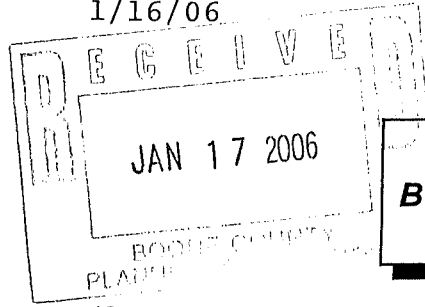


06-2MA-011-A

1/16/06



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 - Phase V
2. Location of Project Longbranch Road and Camp Ernst Road
3. Total Acreage of Site 53.6235 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) Camp Ernst Road, LLC  
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) 2.61 units per acre
  
12. Are there any existing buildings on the site? Yes  
How many? 3
13. Deed Book 899 Page No. 881 Group No. 2038A
14. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
15. Have you submitted a Concept Development Plan? No
16. Have you had a pre-application meeting with BCPC Staff? No
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:  
  
 Boone County Water District  
 Florence Water and Sewer Dept.  
 Cinergy/U.L.H.&P. Co.  
 Sanitation District #1  
 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)

# EXHIBIT

“A”

## STAFF REPORT

Request of **James W. Berling (applicant)** for **Camp Ernst Road, LLC (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 53.6235 acre site located at 2976 Longbranch Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the expansion of a subdivision for detached, single family residences.

March 15, 2006

### REQUEST

The Applicant's submitted Concept Development Plan proposes 140 detached single family home lots (8,000 square foot minimum lot size with 65' of frontage and setbacks of 30' front, 30' rear and 5' minimum - 15' total on the sides) on the 53.6235 acre tract for a proposed density of 2.61 dwelling units per acre. The Suburban Residential One (SR-1) zone permits up to four (4) dwelling units per acre. The plan shows connecting the Gunpowder Trails Subdivision to Longbranch Road. A connection to the east into the Kroth property was approved with the 2004 Zoning Map Amendment. The site has both overhead and underground easements around the perimeter of the property making the perimeter lots deeper than the interior lots. All utilities are available.

### SITE HISTORY

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.

The Gunpowder Trails Subdivision (Rurel Gordon property) went through the Zoning Map Amendment process in 2001 (A-2 to SR-1), and was approved with conditions. 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. In 2004, another application for a Zoning Map Amendment was approved with conditions to continue the Gunpowder Trails Subdivision. That request approved 154 lots on the 51.2 acres at a density of 3 dwelling units per acre. Of the 347 lots permitted, 186 lots have been final platted and 160 have received zoning/building approval. Therefore, approximately 46% of the Gunpowder Trails Subdivision is completed.

If approved, the total build-out will be 487 detached single family home lots on 184.8 acres for an overall intensity of 2.63 dwelling units/acre.

A copy of the conditions of approval from the 2004 Zoning Map Amendment are attached to this Staff Report.

### ADJACENT LAND USES AND ZONING

- North: Single-Family Residences in the Gunpowder Trails Subdivision zoned Suburban Residential One with an approved Concept Development Plan (SR-1/CD).
- South: Single-Family Residences along Longbranch Road and property owned by the Boone County Board of Education zoned Agricultural Estate (A-2)
- East: Single-Family Residences along Longbranch Road and KDK Lane zoned Agricultural Estate (A-2)
- West: Single-Family Residences along Camp Ernst Road zoned Agricultural Estate (A-2)

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Suburban Residential" (SR) uses. This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision." It is critical to note that the Future Land Use Map is a 25 year projection, and is not intended to commit all areas to development immediately. In some areas, phasing may be used to make sure development is supported by infrastructure, and in others development may be delayed until planned infrastructure is provided.

The Land Use Element text makes the following statement that relates to this area (Camp Ernst Area, page 158):

"Residential development should remain along the existing roads, consolidating access points where appropriate."

The Future Land Use Development Guidelines contain the following statements:

- A Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 140).

- B. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).
- C. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets.

Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate ("Transportation and Pedestrian Network," pg. 142).

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

- A. Although single-family homes are by far the most numerous, they continue to decrease in their percentage of total Boone County housing. Most new construction of single-family housing will take place on the outer rings of growth ("Housing Types," pg. 75).
- B. As noted previously, there is a desire of the population to live in rural areas that are convenient to the centers of commercial activity. This suggests a continuation of the outward movement of housing construction from the general Florence area. This movement is accelerated directionally by major thoroughfares such as KY 18, KY 237, US 42 and interstate interchanges. Residential development should occur near established urban or suburban areas, as opposed to leapfrogging to isolated areas, such as the western portion of the county. This will be an increasingly important issue as public water service is planned and implemented for the western parts of Boone County. For residential development to occur in these outlying areas, adequate and proper infrastructure must be provided, and impact on the natural environment must be minimized.

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

The adopted Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- E. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).

- F. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- G. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- H. Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and education needs. Primary and secondary education capacity shall be evaluated during housing development review ("Housing," Objective 4).
- I. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units ("Housing," Objective 5).
- J. The interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighborhood interaction. Based on certified traffic analysis, collector and sub-collector streets shall be evaluated to determine design without individual lot or driveway access. Lot and home buyers shall have access to approved plans regarding future connections. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops) ("Housing," Objective 8).
- K. Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features ("Housing," Objective 13).
- L. Where existing infrastructure, services and the public school system are not adequate, developments shall be phased to coordinate with the provision of these items ("Housing," Objective 14).
- M. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).
- N. Priorities for growth within any individual infrastructure system shall be based on the predicted needs of specific areas as prescribed by the future land use projections of this plan. No infrastructure system shall commit the county to excessive growth by the system's expansion ("Public Services and Facilities," Objective 3).

- O. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed ("Transportation," 2<sup>nd</sup> Goal, Objective 2).
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2<sup>nd</sup> Goal, Objective 3).

### RELATIONSHIP TO THE 2030 BOONE COUNTY TRANSPORTATION PLAN

The Recommended Projects on page 6-2 of the Transportation Plan shows a "New Road" called out as the Camp Ernst Road Reconstruction/Extension (see attachment). This "New Road" is described as an "upgrade to existing Camp Ernst Road and extension from KY 237 Pleasant Valley Road to I-71 at KY 14. Construct as four-lane divided, partially controlled access facility." This project is listed as #2 on the High Priority Projects list (page 6-20) which are to be completed within 10 years.

This site is directly affected by the proposed "New Road" due to surrounding conditions and land uses such as the East KY Rural Electric grids located on both the northeast and southeast corners of Camp Ernst Road and Longbranch Road, an existing cemetery located across Longbranch Road and the future High School campus.

The applicant is proposing to phase the project in order to provide the area nearest the Camp Ernst/Longbranch intersection would develop last giving the County ample opportunity to fund this "New Road" project (see attachment).

### STAFF CONCERNS

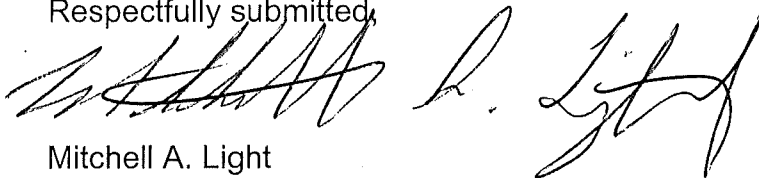
1. The total build-out for the Gunpowder Trails Subdivision will be 487 detached single family home lots on 184.8 acres for an overall intensity of 2.63 dwelling units/acre.
2. The Applicant is showing 30' from the centerline of Longbranch Road which should allow for any turning lane improvements required by the County for this development and/or the future school campus located across Longbranch Road.
3. The Applicant is proposing to phase the project in order to comply with the recommendation for the Camp Ernst Road Reconstruction/Extension in the recently adopted Boone County Transportation Plan 2030. The applicant is proposing that the first phase could not be recorded until 2007 with phases 2 and 3 proposed to be recorded in 2008 and 2009. Phase 4 could not be recorded until 2010 based on this phasing plan.

4. Staff reminds the Planning Commission and Fiscal Court that the 2005 Boone County Comprehensive Plan's Future Land Use Map indicates this sites land use classification as "Suburban Residential" and that the map represents a 25 year growth projection. The adjoining properties along Camp Ernst Road and Longbranch Road also have the "Suburban Residential" Future Land Use classification.

### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the 2001-02 Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area.

