

2/6/01

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

RECEIVED

FEB - 6 2001

BOONE COUNTY
PLANNING COMMISSION

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

1. Name of Project Rurel Gordon Property
2. Location of Project Camp Ernst Road 8018
3. Total Acreage of Site 80 Acres
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single Family Residential

7. Names of Applicant(s) James W. Berling
 Phone Number 331-9191 Fax No. 344-7422
8. Address of Applicant(s) 1671 Park Road, Suite One
Ft. Wright, Kentucky 41011

City
State
Zip

9. Name of Property Owner(s) The Scheben Group
 Phone Number 282-6900 Fax No. 282-6901
10. Address of Property Owner(s) 8080 Steilen Drive
Florence, Kentucky 41042

City
State
Zip

11. Proposed Building Intensities (please specify) _____

12. Are there any existing buildings on the site? Yes
 How many? Five

13. Deed Book 201/563/179 Page No. 455/238/519 Group No. 2037

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

15. Have you submitted a Concept Development Plan? Yes

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

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

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

EXHIBIT

“A”

STAFF REPORT

Request of **James W. Berling (applicant)** for **The Scheben Group (owner by contract)** to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 80 acre tract located at 8018 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow single family residences.

February 28, 2001

Request

The proposal is to change the existing zoning classification from Agricultural Estate (A-2) to Suburban Residential One (SR-1) to allow single family residences. The Suburban Residential One (SR-1) zoning classification allows a maximum building intensity of four (4) dwelling units per acre. The applicant is proposing 193 lots on the 80 acres at a density of 2.41 dwelling units per acre. The "Open Space" located along the Gunpowder Creek consists of 19.4 of the 80 acres. The Boone County GIS has the property calculated at 76.96 acres.

The Concept Development Plan shows the access off Camp Ernst Road across from Klotz Lane (a private road) with two (2) street connections to the south, one into the Monday property and the other into the Baute property. No access points are proposed into the property to the north. The only structure to remain is the house at 8018 Camp Ernst Road.

The water service to this property will be run approximately 1.5 miles from Central Park and the sanitary sewer service is already located along Gunpowder Creek.

Surrounding Zoning and Land Uses

- North: Properties owned by Lancaster and Zalla zoned Agricultural Estate (A-2).
- East: Property owned by Nutini zoned Rural Suburban Estate (RSE) and property owned by Kroth zoned Agricultural Estate (A-2).
- South: Properties owned by Rutherford, Monday, Baute and Kroth zoned Agricultural Estate (A-2).
- West: Properties across Camp Ernst Road owned by Slade, Chaney and Hammond zoned Agricultural Estate (A-2).

Relationship to the 2000 Boone County Comprehensive Plan

The Future Land Use Map shows the majority of the subject property as Suburban Residential (SR). This classification is defined in the adopted Comprehensive Plan as:

Suburban Residential (SR): "Single family housing of up to four units per acre. This classification also includes any low density or estate residential development as a formal subdivision."

The Land Use Element within the 2000 Boone County Comprehensive Plan refers to this general area by stating:

"The entire Gunpowder Creek valley should be considered for a future corridor study to preserve this unique and important County feature as a greenbelt and passive recreation corridor. Residential development should remain along the existing roads, consolidating access points where appropriate. Rural Density residential should occur around Central Park to reinforce the existing character of the area."

The adopted 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper future growth management for Boone County is implemented ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. 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).
- D. Proper design principles shall be applied in development ("Overall," Objective 3).
- E. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- F. ***Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public ("Overall," Objective 6).***

- G. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- H. Boone County's development policies shall provide equal opportunity for the establishment of a balanced population regardless of age, race, or socio-economic status ("Population," Objective).
- I. ***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 maintained and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).***
- J. ***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 shall 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).***
- K. Safe, environmentally sound, and sanitary housing exists for all Boone County residents ("Housing," Goal).
- L. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- M. No housing policy shall have the effect of causing discrimination against any person on the basis of age, race, color, religion, sex, familial status, disability, or national origin ("Housing," Objective 2).
- N. The maintenance of sound existing housing, as well as, the rehabilitation of deteriorating housing shall be encouraged ("Housing," Objective 3).
- O. ***Housing supply in Boone County shall be balanced against present and planned commercial, industrial and primary and secondary education bases ("Housing," Objective 4).***
- P. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on density, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit ("Housing," Objective 5).

- Q. Residential development shall be regulated as to basic health and safety considerations, including: a) proper connections to appropriate public water and sanitary sewer service, sewage disposal units, and telephone and electric lines, and b) properly designed and constructed storm water drainage according to location and use ("Housing," Objective 6).
- R. 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).
- S. 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).

Staff Concerns/Comments

1. The attached memorandum from Mr. Matt Becher, Rural/Open Space Planner, identifies the unique historic home and cemetery located on this site. The cemetery is shown on the Concept Development Plan and would be incorporated into the subdivision on its own lot, not part of a lot. There are no plans at this time to save the historic home however. Staff feels that this home has character and could be incorporated into the subdivision.
2. Staff feels that it is necessary to prohibit individual lot access onto Camp Ernst Road and provide something to break-up the view of the rear of the proposed houses along Camp Ernst Road, possibly a berm. The applicant has provided adequate lot depth for the lots adjoining Camp Ernst Road for possible widening of the road which would allow for a berm. No concrete plans for widening or relocating this portion of Camp Ernst Road exist (see the attached letter from the Kentucky Transportation Cabinet).

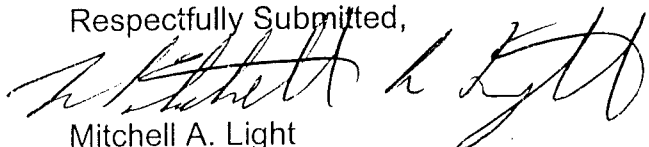
3. Recently, the Zone Change/Comprehensive Plan Committee and Boone County Planning Commission have been recommending as a condition of approval that longer cul-de-sacs be enlarged to accommodate school busses. This is being reviewed by Mr. Greg Sketch, County Engineer, however Staff has contacted the Boone County Bus Garage regarding this issue and they stated that school busses will only travel streets longer than 0.2 miles (1,056 lf) for middle and high school students. Bussing elementary students is determined on a case by case basis.
4. A street connection to the north should be provided along one of the two ridgelines to provide access to possible future development(s).
5. If approved, the applicant/developer must receive an Encroachment Permit from the Boone County Public Works Department for access onto Camp Ernst Road. Site distance and visibility must meet the County's specifications in order to obtain a permit. The proposed access into the development is located across from Klotz Lane (a private road), south of the historic home site.
6. Staff reminds the Commission that although the newly adopted 2000 Boone County Comprehensive Plan's Future Land Use Map indicates this sites land use classification as "Suburban Residential," the map represents a 25 year growth projection.

