

REQUEST OF PAUL J. KAHMANN DEVELOPER, INC.  
FOR A ZONING MAP AMENDMENT FROM  
RURAL SUBURBAN (RS) TO SUBURBAN RESIDENTIAL ONE (SR-1)

This is a Zoning Map Amendment request by Paul J. Kahmann Developer, Inc. (owner) for a Zoning Map Amendment to change the existing zoning of a 8.48 acre parcel from Rural Suburban (RS) to Suburban Residential One (SR-1). The site is located on the southwest side of Pleasant Valley Road at a midpoint between U.S. 42 and Camp Ernst Road, Boone County, Kentucky. The 8.48 acre parcel will be part of a larger tract of land which will eventually be divided into 67 single-family lots.

SURROUNDING LAND USES AND ZONING

The surrounding land uses in the area consist of single-family residential and agricultural to the north, south and west. A single-family residential subdivision, Pleasant Valley Acres Subdivision, exists and is located east of the 8.48 acre site. The existing zoning near the site is Rural Suburban (RS) to the north, Rural Suburban Estates (RSE) and Suburban Residential One (SR-1) to the south, Agricultural Estate (A-2) and Rural Suburban (RS) to the east, and Suburban Residential One (SR-1) to the west.

NATURAL FEATURES OF THE SITE

The 8.48 acre generally slopes toward a major drainage area located in the middle of the site. A small stream or creek exists in this drainage area and it connects into Gunpowder Creek which is located directly south of the site. This creek or stream crosses Pleasant Valley Road by way of a 54" pipe. A smaller drainage area exists just north of the site and it connects into the drainage basin in the middle of the property. The presence of both drainage basins will influence the final layout of the streets and lots in the proposed subdivision. The topography changes dramatically toward the rear portion of the entire 32.55 acre tract or toward the acreage closest to Gunpowder Creek. Soil types of the 8.48 acre site include Faywood Silty Clay (FcD) and two types of Rossmoyne Silt Loam (RsB and RsC).

RELATIONSHIP TO COMPREHENSIVE PLAN

The proposed zone change request is being examined in relation to the 1986 Boone County Comprehensive Plan. The general area is referred to in a number of ways.

1986 Future Land Use Map

- Low Density Residential (up to 3 units per acre).

1986 Boone County Comprehensive Plan

Page L-14 (Camp Ernst area) refers to residential development in this area.

"This section of the county will receive primarily residential development with commercial development in the eastern portions."

"Development of both Pleasant Valley Road and Hopeful Road should be residential subdivisions, which utilize the roads as collectors not the principle road for development."

Page G-2 discusses one of the housing objectives of the 1986 Comprehensive Plan.

"Residential development plans shall insure the continuity of the interior street system with the system already built or planned in the neighboring areas, as well as provide for the coordination of this local system with the major transportation network."

In summary, the 1986 Boone County Comprehensive Plan recommends that the area be developed as low density residential and careful consideration should given to direct access to Pleasant Valley Road from the proposed subdivision.

SPRING GARDEN ESTATES CONCEPT DEVELOPMENT PLAN

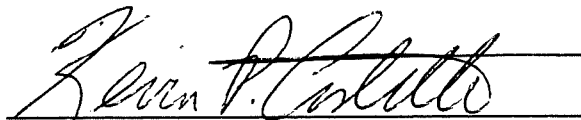
Even though the applicant is not required to submit a Concept Development Plan with this type of residential development, a plan has been drawn to show the location of the 8.48 acre site in relation to the entire 32.55 acre tract. The area subject to the zone change request is shaded in and the current zone line is marked on the Concept Development Plan. In essence, the applicant would like to move the current RS zoning line (which is located approximately 500 feet from Pleasant Valley Road) further north or adjacent to lots 1-10. Lots 1-10 would still be developed under the current RS regulations (20,000 square feet minimum lot size). Therefore, about two-thirds of the entire 32.55 acre tract would be zoned Suburban Residential One (SR-1) if this zone change was approved. The submitted plan also indicates two access points from Pleasant Valley Road, which are approximately 1,150 feet apart. The intended use of this zone change request is to create single-family residential lots for sale. Utilities to the site will consist of extending sanitary sewer service from the southwestern portion of the site and a possible connection of water service from Hopeful Road.

