

REVIEW NO. _____

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations).

SECTION A (To be completed by applicant)

1. (Check One) Boone _____ Florence _____ Walton _____ Union _____

2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____

3. Applicant's Name GILBERT V. TURNER
Phone Number 485-4677
Applicant's Address 124 Church St
Walton Ky. 41094
City State Zip

4. Description of Request: To Develop A portion of 28 Acres into R.V. sites

5. Name of Development TURNERS LAKE & Camp Grounds INC.
6. Location of Development 130 Church St Walton Ky 41094

7. Acreage Under Review 28 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision) _____

9. Owner of Property Gilbert V. Turner
Phone Number 485-4677

10. Address of Property Owner 124 Church St
Walton Ky 41094
City State Zip

11. Proposed Use(s) On Site Camping and outdoor recreation

12. Total Square Footage of Existing and/or Proposed Buildings
NONE

13. Current Zoning on Property A 2

14. Deed Book 407 Page No. 61-62-63 Group No. 2081A

15. Is the site subject to a zone change? NO

If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? _____

17. Have you submitted a list of adjoining property owners with this request? yes

18. Applicant's Signature: Gilbert V. Turner
19. Property Owner's Signature: Gilbert V. Turner

APPLICATION FORM
BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 12-18-90
2. Fee Received \$ 351.00 R 3550
3. Is application complete? _____ Yes _____ No
4. Staff Reviewer _____
5. Scheduled Board Action Date _____
6. Board Action:
_____ Approval
_____ Approved With Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

BCPC:7/11/88

STAFF REPORT

APPLICANT: Gilbert V. Turner
DEVELOPMENT: Turner's Lake and Camp Ground
LOCATION: Percival Road, Walton
ZONE: Agricultural Estate (A-2)
DATE: Thursday, January 10, 1991, 6:30 p.m.
REMARKS:

The applicant is requesting a Conditional Use Permit to allow the development of commercial camping and outdoor recreation. The 28.5 acre site, located along Percival Road and Powell Lane, is owned by Gilbert V. Turner and is currently zoned Agricultural Estate (A-2).

History

On July 5, 1989, the Boone County Planning Commission approved Mr. Turner's Site Plan for the re-development of the old Walton Reservoir on Church Street. A two bath "comfort station" and a bait shop/office with two baths were constructed so that the 26 acre site could be used for a pay fishing lake. This fishing lake is immediately west of the property in question (28.5 acres) with this application.

On August 28, 1989, the Walton City Council annexed the 28.5 acre site. The zoning of the property was left unchanged since the Zone Change Committee of the Planning Commission concluded:

While the Committee realizes that the 28 acre site under review is owned by the same individual who owns Turner Fishing Lake, any proposed recreational use on the site should be reviewed by either the appropriate Board of Adjustment or the Boone County Planning Commission in order to assess the community land use impacts and to evaluate its conformity with the Boone County Comprehensive Plan.

Request

The applicant is proposing to develop a total of 73 camp sites - 30 as a part of "Phase 1" and located entirely on the lake property already zoned Recreation (R), and 43 sites as a part of "Phase 2" and located on the 28.5 acre site which is zoned A-2. Phase 1 will be developed immediately, and Phase 2 will be developed whenever economically feasible. The only portion of Phase 1 planned to be located on the 28.5 acre site in question is a portion of the main road servicing the campsites. The sites are planned to be located behind the existing bait shop/office on the eastern side of the lake. The sites will be accessed from an existing gravel road off of Percival Road and will be served by a 4 inch water line and a 4 inch sanitary sewer line. No development is proposed for the northern portion of the site, along Powell Lane. A reduced copy of the plan is attached.

Review

When reviewing requests for Conditional Use Permits, the Board must consider the following general standards from Article of the Boone County Zoning Regulations:

1. The proposed recreational use is harmonious with and in accordance with the general objectives of the County's comprehensive plan. The Future Land Use Map indicates the future of the 28.5 acres to be Recreation and Rural Density residential (1 dwelling unit per acre). The Recreation portion of the site includes the area proposed by the applicant to be used for campsites. The Land Use Element of the Plan makes no specific mention of the property.

