

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 FEDDERC PROPERTY
2. Location of Project WEST SIDE OF PLEASANT VALLEY ROAD ACROSS FROM OAK BROOK ROAD
3. Total Acreage of Site 87.4±
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) SINGLE FAMILY

- 7. Names of Applicant(s) ROBERT C. PHEW INTERESTS, INC
Phone Number 891-7100 EXT 102 Fax No.
8. Address of Applicant(s) 1265 KENWOOD RD
CINCINNATI OHIO 45236
City State Zip

- 9. Name of Property Owner(s) SEE CONTRACT ATTACHED
Phone Number Fax No.
10. Address of Property Owner(s)
City State Zip

11. Proposed Building Intensities (please specify)

- 12. Are there any existing buildings on the site? YES
How many? FARM HOUSE + BARN
13. Deed Book 394 Page No. 163 Group No. 2038A

- 14. Are you also applying for:
Conditional Use Permit
Dimensional Variance
15. Have you submitted a Concept Development Plan? No

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

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

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

EXHIBIT "A"

STAFF REPORT

The request of **Robert C. Rhein Interests, Inc. (applicant)** for **Richard K. Fedders (owner)** to consider a Zoning Map Amendment from Rural Suburban Estate (RSE) to Suburban Residential One (SR-1) for an approximate 87 acre tract that is located on the west side of Pleasant Valley Road across from Oakbrook Road, Boone County, Kentucky. The request is for a zone change to allow single-family, detached residences.

January 27, 1999

Request

The applicant is requesting a maximum of 175 lots with a maximum density of 2.1 units per acre. The minimum lot width requested is 70 feet which is an increase of 5 feet over the required 65 foot minimum lot width in the Suburban Residential One (SR-1) zone. The access directly across from Oakbrook Road is proposed as a "limited access" road, which will allow no driveway access. Also, no driveway access will be permitted onto Pleasant Valley Road from this development.

Site Characteristics

The property has a great amount of open space and most of it is farmed. Vegetation is only found along the property lines, fence lines and drainage areas. The highest point on the property is at Oakbrook and Pleasant Valley Roads sloping off to Gunpowder Creek to the north and west. The topography slopes more gradually to the west then plummets approximately 50 feet to the creek. Following Pleasant Valley Road to the north from Oakbrook Road, the elevation drops approximately 125 feet to the creek though more gradually than to the west. The existing structures on the property are all located near the creek in the northernmost portion of the site and consist of a house, barn, numerous out-buildings including a root cellar and silos, and the historic Forks of Gunpowder Baptist Church (currently being used as a barn). For the history of the structures, see "Site History" attachment prepared by Susan Cabot, Historic Preservation Planner. On a well sited point of land, overlooking a bend in Gunpowder Creek, is the Crisler family cemetery. A large tombstone marks the resting place of Abram and Amanda Crisler. A number of fieldstone markers indicate the likelihood of other burials as well.

Surrounding Zoning and Land Uses (see sheet #2)

North: Gunpowder Creek and the Pleasant Hill subdivision zoned Suburban Residential One (SR-1) being developed at a density of 2.67 units per acre.

- East: Pleasant Valley Road, the Oakbrook subdivision zoned Suburban Residential One/Planned Development/Concept Development (SR-1/PD/CD) with Phases K,L,M,N & O being developed at a density of 2.23 units per acre and, the Bluegrass Ridge subdivision zoned Suburban Residential One (SR-1) being developed at a density of 3.02 units per acre.
- South: East Kentucky Power Cooperative and the Hearthstone subdivision (formerly part of the Berkshire farm) zoned Rural Suburban (RS) and Suburban Residential One (SR-1) being developed at a density of 2.14 units per acre.
- West: Gunpowder Creek and the Pebble Creek subdivision zoned Suburban Residential One/Planned Development/Concept Development (SR-1/PD/CD) being developed at a density of 2.81 units per acre.

Relationship to the Boone County Comprehensive Plan

The Future Land Use Map shows the subject property as Suburban Residential (SR), Commercial (C) and Rural Lands (RL) which are defined in the adopted Comprehensive Plan as:

- Suburban Residential: "Single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."
- Commercial: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
- Rural Lands: "Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."

The Land Use Element within the 1995 Boone County Comprehensive Plan refers to this area generally by stating:

"...this section of Boone County should develop in a Suburban Residential manner. Major subdivisions in this area should provide internal connector roads with no driveway access or parking."

Relationship to the 1996 Boone County Transportation Plan

Pleasant Valley Road is referred to as a "Collector" in figure 3-6 Thoroughfare Plan (page 82). Table 4-7, Future Transportation Projects, shows Pleasant Valley Road to be a Phase II Project (2003-2008) consisting of one (1) additional lane from Camp Ernst Road to US 42, approximately 3.2 miles. This project would include a third lane as a center turn lane and improvements to the horizontal and vertical alignments. This project is not on the Kentucky Transportation Cabinet's six (6) year plan however it is on the Unscheduled Needs List from which projects for the six (6) year plan are derived.

The applicants "limited access road" is shown in figure 3-6 (page 82) as a proposed rural collector. This road will connect the Pebble Creek subdivision to the north and west, and the Hearthstone subdivision (formerly Berkshire) to the south, with Pleasant Valley Road.

Staff Concerns/Comments

1. Staff has contacted George Hoffman with the Kentucky Department of Transportation, in regard to the possible effect of this development on the existing Pleasant Valley Road. He stated that "some modifications may be required" (i.e. turning lanes) though more information will be necessary to make that determination.
2. The applicant is proposing to retain the existing tree line along Pleasant Valley Road. Staff feels that additional evergreens, or other appropriate trees, selectively planted along Pleasant Valley Road could avoid the negative appearance that can occur when homes back-up to a right-of-way.
3. Staff feels that "Limits of Disturbance" should be shown on the Concept Development Plan due to the steep slopes and Gunpowder Creek.
4. The applicant has indicated a possible willingness to retain the Gunpowder Church as it lies in the greenspace area next to the creek. Retaining the building, however, loses practical application unless it is actively utilized. Several groups, including the Boone County Historical Society, have indicated an interest in rehabilitating the church building for community use providing there is appropriate access to it and an agreement about limited parking nearby. This building is a Boone County landmark and staff encourages the applicant to work with interested community groups to develop a mutually advantageous adaptive reuse plan for this structure.

Conclusion

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the areas character.

