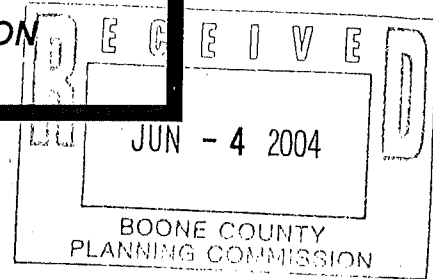


5/20/04

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)

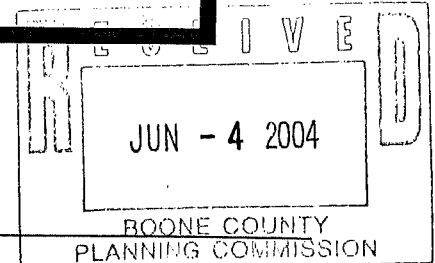
1. Name of Project Gunpowder Trails Subdivision
2. Location of Project Camp Ernst Road
3. Total Acreage of Site 25.4 Acres
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use)
Single Family Residential Subdivision
7. Names of 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) Dave & Kathryn Kroth
Phone Number 384-3743 Fax No. _____
10. Address of Property Owner(s) 2759 KDK Lane
Union, Kentucky 41091
City State Zip
11. Proposed Building Intensities (please specify) _____
12. Are there any existing buildings on the site? No
How many? N/A
13. Deed Book 182 Page No. 298 Group No. 2038-A
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

(over)

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

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(over)

EXHIBIT

“A”

STAFF REPORT

Request of **James W. Berling (applicant)** for **Camp Ernst Road, LLC (owner)** and **Dave & Kathryn Kroth (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 51.2 acre site located to the south of Gunpowder Trails Subdivision, to the east of the properties at 8106, 8212, 8232, 8276, 8300 Camp Ernst Road, and north of the property at 2976 Longbranch Road, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing subdivision for single family residences.

July 21, 2004

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 154 lots on the 51.2 acres at a density of 3 dwelling units per acre. The Suburban Residential One (SR-1) zone permits a maximum of 4 dwelling units/acre.

The Concept Development Plan shows the extension of Gordon Boulevard continuing through this proposal with a street connection to the south at the remaining Baute property (53.69 acres), and a street connection to the east into the remaining Kroth property (100.49 acres).

All utilities are currently available within the existing Gunpowder Trails Subdivision.

SITE HISTORY

The Gunpowder Trails Subdivision went through the Zoning Map Amendment process in 2001, and was approved with conditions (attached). That application proposed 193 lots on 80 acres at a density of 2.41 dwelling units per acre. The "Open Space" located along the Gunpowder Creek consisted of 19.4 of the 80 acres. The Concept Development Plan under review is providing no "Open Space" at this time. A copy of the conditions of approval from the 2001 Zoning Map Amendment are attached to this Staff Report. Of the 193 lots permitted, 124 lots have been final platted and 74 have received zoning/building approval. Therefore, approximately 38% of the Gunpowder Trails Subdivision is completed.

In 1996, the Baute property was the subject of a Public Hearing for a Zoning Map Amendment. The proposal was for a cluster development of 217 lots on the entire 94 acres at a density of 2.31 dwelling units per acre. That request was ultimately withdrawn.

In 2003, the Nutini property (Creekside Subdivision) to the east of Gunpowder Creek was approved with conditions for a development consisting of 96 lots on 44.55 acres at a density of 2.15 dwelling units per acre and 12.08 acres of the 44.55 acres was approved for "Open Space" along the creek.

ADJACENT ZONING AND LAND USES

- North: The existing Gunpowder Trails Subdivision zoned Suburban Residential One (SR-1), the property currently being developed as the Creekside Subdivision zoned Suburban Residential One (SR-1), and the Cress property zoned Suburban Residential One (SR-1).
- East: The Pebble Creek Subdivision zoned Suburban Residential One/Planned Development (SR-1/PD) the remaining Kroth property zoned Agricultural Estate (A-2).
- South: The remaining Baute property zoned Agricultural Estate (A-2).
- West: Properties fronting on Camp Ernst Road owned by Monday, Lehmkuhl, Thomas, DeVroomen, Egger and Wallace zoned Agricultural Estate (A-2).

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Suburban Residential (SR). This designation is described on page 158 of the Comprehensive Plan as:

- 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 provides the following quote that relates to the proposal and/or general area ("Camp Ernst Area" area, pg. 178).

"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).

Table 2.5 in the Population Element (page 21) shows the population by traffic zone. In 1990, the population within this traffic zone (889) was 1,301 and in 2000 grew to 5,229. This geographic zone is bound by Camp Ernst Road to the north and west, Pleasant Valley Road and US 42 to the east and Hathaway Road to the south. The development has occurred primarily in subdivisions such as Pebble Creek, Carters Mill, Hearthstone, Pleasant Valley Meadows, Farmview, Orleans and Gunpowder Trails. The projected population for this traffic zone (889) as shown in Table 2.15 (page 28) is 9,772 by 2010.

STAFF CONCERNS/COMMENTS

1. Additional access into the "Open Space" from the existing subdivision needs to be obtained with this request, specifically, between lots 339 & 340. Additional "Open Space" should be explored along the proposed eastern property line with Kroth. This area includes the sanitary sewer easement, and possibly the Mid-Valley Pipeline easement and could be accessed through lots 276 & 277. Staff realizes that this is not a great deal of property, however when the remaining Kroth property develops, there is desirable "Open Space" along the Gunpowder Creek.
2. A subject of discussion during the 2001 Public Hearing for Gunpowder Trails and again in the 2003 Public Hearing for the Creekside Subdivision (currently under construction) was the KY 237/536 Scoping Study. The only planned construction is "to upgrade KY 237 from KY 18 to US 42." No concrete plans for widening or relocating this portion of Camp Ernst Road exist (see the attached letter from the Kentucky Transportation Cabinet).
3. Staff reminds the Commission that although the 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. The adjoining properties and subdivisions along Camp Ernst Road and the Gunpowder Creek have the "Suburban Residential" Future Land Use classification.

