions regarding the units.

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Terry and Donna Fleet, 1082 Cayton Road, came to the microphone. Mr. Fleet stated that he has lived in the Hopeful Road area almost all of his life. He and his wife, Donna, purchased a home on Cayton Road about a year ago from the airport. They have put all of their money into remodeling it. He stated that they do not want rental property right across the street from them. He feels that ten or fifteen years down the road people will not take care of the rental property like someone who owned the property would. They are opposed to the request.

Donna Fleet stated that before buying their home, they lived in Hampton Ridge. They liked the neighborhood a lot and that is why they bought the house across from Hampton Ridge. Everyone in Hampton Ridge takes care of their property. They knew the house they bought needed a lot of work -- but they were willing to take the chance and raise the value of it. Rental property will bring down the value of their home.

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Mr. Dwight Roberts noted that the application says "eight units" and asked if the units will be two-family units or single-family units.

Chairman Millay explained that the Planning Commission's definition is one family equals one "unit" and there would be eight families there.

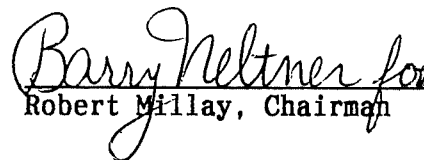
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Chairman Millay asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Planning Commission. There being no questions from the Commissioners, Chairman Millay stated that the Committee Meeting for this item will be on August 6, 1998 at 6 PM in this room. The Committee Meeting is not another Public Hearing.

The Chairman closed this Public Hearing.

APPROVED:


Robert Millay, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
August 19, 1998
7:30 P.M.

Mr. Robert Millay, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Arnold Caddell
Mr. Phil Damstrom
Mr. Mark Hicks
Mr. Mike McKinney
Mr. Don McMillian
Mr. Bob Millay, Chairman
Mr. Barry Neltner, Vice Chairman
Mr. Robert Newman
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith
Mr. William Viox
Mr. Earl White, Temporary Presiding Officer

All members were present.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Mr. McKinney stated that his motion to deny is on the basis that the request conflicts with the Western Boone County Study and would not be in harmony with the Comprehensive Plan as a result. Mrs. Schaffer seconded.

There being no further comments, the Chairman asked for a vote on the motion to deny made by Mr. McKinney. The vote found Mrs. Arnett, Mr. McKinney, Mr. McMillian, Mrs. Schaffer, and Mrs. Smith in favor. Mr. Caddell, Mr. Damstrom, Mr. Hicks, Chairman Millay, Mr. Neltner, Mr. Newman, Mr. Ries, Mr. Rush, Mr. White, and Mr. Viox were opposed. With 5 votes in favor and 9 opposed, the motion did not carry.

Mr. Viox stated that he did not think there was adequate findings of fact for the motion to deny. He stated that it is going to take time to generate findings of fact either for or against the request, and that is why he voted "no".

Chairman Millay recognized attorney Mike Duncan representing the applicant. Mr. Duncan stated that they would like to work further with the Planning Commission and the Committee. They would like to work out conditions that will make this approvable. He stated that they agree to the time extension.

Mr. Costello stated that the next Committee Meeting is on Thursday, September 3, 1998 at 5 PM in this room. The matter would need to be deferred to the September 16, 1998 Business Meeting at 7:30 PM and would be the first item on the Agenda.

Mr. Duncan stated that they agree to the time extension. They will appear before the Committee on September 3, 1998 and expect action on September 16, 1998. They agree to the Waiver.

Mr. Neltner moved to defer the request to the September 16, 1998 Business Meeting. Mr. White seconded the motion and it carried unanimously.

3. Zoning Map Amendment

The request of Joseph N. Brashear (applicant) for Ralph Bolton, Dennis Comberger, Joseph N. Brashear (owners) to consider a Zoning Map Amendment from Rural Suburban (RS) to Urban Residential One (UR-1) for an approximate 1.1 acre parcel located on the south side of Cayton Road, approximately .2 miles west of Hopeful Church Road, Boone County, Kentucky. The request is for a zone change to allow eight (8) townhouse units.