Respectfully Submitted,

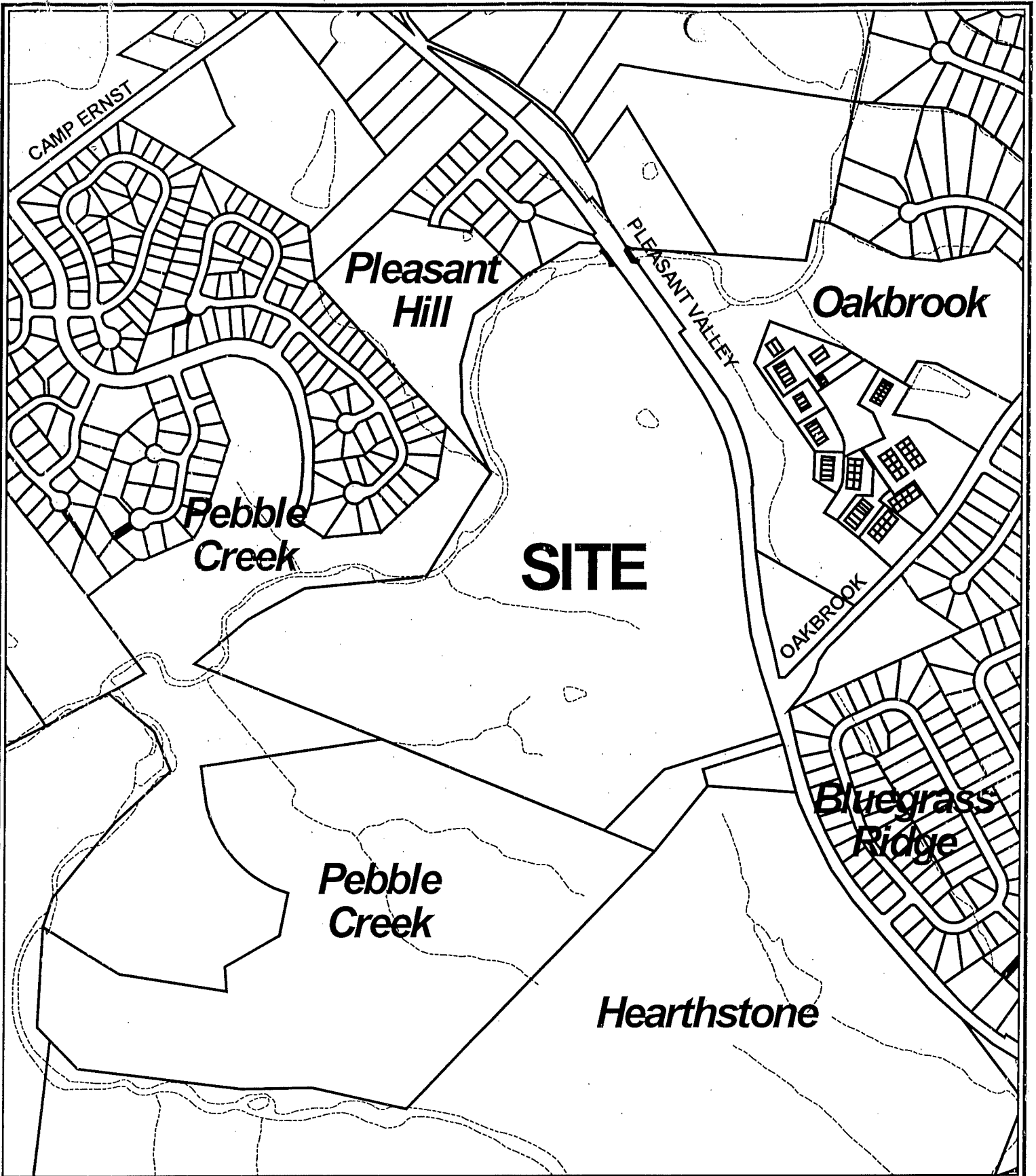


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

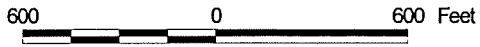
MAL/pr

Attachments:

- Vicinity Map
- Zoning Map
- Concept Development Plan
- Existing Site Topography
- Site History
- Application