Conclusion

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

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

Respectfully Submitted,

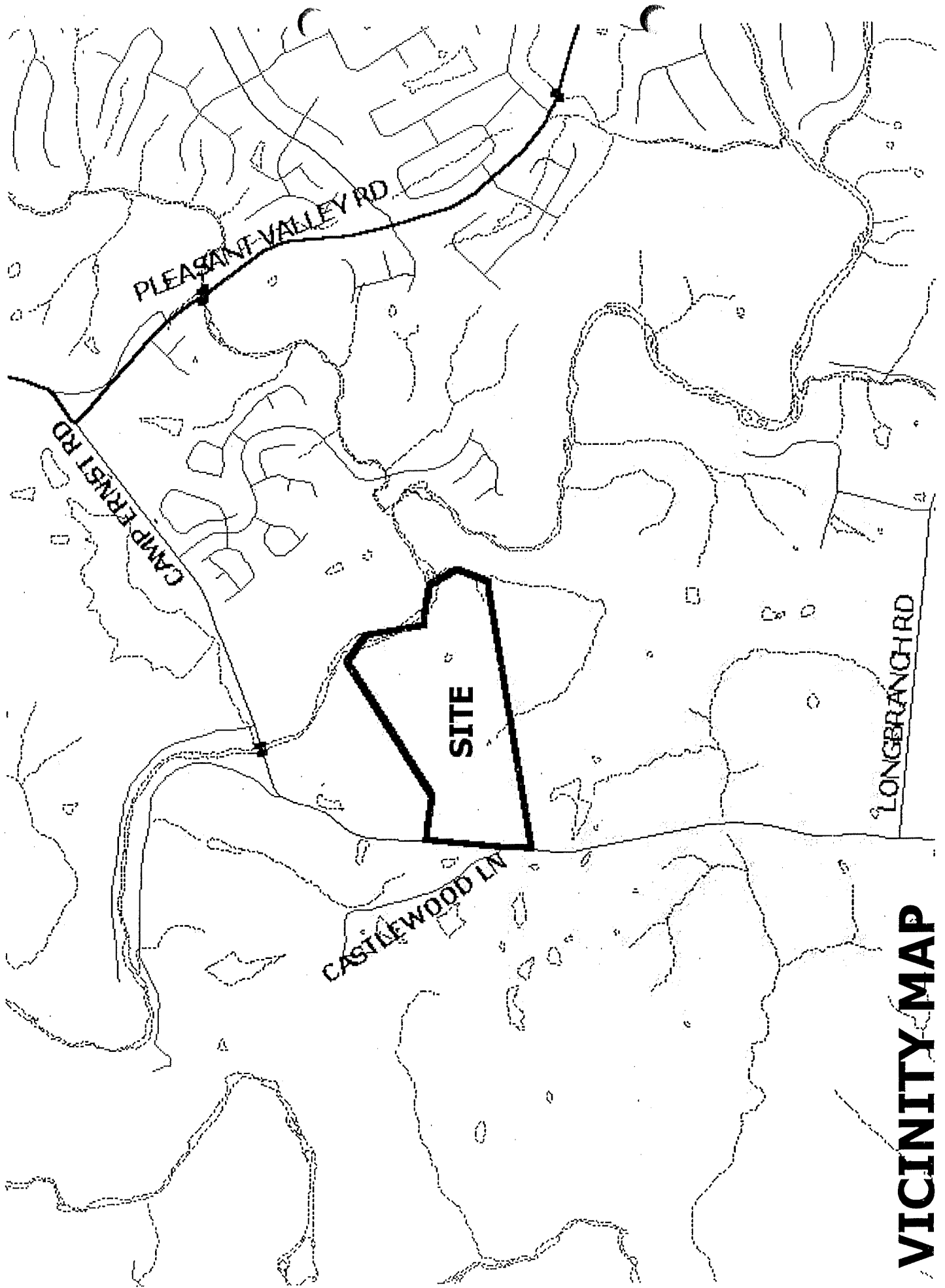


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

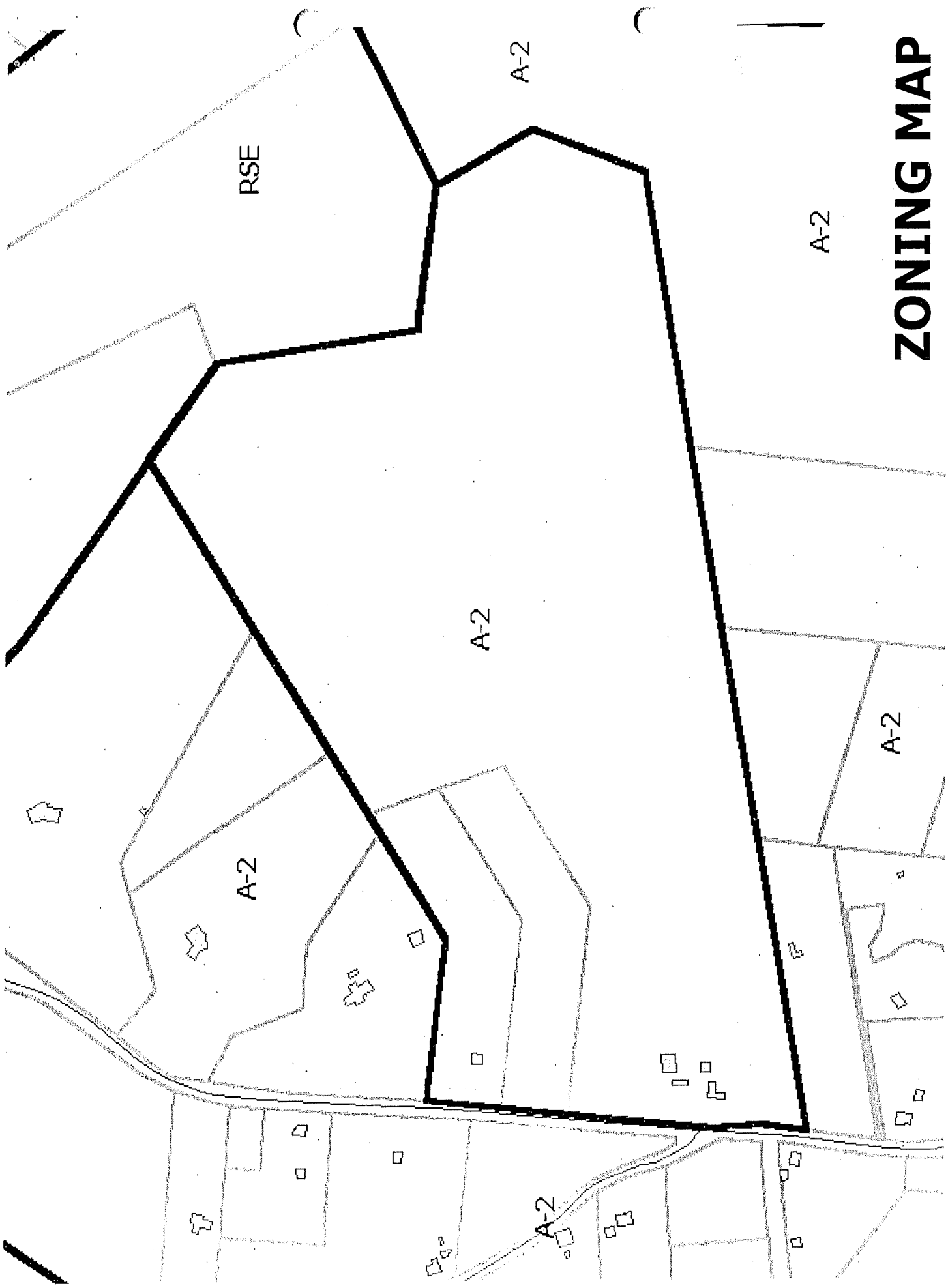
MAL/pr

Attachments:

- Vicinity Map
- Zoning Map
- Concept Development Plan
- Existing Topography & Drainage
- Memorandum from Matt Becher, Rural/Open Space Planner
- Review Comments from Kentucky Transportation Cabinet
- Application



