

REVIEW NO. \_\_\_\_\_

# APPLICATION FORM ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)

## SECTION A (To be completed by applicant)

1. Name of Development NA
2. Location of Development NA
3. Total Acreage of Site 53
4. Current Zoning A-2
5. Proposed Zoning (classification being requested) A-1
6. Proposed Uses (please specify each use) Agricultural,  
Horse Farm
7. Name of Applicant(s) George R Trumble  
Phone Number(s) Home 485-6375 work 283-9090
8. Address of Applicant(s) 12405 Hu Hon Dr  
Walton Ky 41094  
City State Zip
9. Name of Property Owner(s) George R & Arlene M Trumble  
Phone Number(s) Home 485-6375 work 283-9090
10. Address of Property Owner(s) 12405 Hu Hon Dr  
Walton Ky 41094  
City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_  
1 mobil home
12. Are there any existing buildings on the site? yes  
How many? 2 BARNs
13. Deed Book 303 Page No. 5 Group No. 2070 & 1357
14. Have you had a pre-application meeting with BCPC staff? yes
15. Please check the following organizations/agencies which you have discussed the proposed development with in 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 Road Department
- \_\_\_\_\_ Kentucky Transportation Cabinet
- \_\_\_\_\_ City of Florence Public Works Department
- \_\_\_\_\_ City of Walton Public Works Department
- \_\_\_\_\_ Northern Kentucky Health District
- \_\_\_\_\_ U.S. Soil Conservation Service
- \_\_\_\_\_ Local School District
- \_\_\_\_\_ Local Fire District
- \_\_\_\_\_ Other: \_\_\_\_\_

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

## STAFF REPORT

#2

### REQUEST OF GEORGE AND ARLENE TRUMBLE (OWNERS) FOR A ZONING MAP AMENDMENT ON A 53.07 ACRE SITE LOCATED OFF HUTTON DRIVE, BOONE COUNTY, KENTUCKY.

March 21, 1990

The applicant is requesting a Zoning Map Amendment from Agricultural Estate (A-2) to Agriculture (A-1). Two (2) barns are currently located on the 53.07 acre site.

#### SURROUNDING LAND USES AND ZONING

The surrounding land uses and zoning include the following:

- North: Undeveloped land characterized by open woodland and grassland. This area is currently zoned Agricultural Estate (A-2).
- East: Single family residences located along Hutton Drive. This area is currently zoned Agricultural Estate (A-2).
- South: A couple of single family residences located along Hutton Drive. Primarily undeveloped land characterized by open woodland and grassland. This area is currently zoned Agricultural Estate (A-2).
- West: Undeveloped land characterized by open woodland and grassland. This area is currently zoned Agricultural Estate (A-2).

#### FEATURES OF THE SITE

The 53.07 acre site is characterized by rolling topography. The site consists of open short grasslands interspersed with mature tree stands. The site contains three (3) small ponds and lies within the Mud Lick Creek drainage basin. Soils on the site are of the Nicholson series with 6 to 12 percent slopes and the Faywood Series with 12 to 20 percent slopes. Two (2) existing barns are located on the site. The site is accessed from Hutton Drive by a gravel driveway.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Future Land Use Map of the 1986 Boone County Comprehensive Plan indicates that the site is to develop into Rural Lands (RL) land uses. The Rural Lands (RL) designation includes agricultural uses, woodlands, recreational uses, and residential uses of one dwelling unit or less per two acres, and is intended to characterize a rural environment.

The Land Use Element text of the Plan addresses the type of development in the Richwood Area.

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Page L-16 of the Land Use Element addresses development in the KY 338 area:

"Development in this area will occur along US 42, KY 338, and Hicks Pike. This is also an area of prime agricultural land."

Page L-21 of the Land Use Element addresses development in the Richwood Area:

"The Richwood area will be developed primarily as both industrial and highway related commercial, with medium and low density residential occurring along Richwood Road and Chambers Lane."

The Housing Element Goals and Objectives of the 1990 Boone County Comprehensive Plan addresses the provision of housing for Boone County residents:

"A broad range of housing opportunities shall be provided at locations which meet the needs and desires for household types."