SPECIAL CONCERNS

- 1) At a later date, the applicant may consider a possible connection to the property located on the east and west sides of the proposed subdivision. Land on both sides may be suited for a similar type of development and an interconnection on either side may be appropriate. Also, it would be logical to allow this connection in this area because of the terrain.
- 2) Careful attention should be made to the final layout of the subdivision because of the existing topography and the presence of the two drainage basins.
- 3) The location of the two major access points off Pleasant Valley Road and any other minor access points from individual lots should be evaluated in terms of traffic management, safety, and visibility.

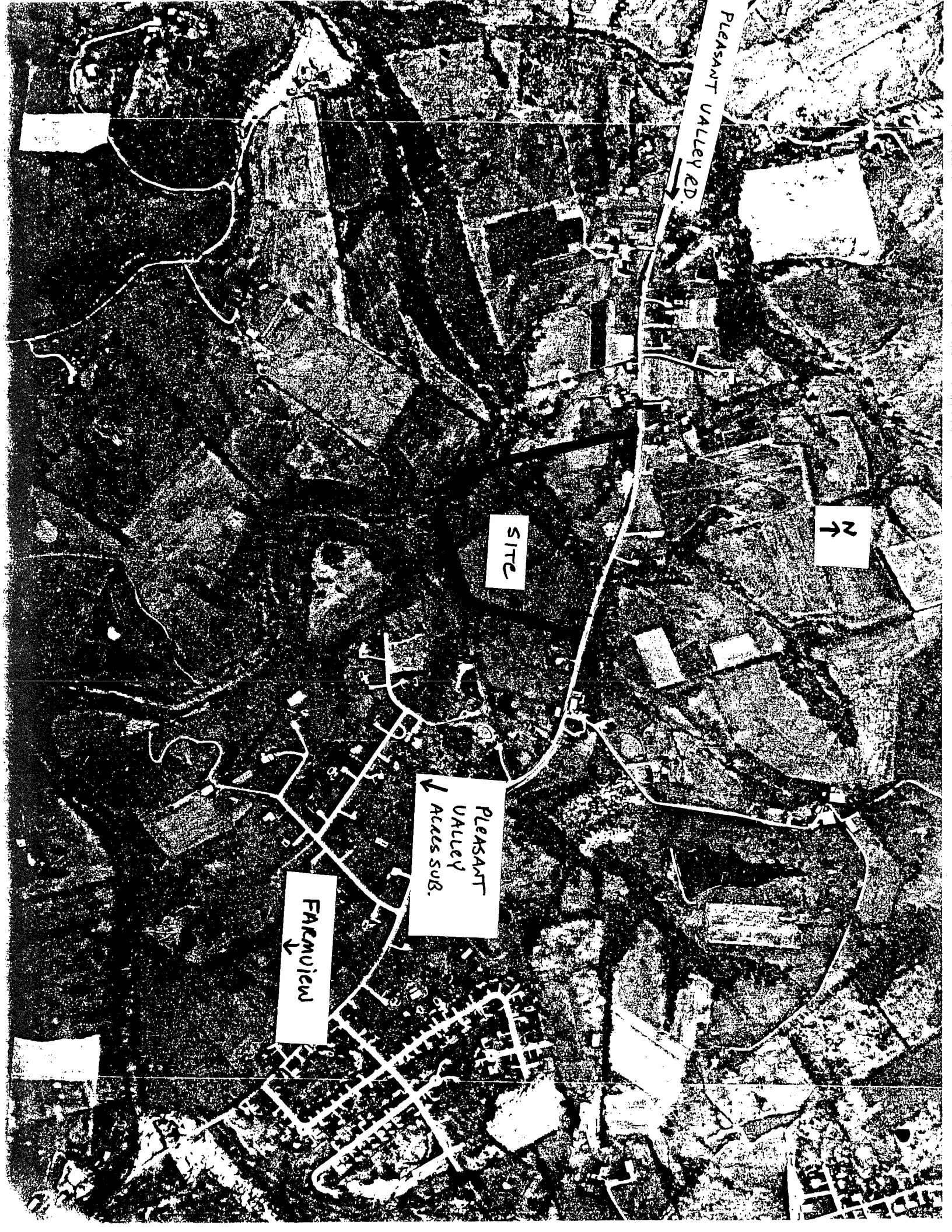
CONCLUSION

This zone change request must be reviewed in terms of its relationship with the 1986 Boone County Comprehensive Plan. If the Planning Commission and the Boone County Fiscal Court approve this request, the 1986 Future Land Use Map would not need to be adjusted.