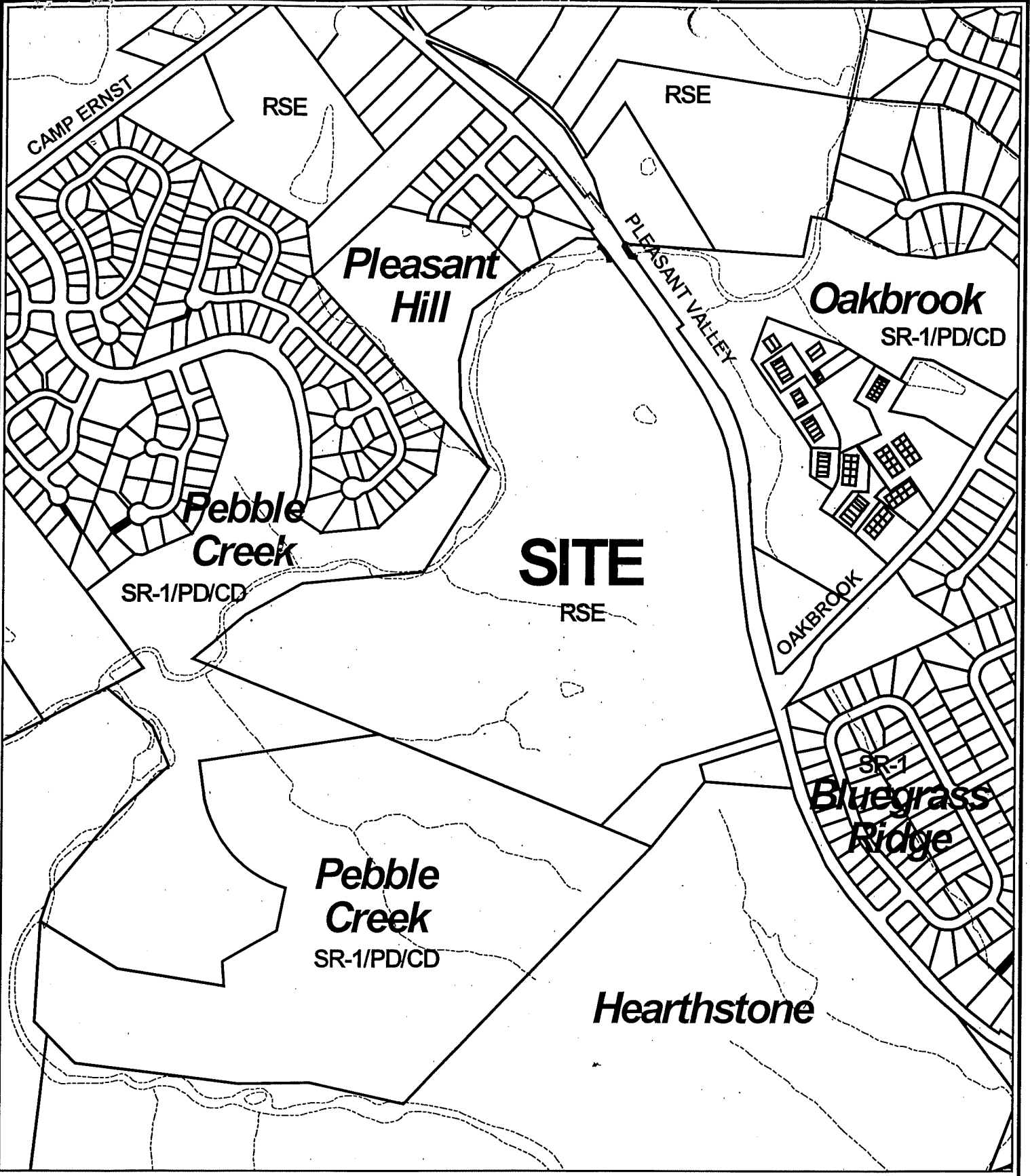


Vicinity Map

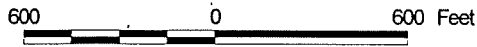


1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 25, 1999





Zoning



1 inch equals 600 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 25, 1999



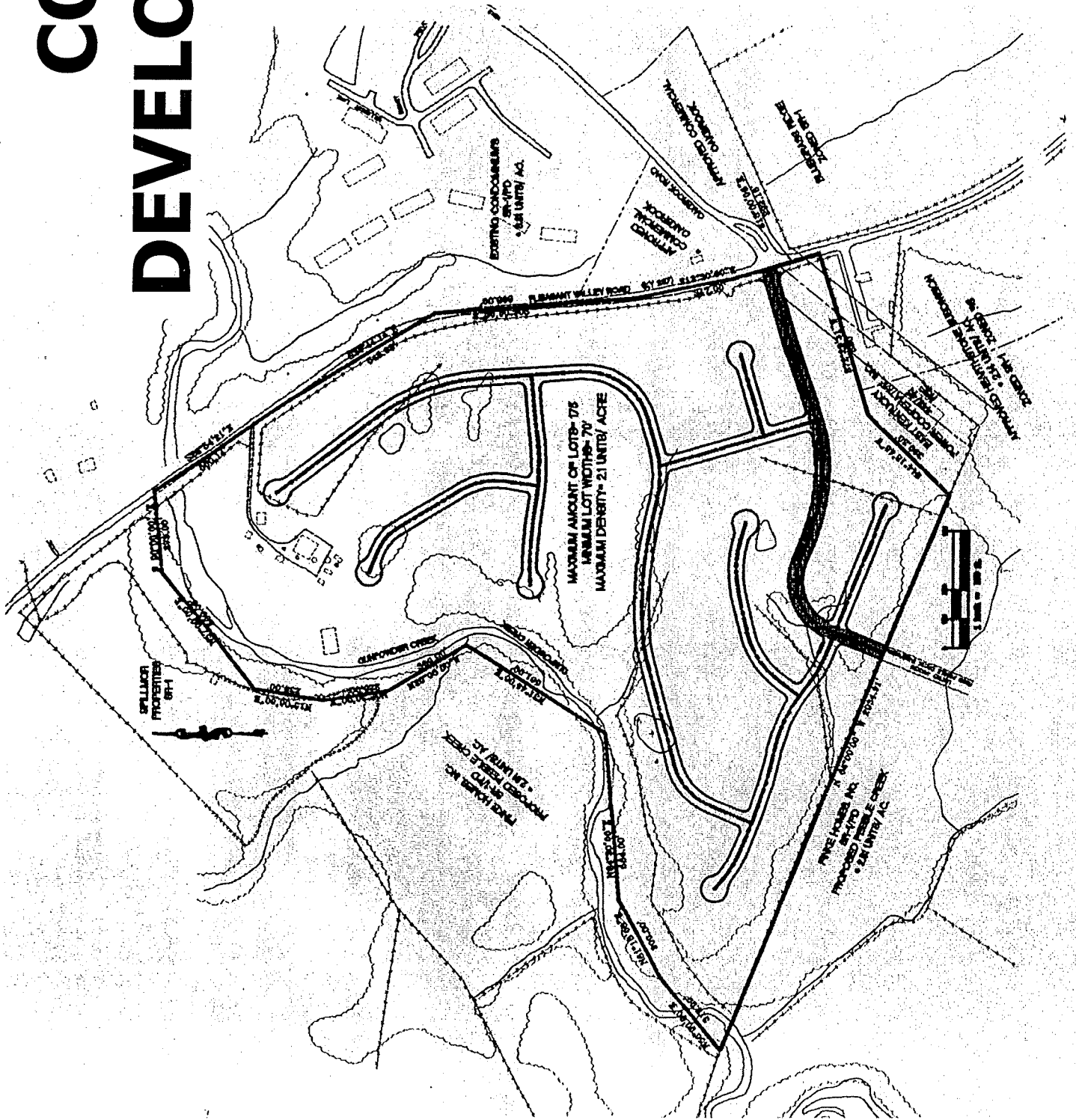
CONCEPT DEVELOPMENT PLAN

Request:

Max. Lots
175

Min. Lot Width
70'

Max. Density
2.1
units/acre





EXISTING SITE TOPOGRAPHY

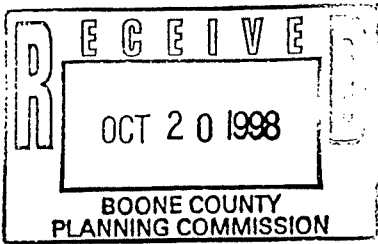
Site History

The earliest settlement of this portion of Gunpowder Creek was likely by Lewis Crisler and his family. Crisler purchased tracts of land in this area in the early nineteenth century, and apparently built several grist and saw mills along Gunpowder Creek. In 1825, he sold just under two acres of land to the trustees of the Baptist Church at Gunpowder, that deed referring to "... the island on which the Forks of Gunpowder Meeting House now stands".. The Baptist congregation formed in the Gunpowder Creek neighborhood in 1812, after requesting assistance from both the Bullittsburg Baptist Church and the Middle Creek Baptist Church. Local legend indicates the first Forks of Gunpowder Church was constructed of stone and situated on the edge of Gunpowder Creek. At a later point, likely in the middle of the nineteenth century, a new frame church building was built along side the creek. The Forks of Gunpowder Baptist Church was active from 1812-1840 as members of the North Bend Baptist Association. In 1840, the congregation became Predestinarian Baptists and joined the Salem Association. The Gunpowder Church closed in 1897 and was reorganized in 1902 as Southern Baptists, holding regular services until 1936. A reunion service held in 1939 appears to be the last meeting at the Gunpowder Church. In the years since then the spacious building has been used primarily as a barn, however, many original features remain and the integrity of setting and feeling is not diminished.

The historic house that stands on this property, along with a solidly built stone root cellar, was likely built in c. 1845 by Abram Crisler. This two story frame house, with one intact stone chimney and the ghost of another, is typical of the unpretentious but well built farmhouses of mid-nineteenth century rural Boone County. The deep stone foundation, as well as the stone used to construct the root cellar, most certainly came from the adjacent Gunpowder Creek. The land surrounding the church and house has historically been used for agricultural purposes, as it is today. This picturesque valley, bordered by Gunpowder Creek and framed by surrounding steep slopes, echos still today with voices of the past.

On a well sited point of land, overlooking a bend in Gunpowder Creek, is the Crisler family cemetery. A large tombstone marks the resting place of Abram S. Crisler (1818-1904) and his wife Amanda Crisler (1818-1897). A number of fieldstone markers indicate the likelihood of other burials as well. In the historically rural, agricultural tradition of Boone County, it was common to include a family graveyard as part of a farm. These cemeteries were vitally important to the families and the community and were given a place of honor on the homestead.

This farm, the land, natural resources, and buildings truly represent "faith, family and farming", the three dominant themes of life in historic Boone County. In 1999 there is an opportunity to integrate the past with the future by carefully preserving key built and natural landscape characteristics while providing unique housing sites for a growing Boone County.



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BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
January 27, 1999
7 P.M.

PUBLIC HEARINGS

Commission members present: Mr. Brown, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McKinney, Mr. McMillian, Mr. Newman, Mr. Ries, Mrs. Smith, Mr. White and Mrs. Wilson.

Staff members present: Mr. Kevin Costello, AICP, Executive Director; Ms. Susan Cabot, Historic Preservation; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Mr. Phil Damstrom, Vice Chairman, called the meeting to order at 7:02 P.M.. Following an explanation of the Public Hearing process, Mr. Damstrom introduced the first item on the Agenda:

1. Applicant: Robert C. Rhein Interests, Inc. for Richard K. Fedders (owner)

Request: Zoning Map Amendment

The request of Robert C. Rhein Interests, Inc. (applicant) for Richard K. Fedders (owner) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 87 acre tract on the west side of Pleasant Valley Road, across from Oakbrook Road, Boone County, Kentucky. The request is for a zone change to allow single-family, detached residences.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Damstrom asked for the applicant's presentation.