Staff Member Kevin Wall presented the Committee Report which recommended denial of the request based on the findings of fact.

There being no discussion, Mr. Viox moved to deny the request based on the Committee Report. Mr. Neltner seconded the motion and it carried unanimously.

4. Zoning Map Amendment

The request of Thomas W. Breidenstein, agent for Balanced Care Corporation (applicant) for Balanced Care Corporation (owner by option) to consider a Zoning Map Amendment from Commercial Two (C-2) to Public Facilities (PF) for an approximate 5 acre site located on the southeast corner of KY 18 and Kingsgate Drive, Boone County, Kentucky. The request is for a zone change to allow an assisted living facility.

Staff Member David Doerger 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. Viox moved by resolution to the Boone County Fiscal Court to approve the request based on the Committee Report. Mr. Neltner seconded the motion.

Mrs. Schaffer questioned the access on Kingsgate Drive being too close. Mr. Doerger stated that this was discussed at the Committee and it was determined that the distance of the access from KY 18 meets the regulations. Mrs. Schaffer stated that the access at the Shell Station at KY 237 and what was Litton Drive is within the regulations, but the traffic backs up. She feels that this access will also be a problem. She asked if this access is the same distance away. Mr. Doerger responded that he did not know.

Mr. Costello stated that at the Shell Station there is a lot of in and out traffic. The traffic for the balanced care facility will probably not be as much and probably not during peak times. Mrs. Schaffer stated that traffic will be turning off of KY 18 onto Kingsgate Drive and wanting to turn left -- which will back traffic up onto KY 18.

Mrs. Schaffer questioned the detention pond. Mr. Costello stated that this was discussed at the Committee Meeting. Mr. Doerger stated that there was a comment regarding the maintenance of the detention pond, but it did not turn out to be a concern. He stated that this issue will be reviewed in the Site Plan process.

Mr. McMillian referred to the access issue and stated that the Extension Office had to close its access because it was too close. He stated that the traffic is higher on Camp Ernst Road. The Extension Office entrance backed up traffic and they had to move it further down Camp Ernst Road. He is also concerned that this access is too close.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: August 19, 1998

RE: Request of **Joseph N. Brashear (applicant)** for **Ralph Bolton, Dennis Comberger, and Joseph N. Brashear (owners)** to consider a Zoning Map Amendment from Rural Suburban (RS) to Urban Residential One (UR-1) for an approximate 1 acre parcel located on the south side of Cayton Road, approximately .2 miles west of Hopeful Church Road, Boone County, Kentucky. The request is for a zone change to allow eight (8) townhouse units.

REMARKS

We, the Committee, recommend denial of this request based on the following findings of fact:

1. The Committee has concluded that the requested Zoning Map Amendment is not in agreement with the 1995 Boone County Comprehensive Plan for the following reasons:
 - A. "Buffering" as described on page 210 of the Comprehensive Plan states "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." The Committee has concluded that this important part of the Comprehensive Plan has not been met due to the following reasons:
 - I. The proposal does not provide a transition between the existing UR-1 zone to the east and the existing single family residential uses to the west and north, as would be accomplished with uses such as duplexes or lower density townhouses. The proposal merely represents an extension of the adjoining UR-1 zone.