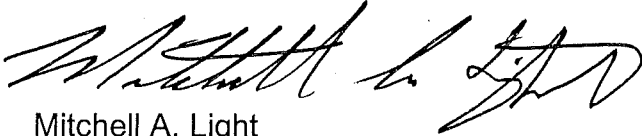
CONCLUSION

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,

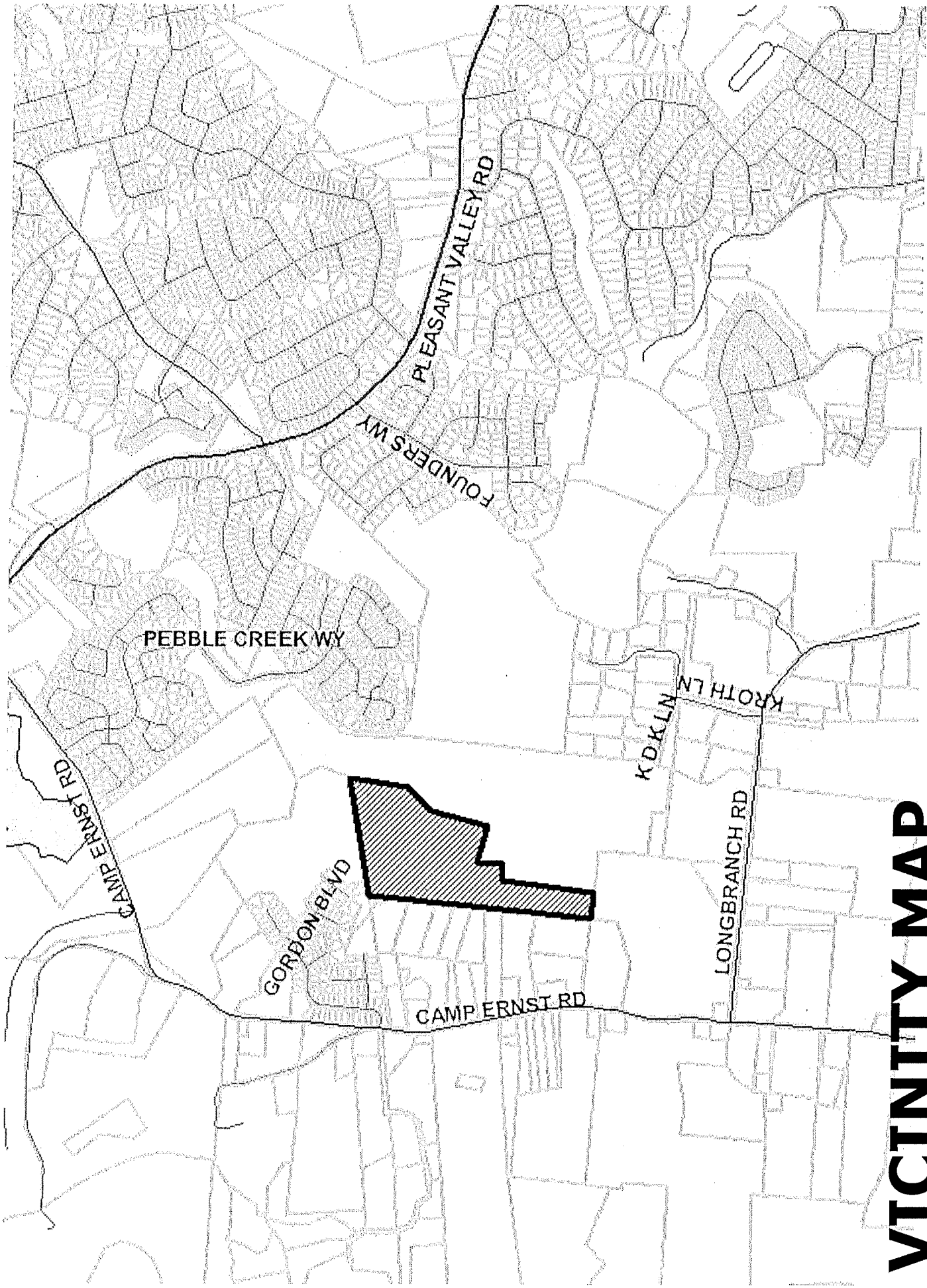


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

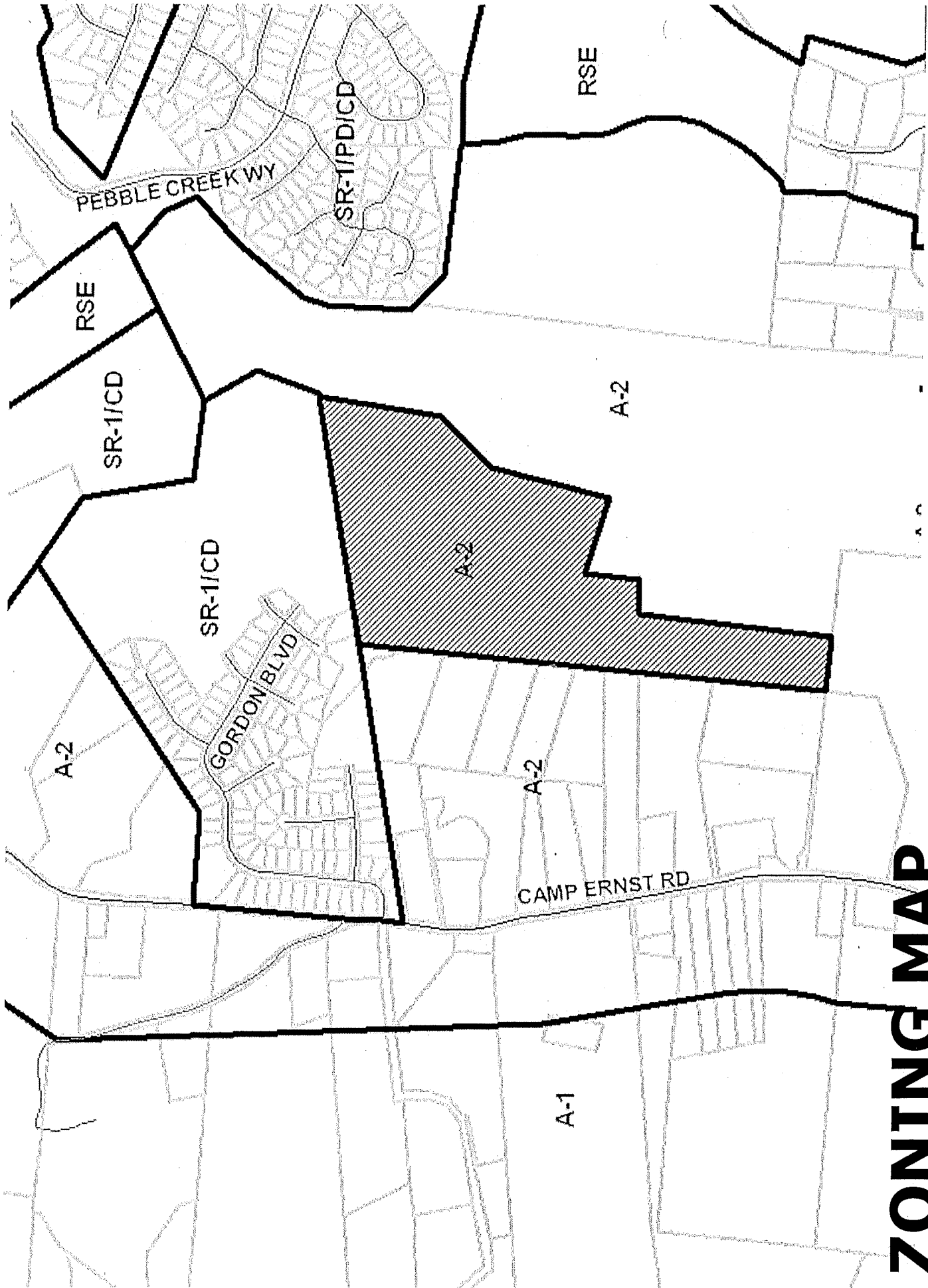
MAL/pr

Attachments:

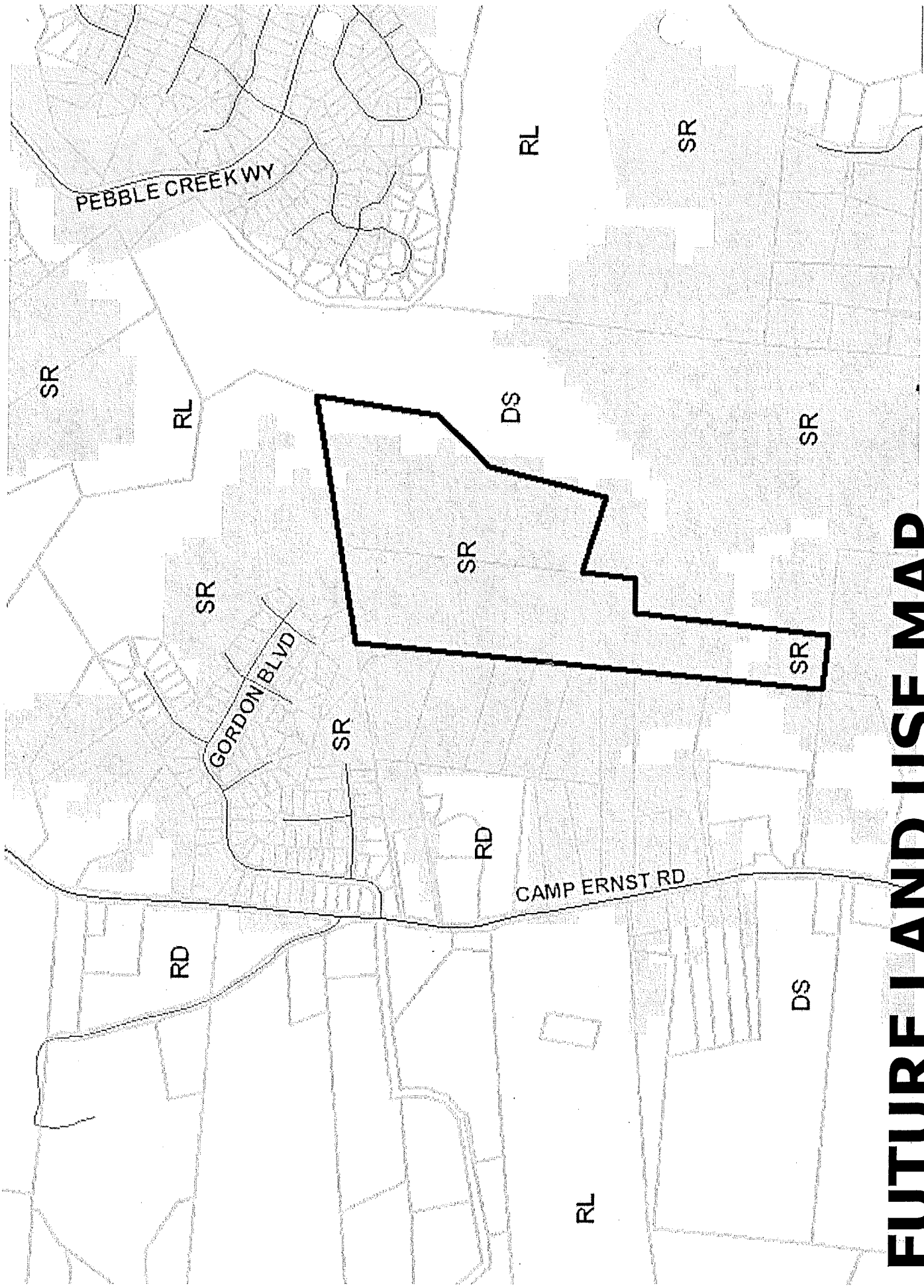
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography & Drainage
- 2002 Aerial Photography
- 2004 Concept Development Plan
- 2001 Concept Development Plan
- 2001 Conditions of Approval (Boone County Planning Commission)
- Additional Conditions of Approval (Boone County Fiscal Court)
- Review Comments from Kentucky Transportation Cabinet
- Application