The Goal of the Recreation and Open Space Element of the Plan reads: "Adequate recreation facilities and programs are provided, significant natural features and historic sites are preserved, and open space for public use is provided." An objective of that goal is "Recreation areas should be centrally located in their service areas and easily and safely accessible to the population groups they are designed to serve." Finally, the Supply and Demand Analysis of the Recreation Element indicates that there are currently 422 campsites in the county, whereas there is a demand (based on size of population and survey results) for 766 campsites.

2. According to the submitted site plan, the facility has been designed to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and should not change the essential character of the area.
3. A campground, if properly maintained and policed, will not be hazardous to existing or future neighboring uses.
4. The site is adequately served by essential public facilities.
5. The development should not create excessive additional requirements at public cost.
6. Camping does not typically involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
7. The vehicular approach to the property has been approved by the Planning Commission and should not create an interference with traffic on Percival Road.

The Board must also consider the following criteria which apply to Conditional Uses in A-2 zoning districts:

1. The activity is necessary to provide a public service for the residents of the district since the service area, use, scale or other character of the

activity does not overpower, transcend, or conflict with the principal purpose of the district.

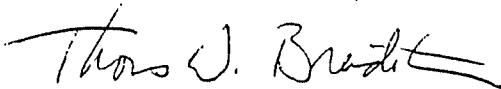
2. The arrangement of the campsites is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Conclusion

Should the Board decide to approve this request for a Conditional Use Permit, Staff recommends the following conditions of approval:

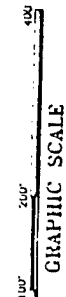
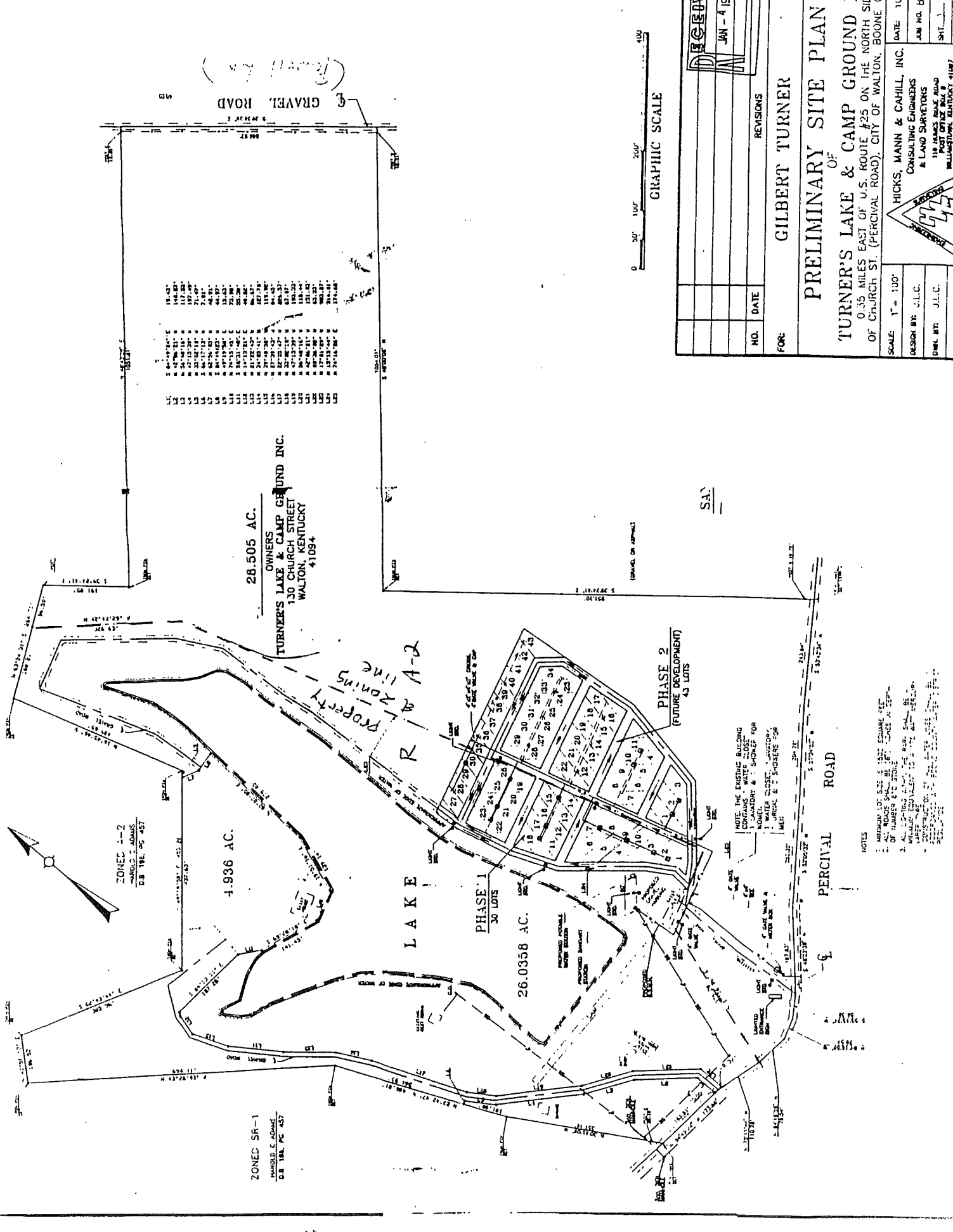
1. The Site Plan should be reviewed by the Boone County Planning Commission to ensure that all improvements required by the zoning regulations and any applicable state laws are planned.
2. The entrance to the site should be paved to reduce the amount of dust and gravel brought onto Percival Road.
3. Any modification of the recreational development on the 28.5 acre site should be reviewed by the Walton Board of Adjustment in the form of an application for a revised Conditional Use Permit.