Attorney Gerald Dusing, Florence, Kentucky, representing Rhein Interests, Inc., submitted a handout containing reduced copies of the exhibits they will present (see Exhibit 1, 1/27/99 - 4 pages). He introduced Mr. David Reibold, Vice President of Rhein Interests. Mr. Reibold is past President of The Ohio Valley Development Council and a Board Member of The Hillside Trust.

Mr. David Reibold stated that Robert C. Rhein Interests, Inc. is a land developer and does not build houses. Their corporate offices are in Kenwood (Ohio) and they have two land development divisions in North Carolina. Their Cincinnati division includes projects from South Dayton, Ohio to Northern Kentucky. They currently have twelve active projects in their Ohio division. They have developed in Boone County in the past, including a project on Mt. Zion Road for Williamsburg Properties. They have two current 18-hole golf course projects, which are geared toward custom builders. They have hosted Homarama previously.

Mr. Reibold stated that they typically sell lots to large local and regional builders, such as Drees. They are requesting SR-1 zoning to allow single-family detached houses, and have put restrictions on the development over and above those in SR-1. Minimum lot width at the building setback line is 70 feet. There will be a maximum of 175 lots and a density not to exceed 2.1 units per acre at build-out. They have shown the connector road on the plan in compliance with the county's Thoroughfare Plan. None of the lots backing up to the connector road or to Pleasant Valley Road will have access to those roads, which are limited access roadways. All streets in the development will be public and dedicated to the county. He stated that the property slopes down to Gunpowder Creek -- it falls severely from Pleasant Valley Road down to the creek. The layout considers the natural slope of the property and limits the amount of cut and fill. The layout retains the natural contours of the property. Normal lot depth in the project is 150 feet, but it varies. The lots backing up to Pleasant Valley Road are deeper to buffer from the noise and lights. The lots at Gunpowder Creek are deeper and larger to preserve the natural environment of the creek and the vegetation. He stated that it is important for the lots to have the fantastic views offered by the property. They do not intend to disturb the area around the creek except in two locations where they will tie into the sanitary sewer. Mr. Reibold referred to an exhibit and indicated the limited access road where it abuts Pleasant Valley Road and stated that there will be heavy landscaping in that location. "Heavy landscaping" includes stone walls and monuments. There is a landscape parcel on the left side of the entrance and there will be landscaping along the connector road. He stated that the landscaping will be irrigated and lit at night. He presented pictures (which are also in the handout) of some of the landscaping features they have done on their projects. He indicated on the exhibit where they will provide mounding and landscaping to buffer the electric power sub-station. Landscaping at the entryway will be maintained by the Homeowners Association. They will control the Homeowners Association until the property owners take it over. They serve on the Boards of eight of the Homeowners Associations of their twelve currently active projects.

Mr. Reibold stated that their intent is to have two builders in the project, one of which is Douglas Homes. Douglas Homes is currently building a project on Camp Ernst Road (Summerset Farms). He stated

that the homes in this development will range from a 1,600 square foot one-story ranch to a 2,500 square foot two-story. Prices will range from \$150,000 to \$225,000. He showed pictures of some of the upscale housing built by Douglas Homes (also in the handout). He stated that the project will be phased and will begin on Pleasant Valley Road. They will build from east to west and towards Gunpowder Creek. They anticipate building about thirty-six homes a year, for an approximate five-year build-out.

Mr. Damstrom asked that the pictures be provided to the audience.

Mr. Jim Viox stated that this is the final piece of property and everything around it is committed for development or has been developed. The Blue Grass Ridge development is the same zoning (SR-1) and has a density in excess of three units per acre. The adjacent section of Oakbrook is 3.81 units per acre, Pebble Creek is 2.81 units per acre, and Hearthstone is approved at 2.14 units per acre. At 2.1 units per acre, this parcel is less than any of the surrounding areas. He noted that the power station is indicated on the exhibit in pink and indicated the transmission easement. He stated that they are lining up the entrance to try and keep it visually away from the substation. He stated that the connector road from the previously committed Pebble Creek Subdivision is not yet built. It is a limited access road. Mr. Viox stated that there were issues relative to the rears of homes along Pleasant Valley Road. He stated that there are trees along the fence lines, but there are some gaps in the trees. The creek bank is relatively steep -- it is eight or nine feet above the road with a fence and tree line above it. The topography falls off steeply toward Gunpowder Creek. When they develop the site, the lots will be cut down below the existing elevation and the traffic along Pleasant Valley Road will be looking over the natural topography that will remain along the fence line -- which will provide for what would normally have been a berming need. He stated that they will have to address the issue of the gaps in the tree line. Sanitary sewer runs along Gunpowder Creek and is on the property in several locations, as indicated on the exhibit. They will make connections to the sanitary sewer on their property. There will be areas where they do not have to disturb much of the vegetation because the construction of the sewer line itself is the disturb line for these areas. He noted that Staff suggested that they show the disturb limits, which is indicated by a green line on the plan. The line was put on the exhibit to show the green space. The area shown in green is vegetation outside the limits of the disturb area. The area along the creek, on one side or the other, will have vegetation retained. He noted an area about fifty feet above the creek and stated that they will not disturb the crest of the hill in that area. They are attempting to preserve the cemetery and the church. He stated that there is a major (12") water transmission line along Pleasant Valley Road. This property has been waiting for the infrastructure to come to it. The sanitary sewer was brought through the property a few years ago and the water main was brought across the frontage a few

years ago. Another reason this property has not been developed is the condition in the Transportation Plan requiring the limited access road to be brought through. Finding someone to absorb that cost has been difficult. Mr. Viox explained that Oakbrook Drive is a corridor through to Pleasant Valley Road and Burlington Pike -- extending it and coming out at Camp Ernst Road will provide alternative access for the residents of this subdivision and the surrounding subdivisions, rather than having to access Pleasant Valley Road through the commercial area and other activities. He stated that the plan shows the limits of what they plan to disturb.

Mr. Dusing stated that the request is for considerable down-zoning. He referred to the exhibit and stated that the flap on the exhibit shows the area marked for commercial development on the Comprehensive Plan. The developer is forsaking the higher, more intense use of the commercial area called for in the Comprehensive Plan in order to have an integrated, high quality residential development. The Comprehensive Plan calls for four units per acre and this request is for 2.1 units per acre. The surrounding subdivisions are significantly more dense. Across the street is multi-family (condominiums). He stated that Mr. Reibold has met with Susan Cabot. The applicant is aware of the cemetery and the church. The cemetery can be a non-disturb area, or it can be moved if that is what the Historical Society wants. They are sensitive that there are people in Boone County who may have been baptized or married in the church there -- but it is in bad shape and it is in the flood plain. He stated that the concern in the Staff Report is well founded and they are willing to talk about leaving the church there or, if the Historical Society want to move it, that is fine. If they want to leave it there, there is an opportunity for limited access from the cul-de-sac.

This concluded the applicant's presentation.

Mr. Damstrom asked if there was anyone present who wished to speak in favor of the request.