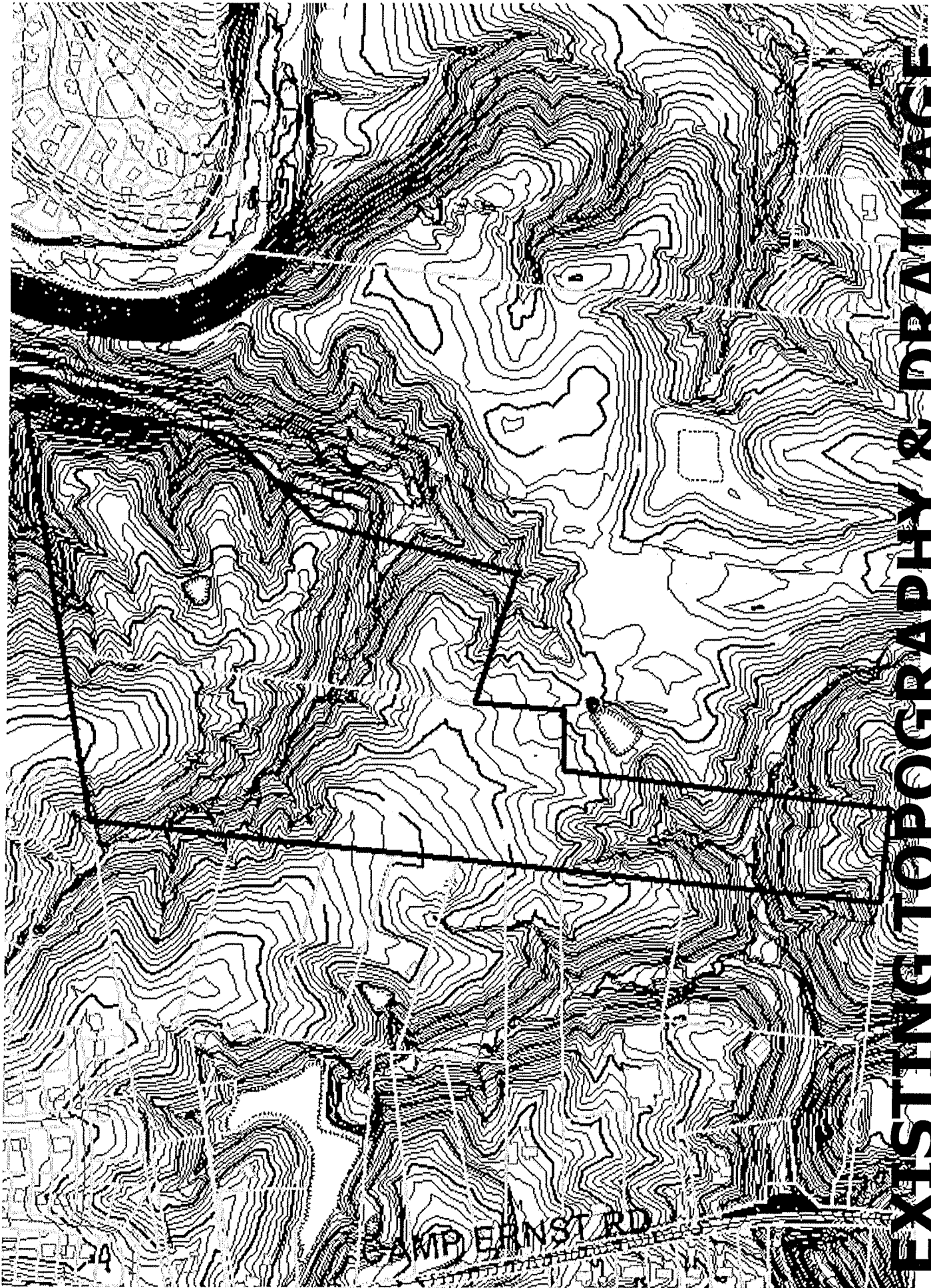
VICINITY MAP



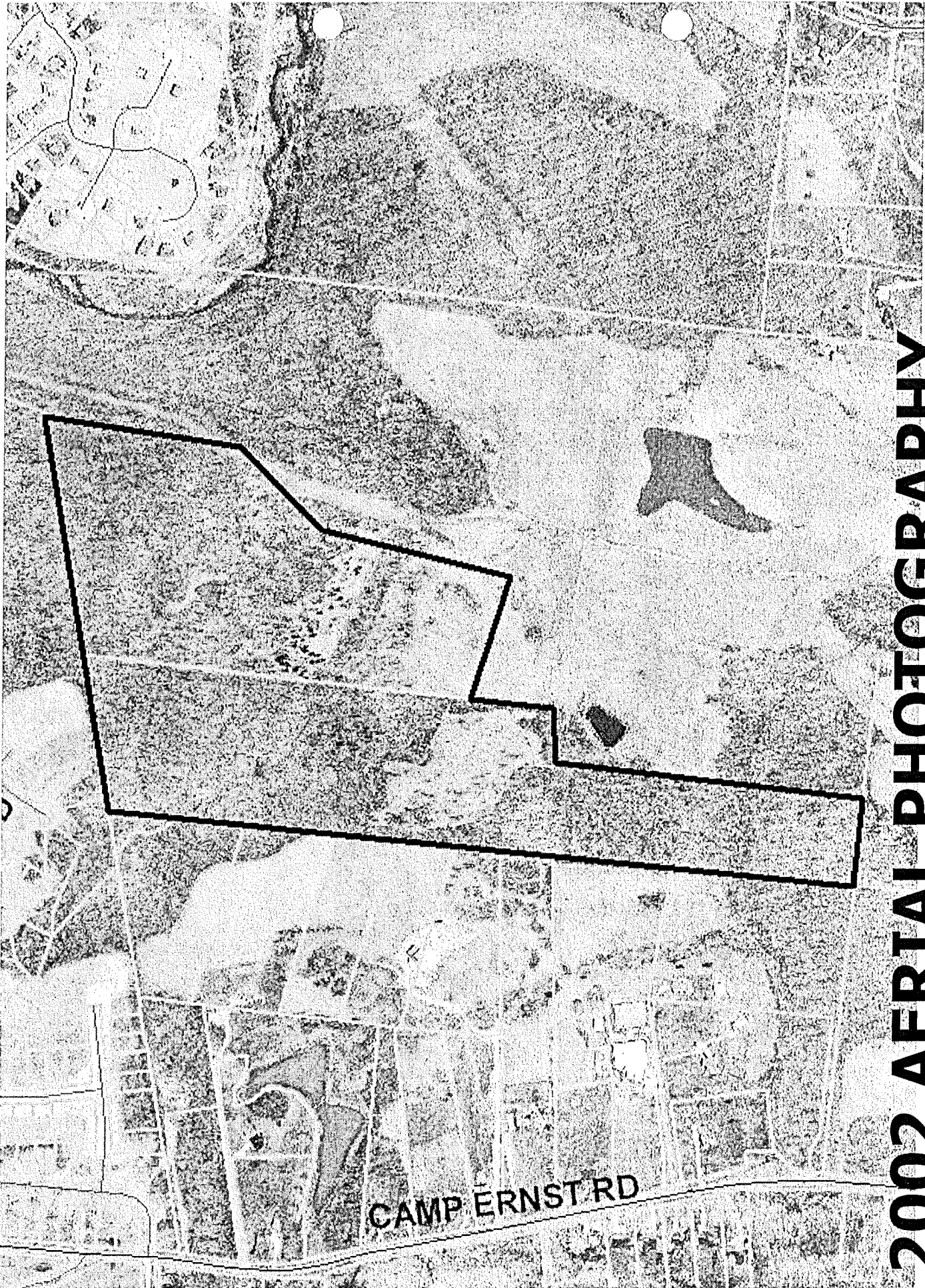
ZONING MAP



FUTURE LAND USE MAP



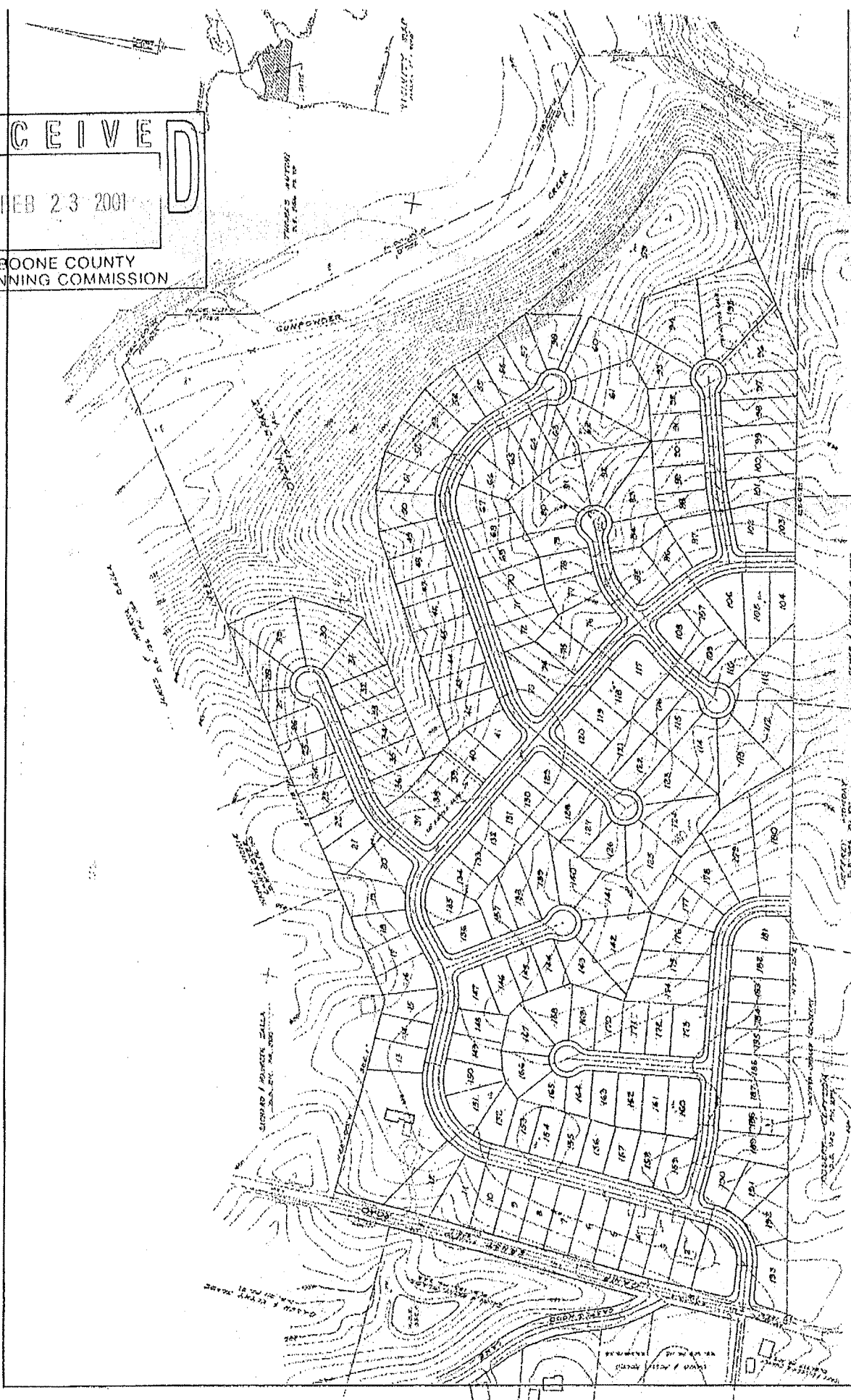
EXISTING TOPOGRAPHY & DRAINAGE



CAMP ERNST RD

2002 AERIAL PHOTOGRAPHY

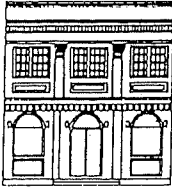
RECEIVED
FEB 23 2001
ROONE COUNTY
PLANNING COMMISSION



CONCEPT DEVELOPMENT PLAN
RURAL GORDON PROPERTIES
PROJECT NO. 01-001
DATE: 01/01/01
SCALE: AS SHOWN
SHEET 1 OF 2

2001 CONCEPT DEVELOPMENT PLAN

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.

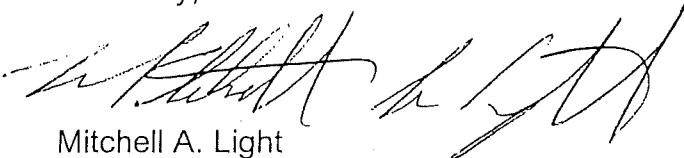
Conditions

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)

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:

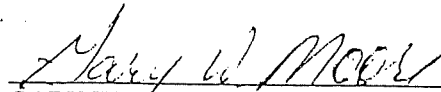
- 1) There will be a left turn lane and a right turn deceleration and turn lane constructed on Camp Ernst Road at the entrance to the proposed development at the developer's cost.
- 2) The open space parcel (19.4 acres more or less) as shown on the concept development plan shall be donated to the Boone 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.

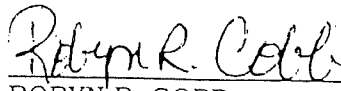
Introduced and given First Reading on the 15th day of May, 2001.

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



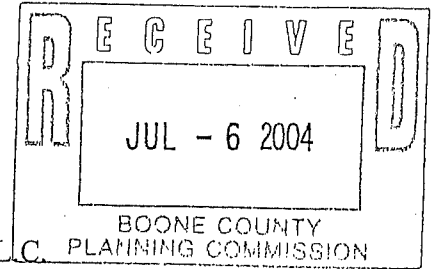
ERNIE FLETCHER
GOVERNOR

KENTUCKY TRANSPORTATION CABINET
Department of Highways, District Six
421 Buttermilk Pike, P.O. Box 17130
Covington, Kentucky 41017
859/341-2700 (Fax) 859/341-3661
WWW.KENTUCKY.GOV

MAXWELL C. BAILEY
SECRETARY

Friday July 2, 2004

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



Subject: Requested Zone Change of Camp Ernst Road, L.L.C.

We am writing in response to you memorandum dated June 30, 2004 soliciting comments on a proposed zone change for Camp Ernest Road, L.L.C. and Dave and Kathryn Kroth Gunpowder Trails Subdivision, Boone County, Kentucky. We have reviewed the plans and do not oppose this zone change, but there is concern about the ability of Camp Ernest Road to handle the traffic from the proposed development. A study was completed in December 2000 called the KY 237/Camp Ernest Road/KY 536 Corridor Improvements. In this study it was recommended that the county maintained, Camp Ernest Road, be reconstructed to the east of the existing roadway to handle future traffic. The Kentucky Transportation Cabinet is currently developing plans to upgrade KY 237 from KY 18 to US 42, but these planned improvements do not improve Camp Ernest Road south of Pleasant Valley Road. Right of Way acquisition should begin for these planned improvements with in the next few years, but no construction date has been established. If you have any questions feel free to contact my office at any time.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mike Bezold".

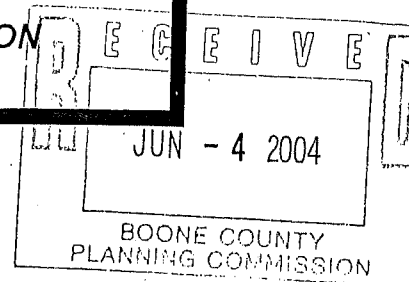
Mike Bezold
Acting TEBM PreConstruction

GMB

5/20/04