Respectfully submitted,

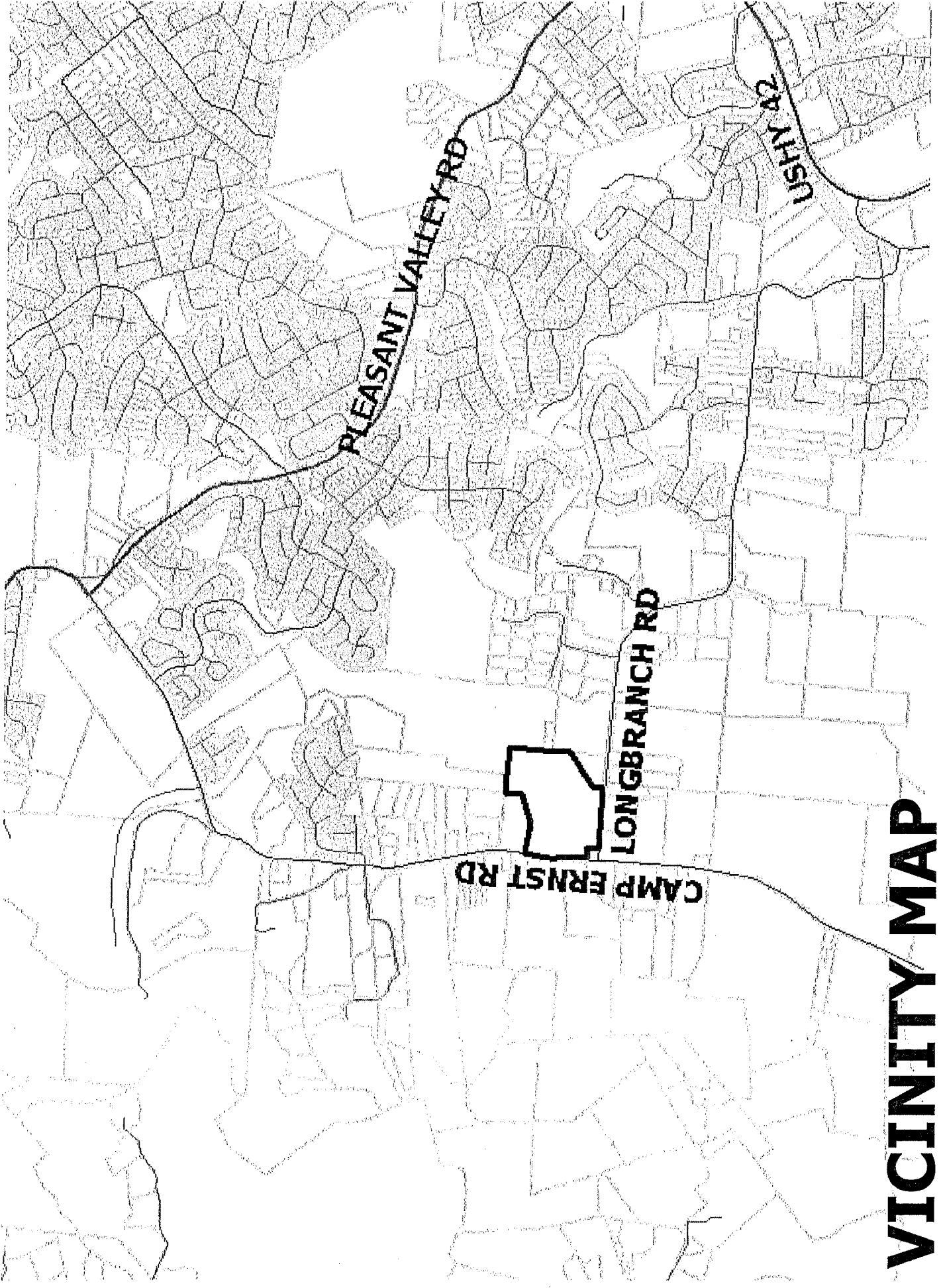


Mitchell A. Light  
Asst. Zoning Administrator/Enforcement Officer

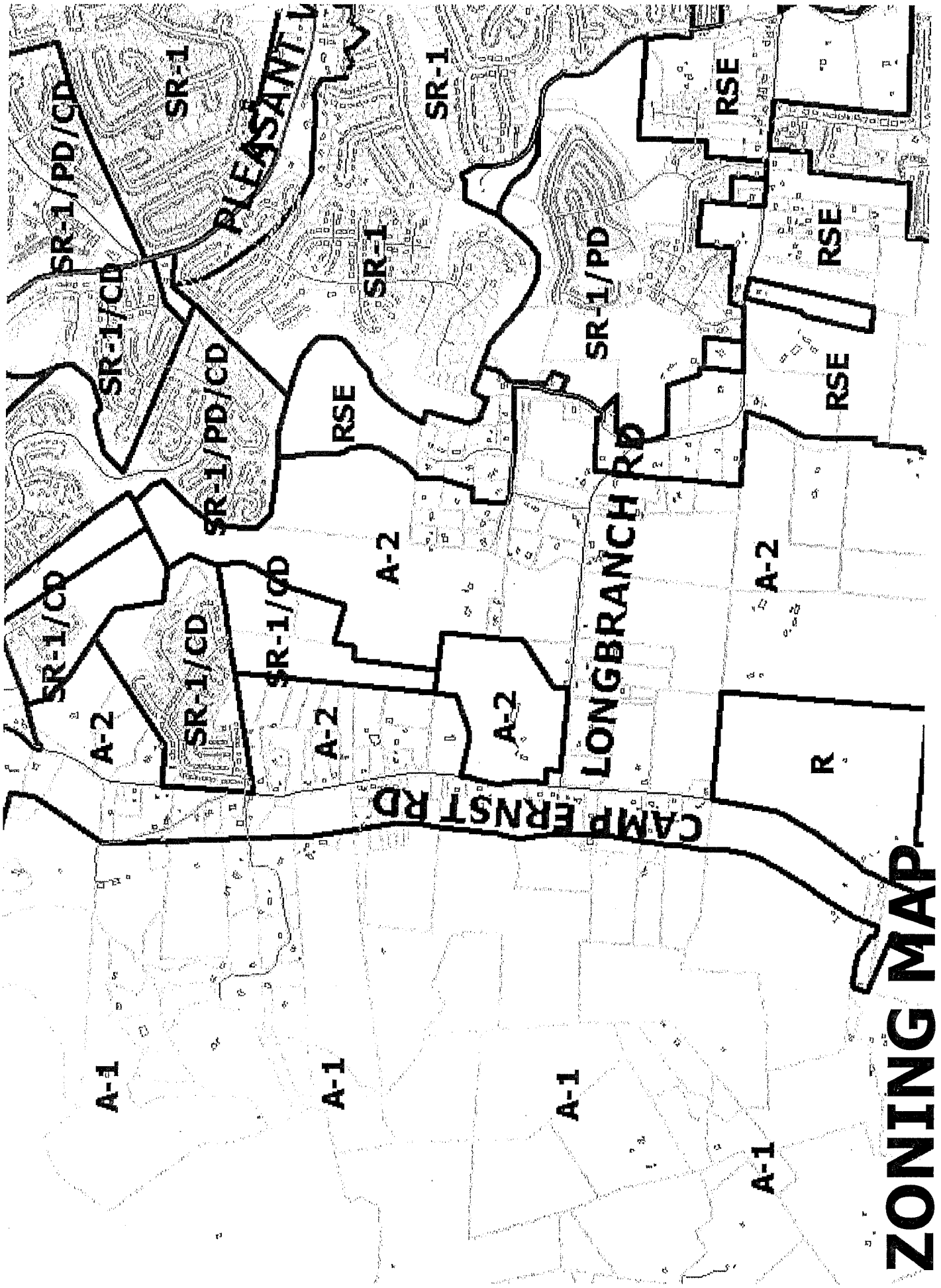
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attachments:

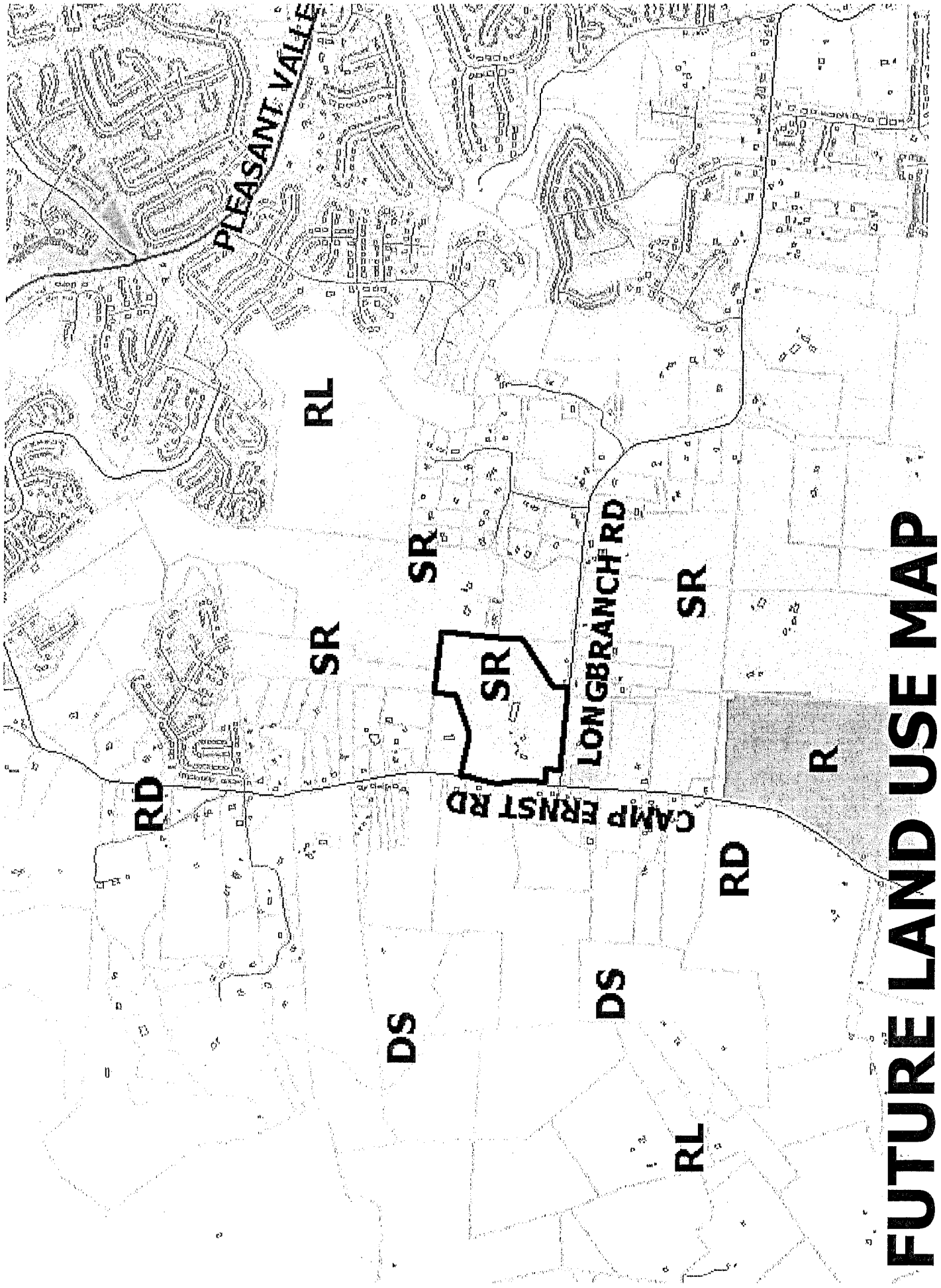
- Vicinity Map
- Zoning Map
- 2030 Future Land Use Map
- Existing Topography
- 2004 Aerial Photography
- Concept Development Plan
- Concept with Boone County School Master Plan
- Boone County Transportation Plan
- Phasing Plan
- 2004 Conditions of Approval
- E-mail from East KY Rural Electric
- Application