Kevin P. Costello  
Asst. Director/Sr. Planner

KPC/jdh



PLEASANT VALLEY RD.

SITE

N

PLEASANT VALLEY Access SUB.

FARMVIEW



A parcel of land located on the south side of Pleasant Valley Road (Ky 237) approximately 1 mile north west of its intersection with U.S. 42 in Boone County, Kentucky and being more particularly described as follows:

Beginning at a point on the south right of way line of Pleasant Valley Road (Ky 237) and the common corner with Rehkamp (7.16 Acres conveyed by Paul J. Kahmann Developer Inc.); thence with the common line S 15 degrees 35 minutes 11 seconds W, 150.00 feet to the REAL POINT OF BEGINNING; thence S 15 degrees 35 minutes 11 seconds W, 315.05 feet to a point; thence leaving the line with Rehkamp and along the existing RS&SR-1 Zoning line with a curve to the right 758.99 feet (R=6230.00) to a point; thence N 66 degrees 34 minutes 55 seconds W, 189.35 feet to a point; thence along a curve to the left 426.13 feet (R=1410.0 feet) to a point on the common line with Round Table Inc; thence with said common line N 12 degrees 18 minutes 06 seconds W, 303.93 feet to a point; thence leaving said line along rear of lot 10-1 of the proposed Spring Garden Estates N 80 degrees 52 minutes 56 seconds E, 190.41 feet to a point; thence along a curve to the left 4.17 feet (R=75.0 feet) to a point; thence S 12 degrees 18 minutes 06 seconds E, 20.83 feet to a point; thence N 77 degrees 41 minutes 54 seconds 150.00 feet to a point; thence S 9 degrees 12 minutes 51 seconds E 245.23 feet to a point; thence S 74 degrees 24 minutes 49 seconds E, 654.54 feet to a point; thence N 44 degrees 48 minutes 54 seconds E 73.73 feet; thence S 74 degrees 24 minutes 49 seconds E, 400.00 feet to a point of beginning.

Containing 8.48 Acres

Ms. Tricia Morgan, resident of an adjoining mobile home park, asked if there was going to be any changes at the mobile home park.

Ms. Kim Kally, Boone County Recorder, wanted to know if this property had any mobile homes on the site. She also wanted to know how far back the new building would be and if this would involve a zone change. Mr. Martin stated there would be no zone change to any property other than the applicants. Mr. Griffith stated the building would be 85' X 24' and would be a one-story structure.

Mr. Martin inquired for any further discussion or comments.

Mr. Viox addressed the applicant and asked him if he had decided on the architect of the building. The applicant responded that he had talked to someone, but had not yet decided. Mr. Viox also asked what the surface was planned for parking. Mr. Griffith stated it would be concrete. Mr. Viox asked about the sewage. Mr. Griffith stated it would be serviced through the treatment plant at the mobile home site.

Mr. Martin asked for any further questions or comments. He stated this request would have action taken upon it on February 4, 1987. With there being no further discussion, the Public Hearing #2 was closed.

PUBLIC HEARING

#3

1-28-87

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Vice-Chairman David Martin opened the Public Hearing on the Zoning Map Amendment request by Paul J. Kahmann Developer, Inc. (owner) for a Zoning Map Amendment to change the existing zoning of a 8.48 acre parcel from Rural Suburban (RS) to Suburban Residential One (SR-1). The site is located on the southwest side of Pleasant Valley Road at a midpoint between U.S. 42 and Camp Ernst Road, Boone County, Kentucky. The 8.48 acre parcel will be part of a larger tract of land which will eventually be divided into 67 single-family lots.