"In order to offer the citizens of Boone County maximum choice in living environment, residential development plans shall be judged primarily on the basis of gross density (average number of dwelling units per acre) and development design, with only secondary consideration given to the type of dwelling unit."

In general, the Future Land Use Map and the Land Use Element recommend that the Richwood area develop into a low density residential area characterized by open agricultural land.

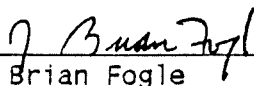
### PROPOSED USES

The property owner has proposed the installation of a mobile home at a location adjacent to the largest of the two (2) existing barns.

### CONCLUSION

The Zoning Map Amendment request should be reviewed in terms of the three (3) findings of fact contained in Article 3, Section 308 of the 1986 Boone County Zoning Regulations. The Planning Commission must determine if the proposed Zoning Map Amendment from Agricultural Estate (A-2) to Agriculture (A-1) is appropriate for this site. Should the Planning Commission approve the requested Zoning Map Amendment, it would not be necessary to change the Future Land Use Map of the 1986 Boone County Comprehensive Plan.

Respectfully submitted,

  
\_\_\_\_\_  
J. Brian Fogle  
Planner/Plans Examiner I

JBF:kat



COUNTY  
ESTATE  
SALES

DRIVE

Ed Smith's  
Approx. 2100'



53.07 Acres

N82°45'W - 123.5  
5' ELM

N61°15'W - 135.9  
4" Hickory

N39°14'W - 146.6  
12" WALNUT

N33°24'E - 186.7  
10' Elm

N47°21'E - 95.9  
10' WALNUT

JIAN  
LAURA East of

N150°28'N - 162.2  
6" W. CHERRY

N47°21'E - 95.9  
10' WALNUT

N47°21'E - 95.9  
10' WALNUT

N47°21'E - 95.9  
10' WALNUT

66.67 Acres

Post

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2  
March 21, 1990

Page 1

Mr. William Viox, Chairman, introduced the second item on the Agenda:

2. Applicant: George and Arlene Trumble (owners)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of George and Arlene Trumble (owners) for a Zoning Map Amendment on a 53-acre site located off Hutton Drive, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Agriculture (A-1) in order to allow one mobile home.

Staff Member, Brian Fogle, presented the Staff Report, which included a slide presentation (see Staff Report).

Chairman Viox asked if the applicant was present.

Mr. George Trumble stated that he purchased the 53 acres in 1983. At that time, it would not have been feasible to develop the property due to the water and sewer problems. He has cattle and horses on the site. The horses involve 24-hour care due to the foals and this has gotten overbearing for them. They would like to have a resident manager on the site. His son will move in as the farm manager. Mr. Trumble stated that he does not make his living farming, but works as a contractor. This site is not used in his business as a contractor. He stated that what he is requesting is within the Comprehensive Plan. He added that the Staff's slide presentation was close to the pictures he would have shown. He displayed one large picture of the site and indicated the location of the barns and where the mobile home would be, adding that it would be beyond the pocket of trees so that it would not be seen by the neighbors. The only neighbor that could look at the location of the mobile home would be William Budd.

Mr. Trumble stated that he talked to their veterinarian, Dr. Augustine, about the fact that when you have a horse operation it is necessary to have a person there and Dr. Augustine wrote a letter in that regard. Mrs. Trumble read the letter from the veterinarian which indicated that from the standpoint of a breeding and care operation, it would be highly advantageous to have a stable manager living on the property to give the 24-hour care that may be required. The letter indicated the stable facility and farm operation to be of excellent quality. The letter was signed by Roger M. Augustine, D.V.M..

Mrs. Trumble also read a letter from adjoining property owners Linda and Richard Bishop of Hutton Drive indicating that you cannot see the barn or the surrounding acreage from Hutton Drive.

Mr. Trumble stated that they had received phone calls that this zone change would lower property values. Mrs. Trumble read a letter from Robert S. Martin stating that he is not opposed to this request as many of the nicer homes in Richwood have mobile homes, that the Trumbles demonstrate a pride in ownership, and the intended location of the mobile home is not visible from Hutton Drive. Mrs. Trumble also read a letter from Susan Jacobson indicating that the Trumble's property, including the home and barn, is first rate and she has no qualms about the mobile home.