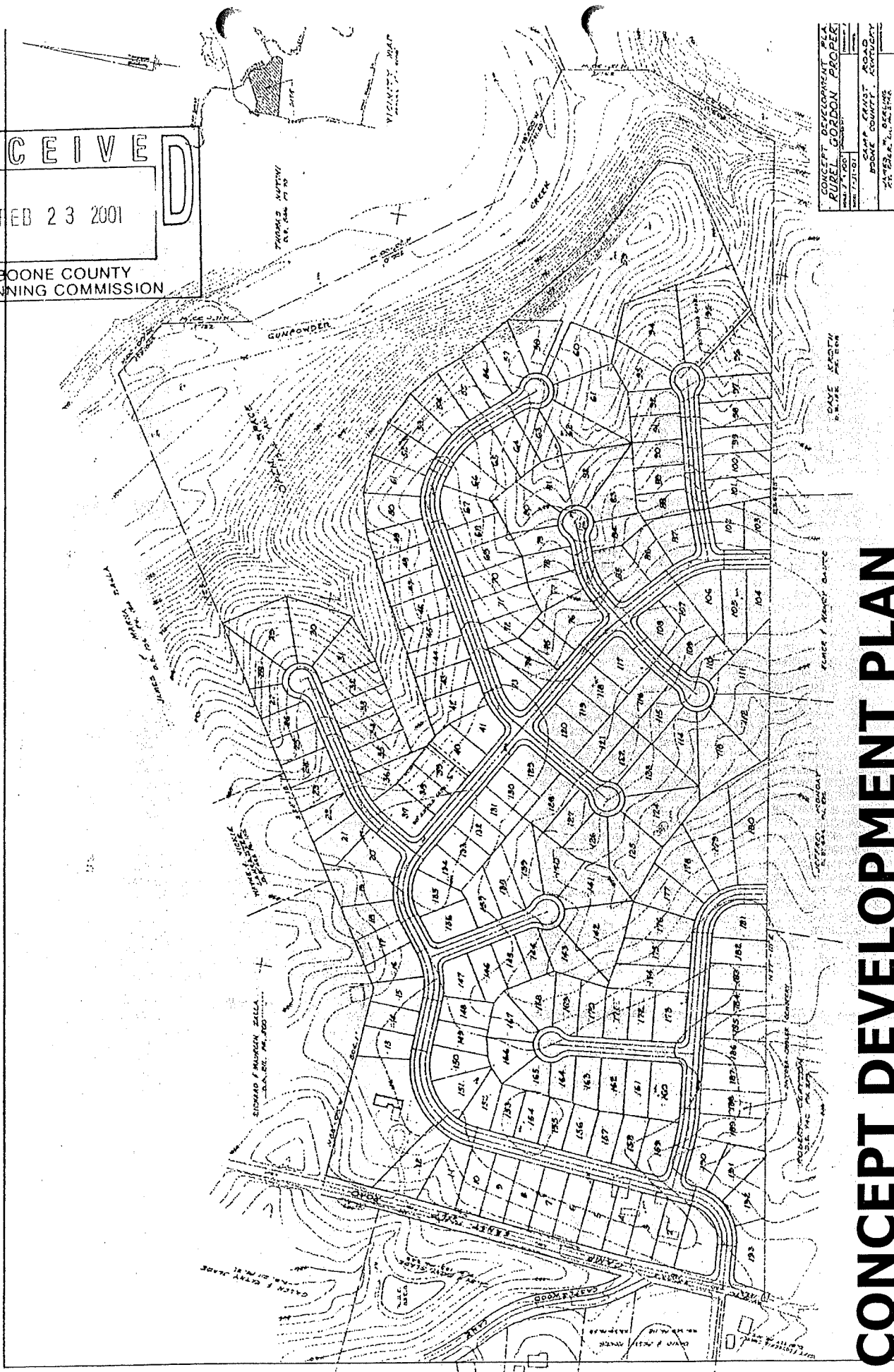
VICINITY MAP



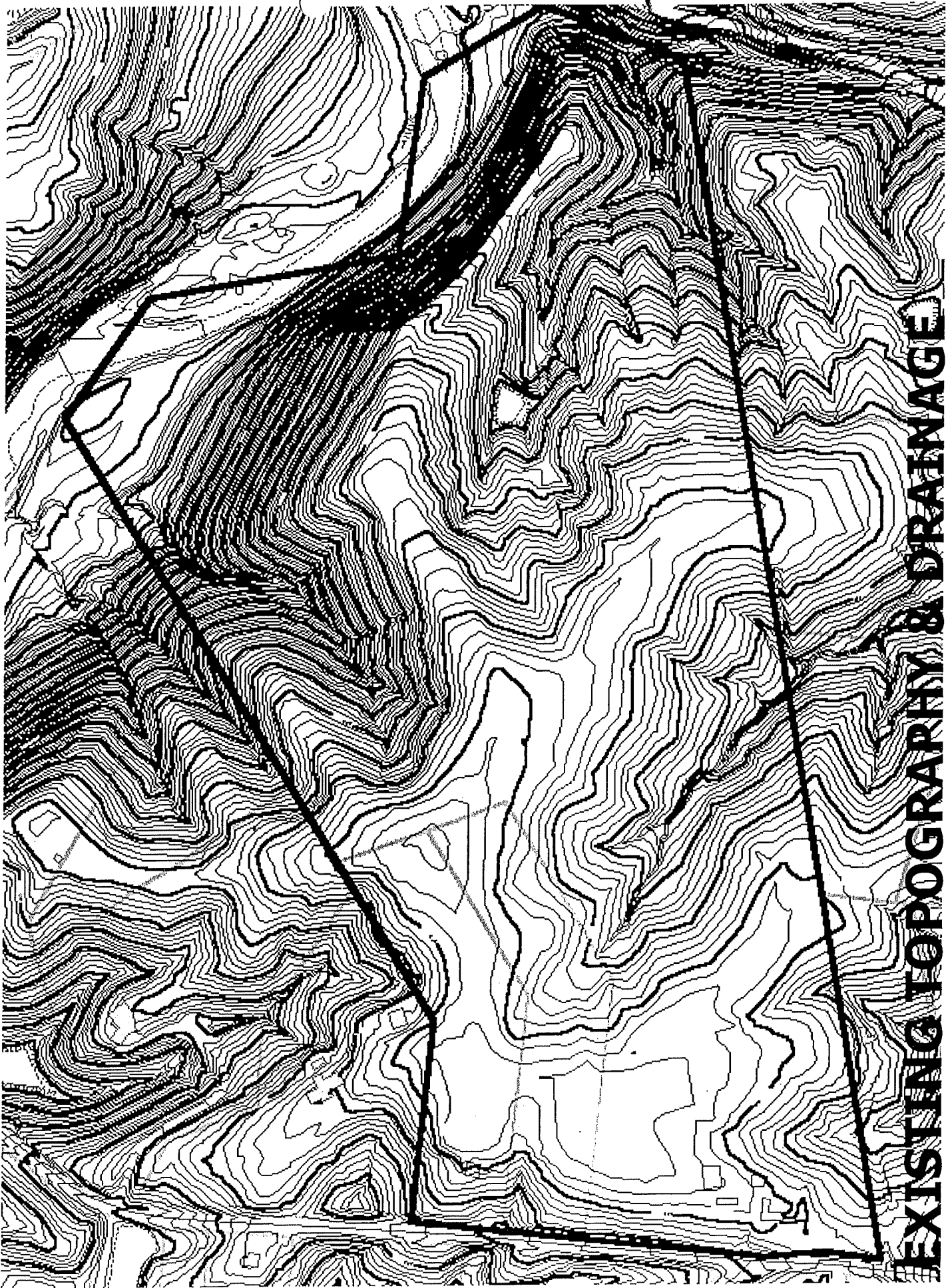
ZONING MAP

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 FEB 23 2001
 BOONE COUNTY
 PLANNING COMMISSION

CONCEPT DEVELOPMENT PLAN
 RUREL GORDON PROPER
 BOONE COUNTY, ARIZONA
 2001

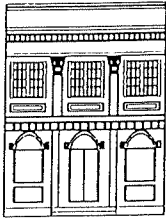


CONCEPT DEVELOPMENT PLAN



EXISTING TOPOGRAPHY & DRAINAGE

BOONE COUNTY HISTORIC PRESERVATION REVIEW
BOARD



2995 Washington Street, Burlington, KY 41005
859-334-2111
FAX 859-334-2264
E-Mail:

mbecher@boonecountyky.org

MEMORANDUM

TO: Boone County Planning Commission
FROM: Matt Becher, Rural/Open Space Planner
DATE: February 22, 2001
RE: Scheben Group Zone Change Request for the Rurel Gordon Property

The Rurel Gordon Property contains a small family cemetery, the Snyder-Crisler Cemetery, and an early 19th Century residence. Both resources are important connections to Boone County's past and should be considered during discussions of the disposition of the property.

In a meeting with staff on January 9, 2001, staff was informed that there was a cemetery on the Rurel Gordon Property, although its exact location was unknown. Staff subsequently located and informally documented the cemetery. The cemetery is believed to contain at least 12 interments, including the graves of Nancy Snyder (1801-18??) and the Wife of F. H. Crisler (1843-1884). The cemetery is in poor condition. The plot, which measures at least 50 feet north/south by 30 feet east/west, is heavily overgrown and several large holes suggest that some graves may have been disturbed by burrowing animals. The Scheben Group is aware of the requirements of the Boone County Cemetery Preservation Plan set out in the County's Zoning Regulations and Subdivision Regulations and has indicated that they are will redesign the subdivision to meet the regulations. Prior to development of the Rurel Gordon Property, the cemetery's boundaries must be established by an archaeologist registered with the Kentucky Heritage Council. The County's Cemetery Regulations also specify that a 30-foot buffer zone be established around the cemetery. Provision for public access to the cemetery and perpetual care by its eventual owners must also be made.

The older of the two houses on the Rurel Gordon Property is located at 8028 Camp Ernst Road and is part of a complex of farm buildings. The house (Kentucky Historic Resource Be 447) was recorded in 1993 as part of a comprehensive architectural survey of Boone County. The structure is believed to have been built in four sections during the course of the 19th Century, although there is also a late 20th Century addition. The original part of the house appears to be a single pen log plan and was probably built in the early 19th Century. Frame residences with log cores, like Structure Be 447, are disappearing at an alarming rate in Boone County. Several comparable buildings have been (or will be) demolished as a result of airport expansion alone and others have been lost to commercial or residential development. For this reason, staff strongly recommends that the development plan for the Rurel Gorgon Property retains Be 447. There is a finite number of historic buildings like Be 447 in Boone County and, contrary to what some may believe, there is a market for historic housing. Indeed, such a building could be used as a selling point for a residential development.