Respectfully Submitted,



Thomas W. Breidenstein
Zoning Enforcement Officer

TWB:kat



NO.	DATE	REVISIONS

FOR: **GILBERT TURNER**

PRELIMINARY SITE PLAN

TURNER'S LAKE & CAMP GROUND INC.
 0.35 MILES EAST OF U.S. ROUTE #25 ON THE NORTH SIDE
 OF CHURCH ST. (PERCIVAL ROAD), CITY OF WALTON, BOONE COUNTY

SCALE: 1" = 100'

DESIGN BY: J.L.C.

CHECK BY: J.L.C.

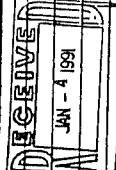
DATE: 10/18/90

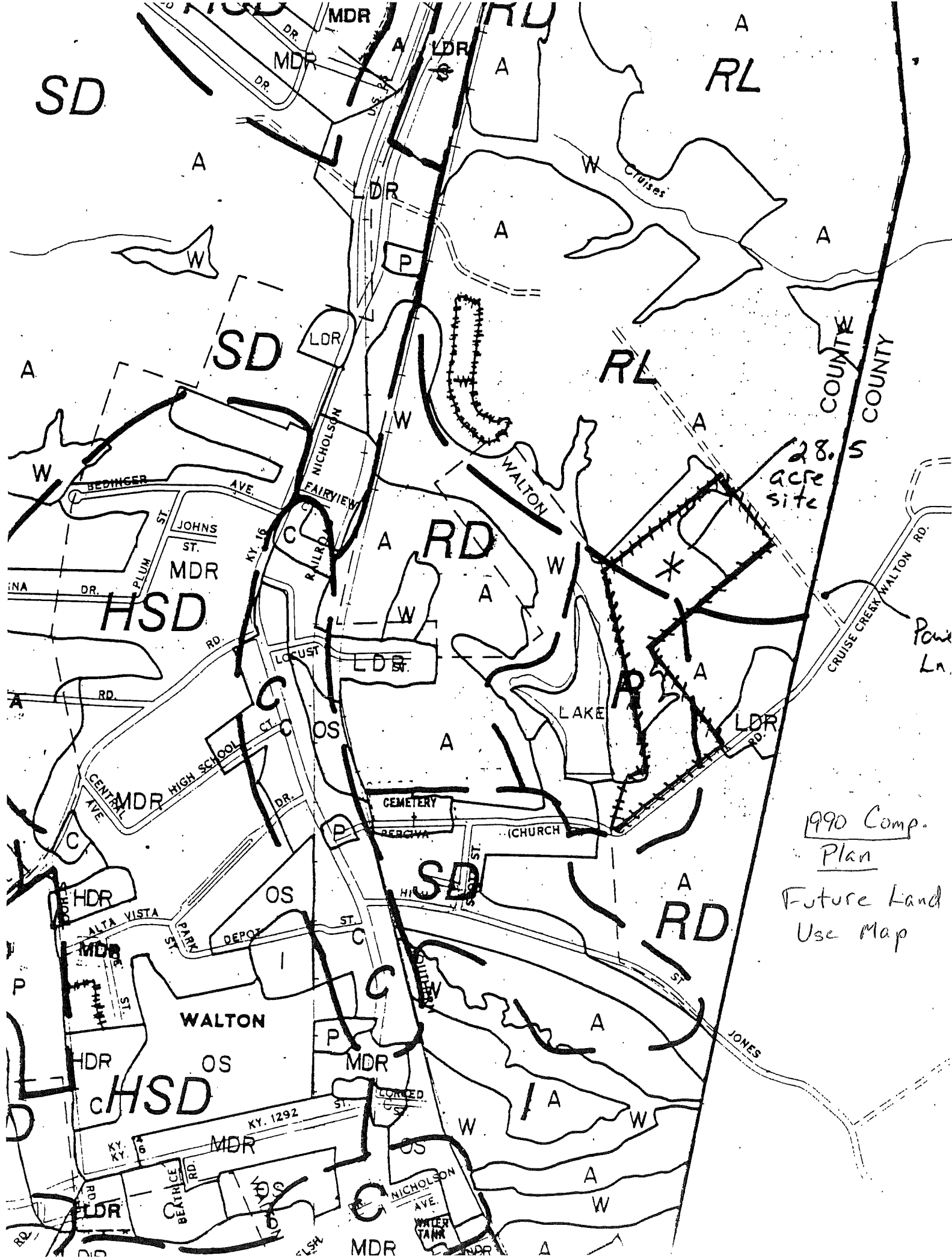
JAN NO. 89-88

SHEET 1 OF 1

DRAW. NO.

HICKS, MANN & CAHILL, INC.
 CONSULTING ENGINEERS
 & LAND SURVEYORS
 1100 WEST 12TH AVENUE
 WILMINGTON, MISSISSIPPI 39207
 (601) 434-0331
 FAX (601) 434-0341





28.5
acre
site

1990 Comp.
Plan

Future Land
Use Map

KRS 100 (state law)

100.233. Administration of oaths. -- The chairman of any board of adjustments shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue. (Enact. Acts 1966, ch. 172, § 50.)

100.237. Conditional use permits. -- The board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met:

(1) The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

(2) Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.

(3) In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one (1) year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised", as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

(4) The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the board of adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustment finds that the acts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(5) Once the board of adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

(6) When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, the mayor and city clerk of any city of the fifth or sixth class so affected, within any county containing a city of the first class, an owner of every parcel of property adjoining the property to which the application applies and such other persons as the local zoning ordinance, regulations or board of adjustment bylaws shall direct. Written notice shall be by first class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

(7) When any property within the required notification area for a public hearing upon a conditional use permit application is located within an adjoining city, county, or planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first-class mail to certain public officials, as follows:

(a) If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or

(b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located. (Enact. Acts 1966, ch. 172, § 51; 1978, ch. 384, § 23, effective June 17, 1978; 1986, ch. 134, § 1, effective July 15, 1986; 1988, ch. 30, § 6, effective July 15, 1988; 1988, ch. 144, § 1, effective July 15, 1988; 1990, ch. 362, § 10, effective July 13, 1990.)