Mr. Bruce Ferguson passed around a picture of the old church. He stated that he is a resident of Union and is acting as ad hoc Chairman of the newly reestablished Boone County Historical Society. He stated that there is substantial interest in the church and there were over a hundred people at their meeting on January 21 -- and there are many others with a strong interest in doing what we can to preserve the history of the county. He is familiar with the Rhein company -- they are good folks and this is an excellent plan. He stated that he does not object to the request, but he is concerned about the preservation of the church. It would be best that the church not be destroyed or moved. The church is referred to in books on Boone County. The flood waters have hardly ever gotten into the church according to Walter Round, who has lived there for thirty years. The church is on an

island -- not an island that is distinguishable, but when the creek floods the water goes around the church and not into the building. The building is in exceptional shape considering it has not been cared for, except as being used for a barn, since 1939. The church could provide a meeting house for the benefit of the community. The Historic Society has an interest in the church. He stated that it will be a challenge to restore the church and put in modern services such as heating and air-conditioning.

Mr. Damstrom 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 in opposition to the request or having questions. Hearing no response, he asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked if the houses pictured in the handout are the \$150,000 houses. Mr. Reibold responded "no" and stated that they are houses at the very top of the range. Mr. McMillian asked if they are houses that go on a 70-foot lot. Mr. Reibold explained that the development is restricted to a minimum of 70-foot lot sizes, but that is not the maximum. Mr. McMillian stated that it is misleading to have a 70-foot lot and to say a price of \$150,000, and to submit pictures like these. He asked if there are any pictures of the \$150,000 houses. Mr. Reibold responded "no" and stated that SR-1 zoning has a sideyard setback of five feet, so there could be a 60-foot house on a 70-foot lot.

Mr. McMillian questioned how access will be provided to the church. Mr. Reibold stated that they have expressed their desire to cooperate with the county with some accessibility to a public street. They did not say that they would provide access. Mr. McMillian responded that it was stated that they would provide limited access. Mr. Dusing responded that he made that comment and it is true. What they are saying is that they will give access -- but they are not going to build it. They will give the right-of-way.

Mr. McMillian asked if the curb cut at the house will continue. Mr. Reibold responded "no". He stated that the farmhouse will be demolished and the current plan is to eliminate the curb cut. There has been discussion that if the Historical Society wants access to the church, there may be opportunity to have access off Pleasant Valley Road rather than the cul-de-sac. Mr. Jim Viox explained that they do not intend to use the curb cut for the development and will do away with it, unless the Historical Society needs it for access.

Mr. McMillian questioned the cemetery. Mr. Reibold stated until they have the archaeological investigation, they will not be able to determine if they will keep the cemetery as it is or move the gravesites.

Mr. Brown stated that the traffic situation there is dangerous. It is difficult to get out of Oakbrook Drive. He stated that they need to look at having a turn lane there and an acceleration lane for safety. Mr. Reibold responded that three-way intersections are not the safest. If the intersection is upgraded to a four-way or cross intersection, it will be safer. What they do will be determined by the Highway Department. He stated that the Highway Department has traffic counts and sight distance requirements, as well as stacking requirements for turn lanes. They are not that far along yet. He stated that they are aware of what Oakbrook did across the street and they will also be doing improvements. Mr. Brown stated that the Oakbrook improvements have not worked. People are going 55 MPH up the hill and people at a dead stop are trying to get in front of them.

Mr. Brown asked if there will be a Homeowners Association to maintain the landscaping and water features.

Mr. Reibold responded that there will be a Homeowners Association that is professionally managed and they will participate with the Homeowners Association until 75% of the lots are sold.

Mr. Brown noted the dead-end street and questioned why it is not a cul-de-sac. Mr. Reibold explained that it is part of the connector on the Thoroughfare Plan. The Preliminary Plat for the Finke farm showed a connector and they are matching the location previously approved on the Finke plat. Mr. Light stated that the road does not come out yet. A bridge is being put over the creek on the existing Pebble Creek development and they will be developing right next to this property in the next few years. The road will come out on Camp Ernst Road just down from the Pleasant Valley Road/Camp Ernst T-intersection. The people north of the creek will go in and out as they have been, but the people in the southern portion of Pebble Creek may cut through Oakbrook when the connector road develops.

Mr. Brown asked if they are both connector-type roads. Mr. Costello responded that at one time we thought about a traffic signal there and at least slowing down the traffic. We have asked the state twice to do speed studies.

Mr. Brown questioned water retention. Mr. Reibold stated that there is a county requirement to provide water retention on the project. He indicated the two detention areas on the Concept Plan. He noted that the ground falls from Pleasant Valley Road to the creek. There will be access to the detention areas and one of them could be used as access for the church.

Mr. Brown questioned bike paths and walkways. Mr. Reibold sided that there will be sidewalks along all the internal public streets (both sides), but no bike paths. The terrain is rough and the slope is 8% to 10%. It is unlikely that bikes would be used in the area.

Mr. Costello stated that in Pebble Creek Subdivision there was a requirement that the developer work with the county to provide a pedestrian system along the creek if the need arises. He stated that we are trying to get the developers along this corridor to work with us as we develop a trail system. He asked if this applicant would be open to this. Mr. Reibold responded "yes". He stated that they have considered this. They are trying to make sure that the trees stay and a Conservation Easement could double as a Specific Use Easement for the county to have a bike way or something of that nature.

Mr. Damstrom questioned the depth of the lots that back up to Pleasant Valley Road from the parallel cul-de-sac. Mr. Jim Viox responded "about 175 feet".

Mr. Damstrom asked if the applicant could contact Mr. Hoffman to see what information he needs in regard to when there will be a turn lane in that location if this project goes through. Mr. Light stated that that would go through the Permitting Division and they would need the construction and improvement drawings to determine what would be necessary. He stated that probably a right-turn lane into the development would be adequate coming from Camp Ernst Road south. There is a left turn lane into Oakbrook. He stated that Mr. Hoffman realizes there is a speed problem and one of the first things that will probably happen there -- before the widening of the 3.2 miles of road to add the third lane -- is a light at the intersection. This development may provide the traffic numbers to have a light there.


There being no further comments or questions, Mr. Damstrom stated that the Committee Meeting for this item will be at 5 P.M. on February 4, 1999 in Courtroom 3B. This item will be on the Agenda for the February 17, 1999 Business Meeting at 7:30 P.M..

Mr. Damstrom closed this Public Hearing at 8 P.M..

APPROVED:


Phil Damstrom, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
February 17, 1999
7:30 P.M.

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Larry Brown
Mr. Arnold Caddell, Chairman
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Richard Knock
Mr. Mike McKinney
Mr. Don McMillian
Mr. Robert Newman
Mrs. Carol Smith
Mr. William Viox
Mr. Earl White
Mrs. Lisa Wilson

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom, Vice Chairman
Mr. Robert Ries
Mr. Ralph Rush

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

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

Approval of the Minutes:

Chairman Caddell stated that each Commission member had received a copy of the Minutes of the February 3, 1999 Business Meeting. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. White seconded the motion and it carried unanimously.

UNFINISHED BUSINESS:

Mr. Viox stated that he has a conflict in regard to Agenda Items #1 and #2 as he has provided engineering services. Mr. Viox left the room at this time.

1. Zoning Map Amendment

The request of Robert C. Rhein Interests, Inc. (applicant) for Richard K. Fedders (owner) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 87-acre tract on the west side of Pleasant Valley Road across from Oakbrook Road, Boone County, Kentucky. The request is for a zone change to allow single-family, detached residences.