# VICINITY MAP



# ZONING MAP



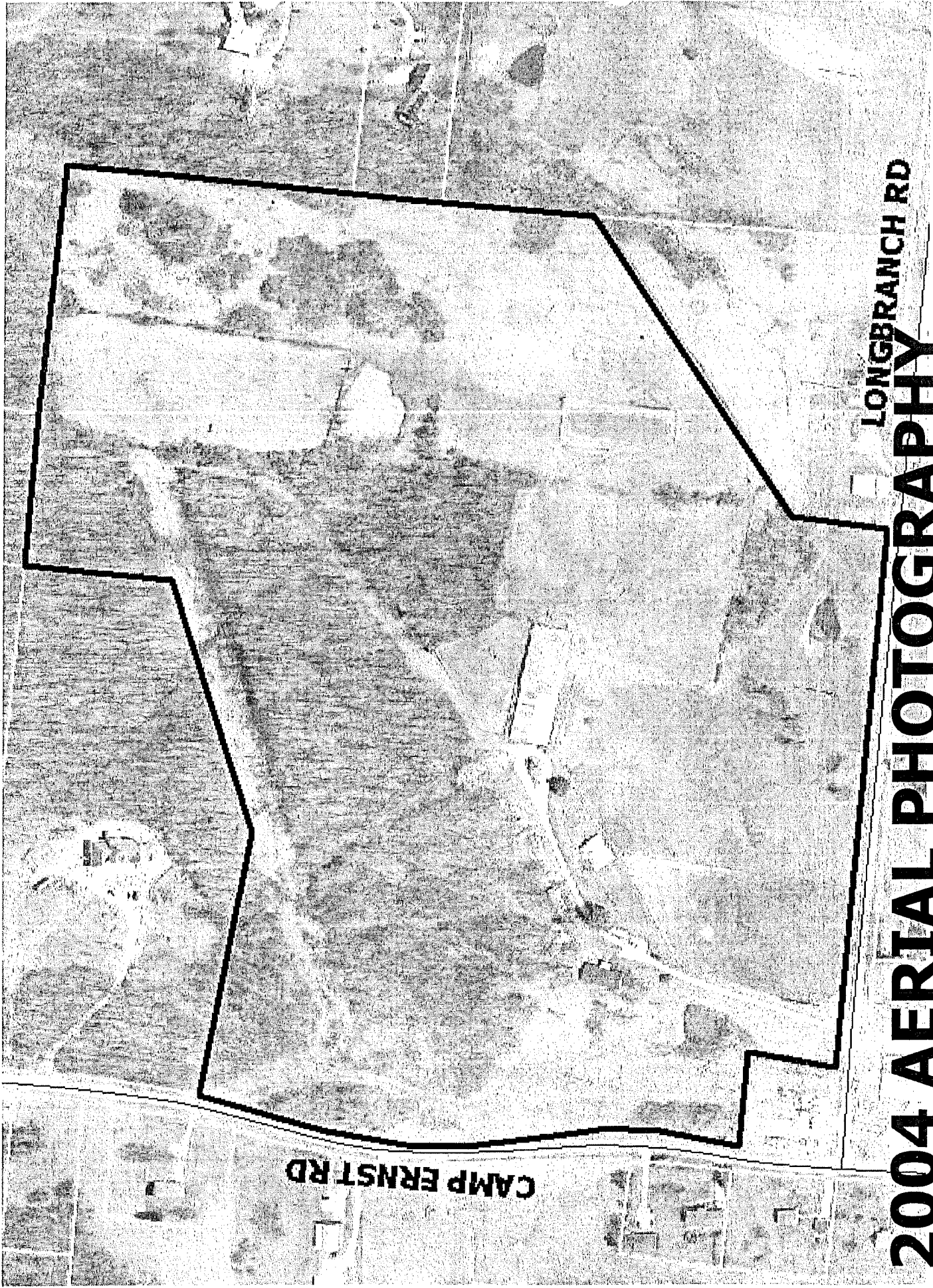
# FUTURE LAND USE MAP



LONGBRANCH RD

CAMP ERNST RD

# EXISTING TOPOGRAPHY

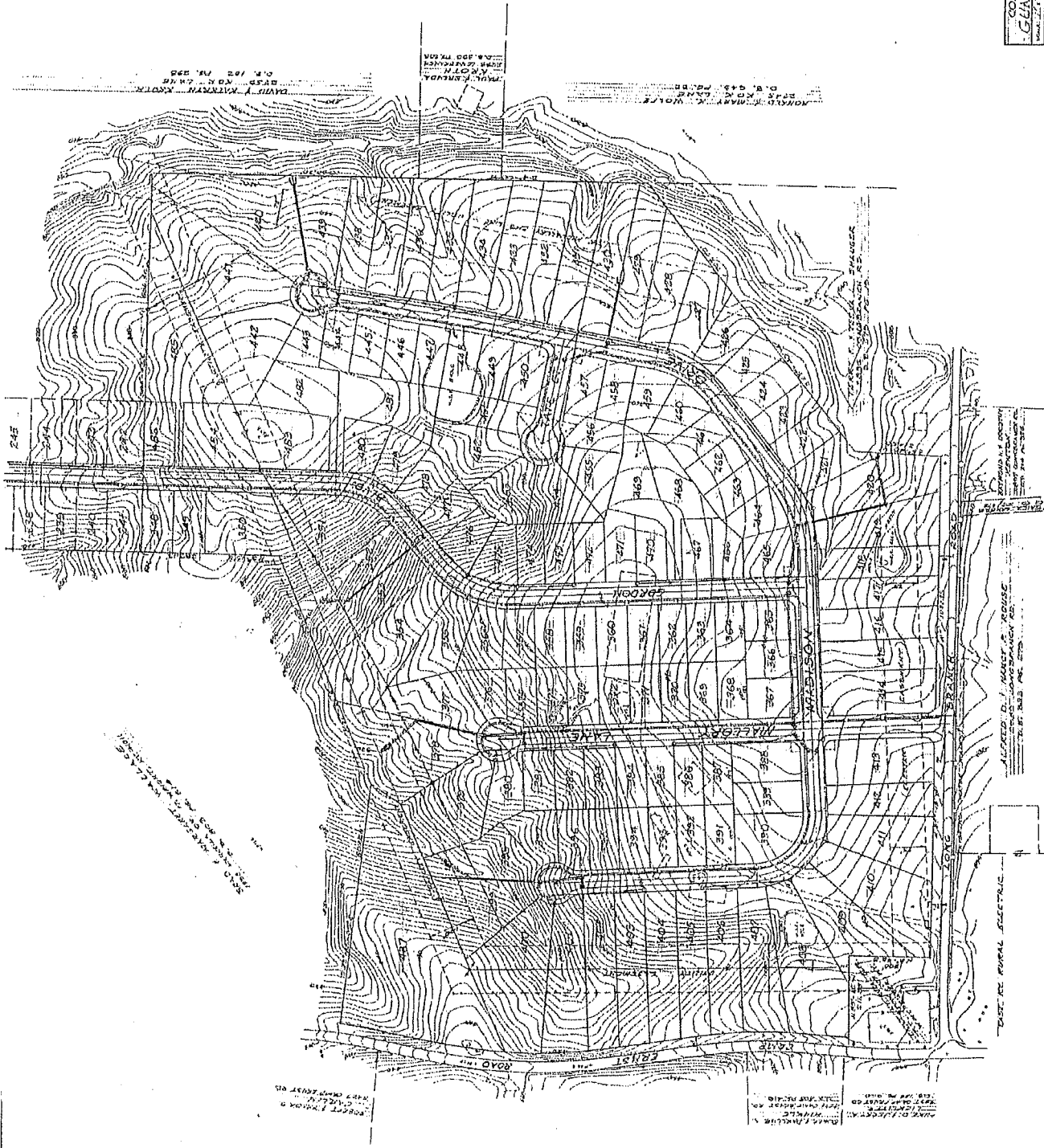


CAMP ERNST RD

LONG BRANCH RD

# 2004 AERIAL PHOTOGRAPHY





CONCEPT DEVELOPMENT  
 GUNPOWDER TRAILS  
 DATE: 12-15-05  
 DRAWN: [Name]  
 CHECKED: [Name]  
 DATE: 12-15-05

# 2006 CONCEPT DEVELOPMENT PLAN

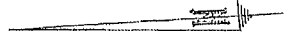
ALLEGED D. J. HACKETT, JR. PROPOSE  
 TO DEVELOP A 100-ACRE TRACT  
 LOCATED IN THE TOWN OF  
 GUNPOWDER, W. VA.