100.241. Variances. -- The board shall have the power to hear and decide on applications for variances. The board may impose any reasonable conditions or restrictions on any variance it decides to grant. (Enact. Acts 1966, ch. 172, § 52; 1980, ch. 188, § 97, effective July 15, 1980; 1986, ch. 141, § 25, effective July 15, 1986.)

100.243. Findings necessary for granting variances. -- (1) Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

(a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

(b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

(c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

(2) The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought. (Enact. Acts 1966, ch. 172, § 53; 1986, ch. 141, § 26, effective July 15, 1986; 1988, ch. 144, § 4, effective July 15, 1988.)

Section 247

Action by Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals shall hear and decide upon the notice of appeal or application for variance within sixty (60) days of filing. The Board of Adjustment and Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 245, or disapprove the request for appeal or variance. The Board shall further make a finding that the reasons set forth in an application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. If the request is disapproved, the board shall state the reasons for disapproval in writing. Appeals from Board decisions shall be made in the manner specified in Section 230.

Section 260

Conditional Use Permits

Conditional uses shall conform to the procedures and requirements of Sections 261-268, inclusive of this order.

Section 261

General

The Zoning Enforcement Officer shall coordinate all activities with the Zoning Administrator.

Section 262

Contents of Application for Conditional Use Permit

An Application for Conditional Use Permit along with whatever additional information the Board may find appropriate, shall be filed with the chairperson of the Board of Adjustment and Zoning Appeals by at least one owner or owner by contract (option) or lessee with permission of the owner of property for which such conditional use is proposed. The Board may require the applicant to submit a site plan as detailed in Article 14, Section 1402 of these regulations.

Section 263

General Standards Applicable to All Conditional Uses

In addition to any specific requirements for conditionally permitted uses deemed appropriate by the Board of Adjustment and Zoning Appeals, the Board shall review the particular facts and circumstances of each proposed used and determine that the use is in fact a conditional use as established under the provisions of Articles 6-12 or 16. The Board may consider whether such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures,

refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Section 264

Specific Standards Applicable to Conditional Uses

The Board shall consider the criteria for conditional uses as set forth in each zoning district.

Section 265

Supplementary Conditions and Safeguards

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this order. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this order and punishable under Section 450 of this order.

Section 266

Procedure for Hearing Notice

Upon receipt of the application for a conditional use permit specified in Section 262, the Board shall establish a time and place for a hearing, publish notice of the hearing in a newspaper of general circulation in the County, and notify adjoining property owners by mail at least two (2) weeks in advance of the hearing. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay the costs of notification. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of property owners. (*See Status of Amendments)

Section 267

Action by the Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals shall hear and decide upon the application for a conditional use permit within sixty (60) days of filing. The Board shall either approve, approve with supplementary conditions as specified in Section 264, or disapprove the application as presented. If the application is approved or approved with modification, the Board shall direct the Zoning Administrator to issue a conditional use permit listing the specific conditions specified by the Board for approval. If disapproved, the Board shall state the reasons for disapproval. If the application is disapproved by the Board, the applicant may seek relief through the appropriate circuit court. Appeals from Board decisions shall be as provided in Kentucky Revised Statutes, Section 100.347.

Section 268

Expiration Conditional Use Permit

A conditional use permit shall be deemed to authorize only a particular conditional use. If said permit has not been exercised within two (2) years from the date it was issued, or a time limit established by the Board, or if said conditional use shall cease for more than one (1) years, the conditional use permit shall not revert to its original designation unless a public hearing has been conducted.