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

There being no discussion, Mr. Newman moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mr. Hicks seconded the motion. A vote on the motion found all voting members in favor. Mr. Viox was not present. The motion carried.

2. Concept Development Plan

The request of Florence Baptist Church (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) for an approximate six-acre tract at 7009 Dixie Highway, Florence, Kentucky. The request is for a zone change to permit the sale of heating and plumbing equipment and electrical supplies, in addition to the normally permitted C-2 uses, in an existing retail building.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the findings of fact but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions. Mr. Light stated that Mr. Brown voted against the Committee Report.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: February 17, 1999

RE: The request of **Robert C. Rhein Interests, Inc. (applicant)** for **Richard K. Fedders (owner)** to consider a Zoning Map Amendment from Rural Suburban Estate (RSE) to Suburban Residential One (SR-1) for an approximate 87 acre tract that is located on the west side of Pleasant Valley Road across from Oakbrook Road, Boone County, Kentucky. The request is for a zone change to allow single-family, detached residences.

REMARKS:

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

Findings of Fact

1. The Committee has concluded that the applicant has adequately demonstrated that the request for a zone change to allow single-family, detached residences is an appropriate use for the approximate 87 acre site.
2. The applicant has shown that the request is consistent with several recommendations of the 1995 Boone County Comprehensive Plan, specifically, the reference in the Land Use Element which states:

"...this section of Boone County should develop in a Suburban Residential manner. Major subdivisions in this area should provide internal connector roads with no driveway access or parking."
3. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

Conditions

1. The applicant agrees to provide evergreen and large trees along the Pleasant Valley Road right-of-way. This will be submitted and reviewed by staff through the Improvement Plan process.
2. The applicant agrees to work with the Kentucky Transportation Cabinet and Boone County Public Works Department on alleviating traffic problems at the Pleasant Valley Road and Oakbrook Road intersection.
3. The applicant agrees to work with the Planning Commissions' Staff with regard to the historic Forks of Gunpowder Baptist Church.

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.

<hr/>			
Phil Damstrom, Chairman			
For	_____	Against	_____
Abstain	_____	Absent	<input checked="" type="checkbox"/>

<hr/>			
<i>W. Jan / Brown</i> Larry Brown			
For	<input checked="" type="checkbox"/>	Against	_____
Abstain	_____	Absent	_____

<hr/>			
<i>Mark Hicks</i> Mark Hicks			
For	<input checked="" type="checkbox"/>	Against	_____
Abstain	_____	Absent	_____

<hr/>			
<i>Bob Newman</i> Bob Newman			
For	<input checked="" type="checkbox"/>	Against	_____
Abstain	_____	Absent	_____

<hr/>			
Bill Viox			
For	<input checked="" type="checkbox"/>	Against	_____
Abstain	<input checked="" type="checkbox"/>	Absent	_____

TOTAL:	<u>3</u> FOR	<u>2</u> AGAINST	<u>1</u> ABSTAIN	<u>1</u> ABSENT
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BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
January 27, 1999
7 P.M.

PUBLIC HEARINGS

Commission members present: Mr. Brown, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McKinney, Mr. McMillian, Mr. Newman, Mr. Ries, Mrs. Smith, Mr. White and Mrs. Wilson.

Staff members present: Mr. Kevin Costello, AICP, Executive Director; Ms. Susan Cabot, Historic Preservation; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Mr. Phil Damstrom, Vice Chairman, called the meeting to order at 7:02 P.M. Following an explanation of the Public Hearing process, Mr. Damstrom introduced the first item on the Agenda:

1. Applicant: Robert C. Rhein Interests, Inc. for Richard K. Fedders (owner)

Request: Zoning Map Amendment

The request of Robert C. Rhein Interests, Inc. (applicant) for Richard K. Fedders (owner) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 87 acre tract on the west side of Pleasant Valley Road, across from Oakbrook Road, Boone County, Kentucky. The request is for a zone change to allow single-family, detached residences.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Damstrom asked for the applicant's presentation.

Attorney Gerald Dusing, Florence, Kentucky, representing Rhein Interests, Inc., submitted a handout containing reduced copies of the exhibits they will present (see Exhibit 1, 1/27/99 - 4 pages). He introduced Mr. David Reibold, Vice President of Rhein Interests. Mr. Reibold is past President of The Ohio Valley Development Council and a Board Member of The Hillside Trust.

Mr. David Reibold stated that Robert C. Rhein Interests, Inc. is a land developer and does not build houses. Their corporate offices are in Kenwood (Ohio) and they have two land development divisions in North Carolina. Their Cincinnati division includes projects from South Dayton, Ohio to Northern Kentucky. They currently have twelve active projects in their Ohio division. They have developed in Boone County in the past, including a project on Mt. Zion Road for Williamsburg Properties. They have two current 18-hole golf course projects, which are geared toward custom builders. They have hosted Homarama previously.

Mr. Reibold stated that they typically sell lots to large local and regional builders, such as Drees. They are requesting SR-1 zoning to allow single-family detached houses, and have put restrictions on the development over and above those in SR-1. Minimum lot width at the building setback line is 70 feet. There will be a maximum of 175 lots and a density not to exceed 2.1 units per acre at build-out. They have shown the connector road on the plan in compliance with the county's Thoroughfare Plan. None of the lots backing up to the connector road or to Pleasant Valley Road will have access to those roads, which are limited access roadways. All streets in the development will be public and dedicated to the county. He stated that the property slopes down to Gunpowder Creek -- it falls severely from Pleasant Valley Road down to the creek. The layout considers the natural slope of the property and limits the amount of cut and fill. The layout retains the natural contours of the property. Normal lot depth in the project is 150 feet, but it varies. The lots backing up to Pleasant Valley Road are deeper to buffer from the noise and lights. The lots at Gunpowder Creek are deeper and larger to preserve the natural environment of the creek and the vegetation. He stated that it is important for the lots to have the fantastic views offered by the property. They do not intend to disturb the area around the creek except in two locations where they will tie into the sanitary sewer. Mr. Reibold referred to an exhibit and indicated the limited access road where it abuts Pleasant Valley Road and stated that there will be heavy landscaping in that location. "Heavy landscaping" includes stone walls and monuments. There is a landscape parcel on the left side of the entrance and there will be landscaping along the connector road. He stated that the landscaping will be irrigated and lit at night. He presented pictures (which are also in the handout) of some of the landscaping features they have done on their projects. He indicated on the exhibit where they will provide mounding and landscaping to buffer the electric power sub-station. Landscaping at the entryway will be maintained by the Homeowners Association. They will control the Homeowners Association until the property owners take it over. They serve on the Boards of eight of the Homeowners Associations of their twelve currently active projects.

Mr. Reibold stated that their intent is to have two builders in the project, one of which is Douglas Homes. Douglas Homes is currently building a project on Camp Ernst Road (Summerset Farms). He stated

that the homes in this development will range from a 1,600 square foot one-story ranch to a 2,500 square foot two-story. Prices will range from \$150,000 to \$225,000. He showed pictures of some of the upscale housing built by Douglas Homes (also in the handout). He stated that the project will be phased and will begin on Pleasant Valley Road. They will build from east to west and towards Gunpowder Creek. They anticipate building about thirty-six homes a year, for an approximate five-year build-out.

Mr. Damstrom asked that the pictures be provided to the audience.

