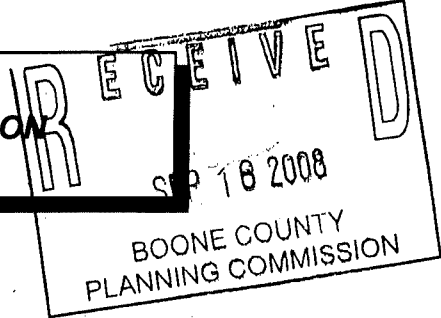


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Sawgrass Subdivision (II)
 2. Location of Project Bullittsville Road
 3. Total Acreage of Site 33.30 + 15.11 = 48.41
 4. Current Zoning of Site RSE
 5. Proposed Zoning (Classification being requested) SR-1 (33.30 Ac) and RS (15.11 Ac)
 6. Proposed Uses (please specify each use) Single Family Detached Residential
-
7. Names of Applicant(s) Viox & Viox, Inc.
Phone Number 859-727-3293 Fax No. 859-727-8452
 8. Address of Applicant(s) 466 Erlanger Road
Erlanger Kentucky 4018
City State Zip
 9. Name of Property Owner(s) (by contract) J.J. Miller
Phone Number 859-760-2062 Fax No. 513-629-1050
 10. Address of Property Owner(s) 10847 Omaha Trace
Union Kentucky 41091
City State Zip
 11. Proposed Building Intensities (please specify) SR-1 3.27 lots/acre
RS 2.05 lots/acre
 12. Are there any existing buildings on the site? No
How many? _____
 13. Deed Book DB 167 Page No. 136 Group No. 2007
 14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
 15. Have you submitted a Concept Development Plan? yes - with this application
 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 District
- _____ Florence Public Services Dept.
- _____ Duke Energy
- _____ Sanitation District #1
- _____ Cincinnati Bell
- _____ Owen Electric Cooperative, Inc.
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

EXHIBIT

“A”

STAFF REPORT

Request of **Viox & Viox, Inc. (applicant)** for **J.J. Miller (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site located on the north side of Bullittsville Road across from the Bullittsville Road/Brents Way intersection, and between the properties at 3536 and 3630 Bullittsville Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

October 15, 2008

PROPOSAL

The Applicant is requesting a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) and Suburban Residential One (SR-1) in order to develop a subdivision for 140 detached single family residences. The request is to change 48.41 acres of an 84.11 acre site from Rural Suburban Estates (RSE) to Rural Suburban (RS) and Suburban Residential One (SR-1). Specifically, the portion of the property requested to be changed to Rural Suburban (RS) is 15.11 acres and Suburban Residential One (SR-1) is 33.3 acres. The proposed 140 lots on 48.41 acres is 2.89 dwelling units per acre.

The Rural Suburban (RS) zone allows a maximum intensity of 3 dwelling units per acre, a minimum lot size of 12,000 square feet and minimum lot frontage of 75 feet at the building setback. The Suburban Residential One (SR-1) zone allows a maximum intensity of 4 dwelling units per acre, a minimum lot size of 8,000 square feet for detached single family residences and minimum lot frontage of 65 feet at the building setback.

The submitted Concept Development Plan shows the access into the property directly across from the Brentwood Subdivision. The perimeter is shaded and noted as "Maintain Natural Vegetation and/or Proposed Mounding" and scales from 10' to 50'. No specifics were provided with regard to this note. An existing farm pond is proposed to remain and is labeled for "Retention/Detention." The street layout is a series of cul-de-sacs providing a connection into the Cornerstone Estates Subdivision (Fryar) and into the northern portion of the Elizabeth Conrad property (zoned SR-1) which provided a connection to Petersburg Road (KY 20) and into the Lauren Meadows Subdivision.

The northern portion of the Elizabeth Conrad property is zoned SR-1 and was granted Preliminary Plat approval on August 20, 2008, prior to the submittal of this request. The approval is for 85 lots on 35.7 acres for an intensity of 2.38 dwelling units per acre.

If this request is approved as shown, the overall development (Sawgrass I & II) would consist of 225 lots on 84.11 acres for an intensity of 2.67 dwelling units per acre.

SITE CHARACTERISTICS

There are two (2) farm ponds on the property, with the elimination of the eastern pond and the use of the western pond for retention/detention as noted on the submitted Concept Development Plan. There are groves of trees and vegetation throughout the site and along the fence lines.

ADJACENT ZONING AND LAND USES

- North: Along the south side of KY 20, Sawgrass (Phase 1) zoned Suburban Residential One (SR-1). Across KY 20, the Kimmis and Mars Hill subdivisions as well as other individual properties zoned Suburban Residential One (SR-1).
- East: Melody Acres zoned Rural Suburban Estates (RSE) and the Lauren Meadows subdivision zoned Suburban Residential One (SR-1).
- South: The Brentwood subdivision across Bullittsville Road zoned Rural Suburban (RS) and property owned by Hollis and Nixon currently zoned Rural Suburban Estates (RSE).
- West: The Joe Conrad property zoned Rural Suburban (RS), the Cornerstone Estates subdivision zoned Rural Suburban with an approved Concept Development Plan (RS/CD) and properties owned by Sullivan and Powers zoned Rural Suburban Estates (RSE).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Suburban Residential" (SR) uses. This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision." It is critical to note that the Future Land Use Map is a 25 year projection, and is not intended to commit all areas to development immediately.

The Land Use Element text makes the following statements that relate to the overall area.

"Development to the east of Bullittsville Road and south of KY 20 should include a network of road connections, and is a prime location for a residential collector road between Bullittsville Road and KY 20 that includes no individual driveways or lot frontages ("16. Hebron Area," pg. 154)."

The Future Land Use Development Guidelines contain the following statements:

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character ("Utilization of Existing Vegetation and Topography," pg. 140).
- B. As described in the Goals and Objectives, different development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists or is planned to support the development.

As pointed out in the Housing Element, this phenomenon often results in different housing and lot characteristics adjacent to each other. In these conditions, proposed residential developments that have smaller lot sizes than surrounding land uses are recommended to utilize the following design mechanisms to address the impacts on existing development.

The proposed development should consider in its design a band of larger lots and setbacks along the affected perimeter of the site adjacent to existing development to provide an adequate transition.

The proposed development should consider a band of development along the existing main roadway in which the houses face the main road to appear rural, and where the lots in this band are larger than those in the balance of the proposed development. Building setbacks and lot frontages should imitate existing setbacks along the road.

Highly visible portions of the proposed development site should consider green space. The style of green space, including tree types, fencing or other similar features should imitate the existing road corridor views. Grandiose subdivision entryways may not be appropriate depending on existing conditions in the corridor.

These recommendations are site specific and should be evaluated on a case-by-case basis. In fact, there may be other design mechanisms not identified here that may work in some instances ("Development Layout, Lot Sizes, and Setbacks," pp. 140 and 141).

- C. Typically, buffering is required and provided between unlike land uses, however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("Buffering," pg. 141).
- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).
- E. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate ("Transportation and Pedestrian Network," pg. 142).

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

- A. Although single-family homes are by far the most numerous, they continue to decrease in their percentage of total Boone County housing. Most new construction of single-family housing will take place on the outer rings of growth ("Housing Types," pg. 75).
- B. 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 continuation of the outward movement of housing construction from the general Florence area. This movement is accelerated directionally by major thoroughfares such as KY 18, KY 237, US 42 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. This will be an increasingly important issue as public water service is planned and implemented for the western parts of Boone County. For residential development to occur in these outlying areas, adequate and proper infrastructure must be provided, and impact on the natural environment must be minimized.

In general, residential development has occurred at a lower density than planned in the Future Land Use Plan over the last two comprehensive plan updates in Boone County. The development has predominantly been in a limited variety of product, typified by mid-range value single-family subdivisions at approximately three units per acre. The demand for this product appears to remain strong throughout the 25 year Comprehensive Plan planning horizon with some attached housing designed into larger planned developments. Increased density does not necessarily negatively impact the quality of a community or nearby home values. Although neotraditional, true mixing of unit types, connection to green space, and similar concepts of neighborhood design have just begun to be considered by the development industry in Boone County, much work needs to be done in the design realm to implement these ideas correctly, and make them more common. These newer concepts are needed to enable the development industry and local government to address density concerns and strengthen the sense of community, as well as meet the housing demands of a changing population ("Conclusion," pg. 80).

The 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, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).

- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. 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 enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- E. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, 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. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- F. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- G. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- H. Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and education needs. Primary and secondary education capacity shall be evaluated during housing development review ("Housing," Objective 4).
- I. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units ("Housing," Objective 5).
- J. The interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighborhood interaction. Based on certified traffic analysis, collector and sub-collector streets shall be evaluated to determine design without individual lot or driveway access. Lot and home buyers shall have access to approved plans regarding future connections. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops) ("Housing," Objective 8).

- K. Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features ("Housing," Objective 13).
- L. Where existing infrastructure, services and the public school system are not adequate, developments shall be phased to coordinate with the provision of these items ("Housing," Objective 14).
- M. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).
- N. Priorities for growth within any individual infrastructure system shall be based on the predicted needs of specific areas as prescribed by the future land use projections of this plan. No infrastructure system shall commit the county to excessive growth by the system's expansion ("Public Services and Facilities," Objective 3).
- O. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed ("Transportation," 2nd Goal, Objective 2).
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

RELATIONSHIP TO THE 2030 BOONE COUNTY TRANSPORTATION PLAN

The Recommended Projects on page 6-2 of the Transportation Plan indicates that Bullittsville Road should be re-aligned with Graves Road and widened/improved from KY 20 to Burlington. The text specifically states "With increased future development in northern Boone County, there is a need for additional capacity and north-south mobility in the area. The recommendation is to widen Bullittsville Road to four from Petersburg Road to Burlington. At the northern end, the alignment should be shifted so that Bullittsville Road lines up directly with Graves Road (page 6-8)." This project is listed as #9 on the Low Priority Projects list (page 6-20) which are to be completed after 20 years.

STAFF COMMENTS

1. The plan notes an area around the perimeter as "Maintain Natural Vegetation and/or Proposed Mounding" and scales from 10' to 50'. Staff would like to see a plan detailing specifics such as a uniform depth throughout and a landscape plan showing where the natural vegetation will be kept and location(s), with height(s), of the proposed mounding. There is a 6" sanitary sewer force main located along the

western property line with approximately 3' of cover. Any berming/mounding and landscaping proposed in this area must also be reviewed and approved by Sanitation District #1.

2. The Concept Development Plan shows seven (7) cul-de-sac streets. Staff would like to see a revised plan connecting several of the cul-de-sacs providing better access for services (i.e. school buses, snow removal and garbage collection) as well as pedestrian access and trip reduction. There are only two (2) flag lots shown but they appear to be "shoe-horned" into the plan. Objectives 8 and 13 of the Housing Element in the 2005 Boone County Comprehensive Plan stress providing interconnections between sections and compatibility with the general housing density.
3. If approved as requested, the original 84.11 acres would consist of 69 acres of SR-1 (35.7 acres are already SR-1) and only 15.11 acres of RS. Staff does not see this as a proper transition between the existing RSE and RS developments along Bullittsville Road as referred to in the Future Land Use Development Guidelines, Development Layout, Lot Sizes, and Setbacks section, of the 2005 Boone County Comprehensive Plan which states that "proposed residential developments that have smaller lot sizes than surrounding land uses are recommended to utilize the following design mechanisms to address the impacts on existing development.

The proposed development should consider in its design a band of larger lots and setbacks along the affected perimeter of the site adjacent to existing development to provide an adequate transition.

The proposed development should consider a band of development along the existing main roadway in which the houses face the main road to appear rural, and where the lots in this band are larger than those in the balance of the proposed development. Building setbacks and lot frontages should imitate existing setbacks along the road.

Highly visible portions of the proposed development site should consider green space. The style of green space, including tree types, fencing or other similar features should imitate the existing road corridor views. Grandiose subdivision entryways may not be appropriate depending on existing conditions in the corridor.

These recommendations are site specific and should be evaluated on a case-by-case basis. In fact, there may be other design mechanisms not identified here that may work in some instances."

In 2003, the Fryars' request for a Zoning Map Amendment for 18.77 acres from RSE to RS for 60 lots on 24.24 total acres (5.47 acres were zoned RS), an intensity of 2.48 dwelling units per acre, was denied by the Planning Commission for several reasons including the proposed density and transitioning. In 2004, the Fryars' request for a Zoning Map Amendment for 18.77 acres from RSE to RS for 42 lots on 24.24 total acres, an intensity of 1.73 dwelling units per acre, was approved with

conditions by the Planning Commission and Fiscal Court citing the proposed density provided a better transition to the existing developments near the subject property. The densities of developments near this request are Millakin Place - 0.65 units/acre, Brentwood - 1.66 units/acre, Cornerstone Estates - 1.73 units/acre and Sundance Estates - 2.28 units/acre.

CONCLUSION

The request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations. The Future Land Use Map would not need to be amended if the request is approved.

Respectfully submitted,

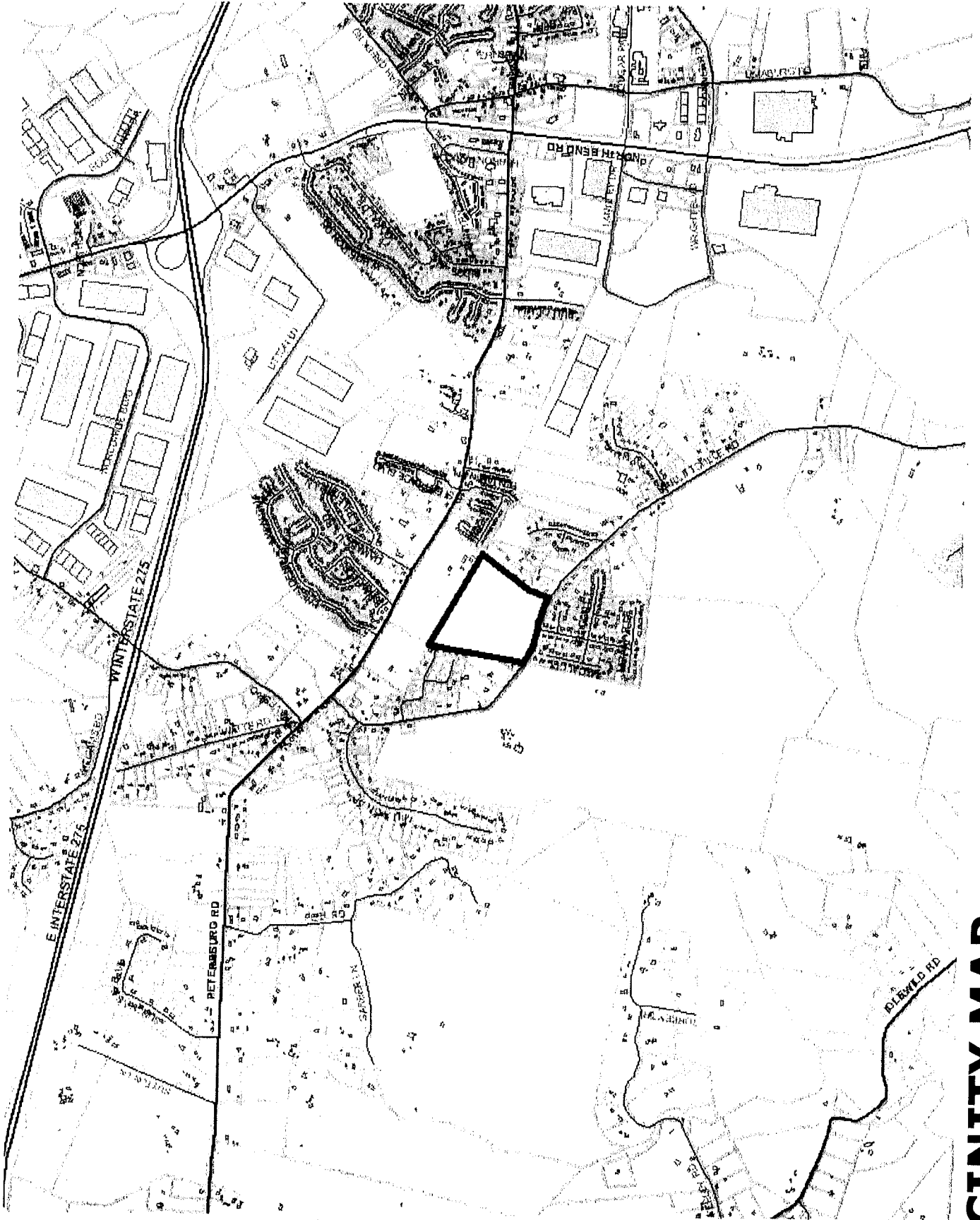


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

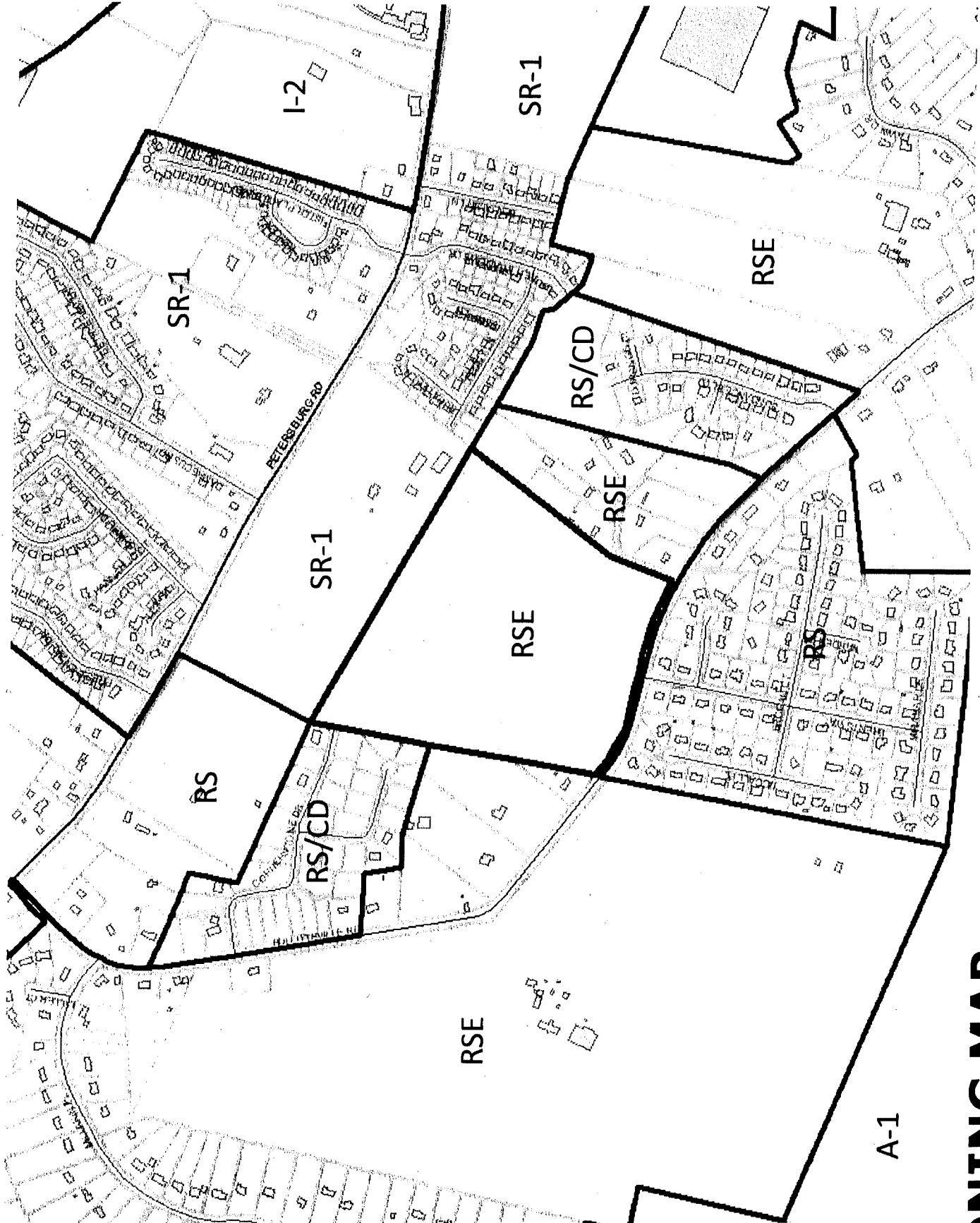
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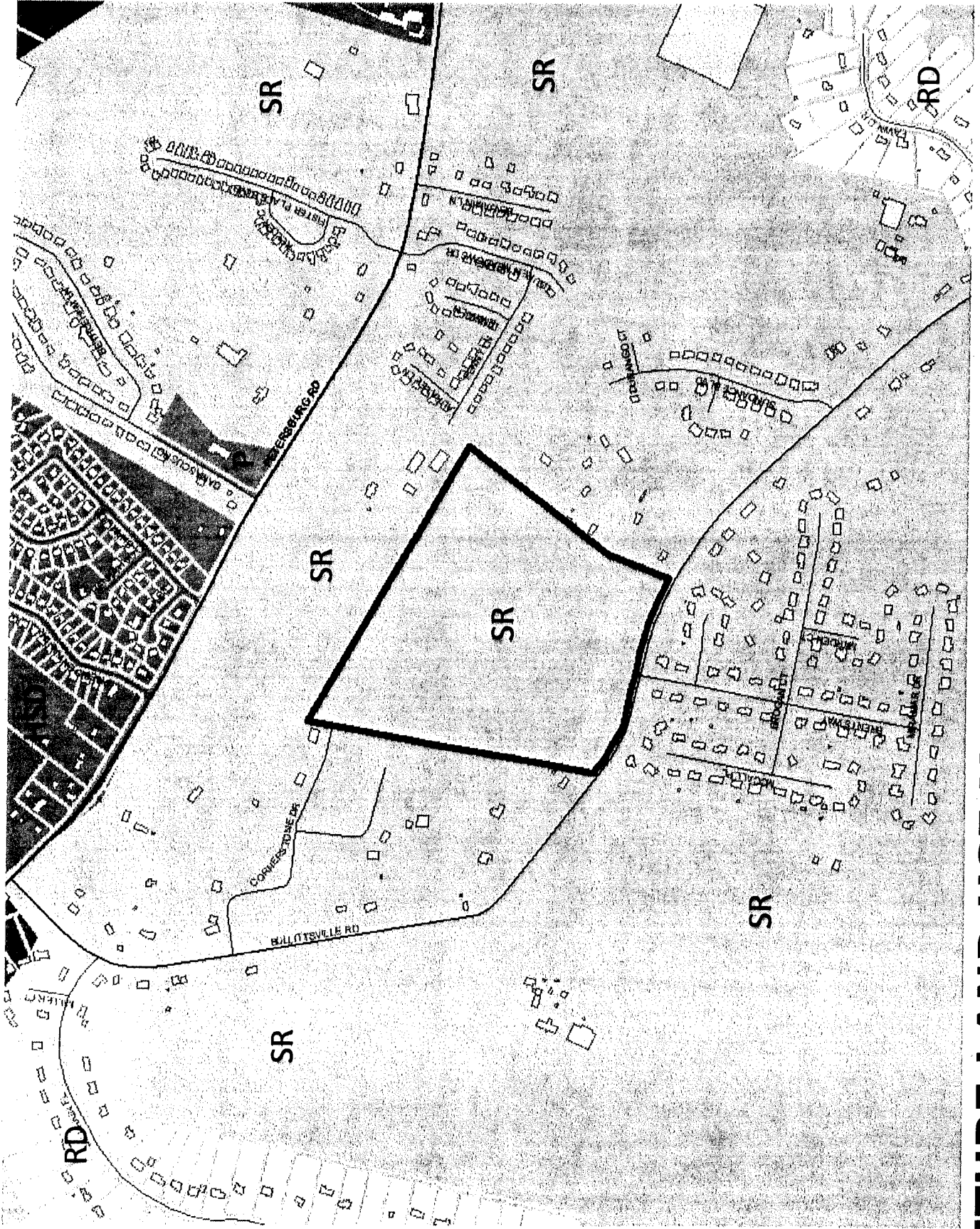
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Concept Development Plan
- Concept with Approved Phase I Preliminary
- Proposed Map Amendment Exhibit
- Potential Road Network Exhibit
- Application



VICINITY MAP

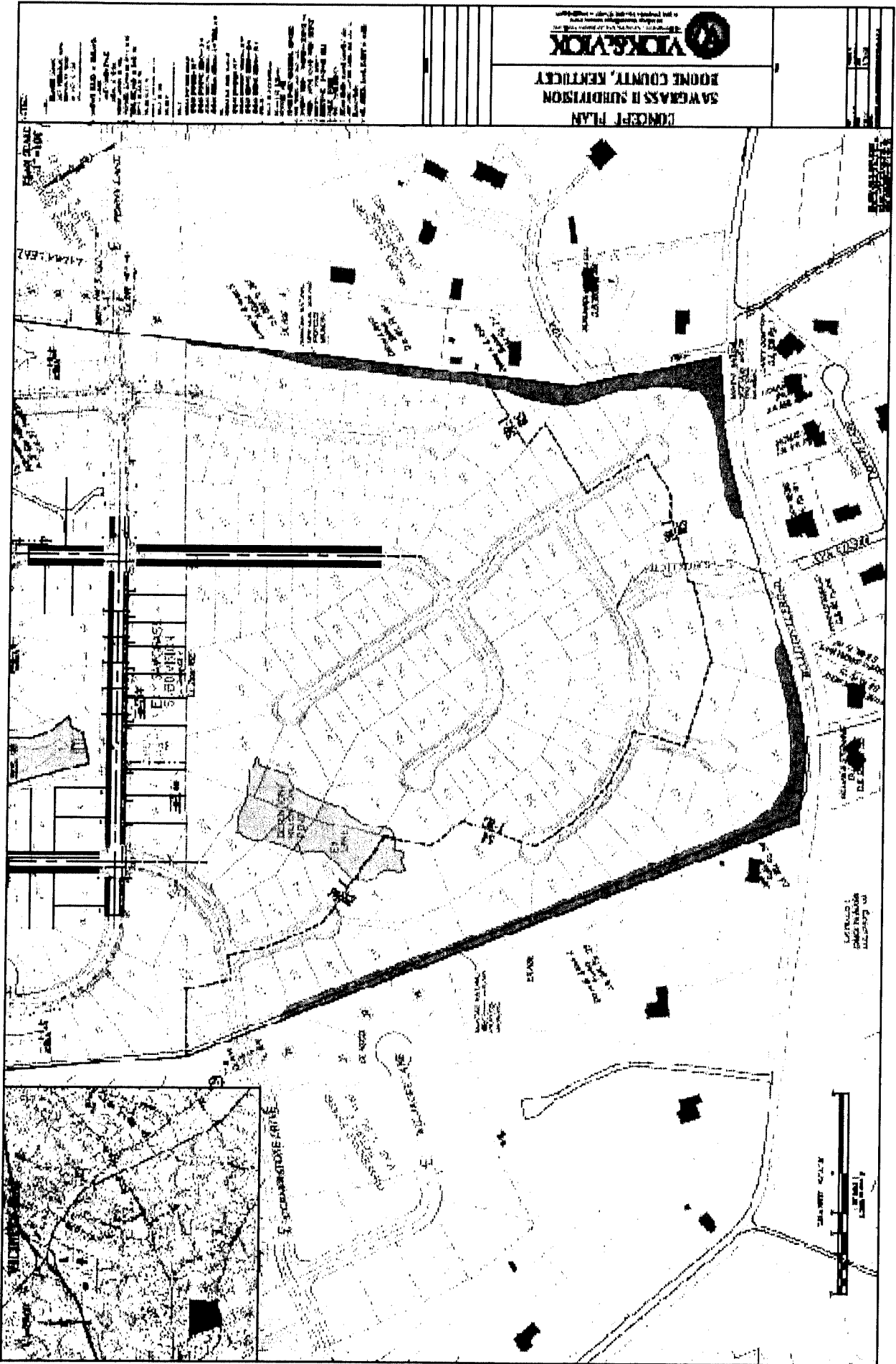


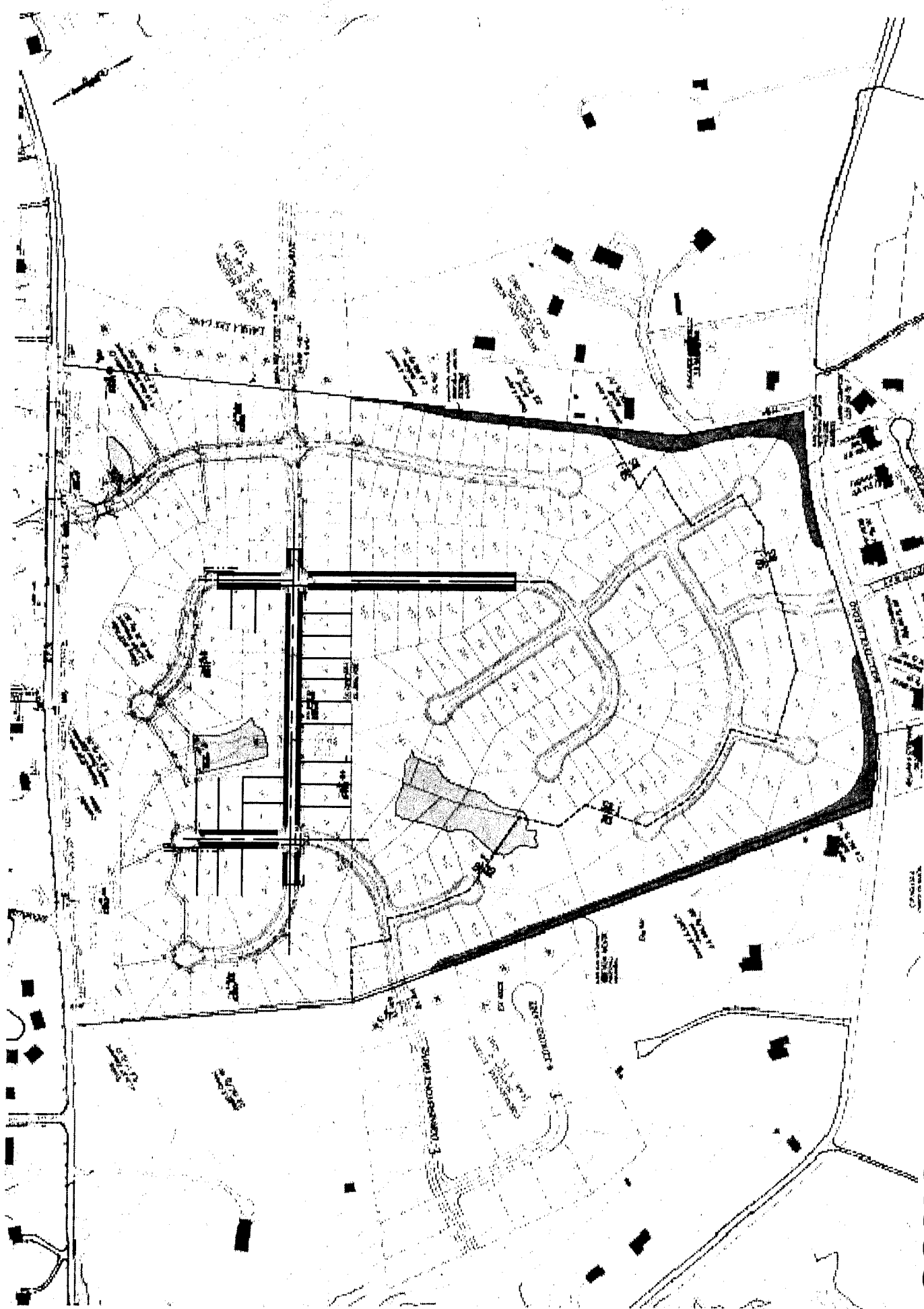
ZONING MAP



FUTURE LAND USE MAP

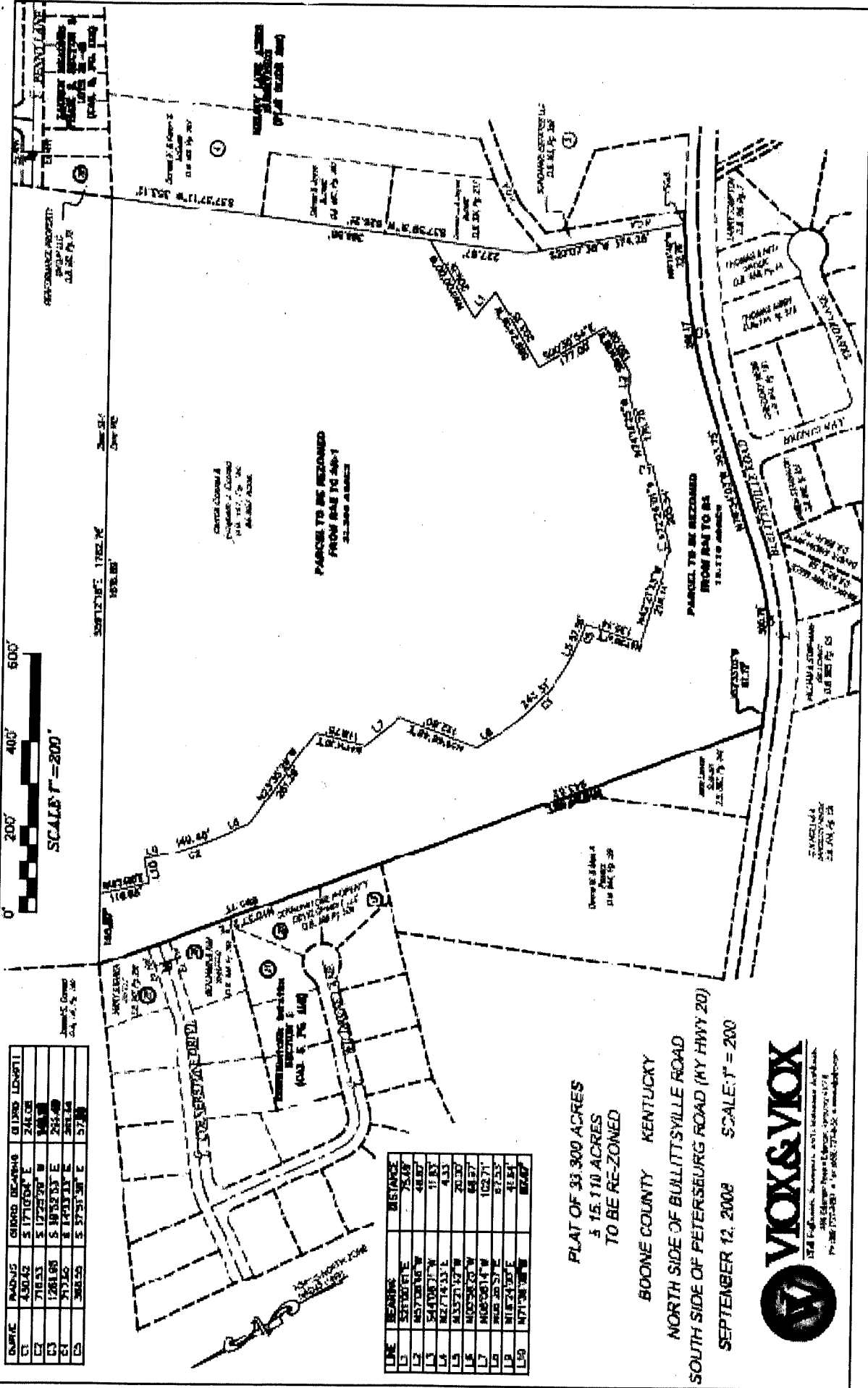
CONCEPT DEVELOPMENT PLAN





CONCEPT WITH APPROVED PHASE I PRELIMINARY

MARK	BEARING	DISTANCE	BEARING	DISTANCE
C1	S 30.42° E	517.054'	S 24.02° E	246.02'
C2	S 70.83° E	517.054'	S 64.83° E	246.02'
C3	S 128.18° E	517.054'	S 123.18° E	246.02'
C4	S 171.52° E	517.054'	S 166.52° E	246.02'
C5	S 214.86° E	517.054'	S 209.86° E	246.02'



PLAT OF 33,300 ACRES
± 15,110 ACRES
TO BE RE-ZONED

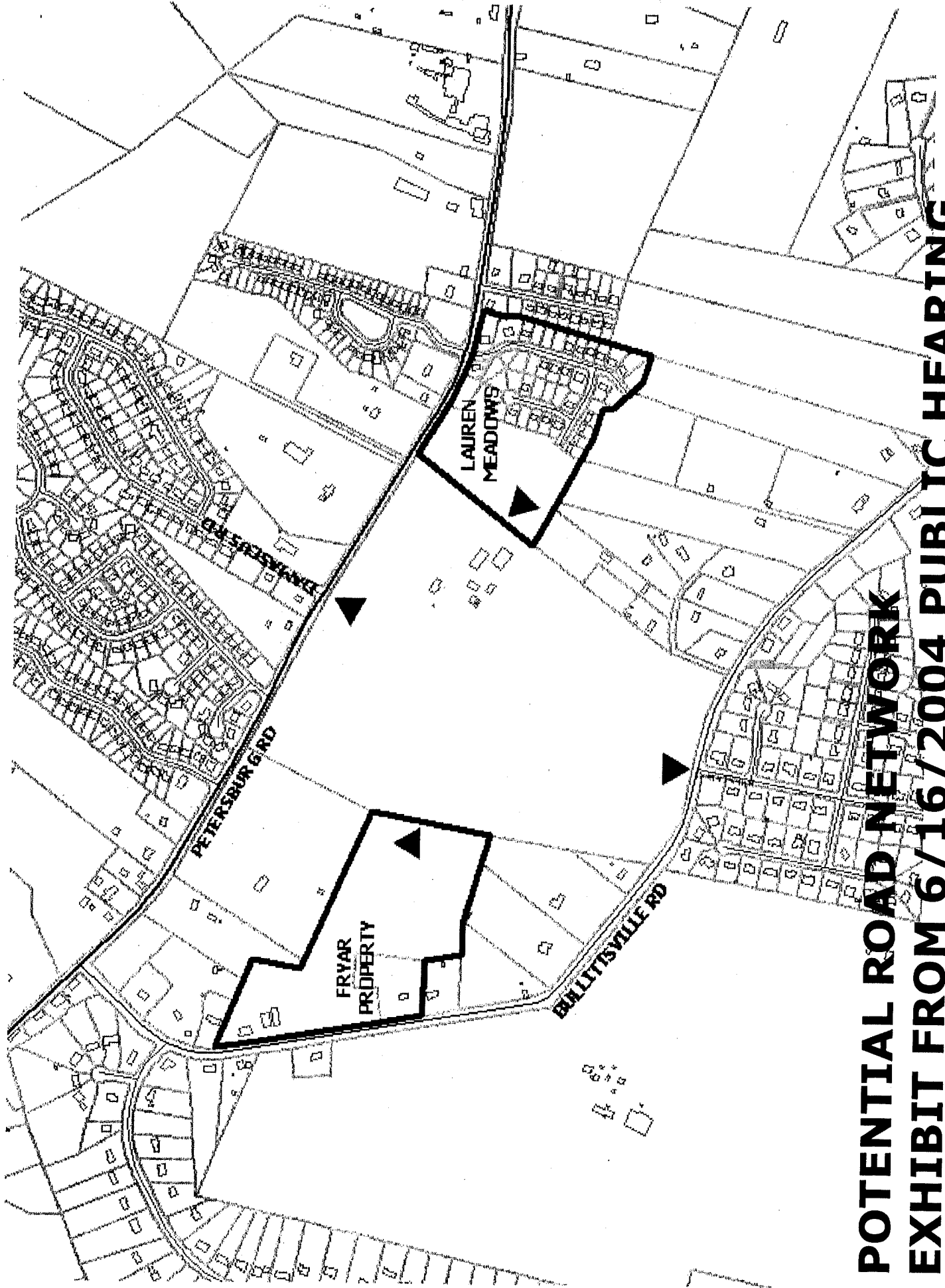
BOONE COUNTY KENTUCKY

NORTH SIDE OF BULLITTSVILLE ROAD
SOUTH SIDE OF PETERSEBURG ROAD (KY HWY 20)

SEPTEMBER 12, 2008 SCALE: 1" = 200'



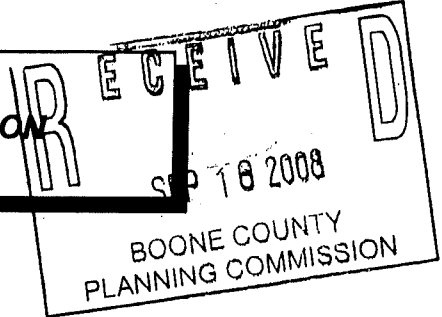
PROPOSED MAP AMENDMENT EXHIBIT



**POTENTIAL ROAD NETWORK
EXHIBIT FROM 6/16/2004 PUBLIC HEARING**

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 Sawgrass Subdivision (II)
 2. Location of Project Bullitsville Road
 3. Total Acreage of Site 33.30 + 15.11 = 48.41
 4. Current Zoning of Site RSE
 5. Proposed Zoning (Classification being requested) SR-1 (33.30 Ac) and RS (15.11 Ac)
 6. Proposed Uses (please specify each use) Single Family Detached Residential
-
7. Names of Applicant(s) Viox & Viox, Inc.
Phone Number 859-727-3293 Fax No. 859-727-8452
 8. Address of Applicant(s) 466 Erlanger Road
Erlanger Kentucky 4018
City State Zip
 9. Name of Property Owner(s) (by contract) J.J. Miller
Phone Number 859-760-2062 Fax No. 513-629-1050
 10. Address of Property Owner(s) 10847 Omaha Trace
Union Kentucky 41091
City State Zip
 11. Proposed Building Intensities (please specify) SR-1 3.27 Lots/acre
RS 2.05 Lots/acre
 12. Are there any existing buildings on the site? No
How many? _____
 13. Deed Book DB 467 Page No. 136 Group No. 2007
 14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
 15. Have you submitted a Concept Development Plan? yes - with this application
 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 District
- _____ Florence Public Services Dept.
- _____ Duke Energy
- _____ Sanitation District #1
- _____ Cincinnati Bell
- _____ Owen Electric Cooperative, Inc.
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
October 15, 2008
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Bunger, Mr. Mike Ford, Mr. McMillian, Mrs. Poston - Chairwoman, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:38 PM and introduced the item on the Agenda:

Applicant: Viox & Viox, Inc. for
J. J. Miller (owner by contract)

Request: Zoning Map Amendment

The request of Viox & Viox, Inc. for J. J. Miller (owner by contract) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site located on the north side of Bullittsville Road across from the Bullittsville Road/Brents Way intersection, and between the properties at 3536 and 3630 Bullittsville Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single-family residences.

Following an explanation of the Public Hearing process, Mrs. Poston asked for the Staff presentation.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He submitted an email from Ben & Kim Shaffer expressing concerns about the request (see Exhibit 1).

Mrs. Poston asked for the applicant's presentation.

Mr. Bill Viox with Viox & Viox was present on behalf of Mr. J. J. Miller, the applicant and developer of Brentwood Subdivision. Mr. Carter Dickerson handed out copies of the applicant's Power Point presentation, *Sawgrass Subdivision, Boone County, Kentucky* (see Exhibit 2). Mr. Viox stated that the first Power Point slide was taken on Brent's Way looking south and into the site. He stated that J. J. Miller has done developments in Boone, Kenton and Campbell counties and has a good track record. He presented an aerial photograph of the site and indicated the adjacent area zoned SR-1. He stated that they submitted a Preliminary Plat for that area, which was approved. He presented the Concept Plan for the current project and noted the portion of the site previously approved for SR-1 zoning. He stated that the county has a plan for a pathway system that will go along KY 20 and has requested that they hold back properties in the valley along Woolper Creek as open space to accommodate the pathway system. He noted that the density lowers when the area left vacant is included. He stated that the Staff Report spoke to the peculiarity of the zoning they are requesting and suggested that some of the cul-de-sacs might be tied together. He stated that in the City of Florence and in Boone County, there are issues with pass-through traffic going from one corridor to the other. When they first came in with the Concept Plan, they had a road that went from Bullittsville Road to KY 20 – but the County Engineer was against it because of pass-through traffic. They went through several designs and the County Engineer kept adding intersections so that pass-through traffic could not go from Bullittsville Road to KY 20. He stated that Staff indicated that they would have preferred the access point across from Damascus Road – but the road there is in the flood plain and the access could not go there. The road is at a higher elevation where they are showing it coming out and that is where the state made them put the road – they did not select that location, the state did. He stated that whenever there is an intersection, there have to be larger corner lots – and that is what drove them to the peculiarity of the zoning. He stated that many of the lots meet the RS minimum square footage requirement -- but they cannot just have little spots of RS zoning, which is what drove them to the transition that they show for RS and SR-1 zoning. They have already given up a lot of density with the open space area along KY 20 and with the road configuration that was requested of them. The density is still considerably below the RS density of 3 units per acre – and when adding in the area already approved, the density goes from 2.89 down to 2.6. He stated that the site has all utilities. He stated that Mr. Miller wants to continue across the street with the same type of quality development that exists at Brentwood Subdivision. He stated that he was Chairman of the Planning Commission many years ago when the Public Hearing was held for Brentwood Subdivision (he did not represent Mr. Miller at that time). He stated that the community did not want Brentwood Subdivision, but it has turned out to be an asset to the community. He stated that they do not want to hurt the property values in the area. They went to the courthouse and looked up home values around the site (values for homes built in the last year are not available). He reviewed and submitted a listing of representative property values by street address with an attached map indicating the locations of the properties in relation to the subject site (see Exhibit 3). He

indicated the location of the upper part of Woolper Creek on the Power Point slide. He stated that there is a lake on the subject property that will be enlarged and used for stormwater detention. He indicated two other lakes on the property. He stated that all of the stormwater will be regulated through their system before going into Woolper Creek. They are not sending water off the site. They will hold the water per the requirements, which will reduce the velocity, before releasing it into Woolper Creek. They will accept water onto the site. He presented a video of the proposed subdivision beginning at the entrance off Bullittsville Road. The subdivision entrance will look a lot like Brentwood. He stated that Brentwood Subdivision has been developing since 1994 and there have been several different builders. He stated that a number of things have happened since they submitted this application, including the banking crisis. They do not know when the subdivision will start, but the phasing will be nine years from when the subdivision starts. He stated that development is not going at the pace it was in the 1990's and this development will probably be a very slow go. They do not anticipate a big impact on the infrastructure in a short time period. Nine years may be optimistic since people cannot get home loans and it is not a good time for subdivision development. He indicated the location of the only subdivision activity they have seen other than their own. He stated that development is very slow and they anticipate that continuing.

Mr. J. J. Miller, 10847 Omaha Trace, Union, stated that he is the developer and has a contract to purchase the property – the 85 lots along KY 20 (which have already been approved for a subdivision) and the rest of the acreage, which is the subject of the zone change this evening. He stated that it will be a number of years before they begin developing this project. He will not even start developing the area with the 85 approved lots until next year, with lots coming on line in 2010, and he will then develop into the subject property. It is questionable if the property would develop from both sides since the utilities are at the KY 20 end. They are being proactive by getting the zone change, doing the planning and financing. He stated that the development will be done over nine years, if the economy improves. They will do 30 lots per year after the first couple of years, but that may be optimistic. They have worked with the engineer to get the street layout the way he wanted it, which impacted the density. They have tried to be considerate of the surrounding property owners. The houses will be comparable to those in Brentwood. There will be 75-foot lots and the houses will be over \$200,000. Even in the front where they will start selling houses in 2010, the houses will average about \$180,000. The property zoned RS will have nicer houses and nicer lots. They will maintain the perimeter vegetation to protect privacy. He stated that this is his seventh development in Boone County and he is proud of all of them. He stated that when he did Brentwood Subdivision, he had to buy a sewer easement across one side of this property and a gas easement across the other side. He has wanted to purchase this property for about fifteen years and could not say no to it when it was available. When he will start developing depends on the economy. They will clean up the property along KY 20 and put grasses in, and they will make property available for the county to put

in a pathway. It will look much nicer along KY 20 than it does now. They will have a golf course type theme in the subdivision. He will do a nice job on this development. This concluded the applicant's presentation.

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

Mr. Matt Dedden, 6740 Utz Lane, Burlington, is a contractor in Boone County and does a lot of work for Mr. Miller. He stated that not too many people are developing now because of the economy. He stated that 80% of the subcontractors he uses are from Boone County. He asked that the request be approved.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition.

Mr. Tim Noyes, attorney, was present on behalf of Dennis and Jane Sullivan who live at 3536 Bullittsville Road. Their property borders the southwest edge of the proposed development and shares a common boundary with the development for about 468 feet. He stated that the development is too dense for the existing infrastructure, it will eliminate their privacy, and it will devalue their property. He stated that Bullittsville Road is a two-lane country road. Brentwood Subdivision is located across the road from the proposed project. There will be 225 houses in the proposed project. He stated that in the area of the Conrad property there are a couple of tricky curves – one in front of the proposed development (close to the Sullivan property) and the other is down the road about one quarter mile to the west. He stated that there have been traffic accidents in this stretch of road over the past few years and the speed limit was reduced from 45 MP to 35 MPH in an effort to reduce the number of accidents. Even with the reduction in speed, the Sullivans have vehicles in their front yard several times a year that were unable to negotiate the curve in front of the proposed development. He stated that with 225 new houses, there will be a great increase in traffic -- which increases the potential for additional accidents. He stated that requiring turn lanes on Bullittsville Road in both directions would be a possible way to eliminate accidents. He stated that people are having a difficult time staying on the road when they come around the curves now -- and there will be more of a problem if they come around the curve and there is a line of cars waiting because someone is turning left. He stated that because of the density and the traffic problems, the existing zoning of Rural Suburban Estates should remain unchanged. The development will eliminate privacy and reduce the values of the properties surrounding the development. SR-1 zoning, with a potential for four units per acre, will reduce the values of the larger properties in the area and most of the lots in both directions are well in excess of one acre. He stated that if the project is approved, they request a soil berm approximately six feet in height with evergreen trees or a privacy fence on top surrounding the perimeter of the

property. There is a similar berm across the road at Brentwood, but it is only 3 or 4 feet high. He stated that there is a sanitary sewer easement along the western boundary of the property located about 10 feet off the boundary line. The berm cannot be located on the easement and would have to be 15' – 20' off of the boundary line. He stated that there is a similar berm at a distance from the boundary line at the Cornerstone development. He submitted a picture of a berm (see Exhibit 4) located away from the property line and stated that trees are required on top of the berm, but they have not been planted yet.

Ms. Donna Powers, 3514 Bullittsville Road, stated that their property runs along the Sullivan property and goes back to Cornerstone Subdivision. They have a pond next to the Conrad property. The drainage from the Conrads, the Sullivans and their property collects below their pond. She has discussed her concerns with Bill Viox. She stated that the area there stays wet there in the spring and early summer. There is a natural drainage under the fence line into the Conrad property and down to the western pond. The Fryar property drains into the drainage ditch which drains the Gillespie property and the back of their property into the pond in two different directions. Their land has a hump in the middle and the pond overspill goes in the back way. All of the drainage comes in around their pond and they are concerned that the drainage will back up onto their property and cause a problem with their pond. She noted that Mr. Viox said that the subject site would contain its own water and accept theirs. She stated that if there is a berm, there would need to be drainage under the berm to take the drainage down to the pond. She stated that they want to maintain the mature trees along their fence line. They bought there for the privacy. She stated that even though the speed limit has been reduced to 35 MPH, there are a lot of people who fly through there. Their mailbox has been hit numerous times and they have had cars in their front yard. She stated that there is a curve in front of the power station and a little curve past Brentwood. There is limited sight distance there and she agrees that there should be turn lanes there so that cars are not sitting in the middle of the road.

Mr. Barry Merlo, 3635 Trevor Lane in Brentwood Subdivision, is concerned about the traffic. He stated that there is a bad blind spot on Bullittsville Road. He stated that no one does 35 MPH and when you pull out, there is a car right on your bumper. He stated that with 225 new homes, there will be another 500 cars on Bullittsville Road. He stated that they have been fighting the stormwater on their property for the last ten years. Water builds up at the house behind theirs every time it rains and has taken the steps away. The house is now in foreclosure. The water never drained properly and they have been trying to get it fixed for ten years. He stated that there are half acre and larger lots in Brentwood Subdivision and allowing four houses per acre right across the street will reduce property values in Brentwood Subdivision.

Ms. Carolyn Hollis-Nixon, 3239 Bullittsville Road, stated that she and her brother own 430 acres of land that is surrounded by Milliken, Brentwood, and

Cornerstone subdivisions. The traffic is insurmountable. There is a car every second and wrecks almost every week. There are five curves that can take a vehicle out at any time. She stated that Brentwood Subdivision came about next to them in the 1990's. She does not recall Mr. Viox being involved at that time. She stated that the water issue has never been addressed and she has been all over the county and to every organization to see what can be done. She stated that Mr. Miller has a little pond next to Bullittsville Road, but it does not collect the water -- the water comes down the streets, into the storm sewers, into two backyards on Miramar, and into their 70-acre woods. All of the trees are dying. She stated that there are five-foot deep sinkholes. Along McCall, there are trenches and they have put in riprap -- but the soil is being washed away from their backyards. She stated that Mr. Miller built a fence in conjunction with their house and the posts have rotted off. She stated that they are not able to get to their two hundred acres located behind Brentwood Subdivision unless they keep it built up -- which cost them another \$10,000 this summer. She stated that there are people here this evening whose backyards are gone because of stormwater. Her property is the retention pond for the water that comes from their backyards. Her brother no longer bush hogs because he loses his tractor down into the sinkholes. This is what happens when stormwater is allowed to get out of control and Sanitation District #1 will not allow it to happen anymore. She does not want to see a drop of water going under Bullittsville Road.

Mr. Donald Rogers, 2939 Petersburg Road, Hebron, is also concerned about how the stormwater will be addressed. His driveway crosses Woolper Creek and he catches practically all of the Hebron water.

Ms. Janice Webb, 3600 Brents Way at the entrance to Brentwood Subdivision, stated that the speed limit was reduced to 35 MPH, but people do not slow down coming into the subdivision. The school system is above capacity now. She questioned how the schools will handle the children from another 225 -- 240 homes. The Kindergarten class at Burlington Elementary has been on a five-year hold for accepting children. Boone County is one of the only schools in the state that does not have all-day Kindergarten because they do not have the capacity for it, which affects the children when they go into first grade because they are not getting the school time and curriculum that they need. She stated that banks are sitting on an inventory of undeveloped lots and lots are not selling today. There is new construction inventory in the community that is in foreclosure now. She stated that Mr. Miller is suggested a nine-year plan, but it took fifteen years for Brentwood. She stated that in a development with four homes per acre the houses will not sell for \$189,000 -- they will cost more like \$130,000 -- which brings more children into the community because it will be a first-time homebuyer type of community as opposed to the types of communities that currently exist in the area. This will cause an even greater stress on the school system.

Mr. Tom Brock, 3630 Trevor Lane across the road from the proposed subdivision, is concerned about the density and about the entrance to the property. He stated

that the houses in the proposed subdivision will be a lot different from those in Brentwood – they will probably have much less square footage and no deed restrictions – which will take away from their property values. He asked that the lots be similar in size to the lots in Brentwood Subdivision. He stated that in Brentwood Subdivision, the further back the developer went the smaller the lots became. His neighbor (Barry Merlo) has had problems with water running through his property and the house behind his house literally has drainage running under the concrete slab and coming out the back – and that house has only been there for 18 months. The house is in foreclosure and no one will want to buy it. He does not want that to happen again. He stated that if they cannot change the density of the proposed subdivision, then there should not be an entrance on Bullittsville Road. They could extend one of the cul-de-sacs out to KY 20 and have a couple of entrances on KY 20. They already have land set aside there. He stated that if there is a drive going into the proposed subdivision from Bullittsville Road, it will look like an extension of Brentwood Subdivision. He stated that people fought Brentwood Subdivision coming in, but it is a nice subdivision that is closed off and will not get any larger. He believes the density is 1.6 or 1.7 houses per acre. He stated that no one knows when Bullittsville Road will be widened.

Mr. Julie Hyatt Stransky, 3799 Brogan Court in Brentwood Subdivision, stated that the first part of Brentwood is beautiful but the back lots are not as large. She stated that Mr. Miller did a nice job with the Brentwood development. She stated that the density of the proposed subdivision would completely change the area. She agreed with the comments made about the traffic. She stated that she is not opposed to development, but she wants the Planning Commission to maintain the initial thought for this part of the county. She stated that the video shown by the applicant of the proposed development does look a lot like Brentwood – but that is the very first part of the development and they did not show any pictures of what the back of the development would look like – which will be small homes on small lots. She stated that the homes will not be the quality and size of the homes in Brentwood and the proposed sale prices given by the applicant are not realistic. She stated that 225 homes is an incredible amount in this development.

Ms. Margaret Finnell, 3045 Miller Court in Milliken Subdivision, stated that the traffic is bad on Bullittsville Road and she has seen many vehicles go off the road. Dogs and deer have been hit and children have almost been hit. She stated that two turning lanes will be needed for this development and they could use a turning lane now to get into Brentwood Subdivision. She suggested that the development have one or two houses per acre and be a showplace with nice landscaping. She asked that the Sullivans be given privacy. She stated that there is not room in the schools for the additional children. The schools have mobile units now and her child does not even have a textbook. The schools cannot take any more students.

Mr. Ben Shaffer, a resident of Villa Hills, stated that he and his wife want to build their dream home on a lot they purchased in Cornerstone Estates Subdivision. He stated that he had just arrived and did not see the presentations, but he sent in an email earlier (see Exhibit 1 – submitted by Staff). He stated that the density of the proposed subdivision makes him not want to build there. He asked the Planning Commission to consider the overall impact of the development on the area. He stated that they want a place where their children can walk in the neighborhood and where they do not have to worry about cars flying through a subdivision, or cars parked on the street because of the density.

Mr. Harvey Pelley, II, 3619 McCall Place, agreed with the concerns expressed about the traffic on Bullittsville Road. He stated that the quality and lot sizes that exist in the subdivisions on Bullittsville Road should be maintained. He is concerned when a development has to be hidden behind berms. He stated that the houses shown in the video presented by Mr. Viox have only enough room for a front door, a garage door and one window. They will not be the quality of houses that they have in Brentwood Subdivision. Even if there are larger lots in the front, there is nothing that says there will be a larger house on the lot. He stated there will be \$130,000 starter homes. He stated that the economy is not as good as it was in the past and houses like theirs in Brentwood are not selling – but Hebron Gardens is selling and this is another Hebron Gardens that is being polished up and sold off as a Brentwood Subdivision.

Mrs. Poston asked if there was anyone else present who wished to speak in opposition to the request. There being no response, she asked if there were any comments or questions from the Commissioners.

Mr. Schwenke asked if the houses along Bullittsville Road will face Bullittsville Road or will the backs of the houses face the road. Mr. Viox responded that none of the houses will face Bullittsville Road and there will be no driveways coming out on Bullittsville Road. The backs of the houses will face the back of the large berm and the houses will face internally. Mr. Schwenke stated that when the site on Camp Ernst Road was developed, the Planning Commission was told that the vegetation would be large enough so that people would not see the backs of the houses or the swing sets in the back yards – but it did not work out that way and the backs of the houses and the yards can be seen from the road. He asked that the houses face Bullittsville Road. He does not want driveways on Bullittsville Road, but he believes that they can find an innovative way to angle the houses and make them look nice and fit better with the area. He stated that the other developments do not have large berms. He asked the applicant to bring to Committee information about the development timeframe and the plan to address runoff. Mr. Viox responded that Alson Place was a similar situation and the Planning Commission required the berm. He stated that they are willing to commit to a cross section of what the proposed development will look like along Bullittsville Road and what the houses behind it will look like. He stated that they can change where the intersection on Bullittsville Road is located. Development

of the intersection is probably three or four years away and they are waiting to see what County Engineer Greg Sketch wants them to do. He stated that they initially wanted to have a street all the way through the development, but they were "corralled" into a layout by the county's street and open space requirements. The streets will belong to the county and they have to go the way that the County Engineer tells them to go. They set the grades up with the thinking that if the County Engineer decides that he does not want the intersection located across from Brentwood Subdivision, they can move the intersection as indicated on the slide and improve the sight distance in both directions.

Mrs. Poston suggested that the County Engineer attend the Committee Meeting. Mr. Costello agreed and will contact Mr. Sketch.

Mr. Bunger asked Staff or the applicant to provide the last couple years history of traffic accidents in the area. He asked the applicant to address the concerns about the drainage either now or at the Committee Meeting. Mr. Viox stated that he will provide a general answer now and specific answers at the Committee Meeting. He stated that he discussed the drainage with Ms. Powers and told her that their site will receive offsite water and funnel it through their structures and lakes. The water from the wet spot coming under the fence would be received by their system. They will set the grade lower to eliminate the wet spot and the water will ultimately end up in their lake. They will enlarge the lake so that they can take it up and down. He will provide the numbers to the Committee.

Mr. Schwenke asked the applicant to bring to Committee the details on the berm and the dimensions of the lots next to the berm and in each area.

Mrs. Poston asked that additional information regarding the projected impact on the schools be provided to the Committee.

Mr. Costello stated that it is ideal to have more than one way in and one way out of the subdivision. He asked if the applicant has information on traffic distribution if there is an internal connection to KY 20. He asked if most of the traffic movements would be towards KY 20 versus the back route coming towards Burlington. Mr. Viox responded that when they originally proposed a street all the way through the development, they assumed that the bulk of the traffic would go to KY 20 because it is the quickest way to I-75. He stated that people working at the courthouse, would go the Bullittsville Road way but everyone else in the morning would probably go towards KY 20 – even with all of the intersections in the development. Mr. Costello stated that there are subdivisions there now that do not have access to KY 20 and people have to go out on Bullittsville Road and make a right turn to KY 20. He stated that the proposed subdivision may have more traffic activity because of the access to get through to KY 20 -- people living in Cornerstone Subdivision who want to get to KY 20 may go through this subdivision. Mr. Viox stated that the people living near the intersection of Penny Lane may also come through the proposed subdivision. Mr. Costello stated that

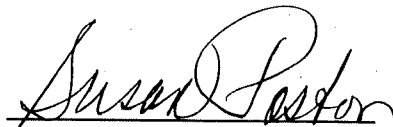
the Committee will look at the road alignment. He stated that the three cul-de-sacs lined up parallel to the lake could potentially be connected – two could be combined, or possibly all three. Mr. Viox agreed that there is the potential to combine the cul-de-sacs.

Mrs. Poston questioned the open space. Mr. Viox responded that they considered open space. He stated that they have a large amount of open space in the front of the development along KY 20. He indicated another area of open space and stated that they could have a corridor down the middle of the site that opens up to that area. They will probably have walkways to the open space.

Mr. Ford asked if the cul-de-sacs are wide enough for garbage trucks, school buses, delivery trucks, and tractor trailers. He believes that internal traffic movements could be more difficult with the proposed layout than with a boulevard road through the community. Mr. Viox stated that they were trying to have school bus traffic go straight through, and they presented several plans. He is willing to tie the cul-de-sacs together if there is agreement to that.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on November 5, 2008 at 5:00 PM in this room. The Committee Meeting is open to the public, but new testimony will not be accepted. This item will be on the Agenda for the Business Meeting on November 19, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 9:15 PM.

APPROVED:


Susan Poston, Chairwoman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

- 1. Email from Ben & Km Shaffer expressing concerns about the request, submitted by Staff**
- 2. Applicant's Power Point presentation, *Sawgrass Subdivision, Boone County, Kentucky*, submitted by Bill Viox (hard copy and CD)**
- 3. Representative property values by street address with attached map indicating the locations of the properties in relation to the subject site, submitted by Bill Viox**
- 4. Picture of berm submitted by Mr. Noyes**

Mitch Light

From: Pat Russ
Sent: Wednesday, October 15, 2008 4:36 PM
To: Mitch Light
Subject: FW: Zoning Change on Bullitsville Road

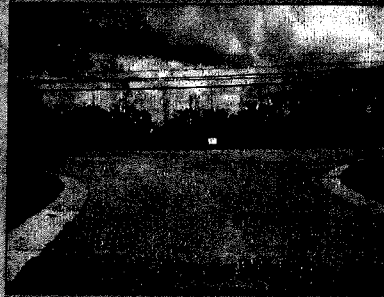
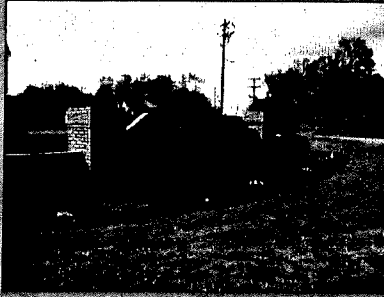
From: ben.shaffer@tema.toyota.com [mailto:ben.shaffer@tema.toyota.com]
Sent: Wednesday, October 15, 2008 3:55 PM
To: Planning Commission General Account
Subject: Zoning Change on Bullitsville Road

Mr. Light,
We have recently purchase a lot in the Cornerstone Estates subdivision because we are wanting to build in an area where there is open space between homes. I am concerned that with the rezoning of the property near us from RSE -> RS or RS1, that the value of our property & future home will decrease significantly. Also with this kind of building density, there will be more traffic congestion and less open space. I worry that we will loose the small town feel that is currently in the area.
If this zoning change must happen, at a minimum, there must several lots of transition before getting into a RS zoning. Currently I do not agree with this proposal especially RS1.

Thank you for your consideration in this matter.

Ben & Kim Shaffer
Owner
3277 Cornerstone Drive Lot #28
Burlington, KY





SAWGRASS SUBDIVISION

BOONE COUNTY, KENTUCKY

Civil Engineers:

Viox & Viox
466 Erlanger Road
Erlanger, KY 41018

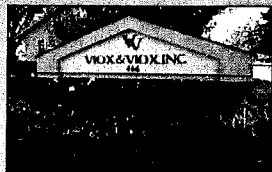
Developer:

JJ Miller
10847 Omaha Trace
Union, KY 41091

October 15, 2008

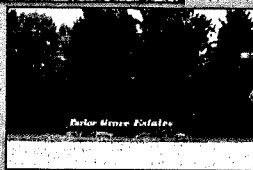


PAST J.J. MILLER COMPANY DEVELOPMENTS:

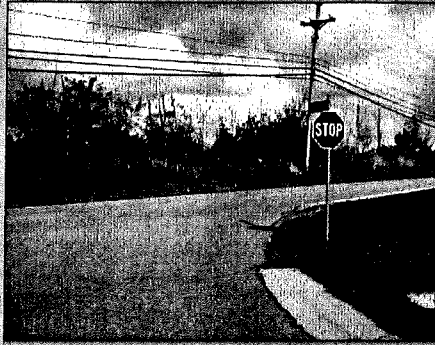


•Viox & Viox was founded in Erlanger, Kentucky in 1945
•Maintains a long history of designing successful subdivisions in Northern Kentucky.

•J.J. Miller Companies has over 30 years of experience in quality residential development in Northern Kentucky.



CURRENT SITE CONDITIONS



Intersection of Brent's Way
and Bullittsville Road



End of Cornerstone Drive



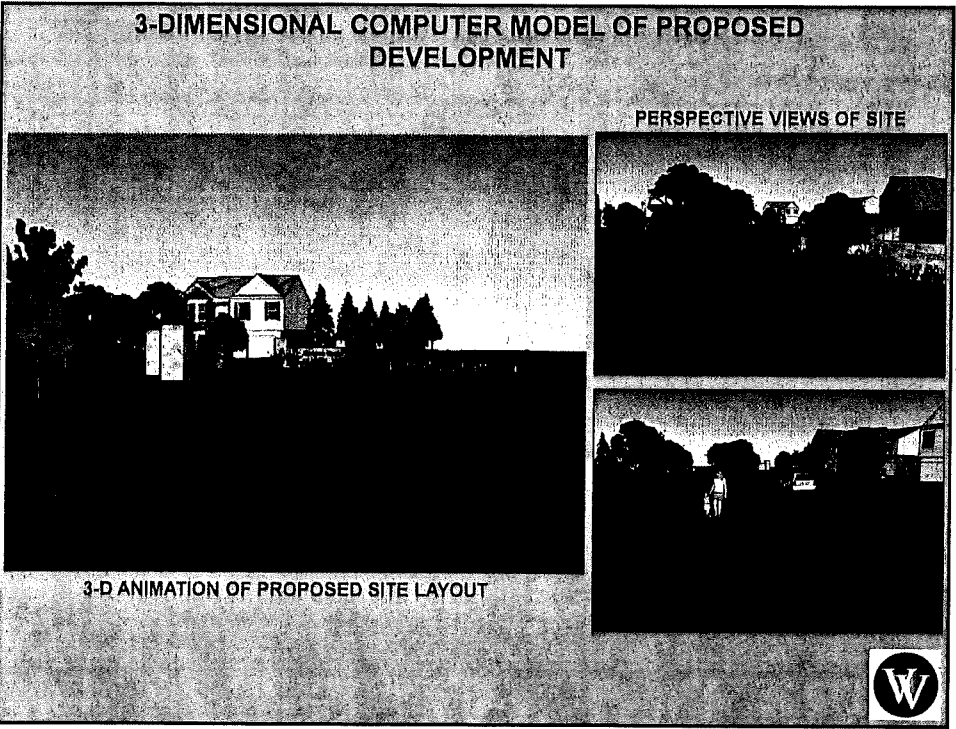
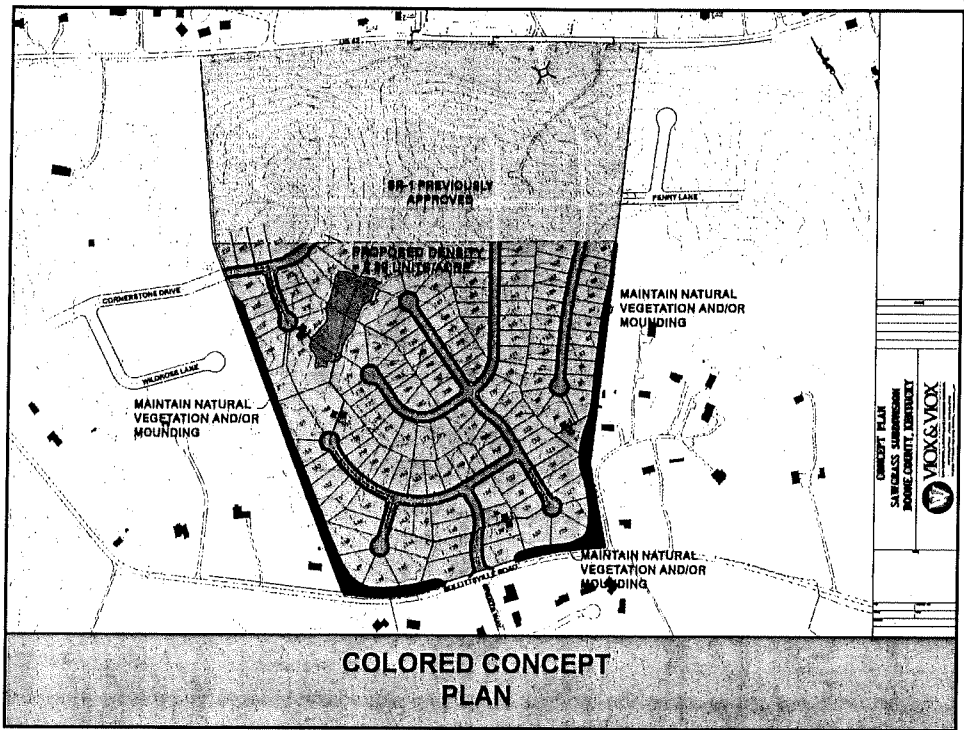
AERIAL VIEW OF SITE

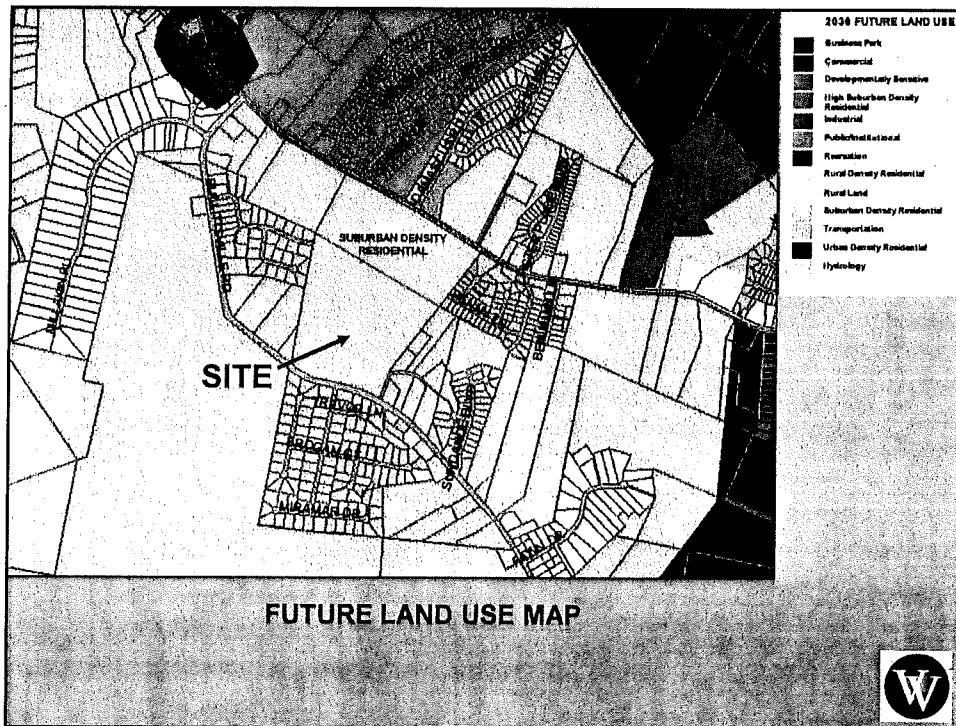
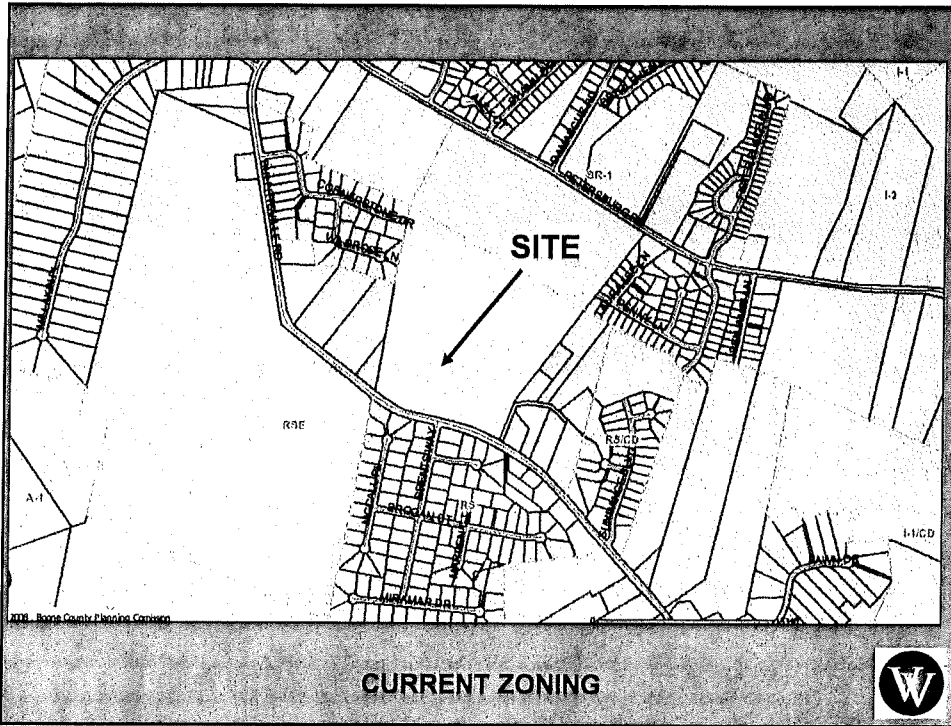


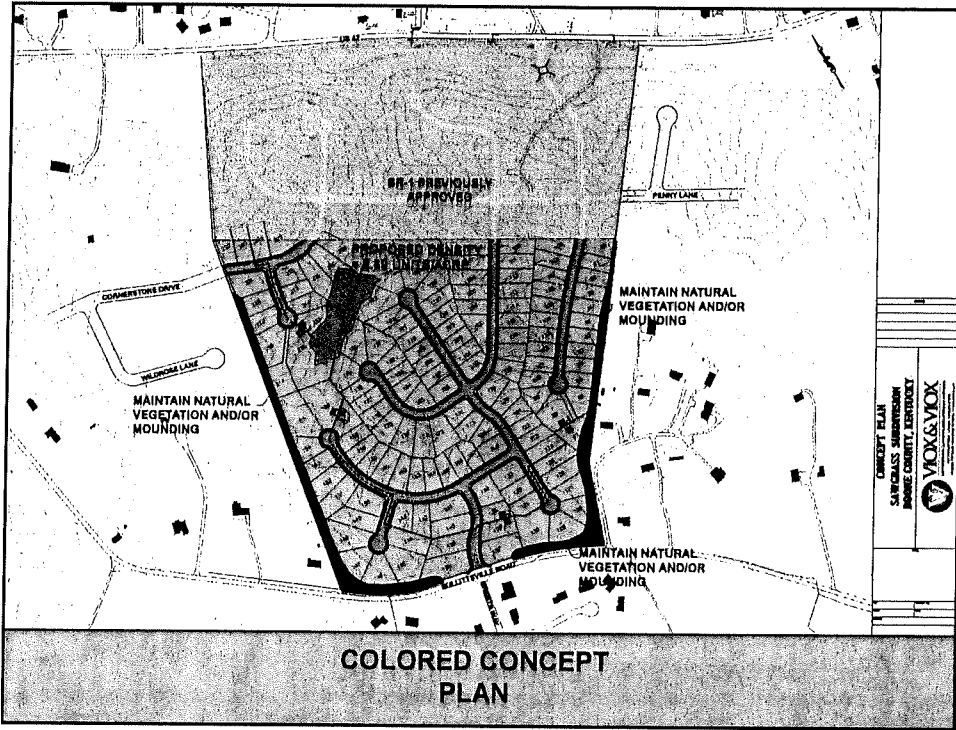
Existing Conditions:

- Currently zoned RSE; requesting change to SR-1 and RS
- Existing Brentwood Subdivision (across Bullittsville Road) is RS zone
- Existing Cornerstone Estates Subdivision to the west is RS zone.
- Existing Sawgrass Subdivision to the north is SR-1 zone.











VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859.727.3293
Fax: 859.727.8452
www.vioxinc.com

SAWGRASS SUBDIVISION

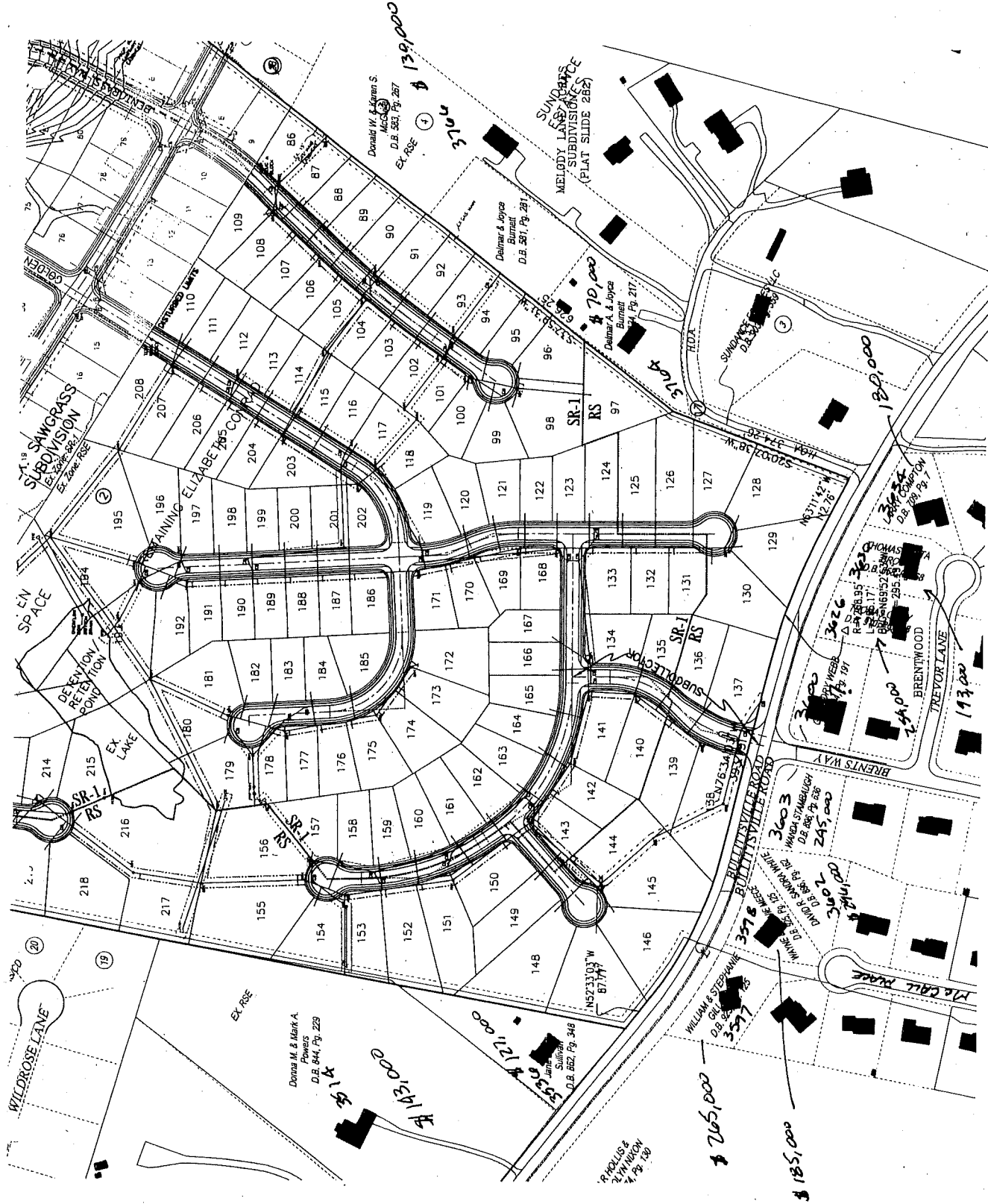
ZONE CHANGE APPLICATION EXHIBIT

REPRESENTATIVE PROPERTY VALUES BY STREET ADDRESS

3514	Bullittsville Road	\$143,000.00
3536	Bullittsville Road	\$127,000.00
3764	Bullittsville Road	\$70,000.00
3766	Bullittsville Road	\$130,000.00
3597	McCall Place	\$265,000.00
3598	McCall Place	\$185,000.00
3602	McCall Place	\$296,000.00
3603	Brents Way	\$245,000.00
3600	Brents Way	Not Available
3626	Trevor Lane	\$254,000.00
3630	Trevor Lane	\$193,000.00
3634	Trevor Lane	\$180,000.00

Value Source Boone County PVA

Range Low	\$70,000.00
High	\$296,000.00



Donald W. & Loran S.
Michalski
D.B. 563, Pg. 287
Ex. Rose
\$139,000

SUNDAE
MELDY LANDS
SUBDIVISION
(PLAT SLIDE 282)

Debra M. & Joyce
Burnett
D.B. 507, Pg. 281

Dana M. & Mark A.
Powers
D.B. 844, Pg. 229

Thomas & Mary Ann
Johnson
D.B. 489, Pg. 217

CHOMAS
D.B. 502, Pg. 255

WANDA STAMBUCH
D.B. 887, Pg. 288

DAND R. BARKER
D.B. 887, Pg. 288

WILLIAM & STEPHANIE
Gill
D.B. 887, Pg. 288

R. HOLUS &
L. WILSON
D.B. 887, Pg. 288

WILDOUSE LANE

SAWGRASS
SUBDIVISION

DEVIATION
RETENTION
POND

SAWGRASS
SUBDIVISION

SAWGRASS
SUBDIVISION

SAWGRASS
SUBDIVISION

EX. ROSE

\$143,000

\$127,000

\$265,000

\$185,000

\$245,000

\$143,000

\$180,000

\$170,000

\$180,000

EX. ROSE

EX. ROSE

EX. ROSE

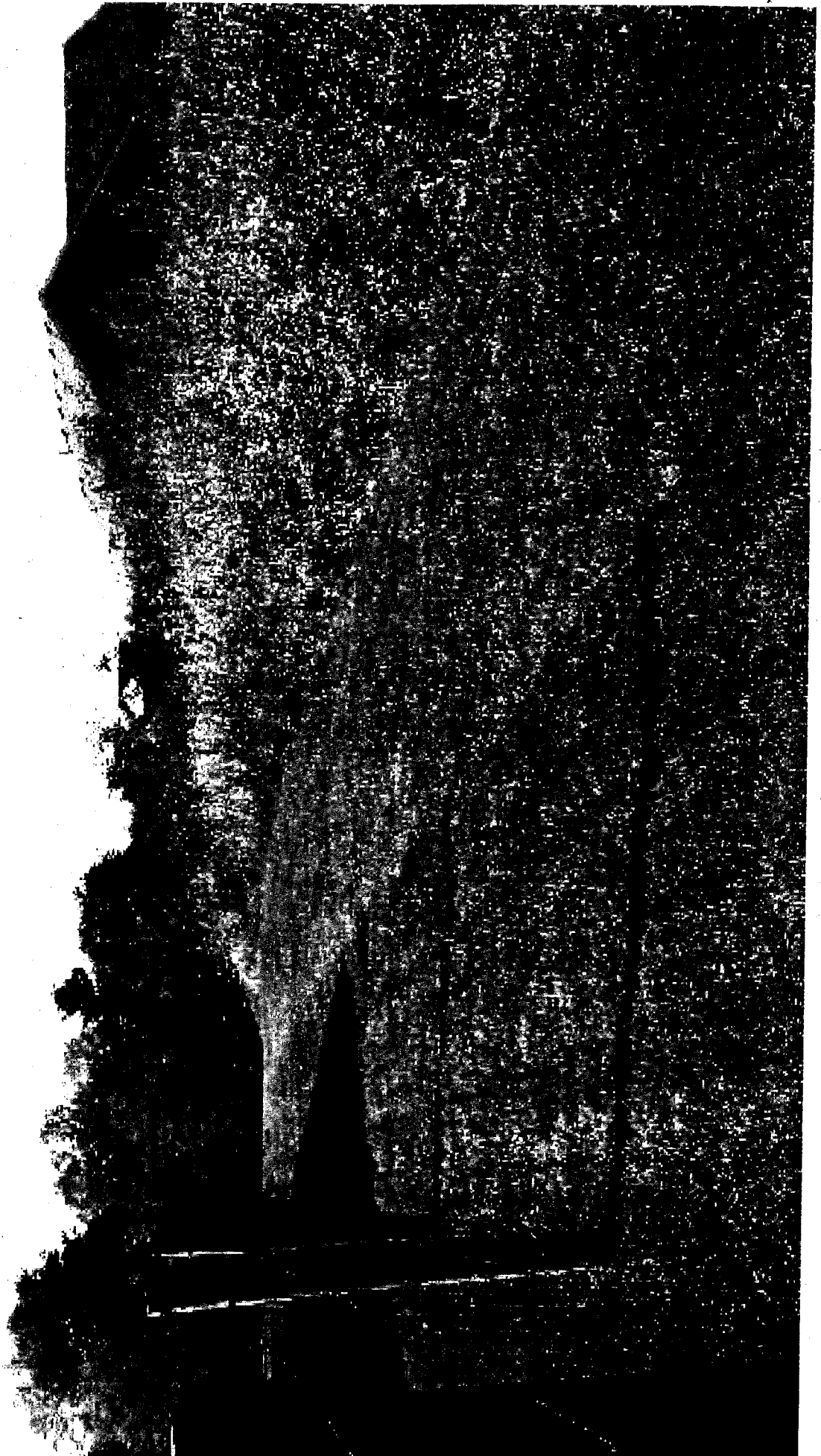
EX. ROSE

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10/15/08

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4



ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Viox & Viox, Inc. for J. J. Miller (owner by contract) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site located on the north side of Bullittsville Road across from the Bullittsville Road/Brents Way intersection, and between the properties at 3536 and 3630 Bullittsville Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single-family 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.

Mrs. Poston asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed in Committee before the Planning Commission takes action on this request.

Mr. Bill Viox with Viox & Viox stated that it has taken longer than usual to go through the process because the county wanted to determine if the main road through the development would be a cross street with Brents Way. They looked at the sight distances and determined that Brents Way needed to be moved to where it is now located. After the first Committee Meeting, Eastern Kentucky Power Company told them that there would probably be an overhead wire going across the land at some point. They do not know where it will be located, but they think it will probably be along the property line. He stated that the county was concerned about access on the 28-foot wide street going through the development and they have committed to limited curb cuts along the roadway. He stated that they agreed to a greater number of larger lots than on the original application. He indicated the location of the larger lots (numbered along the right side of the main road). He stated that the driveways would be limited on the corner lots. He stated that there was concern about the houses facing Bullittsville Road and they have agreed to turn those houses around. He stated that Ms. Powers raised concerns at the Public Hearing about drainage issues. She was concerned that any raising of the land would make her backyard a bog, which they have agreed to address. He stated that they made a number of concessions and the process took longer than normal. He thanked the Committee for their work.

Mrs. Poston asked if there was anyone present who wished to make a summary statement in opposition to the request.

Mr. and Mrs. Dennis Sullivan were present. Mr. Sullivan stated that they own the triangular property at the corner (3536 Bullittsville Road). He has lived there for over thirty years. He has 458 feet of fence that has never been repaired and is supported only by honeysuckle, weeds, and trees that have grown through it. He stated that he asked for a 20-foot right-of-way to allow for excess sewer line from the fence over and a six-foot berm with trees on the top for a distance of 458 feet to give them privacy and to maintain the lifestyle they have had for over 30 years. He believes these items were agreed to – but the berm and trees were not in the Committee Report. He stated that if there is not a berm there and there is approximately 40 feet of vegetation, the new property owners may clear out the vegetation all the way to the fence – in which case, the fence will collapse. Mrs. Sullivan stated that a lot of the trees are dead because they were uprooted when the sewer line was put in. The trees that are left are falling into their yard. Mr. Sullivan stated that he obtained a project schedule from Eastern Kentucky Power Company. Mrs. Poston stated that the developer may be interested in seeing it.

At this time, Mr. Bunger moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mr. Rolfsen seconded the motion.

Mr. Bunger stated that the Power Point slides shows Lots #197 through #203, which are RS lots, and the developer has agreed that they will be the larger lots -- even though the darker line goes around them.

Mrs. Kegley stated that a berm is shown on the plan. She stated that if the power lines take that property, then the developer would no longer be required to put the berm there. Mr. Light stated that this was discussed at the last Committee Meeting on December 17. He stated that they have to treat the land like the power lines will not go in – because they might not. He stated that Staff wants to see a detailed plan at the Preliminary Plat stage (not the Improvement Plat stage). He reviewed Condition #4 in regard to the mounding noted on the Concept Plan. He will contact the adjoining property owners on the west and east sides in regard to what has been proposed.

Mrs. Poston asked Mr. and Mrs. Sullivan if they need any further clarification. Mr. Sullivan responded that the terms “mounding and vegetation” are not detailed enough. Mrs. Poston stated that at this point they do not know what the vegetation will be, but they will have to follow the criteria. Mr. Light stated that the taller a mound gets, the wider it gets. It has to be wide enough at the top to support the plant materials. Mrs. Poston stated that there is going to be a berm and there is going to be vegetation. Mr. Light agreed. Mr. Sullivan stated that he does not feel that there is enough detail on the plan.

Mr. Ford stated that at the Public Hearing there was discussion about water runoff. He reviewed Condition #3 and questioned how the water will be handled. Mr. Jonathan Brown with Viox & Viox responded that the site goes down hill from Bullittsville Road. The storm water will be detained in the two lakes. He stated that all of their water goes through the site and they also take water from other properties. He stated that they will handle and detain all of the water to the standards with the two lakes.

There being no further discussion, Mrs. Poston asked for a vote on the motion made by Mr. Bunger and it carried **unanimously**. Mr. Charlie Reynolds returned to the meeting at this time.

2. Zoning Map Amendment and Concept Development Plan

The request of Viox & Viox, Inc. (applicant) for EmANon Acres, Limited Partnership, Dennis G. Davis, Don Davis, and Richard Davis (owners) for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EDP) for a 2.61 acre area located at 343, 351, 357, and 377 Richwood Road, Boone County, Kentucky; and the request of Viox & Viox, Inc. (applicant) for Anchor Properties (owner by contract) for a Concept Development Plan in an Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a commercial and office development on an approximate 5.7 total acre site.

Mrs. Poston stated that Agenda Item #2 is recommended for deferral to the February 4, 2009 Business meeting at 7:00 PM. Mr. Rolfsen so moved. Mr. Bunger seconded the motion and it carried unanimously. The next Committee Meeting for this request is scheduled for January 21, 2009 at 5:00 PM in this room.

3. Change in Concept Development Plan

The request of Alexander Christoforidis, AIA, AICP (applicant) for Future Properties, LLC (owner) for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.939 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an approximate 5,000 square foot restaurant.

Staff Member Todd Morgan 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.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: January 7, 2009

RE: Request of **Viox & Viox, Inc. (applicant)** for **J.J. Miller (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site located on the north side of Bullittsville Road across from the Bullittsville Road/Brents Way intersection, and between the properties at 3536 and 3630 Bullittsville Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on 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 existing zoning classification of Rural Suburban Estates (RSE) is inappropriate for a parcel surrounded by existing and planned residential development, and that the proposed zoning classifications of Rural Suburban (RS) and Suburban Residential One (SR-1) are appropriate given the adjacent land uses and densities.
2. The Committee has concluded that the map amendment request is in agreement with the adopted Comprehensive Plan and its Future Land Use Map. Specifically, the Future Land Use Map designates the site for "Suburban Residential" uses. The Suburban Residential classification is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision." The proposal is for a subdivision for detached, single family residences with an overall density of 2.89 units per acre, which is well within the four units per acre residential uses that the Future Land Use Map designates.

The Goals and Objectives state that "future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall," Objective 4)." All public utilities necessary for the development are either in place or will be extended by the developer.

3. The Committee has concluded that the following conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The conditions listed below are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The property owner agrees to construct a sub-collector street (28' pavement width) as shown on the Revised Concept Development Plan reviewed by the Zone Change Committee at their December 17, 2008 meeting. "Traffic calming" measures for the sub-collector street will be required and reviewed by the Planning Commission Staff and County Engineer at the Improvement Plan Review phase.
2. The property owner agrees to provide access to the public sanitary sewer system to the adjoining Powers and Sullivan properties to the west.
3. The property owner agrees that all storm water from this development will be handled on-site and will not cross Bullittsville Road and will be reviewed by the Planning Commission Staff and County Engineer at the Improvement Plan Review phase.
4. The property owner will provide a detailed Landscape Plan at the applicant's submittal at the Preliminary Plat Review with regard to the "Maintain Natural Vegetation and/or Proposed Mounding" note on the Concept Development Plan.
5. The property owner agrees that Lots 197-203, 151 and 215-225 will meet the minimum dimensional standards for Rural Suburban (RS) as shown on the Revised Concept Development Plan reviewed by the Zone Change Committee at their December 17, 2008 meeting.
6. The property owner agrees that the homes on Lots 204 & 211 will face Bullittsville Road and will only have access from the internal sub-collector street as shown on the Revised Concept Development Plan reviewed by the Zone Change Committee at their December 17, 2008 meeting.
7. The property owner agrees that Lots 86, 98, 99, 121, 122, 150, 151, and 203 will only have driveway access from the local streets they front and not the sub-collector street as shown on the Revised Concept Development Plan reviewed by the Zone Change Committee at their December 17, 2008 meeting.

8. The property owner agrees that Lots 205-210 will have shared driveways on Bullittsville Road as shown on the Revised Concept Development Plan reviewed by the Zone Change Committee at their December 17, 2008 meeting.

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. Attached is the signature page for the Concept Development Plan Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

**October 15, 2008
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Bungler, Mr. Mike Ford, Mr. McMillian, Mrs. Poston - Chairwoman, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:38 PM and introduced the item on the Agenda:

Applicant: Viox & Viox, Inc. for
J. J. Miller (owner by contract)

Request: Zoning Map Amendment

The request of Viox & Viox, Inc. for J. J. Miller (owner by contract) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site located on the north side of Bullittsville Road across from the Bullittsville Road/Brents Way intersection, and between the properties at 3536 and 3630 Bullittsville Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single-family residences.

Following an explanation of the Public Hearing process, Mrs. Poston asked for the Staff presentation.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He submitted an email from Ben & Kim Shaffer expressing concerns about the request (see Exhibit 1).

Mrs. Poston asked for the applicant's presentation.

Mr. Bill Viox with Viox & Viox was present on behalf of Mr. J. J. Miller, the applicant and developer of Brentwood Subdivision. Mr. Carter Dickerson handed out copies of the applicant's Power Point presentation, *Sawgrass Subdivision, Boone County, Kentucky* (see Exhibit 2). Mr. Viox stated that the first Power Point slide was taken on Brent's Way looking south and into the site. He stated that J. J. Miller has done developments in Boone, Kenton and Campbell counties and has a good track record. He presented an aerial photograph of the site and indicated the adjacent area zoned SR-1. He stated that they submitted a Preliminary Plat for that area, which was approved. He presented the Concept Plan for the current project and noted the portion of the site previously approved for SR-1 zoning. He stated that the county has a plan for a pathway system that will go along KY 20 and has requested that they hold back properties in the valley along Woolper Creek as open space to accommodate the pathway system. He noted that the density lowers when the area left vacant is included. He stated that the Staff Report spoke to the peculiarity of the zoning they are requesting and suggested that some of the cul-de-sacs might be tied together. He stated that in the City of Florence and in Boone County, there are issues with pass-through traffic going from one corridor to the other. When they first came in with the Concept Plan, they had a road that went from Bullittsville Road to KY 20 – but the County Engineer was against it because of pass-through traffic. They went through several designs and the County Engineer kept adding intersections so that pass-through traffic could not go from Bullittsville Road to KY 20. He stated that Staff indicated that they would have preferred the access point across from Damascus Road – but the road there is in the flood plain and the access could not go there. The road is at a higher elevation where they are showing it coming out and that is where the state made them put the road – they did not select that location, the state did. He stated that whenever there is an intersection, there have to be larger corner lots – and that is what drove them to the peculiarity of the zoning. He stated that many of the lots meet the RS minimum square footage requirement -- but they cannot just have little spots of RS zoning, which is what drove them to the transition that they show for RS and SR-1 zoning. They have already given up a lot of density with the open space area along KY 20 and with the road configuration that was requested of them. The density is still considerably below the RS density of 3 units per acre – and when adding in the area already approved, the density goes from 2.89 down to 2.6. He stated that the site has all utilities. He stated that Mr. Miller wants to continue across the street with the same type of quality development that exists at Brentwood Subdivision. He stated that he was Chairman of the Planning Commission many years ago when the Public Hearing was held for Brentwood Subdivision (he did not represent Mr. Miller at that time). He stated that the community did not want Brentwood Subdivision, but it has turned out to be an asset to the community. He stated that they do not want to hurt the property values in the area. They went to the courthouse and looked up home values around the site (values for homes built in the last year are not available). He reviewed and submitted a listing of representative property values by street address with an attached map indicating the locations of the properties in relation to the subject site (see Exhibit 3). He

indicated the location of the upper part of Woolper Creek on the Power Point slide. He stated that there is a lake on the subject property that will be enlarged and used for stormwater detention. He indicated two other lakes on the property. He stated that all of the stormwater will be regulated through their system before going into Woolper Creek. They are not sending water off the site. They will hold the water per the requirements, which will reduce the velocity, before releasing it into Woolper Creek. They will accept water onto the site. He presented a video of the proposed subdivision beginning at the entrance off Bullittsville Road. The subdivision entrance will look a lot like Brentwood. He stated that Brentwood Subdivision has been developing since 1994 and there have been several different builders. He stated that a number of things have happened since they submitted this application, including the banking crisis. They do not know when the subdivision will start, but the phasing will be nine years from when the subdivision starts. He stated that development is not going at the pace it was in the 1990's and this development will probably be a very slow go. They do not anticipate a big impact on the infrastructure in a short time period. Nine years may be optimistic since people cannot get home loans and it is not a good time for subdivision development. He indicated the location of the only subdivision activity they have seen other than their own. He stated that development is very slow and they anticipate that continuing.

Mr. J. J. Miller, 10847 Omaha Trace, Union, stated that he is the developer and has a contract to purchase the property – the 85 lots along KY 20 (which have already been approved for a subdivision) and the rest of the acreage, which is the subject of the zone change this evening. He stated that it will be a number of years before they begin developing this project. He will not even start developing the area with the 85 approved lots until next year, with lots coming on line in 2010, and he will then develop into the subject property. It is questionable if the property would develop from both sides since the utilities are at the KY 20 end. They are being proactive by getting the zone change, doing the planning and financing. He stated that the development will be done over nine years, if the economy improves. They will do 30 lots per year after the first couple of years, but that may be optimistic. They have worked with the engineer to get the street layout the way he wanted it, which impacted the density. They have tried to be considerate of the surrounding property owners. The houses will be comparable to those in Brentwood. There will be 75-foot lots and the houses will be over \$200,000. Even in the front where they will start selling houses in 2010, the houses will average about \$180,000. The property zoned RS will have nicer houses and nicer lots. They will maintain the perimeter vegetation to protect privacy. He stated that this is his seventh development in Boone County and he is proud of all of them. He stated that when he did Brentwood Subdivision, he had to buy a sewer easement across one side of this property and a gas easement across the other side. He has wanted to purchase this property for about fifteen years and could not say no to it when it was available. When he will start developing depends on the economy. They will clean up the property along KY 20 and put grasses in, and they will make property available for the county to put

in a pathway. It will look much nicer along KY 20 than it does now. They will have a golf course type theme in the subdivision. He will do a nice job on this development. This concluded the applicant's presentation.

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

Mr. Matt Dedden, 6740 Utz Lane, Burlington, is a contractor in Boone County and does a lot of work for Mr. Miller. He stated that not too many people are developing now because of the economy. He stated that 80% of the subcontractors he uses are from Boone County. He asked that the request be approved.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition.

Mr. Tim Noyes, attorney, was present on behalf of Dennis and Jane Sullivan who live at 3536 Bullittsville Road. Their property borders the southwest edge of the proposed development and shares a common boundary with the development for about 468 feet. He stated that the development is too dense for the existing infrastructure, it will eliminate their privacy, and it will devalue their property. He stated that Bullittsville Road is a two-lane country road. Brentwood Subdivision is located across the road from the proposed project. There will be 225 houses in the proposed project. He stated that in the area of the Conrad property there are a couple of tricky curves – one in front of the proposed development (close to the Sullivan property) and the other is down the road about one quarter mile to the west. He stated that there have been traffic accidents in this stretch of road over the past few years and the speed limit was reduced from 45 MP to 35 MPH in an effort to reduce the number of accidents. Even with the reduction in speed, the Sullivans have vehicles in their front yard several times a year that were unable to negotiate the curve in front of the proposed development. He stated that with 225 new houses, there will be a great increase in traffic -- which increases the potential for additional accidents. He stated that requiring turn lanes on Bullittsville Road in both directions would be a possible way to eliminate accidents. He stated that people are having a difficult time staying on the road when they come around the curves now -- and there will be more of a problem if they come around the curve and there is a line of cars waiting because someone is turning left. He stated that because of the density and the traffic problems, the existing zoning of Rural Suburban Estates should remain unchanged. The development will eliminate privacy and reduce the values of the properties surrounding the development. SR-1 zoning, with a potential for four units per acre, will reduce the values of the larger properties in the area and most of the lots in both directions are well in excess of one acre. He stated that if the project is approved, they request a soil berm approximately six feet in height with evergreen trees or a privacy fence on top surrounding the perimeter of the

property. There is a similar berm across the road at Brentwood, but it is only 3 or 4 feet high. He stated that there is a sanitary sewer easement along the western boundary of the property located about 10 feet off the boundary line. The berm cannot be located on the easement and would have to be 15' – 20' off of the boundary line. He stated that there is a similar berm at a distance from the boundary line at the Cornerstone development. He submitted a picture of a berm (see Exhibit 4) located away from the property line and stated that trees are required on top of the berm, but they have not been planted yet.

Ms. Donna Powers, 3514 Bullittsville Road, stated that their property runs along the Sullivan property and goes back to Cornerstone Subdivision. They have a pond next to the Conrad property. The drainage from the Conrads, the Sullivans and their property collects below their pond. She has discussed her concerns with Bill Viox. She stated that the area there stays wet there in the spring and early summer. There is a natural drainage under the fence line into the Conrad property and down to the western pond. The Fryar property drains into the drainage ditch which drains the Gillespie property and the back of their property into the pond in two different directions. Their land has a hump in the middle and the pond overspill goes in the back way. All of the drainage comes in around their pond and they are concerned that the drainage will back up onto their property and cause a problem with their pond. She noted that Mr. Viox said that the subject site would contain its own water and accept theirs. She stated that if there is a berm, there would need to be drainage under the berm to take the drainage down to the pond. She stated that they want to maintain the mature trees along their fence line. They bought there for the privacy. She stated that even though the speed limit has been reduced to 35 MPH, there are a lot of people who fly through there. Their mailbox has been hit numerous times and they have had cars in their front yard. She stated that there is a curve in front of the power station and a little curve past Brentwood. There is limited sight distance there and she agrees that there should be turn lanes there so that cars are not sitting in the middle of the road.

Mr. Barry Merlo, 3635 Trevor Lane in Brentwood Subdivision, is concerned about the traffic. He stated that there is a bad blind spot on Bullittsville Road. He stated that no one does 35 MPH and when you pull out, there is a car right on your bumper. He stated that with 225 new homes, there will be another 500 cars on Bullittsville Road. He stated that they have been fighting the stormwater on their property for the last ten years. Water builds up at the house behind theirs every time it rains and has taken the steps away. The house is now in foreclosure. The water never drained properly and they have been trying to get it fixed for ten years. He stated that there are half acre and larger lots in Brentwood Subdivision and allowing four houses per acre right across the street will reduce property values in Brentwood Subdivision.

Ms. Carolyn Hollis-Nixon, 3239 Bullittsville Road, stated that she and her brother own 430 acres of land that is surrounded by Milliken, Brentwood, and

Cornerstone subdivisions. The traffic is insurmountable. There is a car every second and wrecks almost every week. There are five curves that can take a vehicle out at any time. She stated that Brentwood Subdivision came about next to them in the 1990's. She does not recall Mr. Viox being involved at that time. She stated that the water issue has never been addressed and she has been all over the county and to every organization to see what can be done. She stated that Mr. Miller has a little pond next to Bullittsville Road, but it does not collect the water -- the water comes down the streets, into the storm sewers, into two backyards on Miramar, and into their 70-acre woods. All of the trees are dying. She stated that there are five-foot deep sinkholes. Along McCall, there are trenches and they have put in riprap -- but the soil is being washed away from their backyards. She stated that Mr. Miller built a fence in conjunction with their house and the posts have rotted off. She stated that they are not able to get to their two hundred acres located behind Brentwood Subdivision unless they keep it built up -- which cost them another \$10,000 this summer. She stated that there are people here this evening whose backyards are gone because of stormwater. Her property is the retention pond for the water that comes from their backyards. Her brother no longer bush hogs because he loses his tractor down into the sinkholes. This is what happens when stormwater is allowed to get out of control and Sanitation District #1 will not allow it to happen anymore. She does not want to see a drop of water going under Bullittsville Road.

Mr. Donald Rogers, 2939 Petersburg Road, Hebron, is also concerned about how the stormwater will be addressed. His driveway crosses Woolper Creek and he catches practically all of the Hebron water.

Ms. Janice Webb, 3600 Brents Way at the entrance to Brentwood Subdivision, stated that the speed limit was reduced to 35 MPH, but people do not slow down coming into the subdivision. The school system is above capacity now. She questioned how the schools will handle the children from another 225 -- 240 homes. The Kindergarten class at Burlington Elementary has been on a five-year hold for accepting children. Boone County is one of the only schools in the state that does not have all-day Kindergarten because they do not have the capacity for it, which affects the children when they go into first grade because they are not getting the school time and curriculum that they need. She stated that banks are sitting on an inventory of undeveloped lots and lots are not selling today. There is new construction inventory in the community that is in foreclosure now. She stated that Mr. Miller is suggested a nine-year plan, but it took fifteen years for Brentwood. She stated that in a development with four homes per acre the houses will not sell for \$189,000 -- they will cost more like \$130,000 -- which brings more children into the community because it will be a first-time homebuyer type of community as opposed to the types of communities that currently exist in the area. This will cause an even greater stress on the school system.

Mr. Tom Brock, 3630 Trevor Lane across the road from the proposed subdivision, is concerned about the density and about the entrance to the property. He stated

that the houses in the proposed subdivision will be a lot different from those in Brentwood – they will probably have much less square footage and no deed restrictions – which will take away from their property values. He asked that the lots be similar in size to the lots in Brentwood Subdivision. He stated that in Brentwood Subdivision, the further back the developer went the smaller the lots became. His neighbor (Barry Merlo) has had problems with water running through his property and the house behind his house literally has drainage running under the concrete slab and coming out the back – and that house has only been there for 18 months. The house is in foreclosure and no one will want to buy it. He does not want that to happen again. He stated that if they cannot change the density of the proposed subdivision, then there should not be an entrance on Bullittsville Road. They could extend one of the cul-de-sacs out to KY 20 and have a couple of entrances on KY 20. They already have land set aside there. He stated that if there is a drive going into the proposed subdivision from Bullittsville Road, it will look like an extension of Brentwood Subdivision. He stated that people fought Brentwood Subdivision coming in, but it is a nice subdivision that is closed off and will not get any larger. He believes the density is 1.6 or 1.7 houses per acre. He stated that no one knows when Bullittsville Road will be widened.

Mr. Julie Hyatt Stransky, 3799 Brogan Court in Brentwood Subdivision, stated that the first part of Brentwood is beautiful but the back lots are not as large. She stated that Mr. Miller did a nice job with the Brentwood development. She stated that the density of the proposed subdivision would completely change the area. She agreed with the comments made about the traffic. She stated that she is not opposed to development, but she wants the Planning Commission to maintain the initial thought for this part of the county. She stated that the video shown by the applicant of the proposed development does look a lot like Brentwood – but that is the very first part of the development and they did not show any pictures of what the back of the development would look like – which will be small homes on small lots. She stated that the homes will not be the quality and size of the homes in Brentwood and the proposed sale prices given by the applicant are not realistic. She stated that 225 homes is an incredible amount in this development.

Ms. Margaret Finnell, 3045 Miller Court in Milliken Subdivision, stated that the traffic is bad on Bullittsville Road and she has seen many vehicles go off the road. Dogs and deer have been hit and children have almost been hit. She stated that two turning lanes will be needed for this development and they could use a turning lane now to get into Brentwood Subdivision. She suggested that the development have one or two houses per acre and be a showplace with nice landscaping. She asked that the Sullivans be given privacy. She stated that there is not room in the schools for the additional children. The schools have mobile units now and her child does not even have a textbook. The schools cannot take any more students.

Mr. Ben Shaffer, a resident of Villa Hills, stated that he and his wife want to build their dream home on a lot they purchased in Cornerstone Estates Subdivision. He stated that he had just arrived and did not see the presentations, but he sent in an email earlier (see Exhibit 1 – submitted by Staff). He stated that the density of the proposed subdivision makes him not want to build there. He asked the Planning Commission to consider the overall impact of the development on the area. He stated that they want a place where their children can walk in the neighborhood and where they do not have to worry about cars flying through a subdivision, or cars parked on the street because of the density.

Mr. Harvey Pelley, II, 3619 McCall Place, agreed with the concerns expressed about the traffic on Bullittsville Road. He stated that the quality and lot sizes that exist in the subdivisions on Bullittsville Road should be maintained. He is concerned when a development has to be hidden behind berms. He stated that the houses shown in the video presented by Mr. Viox have only enough room for a front door, a garage door and one window. They will not be the quality of houses that they have in Brentwood Subdivision. Even if there are larger lots in the front, there is nothing that says there will be a larger house on the lot. He stated there will be \$130,000 starter homes. He stated that the economy is not as good as it was in the past and houses like theirs in Brentwood are not selling – but Hebron Gardens is selling and this is another Hebron Gardens that is being polished up and sold off as a Brentwood Subdivision.

Mrs. Poston asked if there was anyone else present who wished to speak in opposition to the request. There being no response, she asked if there were any comments or questions from the Commissioners.

Mr. Schwenke asked if the houses along Bullittsville Road will face Bullittsville Road or will the backs of the houses face the road. Mr. Viox responded that none of the houses will face Bullittsville Road and there will be no driveways coming out on Bullittsville Road. The backs of the houses will face the back of the large berm and the houses will face internally. Mr. Schwenke stated that when the site on Camp Ernst Road was developed, the Planning Commission was told that the vegetation would be large enough so that people would not see the backs of the houses or the swing sets in the back yards – but it did not work out that way and the backs of the houses and the yards can be seen from the road. He asked that the houses face Bullittsville Road. He does not want driveways on Bullittsville Road, but he believes that they can find an innovative way to angle the houses and make them look nice and fit better with the area. He stated that the other developments do not have large berms. He asked the applicant to bring to Committee information about the development timeframe and the plan to address runoff. Mr. Viox responded that Alson Place was a similar situation and the Planning Commission required the berm. He stated that they are willing to commit to a cross section of what the proposed development will look like along Bullittsville Road and what the houses behind it will look like. He stated that they can change where the intersection on Bullittsville Road is located. Development

of the intersection is probably three or four years away and they are waiting to see what County Engineer Greg Sketch wants them to do. He stated that they initially wanted to have a street all the way through the development, but they were "corralled" into a layout by the county's street and open space requirements. The streets will belong to the county and they have to go the way that the County Engineer tells them to go. They set the grades up with the thinking that if the County Engineer decides that he does not want the intersection located across from Brentwood Subdivision, they can move the intersection as indicated on the slide and improve the sight distance in both directions.

Mrs. Poston suggested that the County Engineer attend the Committee Meeting. Mr. Costello agreed and will contact Mr. Sketch.

Mr. Bunger asked Staff or the applicant to provide the last couple years history of traffic accidents in the area. He asked the applicant to address the concerns about the drainage either now or at the Committee Meeting. Mr. Viox stated that he will provide a general answer now and specific answers at the Committee Meeting. He stated that he discussed the drainage with Ms. Powers and told her that their site will receive offsite water and funnel it through their structures and lakes. The water from the wet spot coming under the fence would be received by their system. They will set the grade lower to eliminate the wet spot and the water will ultimately end up in their lake. They will enlarge the lake so that they can take it up and down. He will provide the numbers to the Committee.

Mr. Schwenke asked the applicant to bring to Committee the details on the berm and the dimensions of the lots next to the berm and in each area.

Mrs. Poston asked that additional information regarding the projected impact on the schools be provided to the Committee.

Mr. Costello stated that it is ideal to have more than one way in and one way out of the subdivision. He asked if the applicant has information on traffic distribution if there is an internal connection to KY 20. He asked if most of the traffic movements would be towards KY 20 versus the back route coming towards Burlington. Mr. Viox responded that when they originally proposed a street all the way through the development, they assumed that the bulk of the traffic would go to KY 20 because it is the quickest way to I-75. He stated that people working at the courthouse, would go the Bullittsville Road way but everyone else in the morning would probably go towards KY 20 -- even with all of the intersections in the development. Mr. Costello stated that there are subdivisions there now that do not have access to KY 20 and people have to go out on Bullittsville Road and make a right turn to KY 20. He stated that the proposed subdivision may have more traffic activity because of the access to get through to KY 20 -- people living in Cornerstone Subdivision who want to get to KY 20 may go through this subdivision. Mr. Viox stated that the people living near the intersection of Penny Lane may also come through the proposed subdivision. Mr. Costello stated that

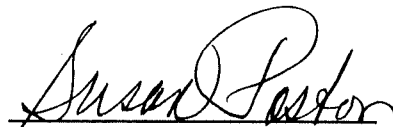
the Committee will look at the road alignment. He stated that the three cul-de-sacs lined up parallel to the lake could potentially be connected – two could be combined, or possibly all three. Mr. Viox agreed that there is the potential to combine the cul-de-sacs.

Mrs. Poston questioned the open space. Mr. Viox responded that they considered open space. He stated that they have a large amount of open space in the front of the development along KY 20. He indicated another area of open space and stated that they could have a corridor down the middle of the site that opens up to that area. They will probably have walkways to the open space.

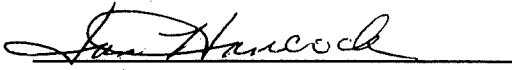
Mr. Ford asked if the cul-de-sacs are wide enough for garbage trucks, school buses, delivery trucks, and tractor trailers. He believes that internal traffic movements could be more difficult with the proposed layout than with a boulevard road through the community. Mr. Viox stated that they were trying to have school bus traffic go straight through, and they presented several plans. He is willing to tie the cul-de-sacs together if there is agreement to that.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on November 5, 2008 at 5:00 PM in this room. The Committee Meeting is open to the public, but new testimony will not be accepted. This item will be on the Agenda for the Business Meeting on November 19, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 9:15 PM.

APPROVED:


Susan Poston, Chairwoman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

- 1. Email from Ben & Km Shaffer expressing concerns about the request, submitted by Staff**
- 2. Applicant's Power Point presentation, *Sawgrass Subdivision, Boone County, Kentucky*, submitted by Bill Viox (hard copy and CD)**
- 3. Representative property values by street address with attached map indicating the locations of the properties in relation to the subject site, submitted by Bill Viox**
- 4. Picture of berm submitted by Mr. Noyes**

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: December 17, 2008

RE: Request of **Viox & Viox, Inc. (applicant)** for **J.J. Miller (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site located on the north side of Bullittsville Road across from the Bullittsville Road/Brents Way intersection, and between the properties at 3536 and 3630 Bullittsville Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Viox/J.J. Miller

December 17, 2008

Kim Bunger

Kim Bunger, Chairman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Judy Arnett

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

Greg Breetz

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

Janet Kegley

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Rolfsen

Charlie Rolfsen

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Jim Carmichael

Jim Carmichael (Alternate)

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Patrick Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Bob Schwenke (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 5 FOR PROJECT _____ ABSENT
 _____ AGAINST PROJECT _____ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: November 5, 2008

RE: Request of **Viox & Viox, Inc. (applicant)** for **J.J. Miller (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site located on the north side of Bullittsville Road across from the Bullittsville Road/Brents Way intersection, and between the properties at 3536 and 3630 Bullittsville Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Viox/J.J. Miller

November 5, 2008

Kim Bunger

Kim Bunger, Chairman

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Judy Arnett

For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

Greg Breetz

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Janet Kegley

Janet Kegley

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Charlie Rolfsen

Charlie Rolfsen

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Jim Carmichael (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Patrick Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Bob Schwenke (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

TOTAL: 4 DEFERRED _____ FOR PROJECT 1 ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

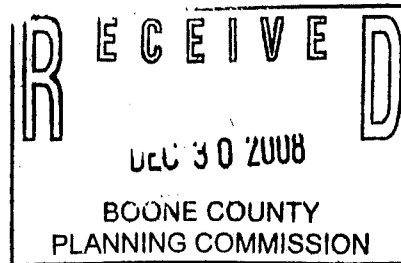
www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

December 23, 2008

Mr. J.J. Miller
Miller Developers
10847 Omaha Trace
Union, KY 41091



RE: Request of **Viox & Viox, Inc. (applicant)** for **J.J. Miller (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site located on the north side of Bullittsville Road across from the Bullittsville Road/Brents Way intersection, and between the properties at 3536 and 3630 Bullittsville Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

Dear Mr. Miller:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their December 17, 2008 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signatures of the property owners, in the spaces provided at the end of this letter, and return the original letter to the Planning Commission office by Monday, January 5, 2009.

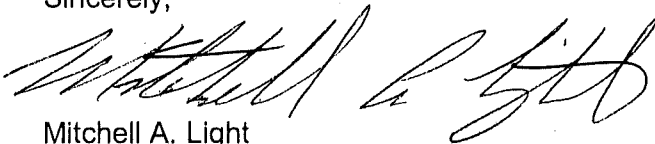
CONDITIONS

1. The property owner agrees to construct a sub-collector street (28' pavement width) as shown on the Revised Concept Development Plan reviewed by the Zone Change Committee at their December 17, 2008 meeting. "Traffic calming" measures for the sub-collector street will be required and reviewed by the Planning Commission Staff and County Engineer at the Improvement Plan Review phase.
2. The property owner agrees to provide access to the public sanitary sewer system to the adjoining Powers and Sullivan properties to the west.
3. The property owner agrees that all storm water from this development will be handled on-site and will not cross Bullittsville Road and will be reviewed by the Planning Commission Staff and County Engineer at the Improvement Plan Review phase.
4. The property owner will provide a detailed Landscape Plan at the applicant's submittal at the Preliminary Plat Review with regard to the "Maintain Natural Vegetation and/or Proposed Mounding" note on the Concept Development Plan.

Mr. J.J. Miller
Miller Developers
December 23, 2008
Page 2

5. The property owner agrees that Lots 197-203, 151 and 215-225 will meet the minimum dimensional standards for Rural Suburban (RS) as shown on the Revised Concept Development Plan reviewed by the Zone Change Committee at their December 17, 2008 meeting.
6. The property owner agrees that the homes on Lots 204 & 211 will face Bullittsville Road and will only have access from the internal sub-collector street as shown on the Revised Concept Development Plan reviewed by the Zone Change Committee at their December 17, 2008 meeting.
7. The property owner agrees that Lots 86, 98, 99, 121, 122, 150, 151, and 203 will only have driveway access from the local streets they front and not the sub-collector street as shown on the Revised Concept Development Plan reviewed by the Zone Change Committee at their December 17, 2008 meeting.
8. The property owner agrees that Lots 205-210 will have shared driveways on Bullittsville Road as shown on the Revised Concept Development Plan reviewed by the Zone Change Committee at their December 17, 2008 meeting.

Sincerely,



Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

AGREEMENT

I, J.J. Miller, do hereby agree to the recommended conditions of approval stated above for the Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site to allow a subdivision for detached single family residences.



J.J. Miller
(owner)

12-30-08
Date



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859.727.3293
Fax: 859.727.8452
www.vioxinc.com

September 11, 2008

33.300 ACRE PARCEL TO BE REZONED

Located in Boone County, Kentucky lying on the northerly side of Bullittsville Road and south of Petersburg Road (Kentucky Highway 20), and is more particularly described as follows:

Beginning at a point in the northerly right-of-way line of Bullittsville Road, 30.00 feet as measured perpendicular to the centerline, and being the most southeasterly common corner of Carroll & Elizabeth J. Conrad (Deed Book 167, Page 136) and Sundance Estates LLC (Deed Book 903, Page 359); thence with the common line of Conrad, Sundance Estates LLC and Delmar & Joyce Burnett (Deed Book 334, Page 217) N 20°07'38" E 374.26 feet to a point at the common corner of Conrad and Burnett; thence with the common line of Conrad and Burnett N 37°59'31" E 227.67 feet to THE TRUE POINT OF BEGINNING; thence with a proposed zone line N 90°00'00" W 209.01 feet to a point; thence S 21°00'01" E 75.49 feet to a point; thence S 89°24'06" W 203.35 feet to a point; thence S 00°35'54" E 177.00 feet to a point; thence S 89°24'06" W 120.00 feet to a point; thence N 57°08'46" W 48.82 feet to a point; thence N 74°18'25" W 170.75 feet to a point; thence S 44°08'01" W 11.83 feet to a point; thence N 72°24'01" W 205.54 feet to a point; thence N 27°14'33" E 4.33 feet to a point; thence N 42°21'33" W 218.14 feet to a point; thence N 47°38'27" E 135.54 feet to a point; thence with a curve turning to the right having a radius of 366.55 feet, an arc length of 57.56 feet, and a chord bearing and distance of N 37°51'38" W 57.50 feet; thence N 33°21'42" W 20.00 feet to a point; thence with a curve turning to the right having a radius of 430.42 feet, having an arc length of 243.31 feet, and a chord bearing and distance of N 17°10'04" W 240.08 feet; thence N 00°58'25" W 68.97 feet to a point; thence N 50°46'48" E 192.60 feet to a point; thence N 08°08'14" W 102.71 feet to a point; thence N 44°14'30" E 118.75 feet to a point; thence N 23°35'28" W 261.29 feet to a point; thence N 06°26'57" E 67.53 feet to a point; thence with a curve turning to the right having a radius of 716.53 feet, an arc length of 149.46 feet, and a chord bearing and distance of N 12°25'29" E 149.18 feet; thence N 18°24'00" E 41.64 feet to a point; thence N 71°36'00" W 57.47 feet to a point; thence N 18°24'00" E 116.86 feet to a point on an existing zone line; thence with said zone line S 59°12'18" E 1616.89 feet to a point at the common corner of Performance Property Group LLC (Deed Book 932, Page 70) and Donald W. & Karen S. McGuire (Deed Book 583, Page 267); thence with common line of Conrad, McGuire, and Delmar & Joyce Burnett (Deed Book 581, Page 281) S 37°37'13" W 353.12 feet to a point; thence S 37°59'31" W 398.58 feet to THE TRUE POINT OF BEGINNING containing 33.300 acres.



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

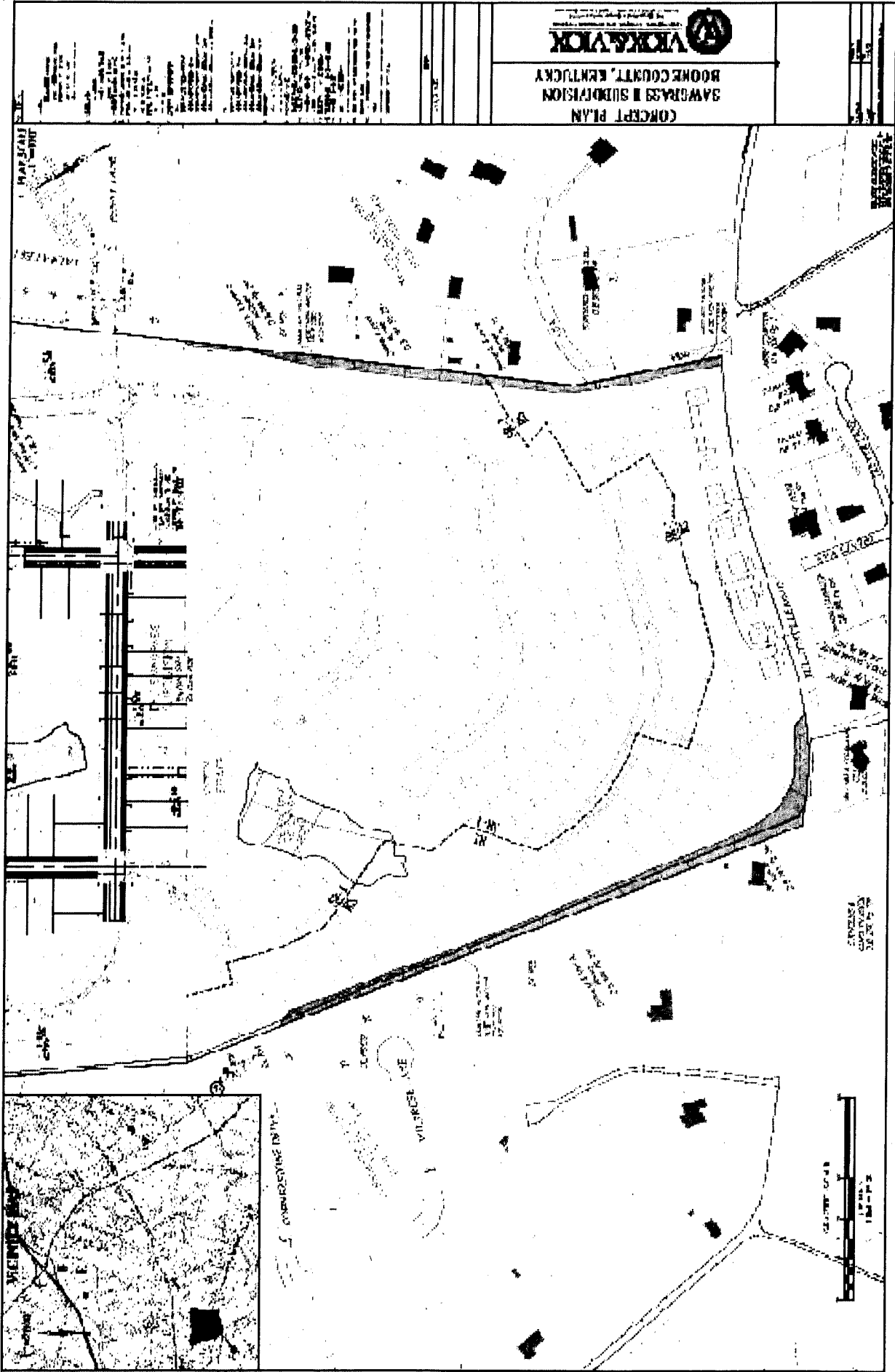
Tel: 859.727.3293
Fax: 859.727.8452
www.vioxinc.com

September 11, 2008

15.110 ACRE PARCEL TO BE REZONED

Located in Boone County, Kentucky lying on the northerly side of Bullittsville Road and south of Petersburg Road (Kentucky Highway 20), and is more particularly described as follows:

Beginning at a point in the northerly right-of-way line of Bullittsville Road, 30.00 feet as measured perpendicular to the centerline, and being the most southeasterly common corner of Carroll & Elizabeth J. Conrad (Deed Book 167, Page 136) and Sundance Estates LLC (Deed Book 903, Page 359); thence with said right-of-way line N 63°11'42" W 112.76 feet to a point; thence with a curve turning to the left having a radius of 1268.95 feet, an arc length of 296.17 feet, and a chord bearing and distance of N 69°52'53" W 295.49 feet; thence N 76°34'03" W 393.75 feet to a point; thence with a curve turning to the right having a radius of 717.50 feet, an arc length of 300.76 feet, and a chord bearing and distance of N 64°33'33" W 298.56 feet; thence N 52°33'03" W 87.77 feet to a point at the common corner of Conrad and Jane Lawrie Sullivan (Deed Book 862, Page 348); thence with the common line of Conrad, Sullivan, and Donna M. & Mark A. Powers (Deed Book 844, Page 229) N 10°24'48" E 943.52 feet to a point at the common corner of Conrad, Powers and Cornerstone Estates, Section 2 (Plat Cabinet 5, Page 418); thence with Conrad and Cornerstone Estates N 10°37'24" E 695.73 feet to a point at the common corner of Conrad, Cornerstone Estates, and Joseph S. Conrad (Deed Book 152, Page 180); thence with an existing zone line through the lands of Conrad S 59°12'18" E 165.86 feet to a point; thence S 18°24'00" W 116.86 feet to a point; thence S 71°36'00" E 57.47 feet to a point; thence S 18°24'00" W 41.64 feet to a point; thence with a curve turning to the left having a radius of 716.53 feet, an arc length of 149.46 feet, and a chord bearing and distance of S 12°25'29" W 149.18 feet; thence S 06°26'57" W 67.53 feet to a point; thence S 23°35'28" E 261.29 feet to a point; thence S 44°14'30" W 118.75 feet to a point; thence S 08°08'14" E 102.71 feet to a point; thence S 50°46'48" W 192.60 feet to a point; thence S 00°58'25" E 68.97 feet to a point; thence with a curve turning to the left having a radius of 430.42 feet, an arc length of 243.31 feet and a chord bearing and distance of S 17°10'04" E 240.08 feet; thence S 33°21'42" E 20.00 feet to a point; thence with a curve turning to the left having a radius of 366.55 feet, an arc length of 57.56 feet and a chord bearing and distance of S 37°51'38" E 57.50 feet; thence S 47°38'27" W 135.54 feet to a point; thence S 42°21'33" E 218.14 feet to a point; thence S 27°14'33" W 4.33 feet to a point; thence S 72°24'01" E 205.54 feet to a point; thence N 44°08'01" E 11.83 feet to a point; thence S 74°18'25" E 170.75 feet to a point; thence S 57°08'46" E 48.82 feet to a point; thence N 89°24'06" E 120.00 feet to a point; thence N 00°35'54" W 177.00 feet to a point; thence N 89°24'06" E 203.35 feet to a point; thence N 21°00'01" W 75.49 feet to a point; thence N 90°00'00" E 209.01 feet to a point in a common line with Conrad and Delmar A. & Joyce Burnett (Deed Book 334, Page 217); thence with said common line S 37°59'31" W 227.67 feet to a point; thence with the common line with Conrad, Burnett, and Sundance Estates LLC S 20°07'38" W 374.26 feet to the point of beginning containing 15.110 acres.



**REVISED CONCEPT DEVELOPMENT PLAN REVIEWED
 BY THE ZONE CHANGE COMMITTEE ON 12/17/2008**

Ordinance Of The Boone County Fiscal Court

Ordinance No. 09-02

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF VIOX & VIOX, INC. (APPLICANT) FOR J.J. MILLER (OWNER BY CONTRACT) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO RURAL SUBURBAN (RS) FOR 15.11 ACRES, AND A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR 33.3 ACRES, BOTH FOR A 48.41 TOTAL ACRE SITE LOCATED ON THE NORTH SIDE OF BULLITTSVILLE ROAD ACROSS FROM THE BULLITTSVILLE ROAD/BRENTS WAY INTERSECTION, AND BETWEEN THE PROPERTIES AT 3536 AND 3630 BULLITTSVILLE ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission 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 Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site located on the north side of Bullittsville Road across from the Bullittsville Road/Brents Way intersection, and between the properties at 3536 and 3630 Bullittsville 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 Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site located on the north side of Bullittsville Road across from the Bullittsville Road/Brents Way intersection, and

between the properties at 3536 and 3630 Bullittsville 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 167, PAGE NO. 136 (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 Resolution and marked as "Exhibit A."

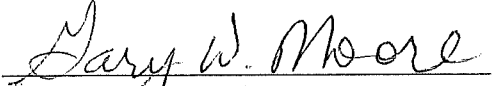
The full Planning Commission recommended approval for this request based on the findings of fact and conditions as set forth in the Findings of Fact for Approval Document and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

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 3rd day of March, 2009.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 7th day of April, 2009 and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


BLAIR SCHROEDER
FISCAL COURT CLERK


ROBERT NEACE
COUNTY ATTORNEY

4-30-09
DATE PUBLISHED