Mr. Trumble stated that he had gotten calls from other neighbors questioning a mobile home park or land fill on the property and he assured them they would not occur. A neighbor advised him that there had been a petition going around the Richwood area. He was told that Bill D'Andreas was taking the petition around. He stated that Mrs. Trumble contacted Mr. D'Andreas to see if the petition was stating what they were really doing. Mr. D'Andreas advised her that Sherry Edwards of Hutton Drive had asked him to circulate the petition. Mr. Trumble stated that after talking to Mrs. Trumble, Mr. D'Andreas felt that he had misled the people that signed the petition and he would make some phone calls.

Mrs. Trumble stated that Mr. D'Andreas had the impression that they were putting in a mobile home park and a dump and misled the people who signed the petition.

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

Sherry Edwards of Hutton Drive read the petition which indicated that those signing were opposed to the zone change as it is neither desirable nor beneficial in a residential area, it indicated the Permitted and Conditional Uses in the A-1 Zone (which included mobile homes, landfills, etc.) and that the A-1 zoning would pave the way for such uses in the future (see petition). Mrs. Edwards questioned if they could not build a small structure instead of a mobile home. She stated that it is not the mobile home causing the problem, but the zoning. She stated that in the future there could be a divorce or a sale of the property and the zoning would allow these uses to happen. She stated that Mr. Ribshover is an adjacent property owner with over 100 acres and is open to a sale. She stated that the biggest difference between A-1 and A-2 zoning is that A-1 allows mobile home development, landfills, and dumpsites.

Mr. Gerald Newton, Director, advised that since this is a zone change request, the Commission can place conditions on the property. Mr. Newton stated that the Commission could make a condition that only one mobile home be placed on the property. The condition would be recorded with the property and could only be changed by the Public Hearing process. Counselor Wilson advised that the applicant would need to agree to any conditions.

Mr. Trumble stated that they would be agreeable to a condition that only one mobile home be on the property. They are willing to sign their agreement in writing.

Mr. Ed Smith, an adjoining property owner, stated that the Trumbles are an asset to the community and he does not object to one mobile home. He asked if the property could revert back to A-2 if they quit farming.

Mr. Newton advised that this could occur through another Public Hearing. He added that the Commission could ask that there be a condition that when the uses ceases, the applicant would apply for the A-2 zoning. He added that the applicant would have to be agreeable and it would go through the Fiscal Court.

Chairman Viox asked if there were any questions or comments from the Commission.

Mr. McMillian questioned if this would create any more traffic.

Mr. Trumble stated that it would add one or two vehicles -- the traffic from one family.

In response to questions from Mrs. Edwards, Mr. Trumble added that they would be using the driveway. He stated that there would be no more traffic on Sheet Lane. He stated that the mobile home will be almost 1,200 feet from Hutton Drive. It would be almost impossible to see it from Sheet Lane.

A gentleman in the audience questioned why it was necessary to change all 53 acres and Mr. Newton advised that the minimum for the A-1 Zone is 30 acres.

Mrs. Edwards asked if changing this tract to A-1 would make it easier to rezone adjoining tracts, and for the rezoning to go on and on.

Counselor Wilson advised that each individual application is reviewed on its own merit. He stated that he did not see where this request is changing the character of the area or that it would be a trigger that someone else could use. Mr. Newton added that the request is somewhat unusual in that it is "down zoning". It does not help them financially and they are restricting themselves. It is unlikely that it would generate additional requests.

Mrs. Edwards stated that they were concerned about a chain reaction.

Mr. Burch advised that going from A-2 to A-1 has no economic advantage and is the opposite of what most people would do.

Mrs. Edwards stated that the people who were present want to make sure that a restriction is place on this to limit it to one mobile home.

A gentleman from the audience questioned if they would be given the exact details prior to the approval.

Chairman Viox advised that the Committee will review the record and make a recommendation to the full Commission. The conditions would be stated publicly at the next meeting and agreed upon by the applicant. A recommendation would then be made to the Fiscal Court. He advised that interested parties should follow the proceedings to the Fiscal Court for their action.