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

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City State Zip
9. Name of Property Owner(s) Dave & Kathryn Kroth
Phone Number 384-3743 Fax No. _____
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City State Zip
11. Proposed Building Intensities (please specify) _____

12. Are there any existing buildings on the site? No
How many? N/A
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No Dimensional Variance
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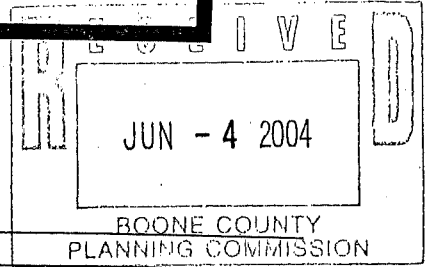
- _____ Boone County Water and Sewer District
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(over)

5/20/04

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

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- _____ Boone County Public Works Department
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- _____ City of Florence Public Services Department
- _____ Boone County Building Department

(over)

Public Hearing Item No. 2:

Commission Members Present: Mr. Breetz, Mr. Bunger, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Reynolds, and Mrs. Wilson - Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Wilson introduced the last item on the Agenda:

2. Applicant: **James W. Berling** for
Camp Ernst Road, LLC (owner) and
Dave and Kathryn Kroth (owners)

Request: **Zoning Map Amendment**

The request of **James W. Berling (applicant)** for **Camp Ernst Road, LLC (owner)** and **Dave and Kathryn Kroth (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 51.2 acre site located to the south of Gunpowder Trails Subdivision, to the east of the properties at 8106, 8212, 8232, 8276, and 8300 Camp Ernst Road, and north of the property at 2976 Longbranch Road, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing subdivision for single-family residences.

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

Mrs. Wilson asked for the applicant's presentation.

Mr. Jim Berling agreed with the Staff Report and offered to answer any questions.

Mrs. Wilson asked if there was anyone else present who wished to speak in regard to this request.

Mr. Brad Wallace, 8350 Camp Ernst Road, indicated the location of his property on the map. He is concerned about the amount of traffic generated not only by this area but also the other areas with the only access being at Gordon Boulevard. The traffic is fast paced and there are no plans to widen or fix the road. They had three accidents outside their property in one day because of the extra traffic

burden. The traffic at US 42 and Pleasant Valley Road is horrendous. He compared the number of houses there now to what was there in the 1970's and stated that the roads have not changed. Rogers Lane, Pleasant Valley Road, Camp Ernst Road – the roads cannot handle the traffic. Adding more houses in the area before taking care of the road issue will compound the traffic problem.