- II. The buffering along the west property line adjoining the existing single-family uses to the west, as shown on the submitted Concept Development Plan, is not sufficient to provide an effective buffer between this proposal and these adjoining properties to the west. The only buffering involved proposed is a 10 foot grass strip with a single row of trees that are spaced too far apart to ever create a continuous landscape screen.
 - III. No commitment was made to maintain the existing tree vegetation along the east and south portions of the site. This existing vegetation would help to buffer this site as well as help screen future development in the adjoining UR-1 zone to the east from the less intense residential uses to the north and west. The retention of existing vegetation is also noted in the Land Use Element under the section entitled "Utilization of Existing Vegetation and Topography" (pg. 210).
- B. The "Future Land Use Development Guidelines" in the Comprehensive Plan's Land Use Element state, in short, that storm water must be adequately managed ("Storm water Management and Erosion Control, pg. 211). Based on the existing storm water and drainage problems inherent in the site that were outlined at the Public Hearing for this request and the Concept Development Plan presented, the Committee has not been given sufficient evidence which demonstrates that storm water will be adequately and appropriately managed for an intensive development such as the one proposed.
 - C. The "Housing" Goals and Objectives state "residential development 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" (#13, pg. 9). The Committee has concluded that due to the scale, size, orientation, and intensity of the eight unit townhouse structure, it is not compatible with the general character of the existing housing in the area, nor does this proposal tangibly represent a transitional use as discussed above.
2. The Committee has not found that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate, or that there have been major changes of an economic, physical, or social nature not anticipated in the 1995 Boone County Comprehensive Plan that substantially alter the area's character, and the applicant has offered no facts to support either of these alternate findings.

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.

Barry Neftner

Barry Neftner, Chairman

For Against _____
Abstain _____ Absent _____

Arnold Caddell

Arnold Caddell

For Against _____
Abstain _____ Absent _____

Phil Damstrom

Phil Damstrom

For Against _____
Abstain _____ Absent _____

Bill Viox

Bill Viox

For Against _____
Abstain _____ Absent _____

Earl White

Earl White

For Against _____
Abstain _____ Absent _____

TOTAL: 5 FOR 0 AGAINST 0 ABSTAIN 0 ABSENT

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
July 22, 1998
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Damstrom, Mr. Hicks, Mr. McKinney, Mr. McMillian, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Newman, Mrs. Schaffer, and Mrs. Smith.

Mr. Robert Millay, Chairman, called the meeting to order at 7 P.M. and introduced the first item on the Agenda:

1. Applicant: Joseph N. Brashear for Ralph Bolton, Dennis Comberger, and Joseph N. Brashear (owners)
Request: Zoning Map Amendment

The request of Joseph N. Brashear (applicant) for Ralph Bolton, Dennis Comberger, and Joseph N. Brashear (owners) to consider a Zoning Map Amendment from Rural Suburban (RS) to Urban Residential One (UR-1) for an approximate 1.1 acre parcel located on the south side of Cayton Road, approximately .2 miles west of Hopeful Church Road, Boone County, Kentucky. The request is for a zone change to allow eight townhouse units.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). Mr. Wall also passed around photographs provided by the neighbor.

Mrs. Arnett, Mr. McKinney, Mr. Neltner, and Mrs. Schaffer arrived during the presentation of the Staff Report.

Chairman Millay asked for the applicant's presentation.

Mr. Joe Brashear, applicant, representing the ownership partnership of the property, stated that Mr. Wall had given a better overview of the proposal than he could offer. He stated that they meet, or will meet, the concerns of the Housing Element and they will comply with

the Comprehensive Plan. They will address the Staff Concerns to the satisfaction of the Staff, the Planning Commission, and the neighborhood. They will be good neighbors. They agree with Staff Concern #1 regarding screening, particularly for the single-family residence to the west. He stated that Joe Hoh with Cardinal Engineering was also present, and Cardinal Engineering has looked at the storm drainage situation. Mr. Brashear stated that the storm drainage will be successfully addressed. They do not intend to do a development that has problems of its own or causes problems to adjoining property owners. He stated that this project will be a transition development between existing single-family residential and the currently under-construction large multi-family development to the east of the site. He presented a modification to the Site Plan. He stated that he is not clear about their failure to meet the front yard setback -- they thought they had a 30-foot setback. He stated that if it is physically possible, they will comply with all of the setback requirements. He stated that the modified Site Plan shows that they can comply with the setback requirements and maintain the number of units and amenities shown on the original Site Plan. He offered to answer any questions.

Mrs. Smith arrived during the applicant's presentation.