~~NONCONFORMING LOTS, USES, AND STRUCTURES~~

~~Section 280~~

~~Intent~~

~~Within the districts established by this order or amendments that may later be adopted, there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this order was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this order or further amendments. It is the intent of this order to permit these nonconforming lots, uses and structures to continue until they are removed, but not to encourage their survival. It is further the intent of this order that a nonconforming use or structure shall not be enlarged or extended beyond the scope and area of its operation at the time it became a legal nonconforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of nonconforming uses or structures.~~

~~Uses of structures not legally established before this order was passed or amended shall not be given the statutes of legally pre-existing, non-conforming uses or structure, and may be subject to penalties for violation under Section 430 through 450 of this order.~~

~~Section 281~~

~~Single Non-Conforming Lots of Record and Subdivisions~~

~~If any lot of record does not meet the minimum square footage requirements that are generally applicable in the district wherein said lot is located, and that lot existed at the effective date of adoption or amendment of this order, the owner may develop that lot in conformance with the dimensional (square footage) regulations, including front yard setback requirements, previously in effect. The lot must be developed in conformance with all other requirements of this order. Variances of any requirements other than square footage shall be obtained only through action of the Board of Adjustment and Zoning Appeals as provided in Section 243 through Section 246. Subdivisions which had been granted preliminary plan approval prior to the adoption of this order may be developed in conformance with dimensional regulations under which preliminary plan approval was given. In such instances where the front yard setback requirements for a pre-existing development differ from the current regulations, and an extension or enlargement of a previously developed street or subdivision is approved, the front yard setback requirements shall be adjusted at a rate of five feet for each consecutive lot until the new minimum required setback is obtained. All other requirements of this order must be met.~~

TURNER LAKE CAMPING RULES

1. A camper can register for only one campsite and not for another person. A camper must have his camping equipment present at time of registration.
2. **Number and age of campers.** A campsite may not be occupied by more than 6 people unless all are members of the same immediate family. At least one camper of each site must be a responsible adult and assume responsibility for all campers in their area, and should remain with campers at all times.
3. Motor vehicles and trailers must be parked on gravel drive only. Parking off of the graveled surface pulloff is prohibited. It is the responsibility of campers to check area to make certain their equipment fits graveled pulloff.
4. Any person registering before 6am will be charged the rate for the preceding night. The campsite must be vacated before 4 pm on the day on which the permit expires, or one extra night's fee will be charged.
5. **Noise** - After 10pm there shall be no loud music, parties, generators, dogs barking, or other noise which might disturb campers. Please be considerate of your neighbor by keeping noise to a minimum, especially between 10pm and 9am.
6. Fires are permitted only in fire rings or in camper's grill, placed adjacent to fire ring. Do not gather or cut any wood, even deadwood, except from the wood stockpile. Please do not burn any materials that will emit excess sparks. Do not move fire ring. Do not leave fire unattended. Be sure fire is completely out before leaving camp area.
7. **Cleanup** - Campers must maintain a clean campsite. All refuse and garbage must be wrapped and placed in receptacles provided. Do not burn garbage or refuse either in fire rings or receptacles.
8. **Pets** - Pets permitted if kept on leash and under control at all times. Noise level of pets must be kept to a minimum and must not disturb other campers.
9. **Traffic** - Motor vehicle operation within campground is restricted to transportation to and from campsite only. Do not exceed speed limit. No entering or leaving campground after 11pm, except in emergency or with permission of management.
10. Visitors permitted in camp area between the hours of 6am to 10pm. Visitor must obtain a visitor's permit from

the camp office.

11. Restrooms and shower rooms should be left in good condition after use. Please report any difficulties immediately.

12. All use of firearms or fireworks is strictly prohibited in camp areas.

13. Campers must stay within boundries of the park. Trespassing on surrounding properties will not be tolerated.

14. Waste water from trailer sinks and showers not held in trailer holding tanks must be disposed of in waste-water drains, toilets, or trailer waste dump station. Waste from trailer toilets must be held in trailer holding tanks which are properly sealed and these wastes disposed of only at a trailer waste dump station.