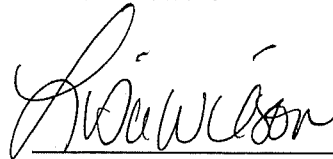
Mr. Berling responded that when the original section of Gunpowder Trails was finished, they agreed to do a widening on Camp Ernst Road in the area of the entrance with left hand turn and storage lanes and right turn decel lane and that will happen this summer.

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

Mr. McMillian asked if there is only one exit out of this subdivision into adjoining properties. Mr. Berling responded that when they started this development, they sat down with Staff and discussed what could be done in the area. Reviewing the Power Point slide, he stated that they are moving in the direction recommended by Staff and are trying to get a total roadway network that goes all the way to Longbranch Road and incorporates the properties indicated. He noted the existing stub streets and indicated the properties they control. Mr. McMillian stated that he thought that the road was almost to Pebble Creek. Mr. Light responded that Mr. McMillian is referring to J. J. Miller's Creekside development and there is no connection from Creekside across the creek.

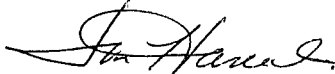
There being no further comments, the Mrs. Wilson stated that the Committee Meeting for this item will be on August 4, 2004 at 4 PM. Mr. Bunger is the Committee Chairman. This item will be on the Agenda for the Business Meeting on August 18, 2004 at 7:00 PM. Mrs. Wilson closed this Public Hearing at 11:05 PM.

APPROVED:



Lisa Wilson, Secretary/Treasurer

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
August 18, 2004
7:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Robert Newman
Mrs. Lisa Wilson, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Ms. Jan Hancock, Secretary

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the August 4, 2004 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Poston moved that they be approved as mailed. Mr. Schwenke seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of ID (applicant) for Betty Whitaker and MC Properties (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 180-acre area at 11551 and 11727 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

Chairman Caddell stated that there is a request to defer Agenda Item #1 to the September 1, 2004 Business Meeting. The Committee Meeting will be on August 25, 2004 at 5:00 PM in this room. Mr. White so moved. Mr. Bunger seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of James W. Berling (applicant) for Camp Ernst Road, LLC (owner) and Dave and Kathryn Kroth (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 51.2 acre site located to the south of Gunpowder Trails Subdivision, to the east of the properties at 8106, 8212, 8232, 8276, and 8300 Camp Ernst Road, and north of the property at 2976 Longbranch Road, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing subdivision for single-family residences.

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

There being no discussion, Mr. Knock moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Schwenke seconded the motion and it carried unanimously.

NEW BUSINESS: None.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: August 18, 2004

RE: Request of **James W. Berling (applicant)** for **Camp Ernst Road, LLC (owner)** and **Dave & Kathryn Kroth (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 51.2 acre site located to the south of Gunpowder Trails Subdivision, to the east of the properties at 8106, 8212, 8232, 8276, 8300 Camp Ernst Road, and north of the property at 2976 Longbranch 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 map amendment request is in agreement with the adopted Comprehensive Plan and its Future Land Use Map. Specifically, the Future Land Use Map designates the site for "Suburban Residential" uses, and the Population Element forecasts a substantial population increase in the general area. The Suburban Residential classification is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision." The proposal is for a subdivision for detached, single family residences with an overall density of 3 units per acre, which is well within the four units per acre that the Future Land Use Map would permit.

The Goals and Objectives state that "future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4)." All public utilities necessary for the development are either in place or will be extended by the developer. This request is a continuation of an existing single family detached subdivision.

Objective 13 of the Housing Element (page 10) states that "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."

The Land Use Element ("Camp Ernst Area" area, pg. 178) states that "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."

2. The Committee has concluded that the following conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The conditions listed below are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

Conditions

1. The property owners agree to provide access easements near lots 340 and 278 into the existing as well as potential "Open Space."
2. The property owners agree to provide an easement to Boone County Public Works for access and maintenance of the overflow structure of the retention pond.
3. The property owners agree to provide the necessary information at the Improvement Plan review to assure that the specifics of the retention pond ownership and maintenance are properly identified. This will also be required on the final plat and deeds for recording with the Boone County Clerks Office.

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.

Public Hearing Item No. 2:

Commission Members Present: Mr. Breetz, Mr. Bungler, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Reynolds, and Mrs. Wilson - Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Wilson introduced the last item on the Agenda:

2. Applicant: James W. Berling for
Camp Ernst Road, LLC (owner) and
Dave and Kathryn Kroth (owners)

Request: Zoning Map Amendment

The request of James W. Berling (applicant) for Camp Ernst Road, LLC (owner) and Dave and Kathryn Kroth (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 51.2 acre site located to the south of Gunpowder Trails Subdivision, to the east of the properties at 8106, 8212, 8232, 8276, and 8300 Camp Ernst Road, and north of the property at 2976 Longbranch Road, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing subdivision for single-family residences.

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

Mrs. Wilson asked for the applicant's presentation.

Mr. Jim Berling agreed with the Staff Report and offered to answer any questions.

Mrs. Wilson asked if there was anyone else present who wished to speak in regard to this request.

Mr. Brad Wallace, 8350 Camp Ernst Road, indicated the location of his property on the map. He is concerned about the amount of traffic generated not only by this area but also the other areas with the only access being at Gordon Boulevard. The traffic is fast paced and there are no plans to widen or fix the road. They had three accidents outside their property in one day because of the extra traffic

burden. The traffic at US 42 and Pleasant Valley Road is horrendous. He compared the number of houses there now to what was there in the 1970's and stated that the roads have not changed. Rogers Lane, Pleasant Valley Road, Camp Ernst Road – the roads cannot handle the traffic. Adding more houses in the area before taking care of the road issue will compound the traffic problem.

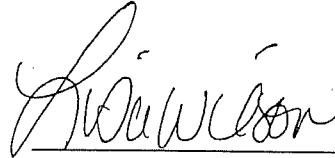
Mr. Berling responded that when the original section of Gunpowder Trails was finished, they agreed to do a widening on Camp Ernst Road in the area of the entrance with left hand turn and storage lanes and right turn decel lane and that will happen this summer.

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

Mr. McMillian asked if there is only one exit out of this subdivision into adjoining properties. Mr. Berling responded that when they started this development, they sat down with Staff and discussed what could be done in the area. Reviewing the Power Point slide, he stated that they are moving in the direction recommended by Staff and are trying to get a total roadway network that goes all the way to Longbranch Road and incorporates the properties indicated. He noted the existing stub streets and indicated the properties they control. Mr. McMillian stated that he thought that the road was almost to Pebble Creek. Mr. Light responded that Mr. McMillian is referring to J. J. Miller's Creekside development and there is no connection from Creekside across the creek.

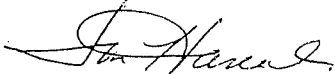
There being no further comments, the Mrs. Wilson stated that the Committee Meeting for this item will be on August 4, 2004 at 4 PM. Mr. Bunger is the Committee Chairman. This item will be on the Agenda for the Business Meeting on August 18, 2004 at 7:00 PM. Mrs. Wilson closed this Public Hearing at 11:05 PM.