DATE OF RURAL ZONING

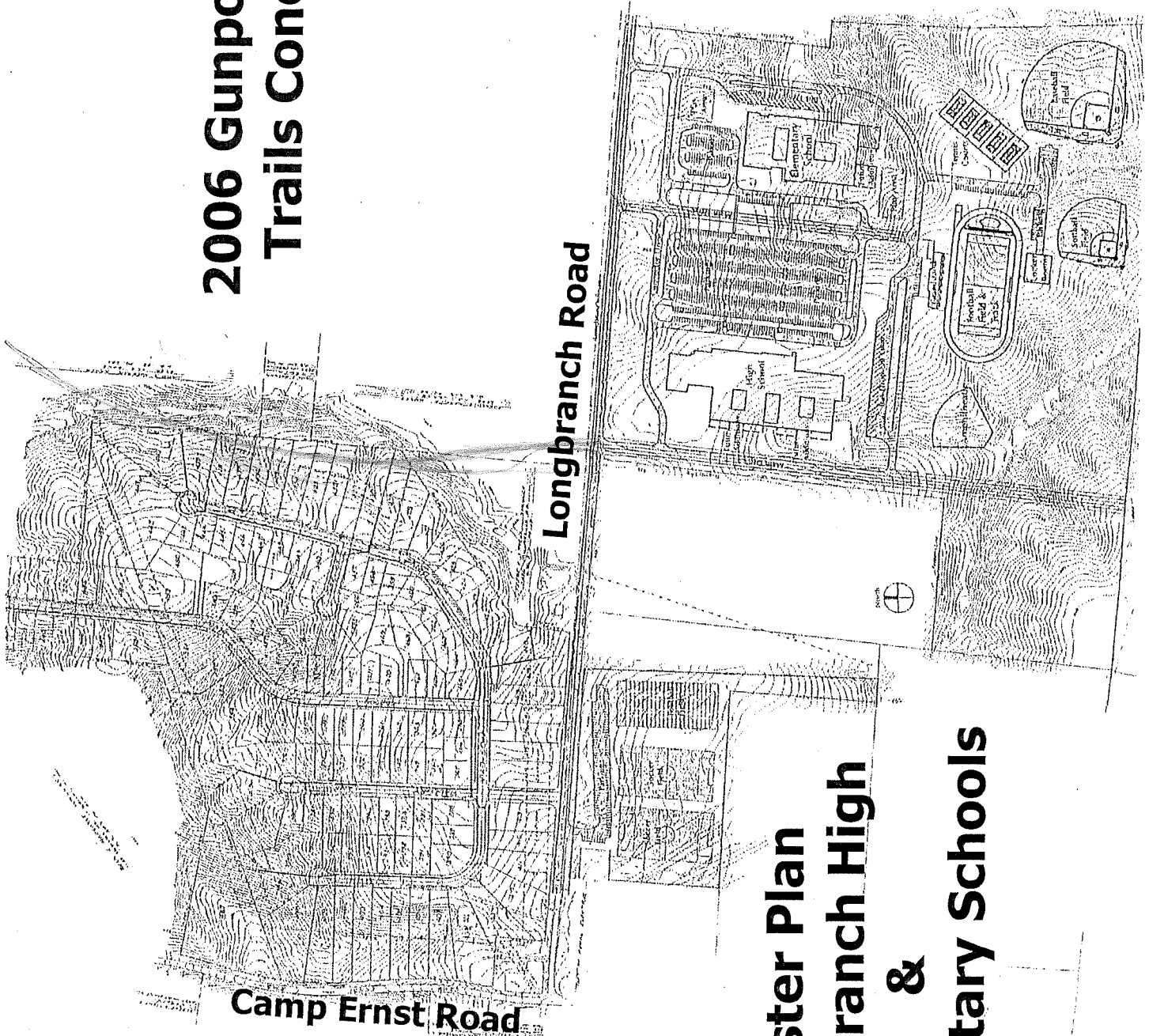
JOHN D. HACKETT, JR.  
 100 W. MAIN ST.  
 GUNPOWDER, W. VA. 26043

ROBERT T. HACKETT  
 100 W. MAIN ST.  
 GUNPOWDER, W. VA. 26043

ROBERT T. HACKETT, JR.  
 100 W. MAIN ST.  
 GUNPOWDER, W. VA. 26043

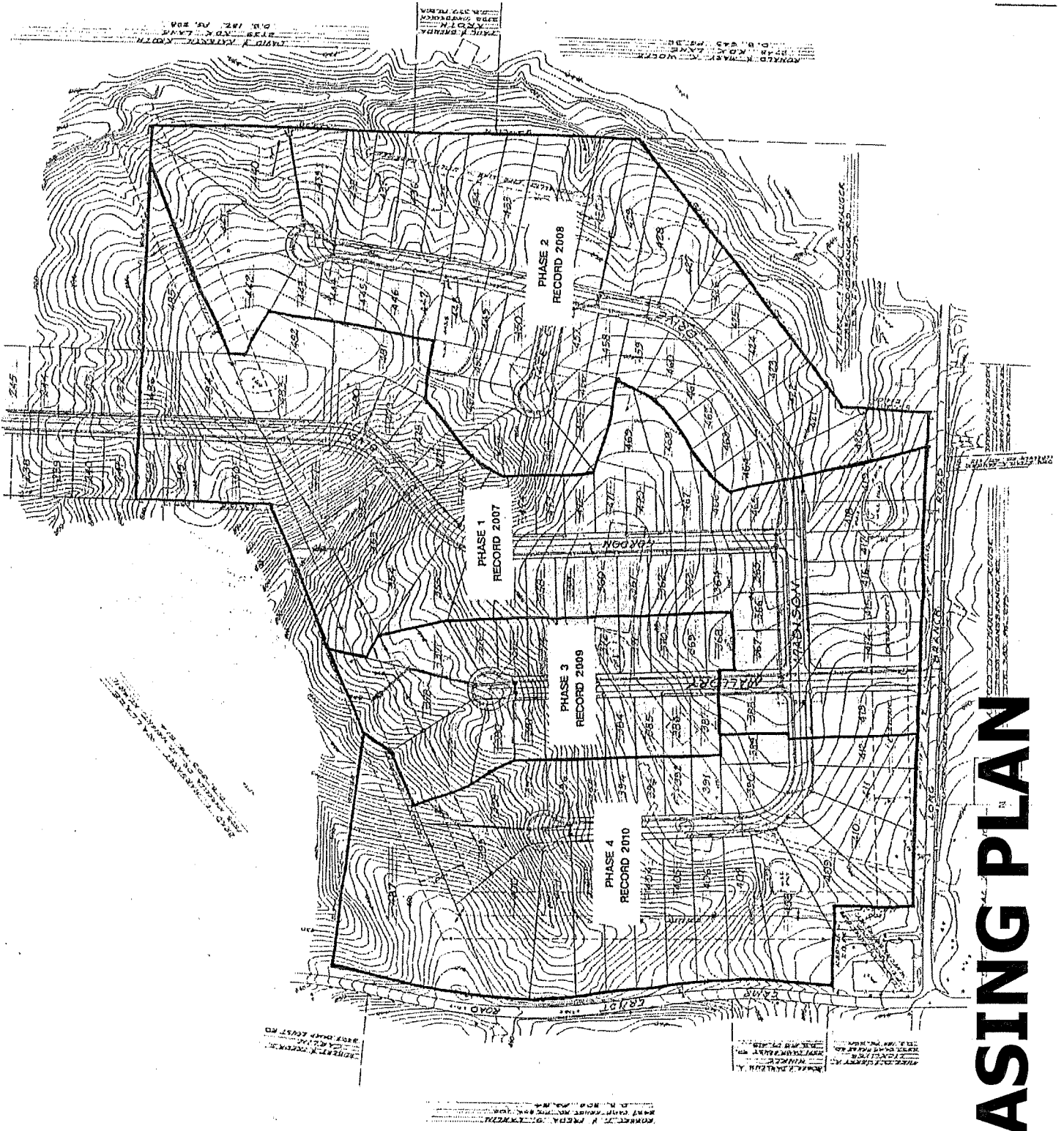


# 2006 Gunpowder Trails Concept



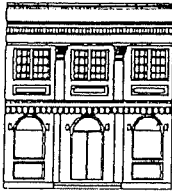
# Master Plan Longbranch High & Elementary Schools





# PHASING 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

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.

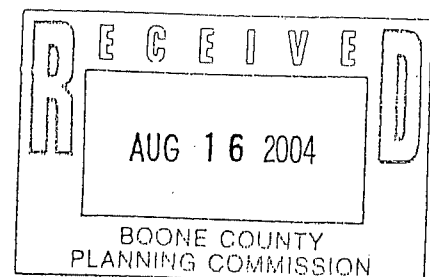
## Conditions

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

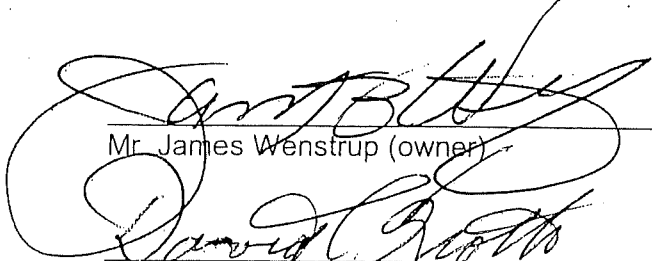
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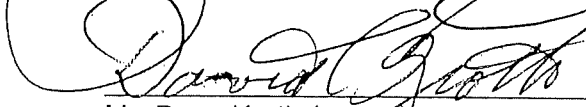


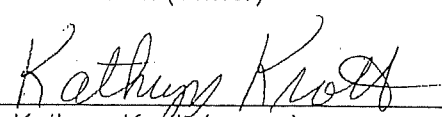
Mr. James W. Berling  
August 6, 2004  
Page 2

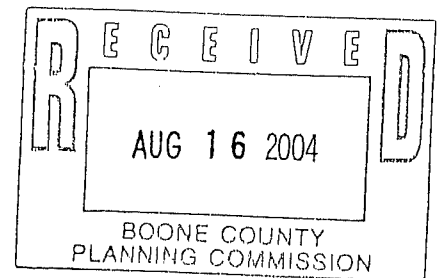
Agreement

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)



## Mitch Light

---

**From:** Pat Russ  
**Sent:** Monday, March 06, 2006 1:46 PM  
**To:** Mitch Light  
**Subject:** FW: Notice of Public Hearing

-----Original Message-----

From: Tom Hayes [mailto:tom.hayes@ekpc.coop]  
Sent: Monday, March 06, 2006 1:45 PM  
To: Planning Commission General Account  
Cc: Don Walters; Rick Drury; Terri Isaacs; Sherman Goodpaster; rudy1960@bellsouth.net  
Subject: Notice of Public Hearing

Boone County Planning Commission  
Mr. Mitchell A. Light  
Assistant Zoning Administrator/Zoning Enf. Officer

Dear Mitchell,

Pursuant to our phone conversation today I am writing to confirm that EKPC is in receipt of your letter dated February 27, 2006 pertaining to the upcoming Public Hearing on Wednesday, March 15, 2006 regarding James W. Berling (applicant) for Camp Ernst Road, LLC (owner).

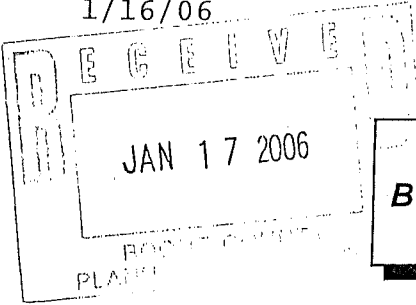
EKPC does not wish to voice opposition to the Zone Change from Agricultural Estate (A-2) to Suburban Residential One (SR-1). We would however like to mention that EKPC owns operates and maintains an electric transmission system in this area consisting of real property at the substation sites and electric transmission lines with associated easement rights. Our policy does not permit encroachments of any kind on EKPC transmission line rights-of-ways or real property without written permission from the Cooperative. I would suggest that the applicant or owner submit a set of development plans to EKPC for approval prior to commencement of development on the right-of-way area of the Cooperative.

At this time EKPC does not plan to attend the meeting on March 15, but we would like you or a representative of the Commission to voice our comments at the meeting on our behalf.

As always, it is a pleasure working with the Boone County Planning Commission. If you have additional comments or questions of if I may be of further assistance to you in this matter please do not hesitate to contact me at your convenience. My direct dial number is 859-745-9355 or cell 859-749-0081.