A gentleman in the audience stated that the Staff's slides did not show that the homes in the area are on two acre lots and people paid upwards of \$135,000. He stated that people worked hard for their property and do not want it devalued. He commented that the restriction to one mobile home could be removed without their knowledge.

Counselor Wilson emphasized that the Commission is a recommending body and the Fiscal Court has final action. He suggested that those who are interested go to the Fiscal Court.

Mr. Mark Gathbeck stated that he would like to be contacted if the restriction is not on the approval.

Counselor Wilson advised that the Commission does not control the Fiscal Court docket and does not know when they will hear this item. He suggested, that they have a spokesperson go to the Fiscal Court.

Mr. Gathbeck stated that he signed the petition, but there was a misunderstanding. He stated that he would approve the one mobile home

Mr. Newton reviewed the process through the Fiscal Court and advised that the Fiscal Court does not contact adjoining property owners as the Commission does. He suggested that they be present for the Business Meeting to hear the Commission's recommendation and advised that the first reading of the Fiscal Court would normally be on May 8 or May 15, 1990.

Mr. Bob Porter stated that he is for the request with the conditions.

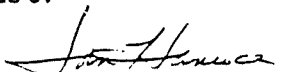
There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on April 4, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Clerk

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

April 18, 1990

8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Robert Kirby, Jr.  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett  
Mr. Lawrence Collins  
Mr. Rector Jones

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Public Hearings and Business Meeting of April 4, 1990 and asked if there were any comments or corrections.

Mr. Neltner noted that on Page 5 of the Minutes of the Business Meeting, his reply to Mr. Kirby's question was intended to indicate that the wall and the fence on top should be constructed in such a way that the line of sight would be consistent across the back of the property. Mr. Kirby stated that this was his understanding.

Mr. McMillian moved that the Minutes of the Business Meeting be approved as amended and the Minutes of the Public Hearings be approved as written. Mrs. Smith seconded the motion and it carried unanimously.

Mr. McMillian moved that the request be deferred until the May 2, 1990 Business Meeting based on the Committee Report. Mr. DeLong seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of George and Arlene Trumble (owners) for a Zoning Map Amendment on a 53-acre site located off Hutton Drive, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Agriculture (A-1) in order to allow one mobile home.

Mr. Kevin Costello, Acting Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to one condition (see Committee Report). The applicant has agreed to the condition by letter dated April 17, 1990.

There being no discussion, Mr. McMillian moved by resolution to the Fiscal Court that the request be approved based on the Committee Report, including the condition. Mr. Greene seconded the motion and it carried unanimously.

3. Zoning Map Amendment

The request of James K. Sterling (applicant) for Walton Church of Christ (owner) for a Zoning Map Amendment on a 2.96-acre site located at 12300 Dixie Highway, Walton, Kentucky. The request is to rezone the site from Rural Suburban (RS) and Agricultural Estate (A-2) to Urban Residential One (UR-1)

Mr. Kevin Costello, Acting Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to one condition (see Committee Report). The applicant has agreed to the condition by letter dated April 17, 1990.

There being no discussion, Mr. Kirby moved by resolution to the Walton City Council that the request be approved based on the Committee Report, including the condition. Mr. Neltner seconded the motion and it carried unanimously.

4. Zoning Map Amendment

The request of Roy B. Schweitzer (owner) for a Zoning Map Amendment on a 14.8-acre site located on the west side of U.S. 25 near Maher Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Mobile Home Park (MHP).

Mr. Kevin Costello, Acting Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has agreed to the conditions by letter dated April 17, 1990.

EXHIBIT "B"

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: April 18, 1990

RE: Request of George and Arlene Trumble (applicant and owner) for a Zoning Map Amendment on a 53.07 acre site located off Hutton Drive, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Agriculture (A-1).

REMARKS:

We, the Committee, based on the statements made and facts gathered at the March 21, 1990 Public Hearing, recommend approval of this Zoning Map Amendment based on the following finding of fact, and subject to the accompanying condition.