APPROVED:



Lisa Wilson, Secretary/Treasurer

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: August 4, 2004

RE: Request of **James W. Berling (applicant)** for **Camp Ernst Road, LLC (owner)** and **Dave & Kathryn Kroth (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 51.2 acre site located to the south of Gunpowder Trails Subdivision, to the east of the properties at 8106, 8212, 8232, 8276, 8300 Camp Ernst Road, and north of the property at 2976 Longbranch Road, Boone County, Kentucky. The request is for a zone change to allow an expansion of an existing subdivision for 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.

Kim Bunger
Kim Bunger, Chairman

For Project Absent
Against Project
Abstain Deferred

Randy Barlow
Randy Barlow

For Project Absent
Against Project
Abstain Deferred

Greg Breetz
Greg Breetz

For Project Absent
Against Project
Abstain Deferred

Janet Kegley
Janet Kegley

For Project Absent
Against Project
Abstain Deferred

Susan Poston
Susan Poston

For Project Absent
Against Project
Abstain Deferred

Charlie Reynolds (Alternate)*

For Project Absent
Against Project
Abstain Deferred

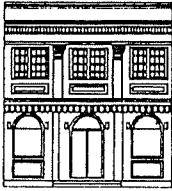
Earl White (Alternate)

For Project Absent
Against Project
Abstain Deferred

TOTAL: DEFERRED 5 FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION

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

August 6, 2004

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 **Camp Ernst Road, LLC (owner)** and **Dave & Kathryn Kroth (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 51.2 acre site located to the south of Gunpowder Trails Subdivision, to the east of the properties at 8106, 8212, 8232, 8276, 8300 Camp Ernst Road, and north of the property at 2976 Longbranch Road, Boone County, Kentucky.

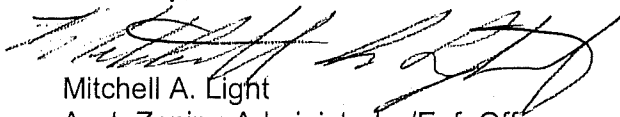
Dear Mr. Berling:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their August 4, 2004 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signatures of the property owners in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, August 13, 2004.

Conditions

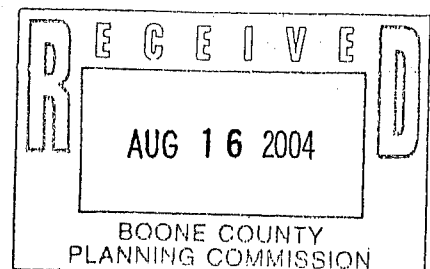
1. The property owners agree to provide access easements near lots 340 and 278 into the existing as well as potential "Open Space."
2. The property owners agree to provide an easement to Boone County Public Works for access and maintenance of the overflow structure of the retention pond.
3. The property owners agree to provide the necessary information at the Improvement Plan review to assure that the specifics of the retention pond ownership and maintenance are properly identified. This will also be required on the final plat and deeds for recording with the Boone County Clerks Office.

Sincerely,



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

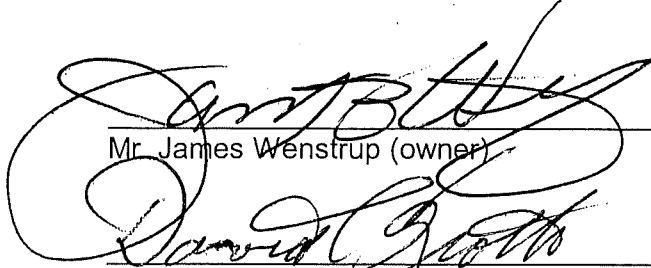
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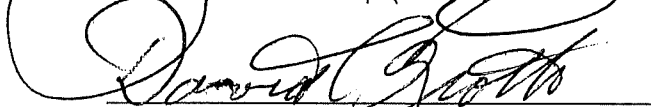


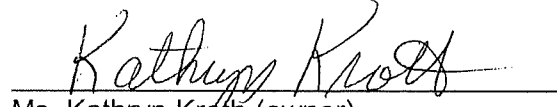
Mr. James W. Berling
August 6, 2004
Page 2

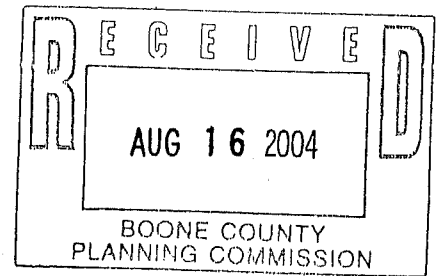
Agreement

We, Camp Ernst Road, LLC, and Dave & Kathryn Kroth, do hereby agree to the conditions of approval stated above for the Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 51.2 acre site located to the south of Gunpowder Trails Subdivision, to the east of the properties at 8106, 8212, 8232, 8276, 8300 Camp Ernst Road, and north of the property at 2976 Longbranch Road, Boone County, Kentucky.


Mr. James Wenstrup (owner) 8-13-04
(date)


Mr. Dave Kroth (owner) 8/13/04
(date)


Ms. Kathryn Kroth (owner) 8/13/04
(date)