Commonwealth of Kentucky
Transportation Cabinet

Department of Highways, District Six
421-423 Buttermilk Pike & I-75, P. O. Box 17130
Covington, Kentucky 41017
606/341-2700, (Fax) 606/341-3661
Charles L. Meyers
Chief District Engineer

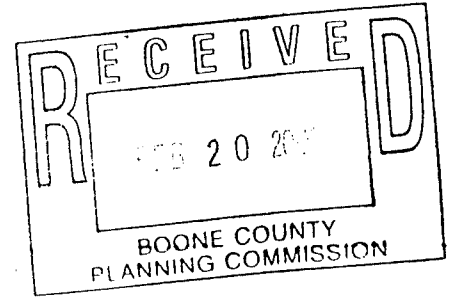
Paul E. Patton
Governor

James C. Codell, III
Secretary of Transportation

T. Kevin Flanery
Deputy Secretary

Wednesday February 14, 2001

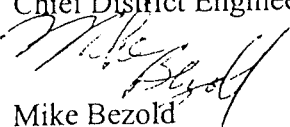
Boone County Planning Commission
c/o Mitchell A. Light
2995 Washington Street
Burlington, Kentucky 41005



Subject: Rurel Gordon Property Development

Dear Mr. Light:

After reviewing the concept development plan for the Rurel Gordon Property at 8018 Camp Ernst Road we are concerned about preserving the Camp Ernst Corridor that was identified in the KY 237/KY 536 Corridor Improvement Study. This development is the first of many that will soon happen along Camp Ernst Road. As these developments occur the people that move into this area will demand improvements be made to Camp Ernst Road. The study that was completed last year identified this future need and has established a corridor for this road improvement. This route is off of the existing facility to allow for a better crossing of Gunpowder Creek and to minimize disruption to existing development. Once the proposed corridor is closed by development, improvements to Camp Ernst Road become more and more difficult. We urge the planning commission to only allow development that takes the realignment of Camp Ernst Road into consideration. We would like to see the corridor for Camp Ernst Road to remain available and that any development that occurs be compatible with the proposed corridor. Our Scoping Study also shows a connector road from existing Camp Ernst Road to the proposed Camp Ernst Road through the Gordon property. This connector road is an essential element of our plan but the location is flexible. It could be moved south of the Gordon property. If you have any questions on the Scoping Study feel free to contact my office at any time.

Very truly yours,
Charles Meyers,
Chief District Engineer

Mike Bezold
Transportation Engineer

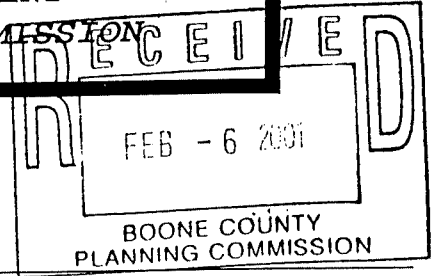
GMB



2/6/01

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 Rurel Gordon Property
- 2. Location of Project Camp Ernst Road 8018
- 3. Total Acreage of Site 80 Acres
- 4. Current Zoning of Site A-2
- 5. Proposed Zoning (Classification being requested) SR-1
- 6. Proposed Uses (please specify each use) Single Family Residential

- 7. Names of Applicant(s) James W. Berling
Phone Number 331-9191 Fax No. 344-7422

- 8. Address of Applicant(s) 1671 Park Road, Suite One
Ft. Wright, Kentucky 41011
City State Zip

- 9. Name of Property Owner(s) The Scheben Group
Phone Number 282-6900 Fax No. 282-6901

- 10. Address of Property Owner(s) 8080 Steilen Drive
Florence, Kentucky 41042
City State Zip

- 11. Proposed Building Intensities (please specify) _____

- 12. Are there any existing buildings on the site? Yes
How many? Five

- 13. Deed Book 201/563/179 Page No. 455/238/519 Group No. 2037

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

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

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

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

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

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

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

18. Project Jurisdiction/Location
 Unincorporated Boone County _____ Walton Union
 _____ Florence _____ Union

19. Applicant's Signature [Signature]
 Property Owner's Signature [Signature] *VIEW - PAGES*

SECTION B (To be completed by BCPC Staff)

1. Date Received 2-6-01
2. Review Fee \$1862.00 LA 26676
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of copies of plan received** 7
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer MICK LIGHT
6. Committee Chairman DALE ZIMMER
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - _____ Approval
 - _____ Approval with Conditions
 - _____ Denial
9. Other: _____

**** Five (5) Copies Are Required**

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

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

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
February 28, 2001
7:00 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett, Mr. Chaney - Vice Chairman, Mr. Hicks – Temporary Presiding Officer, Mr. McMillian, Mrs. Poston, Mr. Ries, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. W. Thomas Chaney, Vice Chairman, called the meeting to order at 7:03 P.M and introduced the first item on the Agenda:

1. **Applicant:** James W. Berling for
 The Scheben Group (owner by contract)

Request: Zoning Map Amendment

The request of James W. Berling (applicant) for The Scheben Group (owner by contract) to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 80-acre tract at 8018 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report and attachments).

The Chairman asked for the applicant's presentation.

Mr. Jim Berling, 1671 Park Road, Fort Wright, the engineer for the project, stated that the Staff presentation was thorough and accurate and they are in agreement with it, except for a few items. In regard to Staff concern #1, he stated that the cemetery will be on a parcel of its own -- it is not correct that it will be incorporated into one of the lots. The cemetery is very small and will be in the rear portion of one of the lots. In regard to Staff Concern #2, he stated that there are no curb cuts anticipated on Camp Ernst Road. The intersection shown has the best sight distance and is the best place for the intersection. He stated that there is

a line of mature trees along Camp Ernst Road which will act as a buffer. Those lots will be deeper than normal and there is room to do some additional plantings in the back, but they do not want to get into berming. A berm would probably cause them to kill the trees. He stated that they can enhance the existing vegetation with additional plantings. In regard to Staff Concern #4, he stated that they did not show a street connection to the north, but did show two connections to the south. They feel that the area to the north is established and did not think that a connection to the north would serve any purpose. In regard to Staff Concern #5, he stated that they acknowledge that they would have to have the permits to access the road. In regard to Staff Concern #6, he stated that this development will be in conformance with the Comprehensive Plan. He thinks that the acreage parcels to the rear would be given to the Boone County Conservancy as open space.

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

Mr. Dave Kroth, 2759 KDK Lane, an adjoining property owner, stated that he would like the county to stay the way it was, but that is not going to happen. Knowing the participants involved, he thinks this would be a good development. He does not have a problem with the development and will probably be part of it. He feels that two and three acre lots are a thing of the past. He feels that this type of development will preserve what other people are worried about losing.

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

Mr. Richard Zalla, 7824 Camp Ernst Road, whose property adjoins the subject property on the north side, stated that his brother, Dr. James A. Zalla, also has adjacent property on the north side. His brother was not able to be present this evening and he is representing his brother and himself. He submitted and read a letter from Dr. James A. Zalla and Marna M. Zalla (see Exhibit 1). He stated that he is in agreement with the letter.

Nancy Castorina, 8104 Camp Ernst Road, stated that she and her husband moved to Boone County from Texas about a year and half ago. It took them over a year to locate the house they purchased in June, 2000 because everywhere they looked were subdivisions and they wanted some space between their home and their neighbors. Their home is just down the hill from where the road would enter the subdivision. The subdivision will take away everything they purchased a home there for. She stated that the road is dangerous when there is ice and snow – it is maintained by the county and never plowed or sanded until long after the storm hits. With every snow storm there is at least one accident and as many as three on the curve on the bridge down by the river. She cannot image adding another 180

homes at the top of the plateau. She cannot understand how the road can handle more homes if there are no plans to upgrade it or maintain it better.

Mr. Jim Coshnitzke, 7788 Castlewood Lane, agreed that Camp Ernst Road is dangerous. He stated that the guardrail by Dr. Zalla's home is destroyed. His wife's car once ended up in Dr. Zalla's driveway. He stated that they purchased their home about two years ago and have two children. They made arrangements for a turnaround at the end of Castlewood Lane for the school bus to come down there and pick up the kids. He stated that going down Camp Ernst Road south of Klotz Lane there is a 25 MPH sign and another one on the other side of Castlewood Lane. He stated that many times pulling out of Castlewood Lane onto Camp Ernst Road is quite an experience. He stated that the homes on Longbranch Road will also add traffic to Camp Ernst Road. He stated that coming down the hill, there is no room for error because the hill has washed down onto the road. During the last ice storm they left their home about 8:30 AM but, turning left on Camp Ernst Road, the police had it blocked and going the other way at the end of Camp Ernst Road it was also closed. They ended up taking Hathaway Road to U.S. 42 to go to work. He stated that there is a lack of road clearing -- the only time this road gets cleared is after a resident calls or there is an accident. He asked the Planning Commission to investigate the road prior to putting an additional 400 vehicles on it. He stated that if people in the morning did not cut through the Church of Christ parking lot and the county building, traffic would be backed up to Briargate. He stated that if there are no plans for expansion, the road will be unbearable. What will the people on Rogers Lane do since they can't get out now? He has heard that there will be a new grade school built there, which is another cause for concern.

Mr. Jeff Monday, 8106 Camp Ernst Road, agreed with the others speakers. He stated that he has two children and is concerned about the traffic in regard to getting them to school and back safely. The road is a hazard. He stated that as soon as the park opens up and there are soccer and baseball leagues, all the traffic comes from KY 18. He stated that the churches block their parking lots in the mornings to keep people from cutting through there. He stated that common sense has to be used in getting the road right before the development.

Mr. Shawn Castorina, 8104 Camp Ernst Road, indicated his driveway on the Concept Plan. He stated that his driveway comes out where the access road is proposed on Camp Ernst Road. His driveway is at the bottom of the dip. He invited the Commissioners to try coming out of his driveway and stated that you cannot see the top of the hill and you cannot see over it. He agreed with the others in regard to the road and traffic and stated that he sits at the light up to fifteen minutes in the morning. He stated that he looked at the zoning when he moved to his home and was shocked by this proposal.