Mr. Jim Viox stated that this is the final piece of property and everything around it is committed for development or has been developed. The Blue Grass Ridge development is the same zoning (SR-1) and has a density in excess of three units per acre. The adjacent section of Oakbrook is 3.81 units per acre, Pebble Creek is 2.81 units per acre, and Hearthstone is approved at 2.14 units per acre. At 2.1 units per acre, this parcel is less than any of the surrounding areas. He noted that the power station is indicated on the exhibit in pink and indicated the transmission easement. He stated that they are lining up the entrance to try and keep it visually away from the substation. He stated that the connector road from the previously committed Pebble Creek Subdivision is not yet built. It is a limited access road. Mr. Viox stated that there were issues relative to the rears of homes along Pleasant Valley Road. He stated that there are trees along the fence lines, but there are some gaps in the trees. The creek bank is relatively steep -- it is eight or nine feet above the road with a fence and tree line above it. The topography falls off steeply toward Gunpowder Creek. When they develop the site, the lots will be cut down below the existing elevation and the traffic along Pleasant Valley Road will be looking over the natural topography that will remain along the fence line -- which will provide for what would normally have been a berming need. He stated that they will have to address the issue of the gaps in the tree line. Sanitary sewer runs along Gunpowder Creek and is on the property in several locations, as indicated on the exhibit. They will make connections to the sanitary sewer on their property. There will be areas where they do not have to disturb much of the vegetation because the construction of the sewer line itself is the disturb line for these areas. He noted that Staff suggested that they show the disturb limits, which is indicated by a green line on the plan. The line was put on the exhibit to show the green space. The area shown in green is vegetation outside the limits of the disturb area. The area along the creek, on one side or the other, will have vegetation retained. He noted an area about fifty feet above the creek and stated that they will not disturb the crest of the hill in that area. They are attempting to preserve the cemetery and the church. He stated that there is a major (12") water transmission line along Pleasant Valley Road. This property has been waiting for the infrastructure to come to it. The sanitary sewer was brought through the property a few years ago and the water main was brought across the frontage a few

years ago. Another reason this property has not been developed is the condition in the Transportation Plan requiring the limited access road to be brought through. Finding someone to absorb that cost has been difficult. Mr. Viox explained that Oakbrook Drive is a corridor through to Pleasant Valley Road and Burlington Pike -- extending it and coming out at Camp Ernst Road will provide alternative access for the residents of this subdivision and the surrounding subdivisions, rather than having to access Pleasant Valley Road through the commercial area and other activities. He stated that the plan shows the limits of what they plan to disturb.

Mr. Dusing stated that the request is for considerable down-zoning. He referred to the exhibit and stated that the flap on the exhibit shows the area marked for commercial development on the Comprehensive Plan. The developer is forsaking the higher, more intense use of the commercial area called for in the Comprehensive Plan in order to have an integrated, high quality residential development. The Comprehensive Plan calls for four units per acre and this request is for 2.1 units per acre. The surrounding subdivisions are significantly more dense. Across the street is multi-family (condominiums). He stated that Mr. Reibold has met with Susan Cabot. The applicant is aware of the cemetery and the church. The cemetery can be a non-disturb area, or it can be moved if that is what the Historical Society wants. They are sensitive that there are people in Boone County who may have been baptized or married in the church there -- but it is in bad shape and it is in the flood plain. He stated that the concern in the Staff Report is well founded and they are willing to talk about leaving the church there or, if the Historical Society want to move it, that is fine. If they want to leave it there, there is an opportunity for limited access from the cul-de-sac.

This concluded the applicant's presentation.

Mr. Damstrom asked if there was anyone present who wished to speak in favor of the request.

Mr. Bruce Ferguson passed around a picture of the old church. He stated that he is a resident of Union and is acting as ad hoc Chairman of the newly reestablished Boone County Historical Society. He stated that there is substantial interest in the church and there were over a hundred people at their meeting on January 21 -- and there are many others with a strong interest in doing what we can to preserve the history of the county. He is familiar with the Rhein company -- they are good folks and this is an excellent plan. He stated that he does not object to the request, but he is concerned about the preservation of the church. It would be best that the church not be destroyed or moved. The church is referred to in books on Boone County. The flood waters have hardly ever gotten into the church according to Walter Round, who has lived there for thirty years. The church is on an

island -- not an island that is distinguishable, but when the creek floods the water goes around the church and not into the building. The building is in exceptional shape considering it has not been cared for, except as being used for a barn, since 1939. The church could provide a meeting house for the benefit of the community. The Historic Society has an interest in the church. He stated that it will be a challenge to restore the church and put in modern services such as heating and air-conditioning.

Mr. Damstrom 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 in opposition to the request or having questions. Hearing no response, he asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked if the houses pictured in the handout are the \$150,000 houses. Mr. Reibold responded "no" and stated that they are houses at the very top of the range. Mr. McMillian asked if they are houses that go on a 70-foot lot. Mr. Reibold explained that the development is restricted to a minimum of 70-foot lot sizes, but that is not the maximum. Mr. McMillian stated that it is misleading to have a 70-foot lot and to say a price of \$150,000, and to submit pictures like these. He asked if there are any pictures of the \$150,000 houses. Mr. Reibold responded "no" and stated that SR-1 zoning has a sideyard setback of five feet, so there could be a 60-foot house on a 70-foot lot.

Mr. McMillian questioned how access will be provided to the church. Mr. Reibold stated that they have expressed their desire to cooperate with the county with some accessibility to a public street. They did not say that they would provide access. Mr. McMillian responded that it was stated that they would provide limited access. Mr. Dusing responded that he made that comment and it is true. What they are saying is that they will give access -- but they are not going to build it. They will give the right-of-way.

Mr. McMillian asked if the curb cut at the house will continue. Mr. Reibold responded "no". He stated that the farmhouse will be demolished and the current plan is to eliminate the curb cut. There has been discussion that if the Historical Society wants access to the church, there may be opportunity to have access off Pleasant Valley Road rather than the cul-de-sac. Mr. Jim Viox explained that they do not intend to use the curb cut for the development and will do away with it, unless the Historical Society needs it for access.

Mr. McMillian questioned the cemetery. Mr. Reibold stated until they have the archaeological investigation, they will not be able to determine if they will keep the cemetery as it is or move the gravesites.

Mr. Brown stated that the traffic situation there is dangerous. It is difficult to get out of Oakbrook Drive. He stated that they need to look at having a turn lane there and an acceleration lane for safety. Mr. Reibold responded that three-way intersections are not the safest. If the intersection is upgraded to a four-way or cross intersection, it will be safer. What they do will be determined by the Highway Department. He stated that the Highway Department has traffic counts and sight distance requirements, as well as stacking requirements for turn lanes. They are not that far along yet. He stated that they are aware of what Oakbrook did across the street and they will also be doing improvements. Mr. Brown stated that the Oakbrook improvements have not worked. People are going 55 MPH up the hill and people at a dead stop are trying to get in front of them.

Mr. Brown asked if there will be a Homeowners Association to maintain the landscaping and water features.

Mr. Reibold responded that there will be a Homeowners Association that is professionally managed and they will participate with the Homeowners Association until 75% of the lots are sold.