ADJOINING PROPERTY OWNERS - GILBERT & JANICE TURNER REQUEST

77-53a Richard L. Kunkel
5602 Madison Pike
Independence, KY 41051

77-51 Ronald E. & Janis K. Tomlinson
41 Percival Rd.
Walton, KY 41094

77-57 Vaston S. & Mary Catherine Brooks
Box 37x Jones Rd.
Walton, KY 41094

77-57a Alfred Iles
Percival Rd.
Walton, KY 41094

77-56 Ronald J. & Wanda L. Bucher
315 Stokesay Ave.
Ludlow, KY 41016

77-51b Luther F. & Jacqueline Barnett
210 Cleveland Ave.
Cincinnati, OH 45217

77-51b-1 Dallas & Anjanett K. Messer
P.O. Box 91
11951 Powell Lane
Walton, KY 41094

77-53b Richard L. Kunkel
5602 Madison Pike
Independence, KY 41094

77-60 Harold C. & Ruth Adams
30 Locust St.
Walton, KY 41094

23a Dwight R. Johnson
46 Church St.
Walton, KY 41094

23 John W. Ingram, Jr.
46 Church St.
Walton, KY 41094

- list supplied by applicant

STAFF REPORT

APPLICANT: Gilbert V. Turner
DEVELOPMENT: Turner's Lake and Camp Ground
LOCATION: Percival Road, Walton
ZONE: Agricultural Estate (A-2)
DATE: Tuesday, February 12, 1991, 6:30 p.m.

REMARKS:

This report is written to supplement the Staff Report submitted to the City of Walton Board of Adjustment at its January 10, 1991 meeting. It is intended especially to expand the "Review" section of that report and to address certain concerns which were raised by those in attendance. A copy of the previous report is attached.

Expanded Review of Conditional Use Criteria

Chapter 100, Section 237 of the Kentucky Revised Statutes (KRS 100.237) gives Boards of Adjustment the power to hear and decide applications for Conditional Use Permits (copy of statute attached). This power is reflected in Article 2, Sections 260 through 268 of the Boone County Zoning Regulations (attached). In particular, Section 263 of this local ordinance, adopted by the City of Walton, specifies that the Board must consider seven (7) general criteria when considering applications for Conditional Use Permits. Staff's expanded review of these criteria follows:

1. The proposed recreational use is harmonious with and in accordance with the general objectives of the County's comprehensive plan. The Future Land Use Map indicates the future of the 28.5 acres to be Recreation and Rural Density residential (1 dwelling unit per acre). The Recreation portion of the site includes the area proposed by the applicant to be used for campsites. The Land Use Element of the Plan makes no specific mention of the property.

The Goal of the Recreation and Open Space Element of the Plan reads: "Adequate recreation facilities and programs are provided, significant natural features and historic sites are preserved, and open space for public use is provided." (p.7) An objective of that goal is "Recreation areas should be centrally located in their service areas and easily and safely accessible to the population groups they are designed to serve." (p. 8) In addition, the Supply and Demand Analysis of the Recreation Element indicates that there are currently 422 campsites in the county, whereas there is a demand (based on size of population and survey results) for 766 campsites. (p. 168)

Finally, the overall objective of the Comprehensive Plan reads:

There is nothing inherently incompatible between the various broad categories of land uses when properly developed. Residential, commercial, industrial, and institutional uses can co-exist provided proper design principles are applied in developments to minimize frictions created by activities of whatever diversity. The application of proper design principles among land uses will maximize the long term quality of life of Boone County residents. The future growth and the redevelopment of areas shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained to prevent potential deterioration. (p. 1)

2. According to the submitted site plan, the facility has been designed to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and should not change the essential character of the area. The zoning and land uses of surrounding properties include:

north - A-2; used for agriculture
south - A-2; used for agriculture
east - Rural Suburban (RS); used for low density residential
west - zoned Recreation (R); used as pay fishing lake

The area along Church Street, which would be the predominant approach to the site, is zoned Suburban Residential One (SR-1) and is developed as medium density residential.