Mr. Dave Klotz, 8033 Camp Ernst Road, stated that he owns the private lane directly across from the property. He stated that it is dangerous there and there is

a blind spot going to the right. He has seen many near accidents there. He stated that there is no spot on the road that would be acceptable for an access at this time. He feels that development should wait until the county puts in a new road. He feels that the developer will make a quick hit and move to Florida, but everyone else will pay the consequences. He stated that the county needs to put Impact Fees on this development because it is too much of a burden on the taxpayers. He has seen the county grow too fast in the last ten years. He stated that if this proposal progresses, they need to have a private meeting of all the property owners like they did on the Baute farm. He has no objections if there is a new road and he has no objections now as long as there is no egress on Camp Ernst Road. He stated that money can be made on two and five acre lots in the county.

Ms. Nancy Rachford, 2877 Longbranch Road (near the Camp Ernst end of Longbranch Road) questioned how many more homes will be built in the area before KY 237 is extended and improved. There is a large subdivision being built there now plus nine hundred homes are being put in by Fischer – which will impact Longbranch Road and will end up impacting Camp Ernst Road. She stated that the roads must be improved before Planning & Zoning approves these high density subdivisions.

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

Mrs. Wilson questioned the reference to deed restrictions in the Zalla letter. Mr. Light responded that deed restrictions are not enforceable by Staff and are a civil matter. Counselor Wilson advised that private deed restrictions are not public law and the Planning Commission cannot enforce them.

Mr. Ries asked if that part of Camp Ernst Road is on the Six-Year Plan for the state of Kentucky. Mr. Light responded “not to my knowledge”. He explained that the state is talking about it and looking at two alternate routes for the KY 237 corridor. Mr. Costello stated that there is a letter from Mike Bezold at the Transportation Cabinet attached to the Staff Report and he will invite Mr. Bezold to attend the Committee Meeting and explain the project to date and discuss what has been done in regard to the routing and how it affects this site and the general area. Mr. Ries stated that if the state looks at that road, he believes they would try to straighten it out, which would take a lot of property from the property owners. Mr. Costello stated that to his knowledge the road is not in the Six-Year Plan.

Mr. McMillian stated that he is concerned that the curb cut is not across from Castlewood Lane. He questioned how Castlewood Lane got a cut there if it is not a good location. He does not think the private drive is a legitimate curb cut to be across from for an intersection. He would like to see some access management to the north if the request is approved.

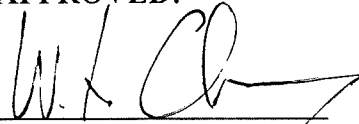
Mrs. Poston noted the reference in the Staff Report to a future corridor study for the Gunpowder Creek Valley. She asked if there are any plans to do that study soon. Mr. Light stated that in the Land Use Element it says that the entire Gunpowder Creek Valley should be considered for a future corridor study, but he does not know how soon the county wants to implement it. Mr. Costello stated that we have looked at the corridor in the last fifteen years and there has been some study of using it as open space or passive recreation and, as part of the 2000 Comprehensive Plan, it was recommended that that study be completed. There has been no comprehensive study of the whole corridor. Mr. Schwenke stated that he would like to see whatever information is available regarding the road before the Committee Meeting.

Mr. McMillian noted that in the Staff Report Mr. Light mentioned that school buses would not go back a road unless it is more than two-tenths of a mile long. He questioned how far it would be to the back of this property. Mr. Light responded that it is just short of two-tenths of a mile. Mr. McMillian questioned public transportation going back there. He stated that there should be at least one cul-de-sac that would be long enough to accommodate buses.

Counselor Wilson referred to Mrs. Poston's question regarding a corridor study and explained that the Comprehensive Plan is a long term projection for the future and the reference to a corridor study getting done is that during the twenty-five year period something will happen in that area that says it is time to get more detailed planning.

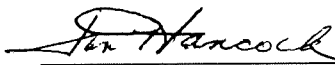
There being no further comments, Mr. Chaney stated that the Committee Meeting for this item will be on March 7, 2001 at 4 P.M. in the second floor Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on March 21, 2001 at 7:30 P.M.. Mr. Chaney closed this Public Hearing.

APPROVED:



W. Thomas Chaney
Vice Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibit 1: Letter from James A. Zalla, M.D. and Marna M. Zalla dated February 26, 2001.

TO: Arnold Caddell, Chairman
Boone County Planning Commission Members and Staff

FROM: James and Marna Zalla
7736 Camp Ernst Road, Burlington

DATE: February 26, 2001

RE: Proposed zoning change for Gordon parcel on Camp Ernst Road from
Agricultural Estate -A 2 to Suburban Residential One – SR 1.

Since we will be in Washington DC on February 24th, we have asked Richard Zalla to represent to the Planning Commission members our opposition to the current proposal to rezone adjacent property from A 2 to SR 1. We own 25 acres, where we have lived since 1976, immediately adjacent north of the 80 acre Gordon property along Gunpowder Creek. Our property fronts on Camp Ernst Road next to a 9.3-acre parcel where my brother, Rick Zalla, has his home, and next to him is another 7.35-acre parcel owned by the Lancasters. Both of these parcels were sold with deed restrictions to limit any further subdivision in order to retain the area's rural character, to protect its woodland and green space, and to preserve wild life habitat.

The previous Comprehensive Plan for Boone County did not include zoning changes on Camp Ernst Road west of Gunpowder Creek that would change the land use to much higher density homes. This current proposal to allow 193 home sites in less than 80 acres immediately adjacent to 42 acres, which together only contain three individual residences, is a radical change in adjacent land use.

The subdivision design seems to fit the most lots within the geometric shape of the tract, and the only remaining portion without lots is the steep northeast end that falls off to Gunpowder Creek and is unsuitable for building. Considering the largely rural character of the adjoining properties, the proposed suburban style subdivision does not fit well.

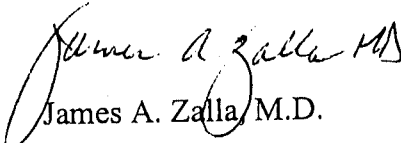
We understand the interest of a developer in the higher profit margin of subdividing a tract like this into the large number of lots requested in this zoning change. However, we urge the Planning Commission members to give greater consideration to the interests of the area property owners in maintaining the current character of the neighborhood.

A similar subdivision proposal for the Baute property at Camp Ernst Road and Long Branch in 1996 for 217 homes on 94 acres was not supported by the Planning and Zoning Commission Staff report and was eventually withdrawn. The many objections of area residents to the proposed zone change to SR1 for the Baute property would apply equally to the proposed change for the Gordon parcel. In fact, the increased traffic since 1996 without a corresponding increase in road development would make this proposal even more objectionable today.

We would hope that improvements to Camp Ernst Road would occur prior to additional higher density developments that impact the roadway. Many of us experience daily the long wait for several light changes during rush hour to exit from Camp Ernst Road onto Kentucky 18. The additional traffic generated by the proposed 193 additional homes remains a serious concern. According to the 1996 Boone County Transportation Plan, road improvements to the section of Camp Ernst Road from Pleasant Valley Road to the Long Branch intersection remain unfunded through the year 2020.

While we do not oppose reasonable planned development, we ask the Planning Commission members to deny this request to rezone the Gordon property, and instead retain the A 2 designation. This would still allow limited development that would be more consistent with the current adjacent property use, with a less abrupt density change than the requested SR 1 zoning.

Respectfully submitted,


James A. Zalla, M.D.


Marna M. Zalla

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING**

April 4, 2001

7:30 P.M.

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:33 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Newman
Mrs. Susan Poston
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett
Mr. W. Thomas Chaney, Vice Chairman
Mr. Robert Ries

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Mr. McMillian moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mrs. Poston seconded the motion. A vote on the motion found all voting members in favor. Chairman Caddell abstained due to his relationship with Heritage Bank. The motion carried.

ACTION ON PLAN REVIEWS:

1. **Zoning Map Amendment**

The request of James W. Berling (applicant) for The Scheben Group (owner by contract) to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 80-acre tract at 8018 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Chairman Caddell stated that this item resulted in a tie vote at the last Business Meeting and was deferred to this meeting for another vote. He asked if any of the Commissioners wish to have the Committee Report read again. There being no response, Mr. Hicks moved by resolution to Boone County Fiscal Court to approve the request based on the Committee Report. Mr. White seconded the motion. The Chairman asked if there was any discussion.

Mr. Hicks stated that the request has to meet one of the three criteria and it is in compliance with the Comprehensive Plan. He stated that this area was changed in the Comprehensive Plan because there were difference circumstances -- the City of Florence has crossed Gunpowder Creek, which was the dividing line between residential and rural, there is sewer service in back of the site and residential development in the back on the other side of the creek. Development is coming up Camp Ernst toward this area and coming down Longbranch toward this property. He stated that if the Comprehensive Plan is correct, then the zoning is inappropriate.