Respectfully,  
Thomas M. Hayes  
Senior Right-of-Way Agent  
Power Delivery Maintenance

1/16/06



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 - Phase V
2. Location of Project Longbranch Road and Camp Ernst Road
3. Total Acreage of Site 53.6235 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) Camp Ernst Road, LLC
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) 2.61 units per acre

- 12. Are there any existing buildings on the site? Yes
How many? 3

- 13. Deed Book 899 Page No. 881 Group No. 2038A

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

- 15. Have you submitted a Concept Development Plan? No

- 16. Have you had a pre-application meeting with BCPC Staff? No

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

- Boone County Water District
Florence Water and Sewer Dept.
Cinergy/U.L.H.&P. Co.
Sanitation District #1
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)

**ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2**

- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: \_\_\_\_\_

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

19. Applicant's Signature \_\_\_\_\_  
Property Owner's Signature \_\_\_\_\_

**SECTION B (To be completed by BCPC Staff)**

- 1. Date Received 1-19-08
- 2. Review Fee \$1865.00 R#44719
- 3. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Address of Adjoining Property Owners
  - Number of copies of plan received\*\*
- 4. Is application complete?  Yes  No
- 5. Staff Reviewer MITCH LIGHT
- 6. Committee Chairman \_\_\_\_\_
- 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  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
www.boonecountyky.org - Web Page**

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

**Public Hearing Item No. 2:**

**Commission Members Present:** Mrs. Arnett, Mr. Bunger, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

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

**Legal Counsel Present:** Mr. Dale Wilson

2. **Applicant:** **James W. Berling for**  
**Camp Ernst Road, LLC (owner)**

**Request:** **Zoning Map Amendment**

**The request of James W. Berling (applicant) for Camp Ernst Road, LLC (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 53.6235 acre site located at 2976 Longbranch Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the expansion of a subdivision for detached, single-family residences.**

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

Following an explanation of the Public Hearing process, Mrs. Poston asked for the applicant's presentation.

Mr. Jim Berling, 3121 Brookwood Drive, Edgewood, introduced his son Steve who did most of the engineering, and the property owners Tom Schreiber and Jim Winstrup. Mr. Berling stated that this site is difficult because of the power lines and other issues that affect the property. They have offset the intersection coming in off Longbranch Road, which helps to slow down the traffic. He stated that all of the lots in the front on Longbranch Road are 300' – 400' feet deep and provide a buffer around the perimeter. All of the houses will face the internal street. He stated that they had to deal with the "erector set" on the corner and have tried to buffer the property from it. They have five years to address it due to the phasing. He stated that the Staff did a good job and he agrees with the Staff Report. This completed the applicant's presentation.

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

Mr. Robert Carran, 8467 Camp Ernst Road, stated that his property is directly across from the proposed development. He stated that Longbranch Road is getting the new high school. He stated that the road is narrow and there are concrete trucks and gravel trucks and people have been run off the road. He stated that something needs to be done about the road and questioned when it would be done. He stated that this part of Camp Ernst Road was to be completed in 2012, but it is not going to happen.

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

Mr. Rolfsen asked if there are plans to connect this development to Kroth Lane and the other subdivision. Mr. Berling responded that the previous phase has a stub leading into the Kroth property. Mr. Rolfsen questioned the straight stretch of road going into Gunpowder Trails. He is concerned about speed control. Mr. Berling responded that there is a straight section for a limited area, but that is all they were able to purchase. He stated that the Planning Commission wanted them to connect the two developments and they were able to buy enough property for the road and some frontage lots, but they were not able to buy anymore. Mr. Rolfsen questioned putting in another bend to reduce the speed there. Mr. Costello stated that the connection to the Kroth property is in the straight stretch and on one side there will be an intersecting street. He stated that there will ultimately be a connection to the Berkshire property that will cross over the creek and connect to Hearthstone and people will be able to drive from Pleasant Valley Road to Longbranch Road.


Mrs. Wilson asked Mr. Costello to comment on the road plan. Mr. Costello responded that there is no money for the relocation/widening of Camp Ernst Road. He stated that the Camp Ernst Road/Pleasant Valley Road improvement was originally one project and then it was divided into three segments, but now funding for only two of the segments is moving forward. He stated that with the school complex going there and the potential expansion of central park, there is a need to widen the road and make it safer. It has to be a higher priority and the state has to fund it or look at other ways of funding roads in general.

Mr. Poe stated that the county has been working with the school system to make sure that the road would be a public road versus just a school road. He stated that Staff did not show the connector roads between 8 and 26 and that is a key that the Committee needs to look at. That is what they looked at last week. His concern is for the school system. He stated that the school system should not put in a road that costs several hundred thousand dollars if it is not going to connect. The road

is not going to make the connection where the cul-de-sac is and we should look at moving the road the county wants the school system to build somewhere else and make the connection. Mr. Costello stated that there have been conversations with the county and one scenario is to wind around Central Park and avoid the subdivision. They also look at connecting it to this road and then connecting it further down by the Doll property. He stated that Mr. Poe is correct that it all has to fit together. He stated that they asked the developer to come in because the developer was not aware of the Transportation Plan or the final school plans on the south side of the road.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on March 22, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on April 5, 2006 at 7:00 PM. Mrs. Poston closed this Public Hearing at 9:02 PM.

**APPROVED:**

  
Susan Poston  
**Susan Poston, Vice Chairperson**

**Attest:**

  
Jan Hancock  
**Jan Hancock, Recording Secretary**

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
April 5, 2006  
7:00 P.M.**

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

**COMMISSION MEMBERS PRESENT:**

Mrs. Judy Arnett  
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  
Mrs. Susan Poston, Vice Chairwoman  
Mr. Charlie Reynolds  
Mr. Bob Schwenke  
Mrs. Lisa Wilson, Secretary/Treasurer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Poe  
Mr. Charlie Rolfsen

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

**Mrs. Kegley moved by resolution to the City of Florence that the request be approved based on the Committee Report with the conditions. Mr. McMillian seconded the motion.**

Mrs. Wilson questioned "wallpacks" (Condition #5) and Mr. Morgan explained that they are spotlights attached to the building.

There being no further discussion, the Chairman asked for a vote on the motion and it carried unanimously.

**3. Zoning Map Amendment**

**The request of James W. Berling (applicant) for Camp Ernst Road, LLC (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 53.6235 acre site located at 2976 Longbranch Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the expansion of a subdivision for detached, single-family residences.**

Mr. Reynolds stated that he would not participate in regard to this request and left the room at this time.

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.

The Chairman offered the applicant the opportunity to make a summary statement. Mr. Jim Berling stated that they are satisfied with the Committee Report.

The Chairman asked if there was anyone present who wished to make a summary statement on behalf of the opposition. There was no response.

**Mr. Breetz moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mr. Bunger seconded the motion.**

Mr. Schwenke asked if the backs of the houses will face towards Longbranch Road and Camp Ernst Road. Mr. Light stated that the houses will face into the subdivision, but they are deeper lots because of the utility easements. Mr. Breetz stated that the utility easement forced them to have very deep lots (approximately 300 feet deep) along Longbranch Road and the houses will be quite a distance off the road. The lots along Camp Ernst Road are a couple of hundred feet deep. He stated that the potential realignment of Camp Ernst Road was a concern and that portion of the development is phased out to 2010. Hopefully, by then the alignment will be known.

There being no further discussion, the Chairman asked for a **vote on the motion made by Mr. Breetz which found all voting members in favor. Mr. Reynolds was not present and did not vote. The motion carried.**

4. **Change in Approved Concept Development Plan**

**The request of ECE, Inc. (applicant) for Wagstaff, Inc. (owner) for a Change in an Approved Concept Development Plan for a 14.33 acre site located at 4657 North Bend Road, Boone County, Kentucky. The request is for a Change in an Approved Concept development Plan in an Industrial One/Planned Development (I-1/PD) zone to allow a new building that is up to 50 feet in height.**

Staff Member Patty Bachman presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report).

The Chairman offered the applicant the opportunity to make a summary statement. Mr. Brandon Raeburn with Erpenbeck Consulting Engineers was present representing Wagstaff, Inc. and he agreed to the conditions.

The Chairman noted that there was no one else present in the audience.

**Mr. Bunger moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mrs. Poston seconded the motion.**

Mr. Reynolds questioned why the proposed parking expansion was eliminated. Mr. Bunger responded that it was found not to be necessary for the operation.