Mr. Kevin Costello stated the Concept Development Plan was illustrated on the easel to the left and the area of 8.48 acres was rather simple. The applicant would like to move current zone RS zone line which stands approximately 500 ft. from Pleasant Valley Road. Mr. Costello continued to present the Staff Report. (See Staff Report)

Mr. Martin asked if there was anything further from the Staff at this time. He then asked if there was anyone in the

audience prepared the speak in behalf of the request.

Mr. Ray Erpenbeck, agent for the owner of this site, stated the purpose is to change the zone line located 500 ft. south of center line of Pleasant Valley Road, which virtually splits the property in half. As a developer he agreed that the propoerty on Pleasant Valley Road should be developed under the RS zone regulations. He then stated that the applicant needs to have the zone line moved so that the remaining property can be developed as an SR-1 zone. He noted it did conform with the recently approved 1986 Boone County Comprehensive Plan and water is being extended to it by the Boone County Water System and sewer system is available also.

Mr. Martin inquired if anyone in the audience had any questions regarding this request.

Mr. Robert Caldwell wanted to know if this was adjacent to Pleasant Valley Road.

Mr. Erpenbeck stated there was an 11 acre tract between the subdivision and this site. Mr. Costello showed an aerial view to the gentleman.

Mr. Martin inquired if there were any further questions or comments.

Mr. Barry Neltner asked Mr. Costello if he would clarify whether or not the 10 lots fronting on Pleasant Valley Road would use the interior roadway or if they would have direct access to Pleasant Valley Road. Mr. Costello stated staff had a Preliminary Plat that is being reviewed at this time, and would be coming up for approval from the Commissioners next week. He stated the applicant has pledged lots 9 and 10 would be accessed next to the minor street, also lot 1 and 2 would be treated the same and then there will be shared access between the lots in fronting Pleasant Valley Road. The applicant is trying to work to try and reduce the number of driveways in the area. Mr. Costello stated that staff had been working with the applicant on this item. He also noted there was a major stream crossing Pleasant Valley that staff was working with the applicant on this also.

Mr. Larry Collins asked Mr. Erpenbeck if this was where the body shop was located. Mr. Erpenbeck stated no it was not, but did say there was a small house existing on that tract and the remainder is open land as to his knowledge. Mr. Erpenbeck stated the property was located directly across from RaKamp's barn.

Mr. Martin inquired as to any further comments. There being none, Public Hearing #3 was closed. Mr. Martin stated action would be taken on this request February 4, 1987.

## BOONE COUNTY PLANNING COMMISSION

## BUSINESS MEETING

FEBRUARY 4, 1987

8:00 P.M.

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Chairman Kroger called the Business Meeting to order. Roll call was taken by staff member Barbara Reffitt. 12 members were present. Absent: Messrs. Burch, Martin and Slusher. All staff members were present. Atty. Dale Wilson was also present.

Minutes of the January 21, 1987 Business Meeting and the January 28, 1987 Public Hearing were considered. Mr. Rector Jones made a motion that the minutes be approved. Mr. William Viox seconded the motion. There being no further discussion, the motion carried unanimously.

Administration

Chairman Kroger inquired of bills to be paid. Mrs. Reffitt read bills to be paid: Staff Salaries and Benefits, \$2,334.53; Greg Sketch (engineer), \$332.50; Skees and Wilson, \$1,666.66; Tower Services Corp. (Harvey Pelley), \$500.00; County Employee Retirement System, \$915.84; Kentucky State Treasurer, \$490.10; Mileage, \$218.28; The Boone County Recorder (Legal Notices), \$863.65; Univ. of Kentucky - Ky. Geo. Survey (maps), \$71.25; Dixie Vending, \$9.00; American Planning Association, \$97.00; American Planning Association, \$87.00; Pflum, Klausmeier, & Wagner, \$1,420.00; GRW Engineers, Inc., \$500.00; EDM Business Interiors (office supplies), \$11.20; Jerry Rouse, County Clerk (recording fees), \$163.00; American Assoc. for State & Local History, \$195.60; H-Q Services & Offices (zone regs diskette), \$22.00; Ohio Blue Print, \$96.90; for a total of bills to be paid \$9,994.51. The bills paid were; Ky. State Treasurer (1-21-87), \$1,663.54; Ky. State Treasurer (1-21-87), \$40.03; Huntington Bank (People's Deposit), \$1,608.64; Huntington Bank, \$1,848.58; Staff Salaries (1-12-87 through 1-30-87), \$7,129.27; Joy Hacker (reimburse for gift for M. Cox), \$32.93; Mathis, Dallas, Frohlich (refund fees), \$167.00; Boone Co. Fiscal Court (Ordinance #19), \$311.86, for a grand total of \$22,796.36. Mr. Jones moved that all bills be paid as presented. The motion was seconded by Mr. Viox. The motion carried unanimously.