Mr. Joe Hoh, Vice President of Cardinal Engineering, addressed Staff Concerns #2 and #3. He stated that David Whitacre, the engineer responsible for this project, was out of town and he is filling in for him. He stated that they are aware that the site lies below the existing sanitary sewer on the opposite side of the road and intend to install a pump station that will be in the ownership of the condominium association, which will maintain it. They have shown a connection to the existing storm sewer that comes under Cayton Road. He stated that they plan to pipe to a detention basin on the south side of the site. The detention facility will release the stormwater from their site into the receiving stream without adding to the flow beyond the amount allowed by the Subdivision and Zoning Regulations. He stated that the project will improve the drainage situation for the adjoining properties as they will be containing their storm drainage on site and it now runs across the site onto adjoining properties.

This concluded the applicant's presentation.

Chairman Millay asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or to ask questions.

Mr. Tony Frohlich stated that he grew up on Cayton Road, when there were only seven houses on the road, and his family lived there for 33 years. He and his nine brothers and sisters could play on the road and never see a car. He has a special place in his heart for

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Chairman Millay asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Planning Commission. There being no questions from the Commissioners, Chairman Millay stated that the Committee Meeting for this item will be on August 6, 1998 at 6 PM in this room. The Committee Meeting is not another Public Hearing.

The Chairman closed this Public Hearing.

APPROVED:


Robert Millay, Chairman

Attest:


Jan Hancock, Recording Secretary

MINUTES
BOONE COUNTY FISCAL COURT
September 15, 1998
10:00 A.M.

County Planning Commission via Resolution No. R-98-020-A. Judge Burcham advised a Public Hearing and Second Reading of this ordinance will be advertised for the meeting of September 29, which begins at 5:30 p.m.

RESOLUTION NO. R-09-15-98-01-PZ - BRASHEAR/BOLTON/COMBERGER,

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve Resolution No. R-09-15-98-01-PZ, a resolution of the Boone County Fiscal Court to DENY the request of Joseph N. Brashear (Applicant) for Ralph Bolton, Dennis Comberger, Joseph N. Brashear (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Rural Suburban (RS) to Urban Residential One (UR-1) on an approximate 1.1 acre site generally located on the south side of Cayton Road, approximately .2 miles west of Hopeful Church Road, Boone County, Kentucky, recommended unanimously for DENIAL by the Boone County Planning Commission Via Resolution No. R-98-019-A. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "A"

RESOLUTION NO. R-09-15-98-01-IR – DIOCESE OF COVINGTON

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve Resolution No. R-09-15-98-01-IR, a resolution of the County of Boone, Kentucky, approving an Inducement Contract between the County, and the Diocese of Covington and/or its Assigns (the "Company"), in which the County agrees to finance the acquisition and construction of an industrial building project on tracts of land located within the County through the issuance by the County of its Industrial Revenue Bonds in the aggregate amount of not to exceed \$3,500,000; authorizing the beginning of the construction and equipping of said project prior to the issuance of said Bonds, with the Company paying for same and to be reimbursed out of the proceeds of the Bonds for all costs advanced by the Company toward the cost of the project; and authorizing the loan by the County to the Company of the Bond proceeds. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "B"

ITEM V.

PERSONNEL MATTERS

Commissioner Meihaus moved, seconded by Commissioner Patrick, to correct the Position Upgrade rate of pay for Steve Bayer's promotion to Grade/Step 7/A, \$10.62 per hour. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the appointment of Stacy Adams to the position of Full-time Child Care Worker at the Grade/Step of 4/A, \$7.98 per hour. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve the Golf Course Seasonal appointment of Angela Hegland to the position of Cart Technician at the Grade/Step of S-A, \$5.71 per hour, and the Golf Course Seasonal appointment of Joseph Hogan to the position of clerk at the Grade/Step of S-B, \$5.86 per hour. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the appointment of Paul Buchanan to the position of Soil Erosion Control Specialist at the Grade/Step of 6/G, \$11.31 per hour. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE.