

## ORDINANCE NO. 2021 - 14

**AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, A REQUEST OF GRAND COMMUNITIES, LLC ATTN: JASON WISNIEWSKI (APPLICANT) FOR MARK KAHMANN, SUSAN KAHMANN, AND BONITA MADDOX FAMILY LIVING TRUST (OWNERS) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE /PLANNED DEVELOPMENT (SR-1/PD) FOR AN APPROXIMATE 12.74 ACRE TRACT LOCATED AT 2514 HATHAWAY ROAD, AND AN APPROXIMATE 20.33 ACRE AREA LOCATED IMMEDIATELY NORTH OF THE PROPERTIES AT 2514 AND 2546 HATHAWAY ROAD, BOONE COUNTY, KENTUCKY; AND THE REQUEST OF LONGBRANCH DEVELOPMENT, LLC ATTN: JASON WISNIEWSKI (APPLICANT) FOR AF INVESTMENTS, LLC (OWNER) FOR A CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN IN A SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (SR-1/PD) ZONE FOR AN APPROXIMATE 38.84 ACRE SITE LOCATED BETWEEN THE PROPERTIES AT 2408 HATHAWAY ROAD AND 9771 THROUGH 9915 SPRUCE LANE TO THE EAST, AND THE PROPERTIES 2504 AND 2514 HATHAWAY ROAD TO THE WEST, BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 12.74 acre tract located at 2514 Hathaway Road, and an approximate 20.33 acre area located immediately north of the properties at 2514 and 2546 Hathaway Road, Boone County, Kentucky; and the request for a Change in an Approved Concept Development Plan in a Suburban Residential One/Planned Development (SR-1/PD) zone for an approximate 38.84 acre site located between the properties at 2408 Hathaway Road and 9771 through 9915 Spruce Lane to the east, and the properties 2504 and 2514 Hathaway Road to the west, Boone County, Kentucky, which is more particularly described below; and

**WHEREAS**, the Boone County Planning Commission as the planning unit for unincorporated 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 and a Change in an Approved Concept Development Plan.

**NOW, THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

### **Section One**

That the request for Zoning Map Amendment and Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 12.74 acre tract located at 2514 Hathaway Road, and an approximate 20.33 acre area located immediately north of the properties at 2514 and 2546 Hathaway Road, Boone County, Kentucky; and the request for a Change in an Approved Concept Development Plan in a Suburban Residential One/Planned Development (SR-1/PD) zone for an approximate 38.84 acre site located between the properties at 2408 Hathaway Road and 9771 through 9915 Spruce Lane to the east, and the properties 2504 and 2514 Hathaway Road to the west, Boone County, Kentucky. The real estate which is subject to all requests are described in DEED BOOKS/PAGE NOS. 1006/246, 725/1, 930/302 respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Section Two**

That as a basis for this approval of a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 12.74 acre tract located at 2514 Hathaway Road, and an approximate 20.33 acre area located immediately north of the properties at 2514 and 2546 Hathaway Road, Boone County, Kentucky; and the request for a Change in an Approved Concept Development Plan in a Suburban Residential One/Planned Development (SR-1/PD) zone for an approximate 38.84 acre site located between the properties at 2408 Hathaway Road and 9771 through 9915 Spruce Lane to the east, and the properties 2504 and 2514 Hathaway Road to the west, Boone County, Kentucky, 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 and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

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

**Section Three**

This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading - the 11<sup>th</sup> day of May, 2021

Second Reading - the 25<sup>th</sup> day of May, 2021

Adopted this 25<sup>th</sup> day of May, 2021.      Yes 4 No 0

  
GARY W. MOORE, Judge/Executive  
Boone County Fiscal Court

Attest:  
  
Sharon Burcham,  
Fiscal Court Clerk