Chairman Kroger noted the Zoning Officer's Report; the Convenience Plat Report; and Building Permits for the Commission's review and comment. Hearing no questions or comments

Findings of Fact

1. The map amendment is in agreement with the 1986 Boone County Comprehensive Plan.

2. The existing zoning classification is not consistent with the existing use of the property. The proposed zoning classification is appropriate for the existing and planned use of the property.

Conditions

1. The proposed six unit building will be oriented so that the rear of the building does not face Frogtown Road or U.S. 25.

2. The existing trees along Frogtown Road will be retained.

3. Landscaping, as indicated on any future site plan, will include healthy, 4 foot white pines to screen the proposed building and parking area from Frogtown Road and U.S. 25. These pines will be planted 10 feet apart and staggered in two rows.

Chairman Kroger asked Mr. Byron Griffith if he agreed with the conditions in the Committee Report. Mr. Griffith stated yes.

Chairman Kroger referred to the Commission for further discussion.

Mr. Viox moved that the request be granted by Resolution to the Boone County Fiscal Court. Mr. Collins seconded the motion. Motion carried unanimously.

Zoning Map Amendment - William Viox, Chairman; Kevin Costello, Staff

Request of Paul J. Kahmann Development, Inc. (owner) for a Zoning Map Amendment located on the southwest side of Pleasant Valley Road, Boone County, Kentucky. The 8.48 acre site is currently zoned Rural Suburban (RS) and the request is to rezone the property Suburban Residential One (SR-1). The intended use is for the development of the Spring Garden Estates Subdivision.

Mr. Gerald Newton requested approval be made based on the Findings of Fact and subject to the conditions below:

Findings of Fact

1. The proposed zone change request, the average density per acre for the entire subdivision (2.1 dwelling units per acre) and the submitted Concept Development Plan is consistent with the

1986 Boone County Comprehensive Plan. Reference to the Plan is made in the Staff Report.

Conditions

1. The applicant shall consider in subsequent subdivision reviews, a possible connection to the property located on the east and west sides of the proposed subdivision. Land on both sides may be suited for future expansion of the proposed subdivision or may be a similar type of development and an interconnection on either side may be appropriate to provide a secondary access.

2. The applicant shall carefully design the final layout of the subdivision in order to preserve the existing topography and avoid major grading of the two drainage basins.

3. The applicant shall be required to carefully locate the two major access points off Pleasant Valley Road and any other minor access points from individual lots. The proper location should be based upon traffic management control, safety and visibility.

Chairman Kroger asked Mr. Ray Erpenbeck if he was representing Paul Kahmann. Mr. Erpenbeck stated yes and that he was agreeable with the conditions.

Chairman Kroger referred to the Commission for discussion.

Mr. DeLong made a motion to approve the request by Resolution to the Boone County Fiscal Court. Mrs. Smith seconded. The motion carried unanimously.

Chairman Kroger made note for the record that each one of these motions were based on Findings of Facts contained in the Committee and Staff Reports.

Zoning Map Amendment - William Viox, Chairman; Tom Breidenstein, Staff

Request of T. L. Enterprises (owner) for a Zoning Map Amendment located at 7827 Tanners Lane, Florence, Kentucky. The 1.54 acre site is currently zoned Commercial Two and the request is to rezone the property Commercial Services (C-3). The intended use is for a Tim Timberman car and boat dealership.