Mr. Zimmer apologized for not having attended a number of the meetings, and stated that he has a number of concerns after reading through all of the material. One of his concerns, which had been brought up by Staff, is the view of the houses backing up to Camp Ernst Road. Mr. Light responded that there was discussion in Committee about possibly putting in a berm, but there was not a lot of discussion about it. Mr. Hicks stated that the Committee felt there was sufficient buffer with the treeline that is already there and they do not plan developing in that area because it would be right up against the road. Mr. Light stated that they are deeper lots for the possible future widening of Camp Ernst Road. If they were to put in a berm it would have to be taken out by any road widening. Mr. Zimmer asked if the houses would face Camp Ernst Road. Mr. Light responded that they would face the internal street. He explained that the existing curbs cut along Camp Ernst Road would be eliminated and the only added access would be the street connection. Mr. Zimmer questioned a condition

that the treeline be kept in a "no cut zone". Mr. Hicks responded that the Committee did not address that. He stated that most contractors would not tear out trees to open up the property, especially if they are out past the area where the houses will be. If they tear out those trees, they would have to put something back there.

Chairman Caddell stated that he believes Mr. Zimmer is referring to a "do not disturb" area. Mr. Zimmer agreed and stated that if the existing vegetation is being considered as a buffer and it is removed, there would be no buffer.

Mr. Zimmer stated that there was a condition involving the Historic Preservation Review Board and questioned if that Board still exists. Mr. Costello responded that the Historic Preservation Review Board exists and is served by Matt Becher. Mr. Zimmer asked if the intent is to relocate or remove the historic structure. Mr. Light stated that there are three options 1) keep it where it is, 2) relocate it, and 3) destroy it. The Committee did not want to destroy it and wanted to give them the option of finding a home for it. The Committee and the developer agreed that that was the best option.

Mr. Zimmer stated that he did not see any provision for water runoff and detention on the Concept Development Plan. Mr. Light responded that they have to provide a lot to the county for stormwater detention.

Mr. Zimmer questioned the large area labeled "open space" along Gunpowder Creek and asked if there was any provision for public access to that space. He noted that there are lots backed up against it and it appears that only people owning a lot have access. Mr. Light responded that there is a 20-foot easement going back to it. He stated that it could be arranged for there to be dedicated land for access to the open space. Mr. Zimmer asked if there was any discussion about allowing public access or access for the residents. Mr. Light did not recall any discussion about that.

Mr. Zimmer asked, as he did at the Public Hearing, if there was any thought given to looking at this site as open space subdivision design. Mr. Light responded that what is shown is what was proposed by the applicant.

Mr. Zimmer stated that the State of Kentucky is proposing to put a two-lane rural roadway through the back side of the site and some provision has been made in staging of the development to accommodate this roadway, which is not on the Six-Year Plan. He stated that if the Concept Development Plan is overlaid on the proposed right-of-way, they do not match up very well. Mr. Light reviewed the plan with the Commissioners and explained that he received a CD from the state and when he overlaid it, scaled it, and measured it, it all scaled out well. He noted that the 11" x 17" drawing Mr. Zimmer has is not to scale. Mr. Zimmer questioned how the development was phased relative to accommodating the proposed alignment from the state. He is concerned that if it keeps going, they will end up with streets that do not align with anything. Mr. Light responded that that is also his concern. He stated that this is strictly a Scoping Study and not on

the Six-Year Plan. He explained that they could develop in stages up until they got to this point and then they could contact the state and see what the timeline is then. He stated that a maximum of fifty homes per year would be developed in the subdivision and it would take a couple of years to get to that point – and the road might be on the Six-Year Plan by then. He stated that they may have to reconfigure the plan (keeping the same number of lots would not requiring another Public Hearing).

Mr. Zimmer referred to Condition #5 and asked if there is a line that marks separation of the various phases. Mr. Costello explained that if the zone change is approved, the state would be notified by Staff that there is a future development project in that area. As they go into that area, we would notify the state and find out if they are interested in securing right-of-way in that area. He noted that there is a possibility that the right-of-way could be shifted further to the east (on the other side of the creek). He stated that the idea was to allow the applicant to proceed with the development and allow the flexibility that if the state wanted to take the right-of-way as the first segment of the road realignment, they could do that at that time. He noted that there was a similar situation in Independence where they reserved the right-of-way and then the state bought it from them. He noted that for this subdivision they would also be compensated for the right-of-way. He stated that this also allows the opportunity for the eastern portion to be developed in a smaller subdivision. He stated that a couple of the roads could intersect with the new road if they drop a couple of lots and make a few lots bigger. There is also the possibility of changing the road network a little to accommodate the new road. Mr. Zimmer stated that a road crossing over a potential subdivision does not look like good planning. He stated that in Kenton County the road did not cross the development and look like this and they made provision in the Concept Development Plan to show forethought about the road that would pass through there. He stated that infrastructure does not precede development. He is concerned that there is not the forethought about planning.

Mr. Knock stated that Condition #5 addresses Mr. Zimmer's concern. He stated that the Planning Commission cannot stop development based on what the state might do in ten, fifteen, or twenty years. He stated that the developer is sufficiently recognizing that when they get to that point, we will ask the state if the road is on the front burner. He does not think anyone would want to put houses in where the right-of-way will be. Mr. Light responded that Fiscal Court is key to getting it moved up on the front burner. If the need is there, the road can be moved up. It will not get on the Six-Year Plan if there is no support for it from the local legislative units, which may be why it is currently on the back burner.

Mr. Zimmer questioned the open space. He noted the considerable slope and asked if it would be left as grass and if maintenance would be provided. Mr. Light responded that it would be turned over to the county. Mr. Zimmer questioned the county's access to the open space. Mr. Costello stated there is a possibility that the county would take the open space as part of an overall open space corridor, but there is no agreement at this time. Mr. Zimmer asked if at that

point an access easement would be provided from the subdivision. Mr. Costello responded that we would look at all forms of access.

Mr. Knock asked if a state or county park is being proposed in the area and if the state is trying to buy land there. He noted that there was reference to a two-acre tract that was part of a bigger tract on Camp Ernst Road. He saw a communication from a state official trying to buy land close to this property. Mr. Zimmer stated that it is not this property.

Mrs. Poston stated that she has the same issue as she had before – the Comprehensive Plan is a 25-year projection and this parcel and this area does not have the infrastructure, namely the road. She stated that it may be that development has always come before the road, but the onus is on the people who will benefit from the development to improve the infrastructure through the Fiscal Court. If they make that effort and fail, then the Planning Commission could look at it again. It is her opinion that this is not the proper time for this development.

Chairman Caddell asked the applicant the approximate distance from the back of the building to what would be the right-of-way and if it is feasible to agree on a “do not disturb” distance on the lots to guarantee that the trees would not be disturbed.

Mr. Steve Berling, Berling Engineering, 1407 Viaduct Court, Fort Wright, responded that the lots are about 180 feet deep and the existing vegetation is from 5 feet to 30 feet off the edge of Camp Ernst Road. He stated that if the road right-of-way is 25 feet, then they can probably do a twenty-foot buffer outside of the right-of-way and on the lots. A 180-foot lot would still be 160-feet deep. He stated that the Planning Commission cannot mandate that they keep the trees inside the right-of-way. Chairman Caddell explained that the request is not to reduce the size of the lot, but that the back twenty feet be a “do not disturb” area. Would the applicant agree to that? Mr. Jim Wenstrup nodded “yes”.

Chairman Caddell stated that an agreed upon condition is added to the Committee Report that there be a twenty-foot do not disturb area on the Camp Ernst Road lots.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Hicks which found Mr. Barlow, Mr. Knock, Mr. McMillian, Mr. Newman, Mr. Reynolds, Mr. White, Mr. Hicks, Mrs. Wilson, and Chairman Caddell in favor. Mrs. Poston, Mr. Schwenke, and Mr. Zimmer were opposed. The motion carried by a vote of 9 to 3.

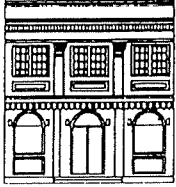
2. Long-Range Planning/Comp Plan Committee

Averitt Express at Turfway Road/O'Hara Road

Staff Member Kevin Wall stated that the request is to determine the review process relative to the Houston-Donaldson Study. Averitt Express is a

EXHIBIT
"B"

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

April 5, 2001

Mr. James W. Berling
1671 Park Road
Suite One
Ft. Wright, KY 41011

RE: Conditions of Approval for the request of **James W. Berling (applicant)** for **The Scheben Group (owner by contract)** to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 80 acre tract located at 8018 Camp Ernst Road, Boone County, Kentucky.