According to the applicant's site plan, the campsites will be developed within eighty (80) feet of the closest residential property to the east. The closest point of any campsite is planned to be about 450 feet from any residential structure. No type of screening between the requested campsite and residential zone, either by privacy fence or landscaped buffer, is proposed by the plan. Finally, the camping area is planned to be 200 feet off Percival Road.

3. A campground, if properly maintained and policed, will not be hazardous to existing or future neighboring uses. The applicant has submitted a list of camping rules and regulations (attached) which are designed to control noise and other nuisances for the benefit of other campers and the neighboring property owners.
4. The site is adequately served by essential public facilities. Four (4) inch sewer and water lines serve the existing restroom and shower facilities. Whether these provisions are adequate to serve 73 campsites must be determined by the appropriate state and local health authorities. The applicant should be able to speak to this at the meeting.
5. The development should not create excessive additional requirements at public cost. The Board should realize that any income generated from a commercial venture will result in increased taxes paid to the city and the county.

6. Camping does not typically involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. In other words, a public nuisance should not be created by these 73 campsites. However, the neighbors may contend that such a development may create a private nuisance. Although the Board should take into consideration the concerns of the adjoining property owners, the Board's focus must be on the community as a whole.
7. The vehicular approach to the property was approved by the Planning Commission on July 5, 1989 when it approved the applicant's Site Plan for the development of the fishing lake. Recently, the Commission's Transportation Planner visited the site and determined that the entrance onto Percival Road is appropriately located for trailer access. In other words, the location and elevation of the driveway allow drivers adequate sight distance both ways along Percival Road. However, the Transportation Planner suggested three (3) modifications: 1. that mounded earth at the end of the driveway be removed to further improve traffic visibility; 2. that the location of the "lighted entrance sign" be moved to prevent any traffic distractions or obstructions, and; 3. that the entire length and width of the entrance driveway be paved.

Article 2, Section 264 of the zoning regulations requires the Board to consider the criteria which apply to Conditional Uses in A-2 zoning districts. Staff's expanded review of these criteria follows:

1. The activity is necessary to provide a public service for the residents of the district since the service area, use, scale or other character of the activity does not overpower, transcend, or conflict with the principal purpose of the district. The purpose of the district, according to the zoning regulations, is to "provide for low density residential development in the context of a rural environment." (p. 5-3) Other Conditional Uses in the A-2 zoning district are: roadside stands, landscape nurseries, garden plots or communal farming practices, places of worship, cemeteries, duplex dwelling units, and commercial kennels or boarding stables.
2. The arrangement of the campsites is mutually compatible with the organization of permitted and accessory uses to be protected in the district. Such protected permitted and accessory uses in the A-2 district include single family dwelling units, and farming. The proximity to certain low density residential uses may require that the proposed use be buffered or screened to lessen any negative impact.

Conclusion

Staff makes no recommendation to the as to whether this request should be approved, approved with conditions, or denied. However, if the Board does decide to approve this application, it may want to consider the following possible conditions, some previously suggested by Staff, some suggested by those in opposition to the request:

1. A detailed Site Plan should be reviewed by the Boone County Planning Commission to ensure that all improvements required by the zoning regulations and any applicable state laws are planned. Included in this review should be a detailed evaluation of proposed lighting standards to ensure that there is no overspill or glare of lights. Also included should be the requirement that trash collection areas be located away from existing residential areas and screened so as to prevent blowing of trash and visibility from other properties.
2. The entire length and width of the entrance driveway to the site should be paved to reduce the amount of dust and gravel brought onto Percival Road.
3. Any modification of the recreational development on the 28.5 acre site, including, but not limited to, an increase in the number of campsites, should be reviewed by the Walton Board of Adjustment in the form of an application for a revised Conditional Use Permit.
4. A landscaping screen between the A-2 property and the residentially zoned properties should be planted to help screen noise, smoke, and dust. This screen may consist of a single or double row of white pine trees planted on ten (10) foot centers.
5. An improved fence should be constructed around the site to deter campers from trespassing.
6. The Board may consider whether all circulation areas should be paved.

Respectfully submitted,



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Zoning Enforcement Officer

TWB:kat