JAMES W. BERLING ENGINEERING, PLLC

Land Surveying • Site Development • Civil Engineering Services • Land Planning

KY License No. 5745

1671 PARK ROAD, SUITE ONE • FT. WRIGHT, KENTUCKY 41011 • (859) 331-9191 • FAX (859) 344-7422

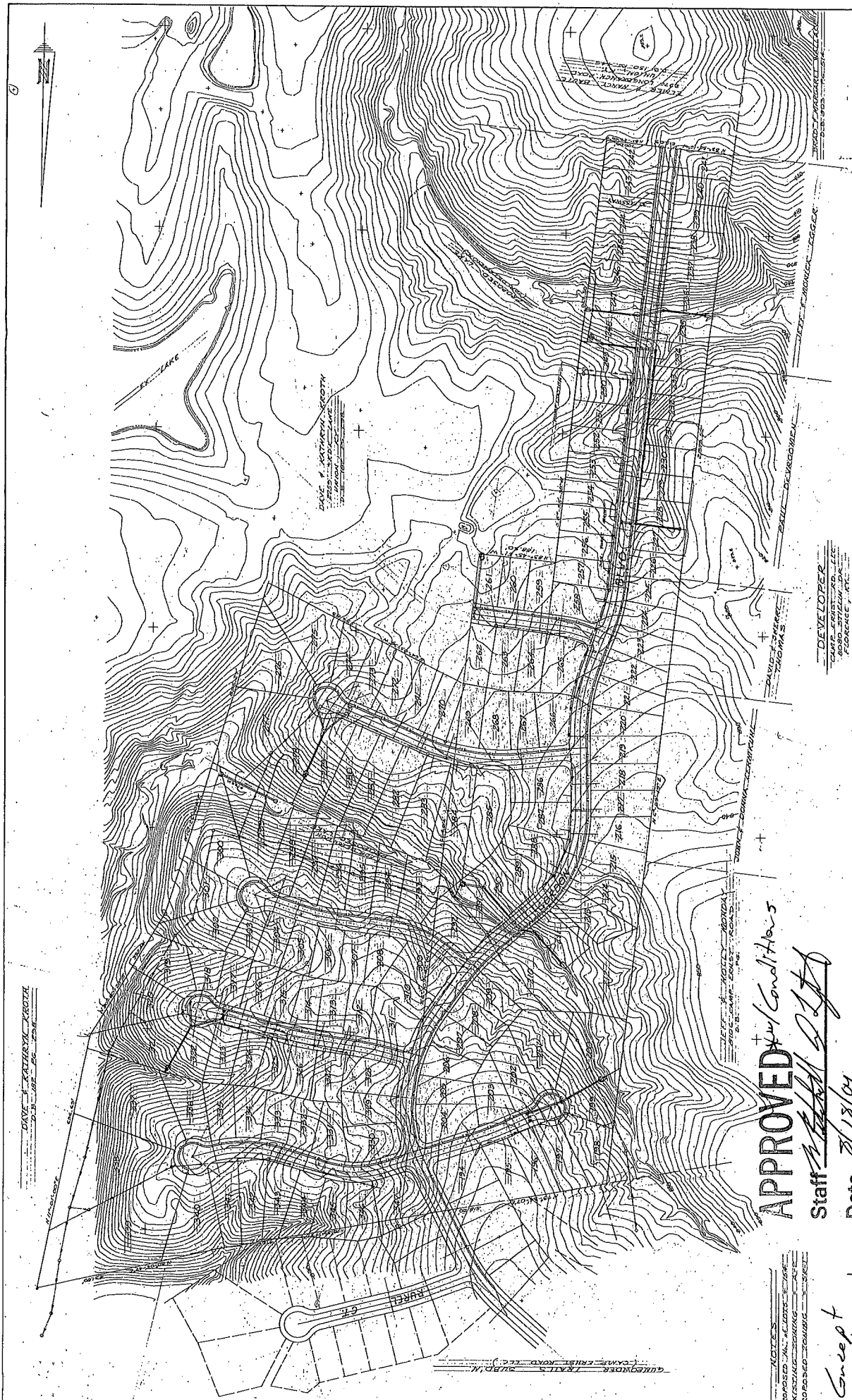
Land Surveyor License KY 206

June 7, 2004

LEGAL DESCRIPTION

Beginning at a point in the south line of Camp Ernst Road, L.L.C., as described in Deed Book 843 at Page 296 of the Boone County Clerk's office in Burlington, Kentucky, said point being the northwest corner of Camp Ernst Road, L.L.C.'s 25.8191 acre property; thence along the south line of Camp Ernst Road, L.L.C.'s property, as described in Deed Book 843 at Page 296, N-79°-34'-07"-E 518.20 feet, N-78°-37'-17"-E 412.27 feet, and N-80°-06'-47"-E 431.80 feet to a point; thence through the lands of David and Kathryn Kroth S-11°-01'-00"-W 636.69 feet, S-30°-20'-28"-W 357.44 feet, S-16°-26'-04"-W 855.27 feet, and N-64°-05'-36"-W 536.83 feet to a point in the east line of Camp Ernst Road, L.L.C.'s 25.8191 acre tract S-6°-03'-42"-W 305.03 feet, N-83°-45'-51"-W 188.50 feet, and S-5°-55'-38"-W 1,063.50 feet to the southeast corner thereof; thence along the south line of said 25.8191 acre tract N-83°-45'-00"-W 100.00 feet, and N-83°-56'-16"-W 215.09 feet to the southwest corner of same; thence along the west line of said 25.8191 acre tract N-6°-09'-19"-E 2,338.67 feet to the south corner of Camp Ernst Road, L.L.C.'s 0.3388 acre tract; thence along the west line of said 0.3388 acre tract N-24°-41'-50"-W 29.64 feet, N-42°-14'-14"-W 33.87 feet, N-16°-43'-05"-W 58.55 feet, N-27°-56'-02"-E 18.92 feet, N-6°-00'-29"-W 22.82 feet, N-28°-08'-02"-W 24.09 feet, N-65°-35'-52"-W 30.20 feet, and N-46°-58'-51"-W 50.69 feet to the northwest corner of same; thence along the north line of said 0.3388 acre tract and the south line of Camp Ernst Road, L.L.C. (Deed Book 843, Page 296) N-80°-51'-59"-E 149.15 feet to the place of beginning.

Containing 51.5350 Acres



ZONE CHANGE MAP
 GUNPOWDER TRAILS SUBDN
 SCALE: 1" = 100'
 DATE: 04-18-04
 DRAWN BY: JAMES W. BEARING
 CHECKED BY: JAMES W. BEARING
 PROJECT NO.: 04-001
 BOONE COUNTY, NC

ENGINEER:
 JAMES W. BEARING
 1000 W. MAIN ST.
 FLORENCE, NC 28531-3511
 TEL: 919-751-5151

DEVELOPER:
 DAVID J. THOMAS
 1000 W. MAIN ST.
 FLORENCE, NC

APPROVED ⁺ w/ Conditions

Staff *[Signature]*

Date 2/18/04

Boone County
 Planning Commission

NOTES:
 PROPOSED TRAILS SUBDN
 EXISTING TRAILS SUBDN
 PROPOSED ZONING

Concept
 Development
 Plan

Vicki Myers

**ORDINANCE
OF
THE BOONE COUNTY FISCAL COURT**

Ordinance No. 04-15

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF JAMES W. BERLING (APPLICANT) FOR CAMP ERNST ROAD, LLC (OWNER) AND DAVE AND KATHRYN KROTH (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 51.2 ACRE SITE GENERALLY LOCATED TO THE SOUTH OF GUNPOWDER TRAILS SUBDIVISION, TO THE EAST OF THE PROPERTIES AT 8106, 8212, 8232, 8276, 8300 CAMP ERNST ROAD, AND NORTH OF THE PROPERTY LOCATED AT 2976 LONGBRANCH ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 51.2 acre site generally located to the south of Gunpowder Trails Subdivision, to the east of the properties at 8106, 8212, 8232, 8276, 8300 Camp Ernst Road, and north of the property located at 2976 Longbranch 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.

**ORDINANCE
OF
THE BOONE COUNTY FISCAL COURT**

Ordinance No. 04- _____

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 51.2 acre site generally located to the south of Gunpowder Trails Subdivision, to the east of the properties at 8106, 8212, 8232, 8276, 8300 Camp Ernst Road, and north of the property located at 2976 Longbranch 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 BOOK 843, PAGE NO. 296 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

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

The 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."

**ORDINANCE
OF
THE BOONE COUNTY FISCAL COURT**

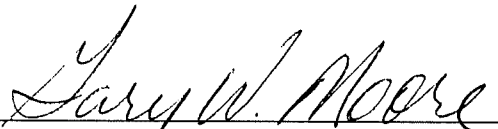
Ordinance No. 04- _____

SECTION III

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

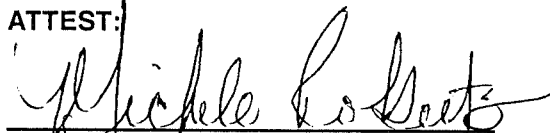
Introduced and given First Reading on the 14th day of September, 2004.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 26th of October, 2004, 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:



MICHELE ROBERTS
FISCAL COURT CLERK



JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

11-04-04

DATE PUBLISHED