Dear Mr. Berling:

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


Conditions

1. The property owner agrees to provide a street connection to the property to the north.
2. There will be no individual driveway access onto Camp Ernst Road. This includes the removal of the existing driveway access points.
3. The Historic Preservation Review Board will be notified so as to allow for the possibility of relocating/removing the historic log structure from the site.
4. The property owner agrees to follow any recommendation that may be set forth by the "Cul-de-sac Task Force" at the Preliminary Plat review.

Mr. James W. Berling
April 5, 2001
Page 2

5. The property owner agrees to stage development of the subdivision in a manner to accommodate the proposed Camp Ernst Road alignment on the east side of the site. Development in the subdivision shall proceed in a manner in which the area of the site that could be affected by the proposed Camp Ernst Road will be developed in the last phase. At the last phase, the subdivision developer shall contact the Kentucky Transportation Cabinet in writing to see if they would like to purchase the road right-of-way. If the Kentucky Transportation Cabinet decides not to purchase the land, the developer can then proceed to develop lots in accordance with the approved Concept Development Plan.
6. The property owner agrees to provide a 20 foot no disturb area parallel with the Camp Ernst Road right-of-way.

Sincerely,




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

MAL\pr

Agreement

I, Rurel Gordon, Jr., do hereby agree to the condition of approval stated above for the Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 80 acre tract located at 8018 Camp Ernst Road, Boone County, Kentucky.


Mr. Rurel Gordon, Jr. (owner)

4-18-01
(date)

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
February 28, 2001
7:00 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett, Mr. Chaney - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mrs. Poston, Mr. Ries, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. W. Thomas Chaney, Vice Chairman, called the meeting to order at 7:03 P.M and introduced the first item on the Agenda:

1. **Applicant:** James W. Berling for
The Scheben Group (owner by contract)

Request: Zoning Map Amendment

The request of James W. Berling (applicant) for The Scheben Group (owner by contract) to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 80-acre tract at 8018 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report and attachments).

The Chairman asked for the applicant's presentation.

Mr. Jim Berling, 1671 Park Road, Fort Wright, the engineer for the project, stated that the Staff presentation was thorough and accurate and they are in agreement with it, except for a few items. In regard to Staff concern #1, he stated that the cemetery will be on a parcel of its own -- it is not correct that it will be incorporated into one of the lots. The cemetery is very small and will be in the rear portion of one of the lots. In regard to Staff Concern #2, he stated that there are no curb cuts anticipated on Camp Ernst Road. The intersection shown has the best sight distance and is the best place for the intersection. He stated that there is

a line of mature trees along Camp Ernst Road which will act as a buffer. Those lots will be deeper than normal and there is room to do some additional plantings in the back, but they do not want to get into berming. A berm would probably cause them to kill the trees. He stated that they can enhance the existing vegetation with additional plantings. In regard to Staff Concern #4, he stated that they did not show a street connection to the north, but did show two connections to the south. They feel that the area to the north is established and did not think that a connection to the north would serve any purpose. In regard to Staff Concern #5, he stated that they acknowledge that they would have to have the permits to access the road. In regard to Staff Concern #6, he stated that this development will be in conformance with the Comprehensive Plan. He thinks that the acreage parcels to the rear would be given to the Boone County Conservancy as open space.

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

Mr. Dave Kroth, 2759 KDK Lane, an adjoining property owner, stated that he would like the county to stay the way it was, but that is not going to happen. Knowing the participants involved, he thinks this would be a good development. He does not have a problem with the development and will probably be part of it. He feels that two and three acre lots are a thing of the past. He feels that this type of development will preserve what other people are worried about losing.

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

Mr. Richard Zalla, 7824 Camp Ernst Road, whose property adjoins the subject property on the north side, stated that his brother, Dr. James A. Zalla, also has adjacent property on the north side. His brother was not able to be present this evening and he is representing his brother and himself. He submitted and read a letter from Dr. James A. Zalla and Marna M. Zalla (see Exhibit 1). He stated that he is in agreement with the letter.

Nancy Castorina, 8104 Camp Ernst Road, stated that she and her husband moved to Boone County from Texas about a year and half ago. It took them over a year to locate the house they purchased in June, 2000 because everywhere they looked were subdivisions and they wanted some space between their home and their neighbors. Their home is just down the hill from where the road would enter the subdivision. The subdivision will take away everything they purchased a home there for. She stated that the road is dangerous when there is ice and snow – it is maintained by the county and never plowed or sanded until long after the storm hits. With every snow storm there is at least one accident and as many as three on the curve on the bridge down by the river. She cannot image adding another 180

homes at the top of the plateau. She cannot understand how the road can handle more homes if there are no plans to upgrade it or maintain it better.

Mr. Jim Coshnitzke, 7788 Castlewood Lane, agreed that Camp Ernst Road is dangerous. He stated that the guardrail by Dr. Zalla's home is destroyed. His wife's car once ended up in Dr. Zalla's driveway. He stated that they purchased their home about two years ago and have two children. They made arrangements for a turnaround at the end of Castlewood Lane for the school bus to come down there and pick up the kids. He stated that going down Camp Ernst Road south of Klotz Lane there is a 25 MPH sign and another one on the other side of Castlewood Lane. He stated that many times pulling out of Castlewood Lane onto Camp Ernst Road is quite an experience. He stated that the homes on Longbranch Road will also add traffic to Camp Ernst Road. He stated that coming down the hill, there is no room for error because the hill has washed down onto the road. During the last ice storm they left their home about 8:30 AM but, turning left on Camp Ernst Road, the police had it blocked and going the other way at the end of Camp Ernst Road it was also closed. They ended up taking Hathaway Road to U.S. 42 to go to work. He stated that there is a lack of road clearing -- the only time this road gets cleared is after a resident calls or there is an accident. He asked the Planning Commission to investigate the road prior to putting an additional 400 vehicles on it. He stated that if people in the morning did not cut through the Church of Christ parking lot and the county building, traffic would be backed up to Briargate. He stated that if there are no plans for expansion, the road will be unbearable. What will the people on Rogers Lane do since they can't get out now? He has heard that there will be a new grade school built there, which is another cause for concern.

Mr. Jeff Monday, 8106 Camp Ernst Road, agreed with the others speakers. He stated that he has two children and is concerned about the traffic in regard to getting them to school and back safely. The road is a hazard. He stated that as soon as the park opens up and there are soccer and baseball leagues, all the traffic comes from KY 18. He stated that the churches block their parking lots in the mornings to keep people from cutting through there. He stated that common sense has to be used in getting the road right before the development.

Mr. Shawn Castorina, 8104 Camp Ernst Road, indicated his driveway on the Concept Plan. He stated that his driveway comes out where the access road is proposed on Camp Ernst Road. His driveway is at the bottom of the dip. He invited the Commissioners to try coming out of his driveway and stated that you cannot see the top of the hill and you cannot see over it. He agreed with the others in regard to the road and traffic and stated that he sits at the light up to fifteen minutes in the morning. He stated that he looked at the zoning when he moved to his home and was shocked by this proposal.

Mr. Dave Klotz, 8033 Camp Ernst Road, stated that he owns the private lane directly across from the property. He stated that it is dangerous there and there is

a blind spot going to the right. He has seen many near accidents there. He stated that there is no spot on the road that would be acceptable for an access at this time. He feels that development should wait until the county puts in a new road. He feels that the developer will make a quick hit and move to Florida, but everyone else will pay the consequences. He stated that the county needs to put Impact Fees on this development because it is too much of a burden on the taxpayers. He has seen the county grow too fast in the last ten years. He stated that if this proposal progresses, they need to have a private meeting of all the property owners like they did on the Baute farm. He has no objections if there is a new road and he has no objections now as long as there is no egress on Camp Ernst Road. He stated that money can be made on two and five acre lots in the county.

Ms. Nancy Rachford, 2877 Longbranch Road (near the Camp Ernst end of Longbranch Road) questioned how many more homes will be built in the area before KY 237 is extended and improved. There is a large subdivision being built there now plus nine hundred homes are being put in by Fischer – which will impact Longbranch Road and will end up impacting Camp Ernst Road. She stated that the roads must be improved before Planning & Zoning approves these high density subdivisions.

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

Mrs. Wilson questioned the reference to deed restrictions in the Zalla letter. Mr. Light responded that deed restrictions are not enforceable by Staff and are a civil matter. Counselor Wilson advised that private deed restrictions are not public law and the Planning Commission cannot enforce them.

Mr. Ries asked if that part of Camp Ernst Road is on the Six-Year Plan for the state of Kentucky. Mr. Light responded “not to my knowledge”. He explained that the state is talking about it and looking at two alternate routes for the KY 237 corridor. Mr. Costello stated that there is a letter from Mike Bezold at the Transportation Cabinet attached to the Staff Report and he will invite Mr. Bezold to attend the Committee Meeting and explain the project to date and discuss what has been done in regard to the routing and how it affects this site and the general area. Mr. Ries stated that if the state looks at that road, he believes they would try to straighten it out, which would take a lot of property from the property owners. Mr. Costello stated that to his knowledge the road is not in the Six-Year Plan.