There being no further comments, the Chairman asked for a vote on the motion made by Mr. Bunger and **it carried unanimously.**

**NEW BUSINESS:** None

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Kevin Costello, AICP, Executive Director, discussed the following items in his report to the Planning Commission:

1. **Airport Board Meeting** The quarterly meeting with the Airport Board will be on April 27 at noon at the airport. A Preliminary Agenda will be sent out next week.
2. **Office Relocation** is tentatively scheduled for the first and second weeks of May. The move will take two or three days because of the amount of files and equipment. They will first move items from storage, then the second floor staff members, and

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Greg Breetz, Chairman

**DATE:** April 5, 2006

**RE:** Request of James W. Berling (applicant) for Camp Ernst Road, LLC (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 53.6235 acre site located at 2976 Longbranch Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the expansion of a subdivision for detached, single family residences.

### 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 also 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." The proposal is for a subdivision for detached, single family residences with a density of 2.61 units per acre, which is well within the four units per acre that the Future Land Use Map would potentially permit.

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

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."

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

CONDITIONS

1. The property owner shall enter into an agreement with the Boone County Fiscal Court to pay for a portion of the road improvements to Longbranch Road at the time a Preliminary Plat is submitted to the Boone County Planning Commission for the proposed subdivision. These road improvements will include the provision of appropriate turning lanes to accommodate traffic to and from the subdivision as deemed necessary by the Fiscal Court.
2. The property owner agrees to the following Phasing Plan, in order to explore the potential widening and/or relocation of Camp Ernst Road. Those phases are depicted on the attached drawing (see attachment).

Phase 1 - January 1, 2007

Phase 2 - January 1, 2008

Phase 3 - January 1, 2009

Phase 4 - January 1, 2010

Subdivision plan submittal and approval cannot occur for Phase 4 until the Boone County Fiscal Court determines whether the realignment and widening of Camp Ernst Road is necessary and involves acreage in the proposed subdivision.

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:** Mrs. Arnett, Mr. Bunger, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

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

**Legal Counsel Present:** Mr. Dale Wilson

2. Applicant: **James W. Berling** for  
**Camp Ernst Road, LLC (owner)**

Request: **Zoning Map Amendment**

The request of **James W. Berling (applicant)** for **Camp Ernst Road, LLC (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 53.6235 acre site located at 2976 Longbranch Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the expansion of a subdivision for detached, single-family residences.

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

Mr. Robert Carran, 8467 Camp Ernst Road, stated that his property is directly across from the proposed development. He stated that Longbranch Road is getting the new high school. He stated that the road is narrow and there are concrete trucks and gravel trucks and people have been run off the road. He stated that something needs to be done about the road and questioned when it would be done. He stated that this part of Camp Ernst Road was to be completed in 2012, but it is not going to happen.

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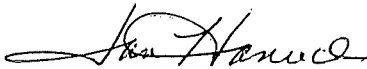
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There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on March 22, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on April 5, 2006 at 7:00 PM. Mrs. Poston closed this Public Hearing at 9:02 PM.

**APPROVED:**

  
Susan Poston  
Susan Poston, Vice Chairperson

**Attest:**

  
Jan Hancock  
Jan Hancock, Recording Secretary

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: March 22, 2006

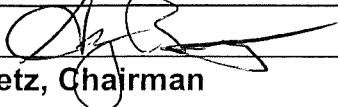
RE: Request of **James W. Berling (applicant)** for **Camp Ernst Road, LLC (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 53.6235 acre site located at 2976 Longbranch Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the expansion of a subdivision for detached, single family residences.

### REMARKS:

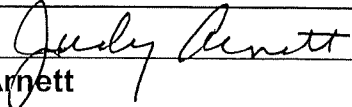
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

**Berling/Camp Ernst Road, LLC**

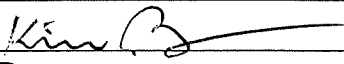
March 22, 2006

  
**Greg Breetz, Chairman**

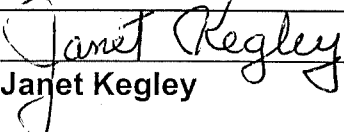
For Project  Absent   
 Against Project   
 Abstain  Deferred

  
**Judy Arnett**

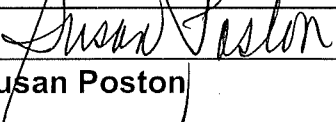
For Project  Absent   
 Against Project   
 Abstain  Deferred

  
**Kim Bunger**

For Project  Absent   
 Against Project   
 Abstain  Deferred

  
**Janet Kegley**

For Project  Absent   
 Against Project   
 Abstain  Deferred

  
**Susan Poston**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Jim Carmichael (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Charlie Reynolds (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Bob Schwenke (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

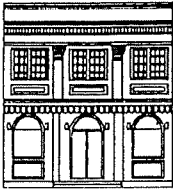
**Lisa Wilson (Alternate)**

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](http://www.boonecountyky.org)

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: [plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

March 28, 2006

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)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 53.6235 acre site located at 2976 Longbranch Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the expansion of a subdivision for detached, single family residences.

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 March 22, 2006 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signature of the property owner in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, March 31, 2006.

## CONDITIONS

1. The property owner shall enter into an agreement with the Boone County Fiscal Court to pay for a portion of the road improvements to Longbranch Road at the time a Preliminary Plat is submitted to the Boone County Planning Commission for the proposed subdivision. These road improvements will include the provision of appropriate turning lanes to accommodate traffic to and from the subdivision as deemed necessary by the Fiscal Court.
2. The property owner agrees to the following Phasing Plan, in order to explore the potential widening and/or relocation of Camp Ernst Road. Those phases are depicted on the attached drawing (see attachment).

Phase 1 - January 1, 2007

Phase 2 - January 1, 2008

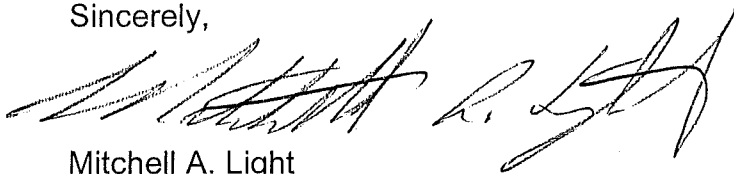
Phase 3 - January 1, 2009

Phase 4 - January 1, 2010

Mr. James W. Berling  
March 28, 2006  
Page 2

Subdivision plan submittal and approval cannot occur for Phase 4 until the Boone County Fiscal Court determines whether the realignment and widening of Camp Ernst Road is necessary and involves acreage in the proposed subdivision.

Sincerely,



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

MAL/pr

Attachment

Agreement

I, James Wenstrup (Camp Ernst Road, LLC), 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 53.6235 acre site located at 2976 Longbranch Road, Boone County, Kentucky.



---

Mr. James Wenstrup (owner) (date)



# JAMES W. BERLING ENGINEERING, PLLC

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

KY Registration No. 5745

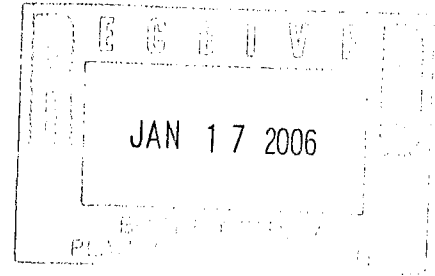
1671 PARK ROAD, SUITE ONE • FT. WRIGHT, KENTUCKY 41011 • (859) 331-9191 • FAX (859) 344-7422