Mr. Brown noted the dead-end street and questioned why it is not a cul-de-sac. Mr. Reibold explained that it is part of the connector on the Thoroughfare Plan. The Preliminary Plat for the Finke farm showed a connector and they are matching the location previously approved on the Finke plat. Mr. Light stated that the road does not come out yet. A bridge is being put over the creek on the existing Pebble Creek development and they will be developing right next to this property in the next few years. The road will come out on Camp Ernst Road just down from the Pleasant Valley Road/Camp Ernst T-intersection. The people north of the creek will go in and out as they have been, but the people in the southern portion of Pebble Creek may cut through Oakbrook when the connector road develops.

Mr. Brown asked if they are both connector-type roads. Mr. Costello responded that at one time we thought about a traffic signal there and at least slowing down the traffic. We have asked the state twice to do speed studies.

Mr. Brown questioned water retention. Mr. Reibold stated that there is a county requirement to provide water retention on the project. He indicated the two detention areas on the Concept Plan. He noted that the ground falls from Pleasant Valley Road to the creek. There will be access to the detention areas and one of them could be used as access for the church.

Mr. Brown questioned bike paths and walkways. Mr. Reibold sided that there will be sidewalks along all the internal public streets (both sides), but no bike paths. The terrain is rough and the slope is 8% to 10%. It is unlikely that bikes would be used in the area.

Mr. Costello stated that in Pebble Creek Subdivision there was a requirement that the developer work with the county to provide a pedestrian system along the creek if the need arises. He stated that we are trying to get the developers along this corridor to work with us as we develop a trail system. He asked if this applicant would be open to this. Mr. Reibold responded "yes". He stated that they have considered this. They are trying to make sure that the trees stay and a Conservation Easement could double as a Specific Use Easement for the county to have a bike way or something of that nature.

Mr. Damstrom questioned the depth of the lots that back up to Pleasant Valley Road from the parallel cul-de-sac. Mr. Jim Viox responded "about 175 feet".

Mr. Damstrom asked if the applicant could contact Mr. Hoffman to see what information he needs in regard to when there will be a turn lane in that location if this project goes through. Mr. Light stated that that would go through the Permitting Division and they would need the construction and improvement drawings to determine what would be necessary. He stated that probably a right-turn lane into the development would be adequate coming from Camp Ernst Road south. There is a left turn lane into Oakbrook. He stated that Mr. Hoffman realizes there is a speed problem and one of the first things that will probably happen there -- before the widening of the 3.2 miles of road to add the third lane -- is a light at the intersection. This development may provide the traffic numbers to have a light there.

There being no further comments or questions, Mr. Damstrom stated that the Committee Meeting for this item will be at 5 P.M. on February 4, 1999 in Courtroom 3B. This item will be on the Agenda for the February 17, 1999 Business Meeting at 7:30 P.M..

Mr. Damstrom closed this Public Hearing at 8 P.M..

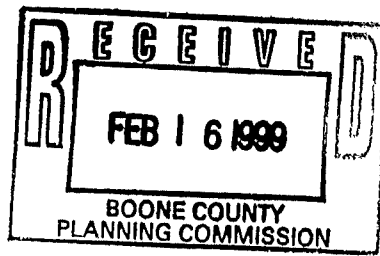
APPROVED:


Phil Damstrom, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION



February 12, 1999

Mr. Mitchell A. Light
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Re: Fedders Condition Letter

Dear Mitch:

Enclosed is the conditions letter which has been signed by Mr. Richard K. Fedders.

Should you have any questions concerning this matter, please contact me.

Sincerely,

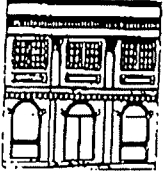
ROBERT C. RHEIN INTERESTS, INC.

A handwritten signature in cursive script that reads "Jill Podracky".

Jill Podracky
Division Coordinator

Encls.

BOONE COUNTY PLANNING COMMISSION

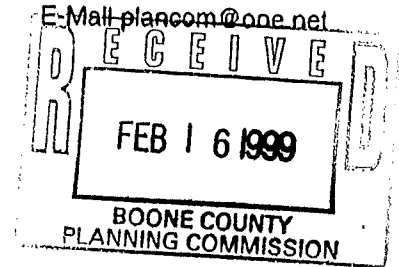


2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net



February 8, 1999

Mr. Richard K. Fedders
122 Rossmoyne Drive
Crestview Hills, KY 41017

RE: Conditions of Approval for the Zoning Map Amendment for the Approximate 87 Acre Tract Located on the West Side of Pleasant Valley Road across from Oakbrook Road, Boone County, Kentucky.

Dear Mr. Fedders:

The following represents the conditions of approval for the above referenced application as agreed by the Boone County Planning Commission's Zone Change Committee. If you as the owner agree to these conditions please indicate so by providing your signature on the agreement stated at the end of this letter.

Conditions

1. The applicant agrees to provide evergreen and large trees along the Pleasant Valley Road right-of-way. This will be submitted and reviewed by staff through the Improvement Plan process.
2. The applicant agrees to work with the Kentucky Transportation Cabinet and Boone County Public Works Department on alleviating traffic problems at the Pleasant Valley Road and Oakbrook Road intersection.
3. The applicant agrees to work with the Planning Commissions' Staff with regard to the historic Forks of Gunpowder Baptist Church.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell A. Light".

Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL\pr

Mr. Richard K. Fedders
February 8, 1999
Page 2

Agreement

I, Richard K. Fedders, do hereby agree to the conditions of approval stated above for the Zoning Map Amendment for the approximate 87 acre tract located on the west side of Pleasant Valley Road across from Oakbrook Road, Boone County, Kentucky.

Richard K. Fedders 2-11-99
Richard K. Fedders (owner) (date)

ORDINANCE NO. 99-07
BOONE COUNTY FISCAL COURT
ROBERT C. RHEIN INTEREST, INC.
RICHARD K. FEDDERS

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING THE REQUEST OF ROBERT C. RHEIN INTEREST, INC. (APPLICANT) FOR RICHARD K. FEDDERS (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE (SR-1) ON AN APPROXIMATE 87 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF PLEASANT VALLEY ROAD ACROSS FROM OAKBROOK ROAD, BOONE COUNTY, KENTUCKY, RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION (VOTE OF 11-1, WITH ONE ABSTENTION) VIA RESOLUTION NO. R-99-002-A.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) on an approximate 87 acre site generally located on the west wide of Pleasant Valley Road across from Oakbrook Road, Boone County, Kentucky, which is more particularly described below, and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) on an approximate 87 acre site generally located on the west wide of Pleasant Valley Road across from Oakbrook Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates (RSE) zone is more particularly described in DEED BOOK 394, PAGE NO. 163, (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A".

ORDINANCE NO. 99-07
BOONE COUNTY FISCAL COURT
ROBERT C. RHEIN INTEREST, INC.
RICHARD K. FEDDERS

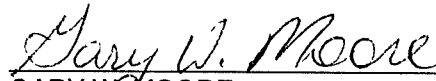
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report of the Boone County Planning Commission minutes and marked as "Exhibit B".

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.


Introduced and given First Reading on the 23rd day of March, 1999.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 13th day of April, 1999, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

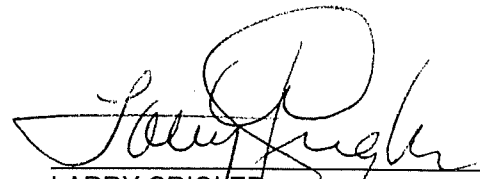


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



CAROLYN A. RUDICILL
FISCAL COURT CLERK



LARRY CRIGLER
BOONE COUNTY ATTORNEY

4-29-99

DATE PUBLISHED