Mr. McMillian stated that he is concerned that the curb cut is not across from Castlewood Lane. He questioned how Castlewood Lane got a cut there if it is not a good location. He does not think the private drive is a legitimate curb cut to be across from for an intersection. He would like to see some access management to the north if the request is approved.

Mrs. Poston noted the reference in the Staff Report to a future corridor study for the Gunpowder Creek Valley. She asked if there are any plans to do that study soon. Mr. Light stated that in the Land Use Element it says that the entire Gunpowder Creek Valley should be considered for a future corridor study, but he does not know how soon the county wants to implement it. Mr. Costello stated that we have looked at the corridor in the last fifteen years and there has been some study of using it as open space or passive recreation and, as part of the 2000 Comprehensive Plan, it was recommended that that study be completed. There has been no comprehensive study of the whole corridor. Mr. Schwenke stated that he would like to see whatever information is available regarding the road before the Committee Meeting.

Mr. McMillian noted that in the Staff Report Mr. Light mentioned that school buses would not go back a road unless it is more than two-tenths of a mile long. He questioned how far it would be to the back of this property. Mr. Light responded that it is just short of two-tenths of a mile. Mr. McMillian questioned public transportation going back there. He stated that there should be at least one cul-de-sac that would be long enough to accommodate buses.

Counselor Wilson referred to Mrs. Poston's question regarding a corridor study and explained that the Comprehensive Plan is a long term projection for the future and the reference to a corridor study getting done is that during the twenty-five year period something will happen in that area that says it is time to get more detailed planning.

There being no further comments, Mr. Chaney stated that the Committee Meeting for this item will be on March 7, 2001 at 4 P.M. in the second floor Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on March 21, 2001 at 7:30 P.M.. Mr. Chaney closed this Public Hearing.

APPROVED:



W. Thomas Chaney
Vice Chairman

Attest:

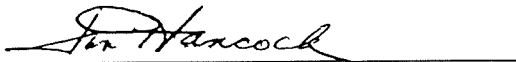

Jan Hancock, Recording Secretary

Exhibit 1: Letter from James A. Zalla, M.D. and Marna M. Zalla dated February 26, 2001.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Mark Hicks, Committee Chairman

DATE: March 7, 2001

RE: Request of **James W. Berling (applicant)** for **The Scheben Group (owner by contract)** to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 80 acre tract located at 8018 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow 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.

David Zimmer
David Zimmer, Chairman

For _____ Against _____
Abstain _____ Absent
Deferred _____

Mark Hicks
Mark Hicks - Chairman

For Against _____
Abstain _____ Absent _____
Deferred _____

Bob Newman

For _____ Against _____
Abstain _____ Absent
Deferred _____

Susan Poston
Susan Poston

For _____ Against
Abstain _____ Absent _____
Deferred _____

Earl White
Earl White

For Against _____
Abstain _____ Absent _____
Deferred _____

Judy Arnett (Alternate)*

For _____ Against _____
Abstain _____ Absent
Deferred _____

Randy Barlow
Randy Barlow (Alternate)*

For Against _____
Abstain _____ Absent _____
Deferred _____

Don McMillian
Don McMillian (Alternate)*

For Against _____
Abstain _____ Absent _____
Deferred _____

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

SUPPORTING INFORMATION

PRESENTED AND AMENDED AT THE 4/4/2001 BUSINESS MEETING

#1

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Mark Hicks, Chairman

DATE: March 21, 2001

RE: Request of **James W. Berling (applicant)** for **The Scheben Group (owner by contract)** to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 80 acre tract located at 8018 Camp Ernst Road, Boone County, Kentucky.

REMARKS:

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

Findings of Fact

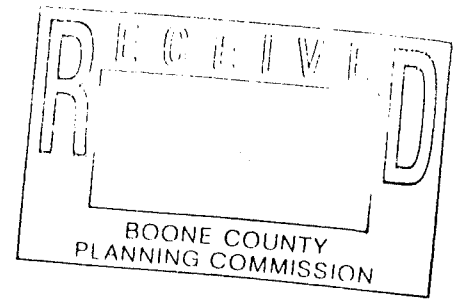
1. The Committee has concluded that the applicant has adequately demonstrated that the existing zoning classification of Agricultural Estate (A-2) is inappropriate and that the proposed zoning classification, of Suburban Residential One (SR-1) is appropriate.
2. The Committee has concluded that the map amendment request is in agreement with the adopted Comprehensive Plan and its Future Land Use Map. Specific references to the Comprehensive Plan are provided in the Staff Report for this request.
3. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

Conditions

1. The property owner agrees to provide a street connection to the property to the north.
2. There will be no individual driveway access onto Camp Ernst Road. This includes the removal of existing driveway access points.
3. The Historic Preservation Review Board will be notified so as to allow for the possibility of relocating/removing the historic log structure from the site.

4. The property owner agrees to follow any recommendation that may be set forth by the "Cul-de-sac Task Force" at the Preliminary Plat review.
5. The property owner agrees to stage development of the subdivision in a manner to accommodate the proposed Camp Ernst Road alignment on the east side of the site. Development in the subdivision shall proceed in a manner in which the area of the site that could be affected by the proposed Camp Ernst Road will be developed in the last phase. At the last phase, the subdivision developer shall contact the Kentucky Transportation Cabinet in writing to see if they would like to purchase the road right-of-way. If the Kentucky Transportation Cabinet decides not to purchase the land, the developer can then proceed to develop lots in accordance with the approved Concept Development Plan.
6. The property owner agrees to provide a 20 foot no disturb area parallel with the Camp Ernst Road right-of-way.

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 Zone Change/Concept Plan Committee Vote.



February 6, 2001

LEGAL DESCRIPTION

RUREL GORDON PROPERTY

Located generally on the east side of Camp Ernst Road about three miles south of Kentucky Highway 18 and described thus:

Beginning at a point in the center of Camp Ernst Road at the intersection off Clayton's north line and the grantor's south line; thence along the general course of Camp Ernst Road N-5°-45'-00"-E 162.60 feet, N-5°-00'-00"-W 160.00 feet and N-2°-05'-00"-E 848.00 feet; thence leaving said road along the north line of the grantor S-88°-08'-00"-E 506.10 feet and N-54°-15'-00"-E 1,725.00 feet to a point, said point being the northeast corner of the grantor; thence along the east line of the grantor S-66°-00'-00"-E 172.06 feet, S-11°-30'-00"-E 221.10 feet, S-38°-00'-00"-E 726.00 feet, S-78°-00'-00"-E 371.25 feet, S-13°-30'-00"-E 231.00 feet and S-17°-30'-00"-W 363.00 feet to a point in the grantor's southeast corner; thence S-77°-15'-00"-W along the south line of the grantor 2,961.75 feet to the place of beginning.

Containing 80± Acres



CONCEPT DEVELOPMENT PLAN
RUREL GORDON PROPERTY
 DATE: 7-1-01
 DRAWN BY: J. J. O'NEILL
 PROJECT NO.: 2000-01
 CAMP CREST ROAD
 BOONE COUNTY, ARKANSAS
 ST. E. & S. 1/4, 34S, 19E

RECEIVED
 FEB - 8 2000
 BOONE COUNTY
 PLANNING COMMISSION

old

Ordinance Of The Boone County Fiscal Court

Ordinance No. 01-10

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING A REQUEST OF JAMES W. BERLING (APPLICANT) FOR THE SCHEBEN GROUP (OWNER BY CONTRACT) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) ON AN APPROXIMATE 80 ACRE SITE LOCATED AT 8018 CAMP ERNST ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-01-009-A.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) on an approximate 80 acre site located at 8018 Camp Ernst 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 RESOLVED 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 Agricultural Estate (A-2) to Suburban Residential One (SR-1) on an approximate 80 acre site located at 8018 Camp Ernst Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) zone is more particularly described in DEED BOOKS 201, 563 & 179, PAGE NOS. 455, 238 & 519, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

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

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-10

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

In addition to those conditions imposed by the Planning Commission, this approved is subject to the following additional conditions:

- 1) There will be a left turn lane and a right turn deceleration and turn lane constructed on Camp Ernst Road at the entrance to the proposed development at the developer's cost.
- 2) The open space parcel (19.4 acres more or less) as shown on the concept development plan shall be donated to the Boone County Fiscal Court upon the request of Boone County.
- 3) There will be street lighting constructed on Camp Ernst Road at the entrance to the proposed development.
- 4) That Condition No. 1 imposed by the Boone County Planning Commission shall be re-evaluated as to its need and as to whether the adjoining property owner is in agreement with the condition. If the adjoining property owner is not in agreement, the condition shall be eliminated.

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 15th day of May, 2001.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 19th day of June, 2001, and on the same occasion signed in open session by the County Judge-Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



LARRY J. CRIGLER
BOONE COUNTY ATTORNEY

7-5-01

DATE PUBLISHED