Land Surveyor Registration KY 206

January 16, 2006

## LEGAL DESCRIPTION

53.6235 ACRES



Beginning at an existing iron pin in the north line of the grantor's property, said pin being at the northeast corner of Brad and Margaret Wallace's property as described in Deed Book 803 at Page 514 of the Boone County Clerk's records at Burlington, Kentucky, and being the southwest corner of the Camp Ernst Road, L.L.C. 25.8191 acre parcel as described in Deed Book 819 at Page 165 of said records; thence along the common line between the grantor and Wallace S 5° 15' 00" W 288.63 feet to an iron pin (found), S 71° 22' 06" W 519.08 feet to an iron pin (found), and N 79° 15' 35" W 507.39 feet to an iron pin (found) in the east right of way line of Camp Ernst Road, corner to Wallace and the grantor; thence in a southerly direction along the east right of way line of Camp Ernst Road as it curves to the right with a radius of 648.31 feet, an arc distance of 53.24 feet to a point; thence S 15° 16' 29" W along the east right of way line of Camp Ernst Road (30 feet from centerline) 167.53 feet to a point; thence in a southerly direction along the east right of way line of Camp Ernst Road as it curves to the left with a radius of 970.00 feet, an arc distance of 329.63 feet to a point; thence S 4° 11' 46" E along the east right of way line of Camp Ernst Road 207.26 feet to a point; thence in a southerly direction along the east right of way line of Camp Ernst Road, as it curves to the right with a radius of 1,030.00 feet, an arc distance of 231.68 feet to a point; thence S 8° 41' 30" W along the east right of way line of Camp Ernst Road 85.97 feet to the northwest corner of East Kentucky Rural Electric Company's property; thence along the north line of East Kentucky Rural Electric Company S 84° 24' 08" E 172.19 feet to an iron pin (set); thence S 4° 35' 36" W along the east line of East Kentucky Rural Electric Company's property S 4° 35' 56" W 167.15 feet to a point in the north right of way line of Longbranch Road (30 feet from centerline); thence S 85° 15' 28" E along the north right of way line of Longbranch Road (30 feet from centerline) a distance of 1,056.38 feet to an iron pin (set) in the west line of the Terry F. and Teena L. Shauger property as described in Deed Book 579 at Page 19 of said Boone County records; thence N 6° 48' 13" E along Shauger's west line 183.98 feet to a corner post; thence along Shauger's northwest line N 56° 03' 48" E 708.29 feet to a corner post; thence N 4° 35' 21" E along the east line of the grantor and the west lines of Ronald and May Wolf, Paul W. and Brenda Kroth and David and Katherine Kroth, a distance of 1,043.70 feet to a corner post; thence N 84° 43' 12" W along the north line of the grantor and the south line of David and Katherine Kroth 480.59 feet to an iron pin (found); thence S 5° 55' 38" W along the east line of the Camp Ernst Road, L.L.C. 25.8191 acre tract 4.15 feet to the southeast corner of said tract; thence along the south line of said 25.8191 acre tract N 83° 45' 00" W 100.00 feet to an iron pin found and N 83° 56' 16" W 215.09 feet to the place of beginning.

Containing 53.6235 Acres

Concept Development Phasing Plan

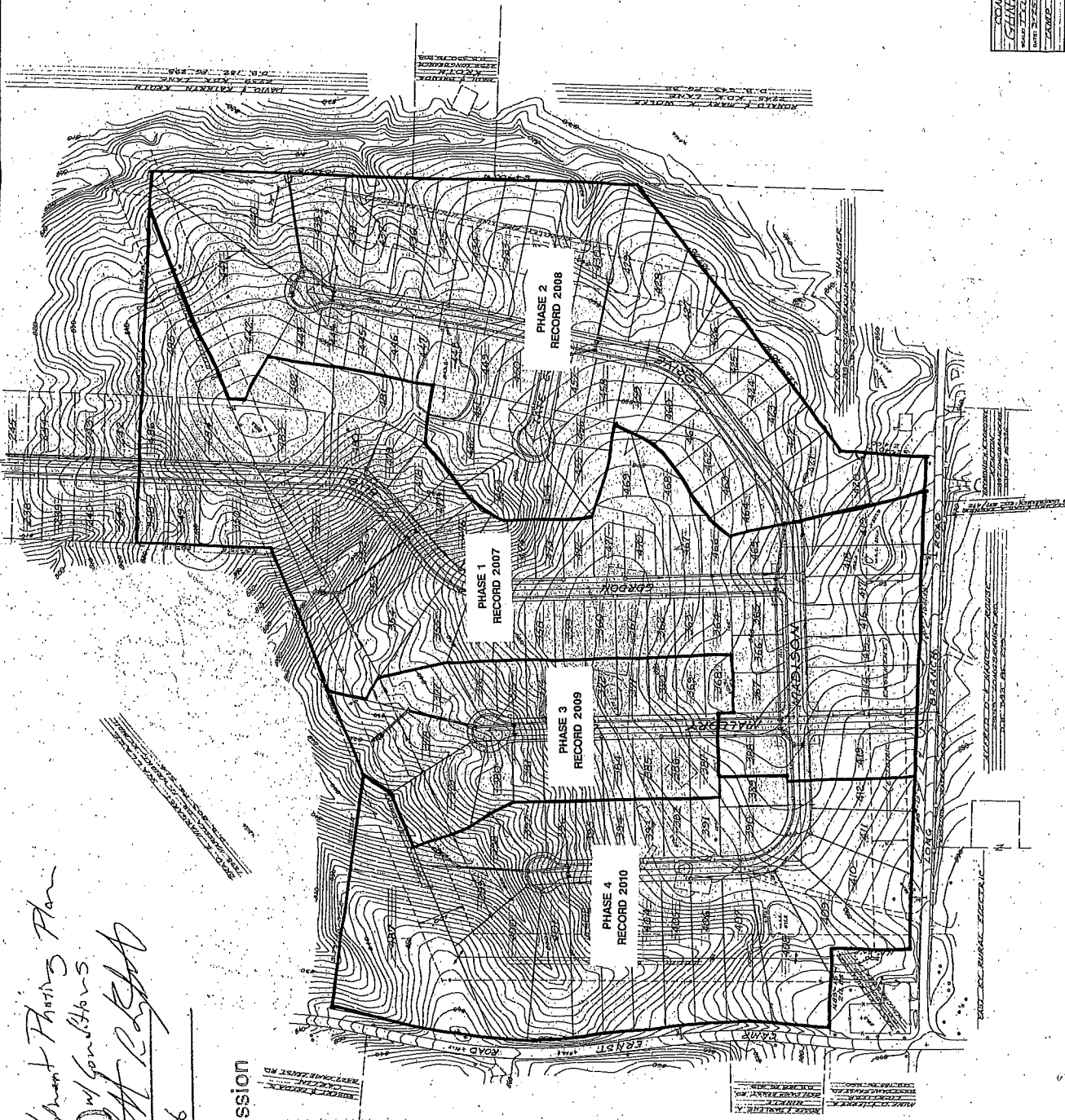
APPROVED w/ conditions

Staff: *[Signature]*

Date: 4/5/06

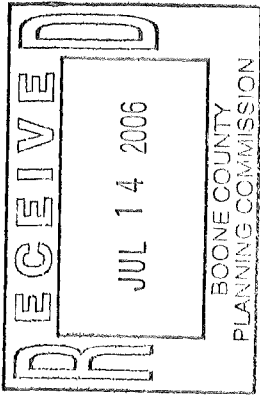
Boone County Planning Commission

\*See signed condition letter



PHASING PLAN

PROJECT: DEVELOPMENT, 2246  
 SHANFORD TRAILS - SUBDIA  
 MAP NO. 20-253201  
 DATE: 2-25-2006  
 DRAWN BY: BOONVILLE CO. LONG PROOCEED, INC.



**ORDINANCE 06-08**

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF JAMES W. BERLING (APPLICANT) FOR CAMP ERNST ROAD LLC (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 53.6235 ACRE SITE 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 53.6235 acre site 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 and Variances.

**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 hereby is approved with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (Sr-1) for a 53.6235 acre site located at 2976 Longbranch Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in Agricultural Estate (A-2) zone is more particularly described in DEED BOOK 899, PAGE NO 881, (as supplied by applicant) as recorded in the Boone County Clerk's office.

**SECTION II**

That as a basis for approval of this Zoning Map Amendment request and Variances 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 marked as "Exhibit A.

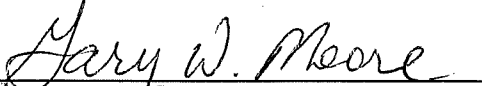
The Committee recommended approval of the request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

**SECTION III**

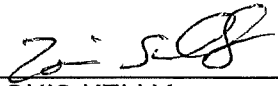
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced and given First Reading on the 23rd day of May, 2006.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 27th day of June, 2006, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

  
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GARY W. MOORE  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
LOUIS KELLY  
FISCAL COURT CLERK

  
\_\_\_\_\_  
JAMES R. SCHRAND II  
BOONE COUNTY ATTORNEY

7-6-06  
\_\_\_\_\_  
DATE PUBLISHED