Mr. Gerald Newton read the Committee Report requesting approval based upon Findings of Facts and subject to the following conditions:

REMARKS:

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Viox, Chairman

DATE: February 4, 1987

RE: Request of Paul J. Kahmann Developer, Inc. (owner) for a Zoning Map Amendment on a 8.48 acre site located on the south side of Pleasant Valley Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Suburban Residential One (SR-1). The intended use is to develop the Spring Garden Estates Subdivision.

## REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and subject to the conditions below:

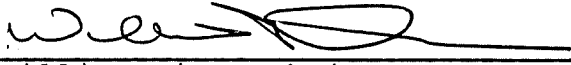
Findings of Fact

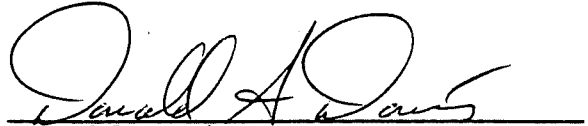
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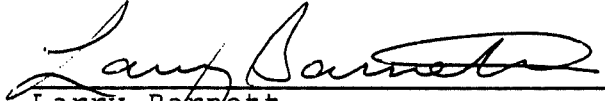
Conditions

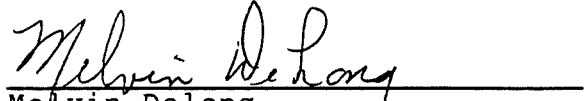
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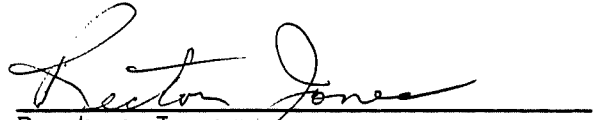
  
William Viox, Chairman

  
Donald Davis

  
Larry Barnett

  
Melvin DeLong

  
Fred Burch

  
Rector Jones

BOONE COUNTY FISCAL COURT

ORDINANCE NO. 920.109

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, FOR A 8.48 ACRE SITE SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR PROPERTY LOCATED ON THE SOUTHWEST SIDE OF PLEASANT VALLEY ROAD, BOONE COUNTY, KENTUCKY, AS REQUESTED BY PAUL J. KAHMANN DEVELOPMENT, INC. (OWNER) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. R-08-87.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission for a map Amendment for a zone change from Rural Suburban (RS) to Suburban Residential One (SR-1) for certain real estate which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has recognized the conducted Public Hearing by the Boone County Planning Commission, serving as a due process trial-type hearing, and its findings of fact recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

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

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby approved and adopted, this map amendment being a zone change from Rural Suburban (RS) to Suburban Residential One (SR-1). The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.  
(ATTACHMENT - EXHIBIT "A")

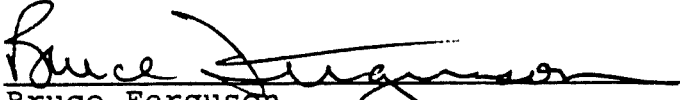
SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning & Zoning Commission, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in this Ordinance.  
(ATTACHMENT - EXHIBIT "B")

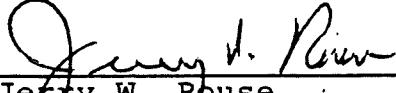
THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the 3rd day of March, 1987.

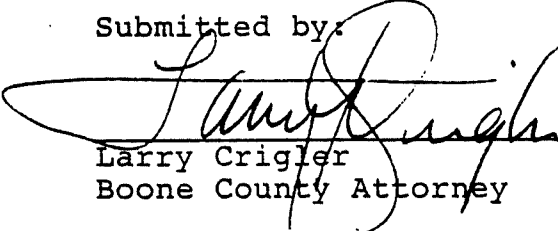
Adopted by the Fiscal Court of Boone County after Second Reading at a Regular Meeting on the 7<sup>th</sup> day of April, 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

  
Bruce Ferguson  
Boone County Judge/Executive

ATTEST:

  
Jerry W. Rouse  
Boone County Clerk

Submitted by:

  
Larry Crigler  
Boone County Attorney

DATE PUBLISHED: 07/02/87