Finding of Fact

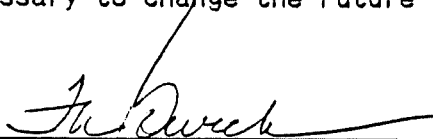
1. The proposed agricultural and residential use of this site is in conformance with the Boone County Comprehensive Plan, which indicates the future land use of this site to be agricultural, woodlands, recreational, and residential. Additionally, the type of agricultural and residential uses proposed, a horse farm and a single mobile home, are uses principally permitted in the Agriculture (A-1) zoning district.

Condition of Approval

The applicant is being asked to include the following condition as part of the submitted application in order to address concerns and clarify questions raised at the March 21, 1990 Public Hearing.

- 1.) The 53.07 acre site shall be limited to the installation and maintenance of one (1) mobile home to be located adjacent to the existing barn as indicated on the submitted application.

The requested zone change does not represent a change from the anticipated land use in the 1986 Boone County Comprehensive Plan, therefore it will not be necessary to change the Future Land Use Map.

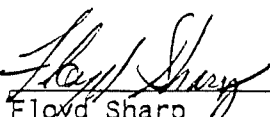
  
 \_\_\_\_\_  
 Fred Burch, Chairman

\_\_\_\_\_  
 Larry Barnett

\_\_\_\_\_  
 R. Jones

  
 \_\_\_\_\_  
 Barry Neltner

  
 \_\_\_\_\_  
 Carol Smith

  
 \_\_\_\_\_  
 Floyd Sharp

FS:kat

MINUTES  
BOONE COUNTY FISCAL COURT  
JUNE 12, 1990  
10:00 A.M.

ORDINANCE 920.204 - TRUMBLE

Commissioner Patrick moved, seconded by Commissioner Davis, to approve on Second Reading Ordinance 920.204, an ordinance of the Boone County Fiscal Court recommending approval for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by George and Arlene Trumble (owner) and such map amendment being a zone change from Agricultural Estate (A-2) to Agriculture (A-1) for a 53 acre parcel generally located off Hutton Drive, Boone County, Kentucky as recommended by the Boone County Planning Commission via Resolution R-11-90, incorporating the conditions and agreement as set forth by the Planning Commission and limiting the site to one mobile home. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. Exhibit "B")

ORDINANCE 920.201 - ZIMMERMAN

Commissioner Meihaus moved, seconded by Commissioner Patrick to approve on Second Reading Ordinance 920.201, an ordinance of the Boone County Fiscal Court recommending approval for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by Nick Zimmerman (applicant) for investors ten (owner) and such map amendment being a zone change from Rural Suburban (RS) and Agricultural Estate (A-2) to suburban residential one (SR-1) & Rural Suburban (RS) for a 161.4 acre parcel generally located west of Triple Crown Country Club Subdivision, south of Frogtown Road and north of Richwood Road, Boone County, Kentucky as recommended by the Planning Commission via Resolution R-15-90 on a unanimous vote.

Commissioner Davis stated that he had some questions for the applicant and was advised the applicant was not present.

Commissioner Davis then moved, seconded by Commissioner Patrick to table the motion on this ordinance until the June 19th meeting and asked staff to advise the applicant of same. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

ORDINANCE 920.202 - FUTURE LAND USE MAP

Mr. Kimmich stated that Ordinance 920.202 was in conjunction with Ordinance 920.201 and advised that it should be deferred to the meeting of June 19th as well.

ORDINANCE 920.203 - SCHWEITZER

Commissioner Meihaus stated that she had some comments prior to making a motion. She said that north, south and east of the property is all residential and the people living there are elderly and have lived there most of their life. Commissioner Meihaus stated there was no visible opposition to the proposed development because the neighboring residents are elderly and said she did not think that they understood the legal process.

Commissioner Meihaus stated that mobile home parks should not reach any farther north on U.S. 25 as she thought the area was over saturated at this point. She said there is an additional sixty acres that is still left between Mosbey's Point and White Pine Village and if there were going to be any new mobile home parks, they should be situated within this area.

Commissioner Meihaus moved, seconded by Commissioner Patrick, now to allow the zone change as requested via Ordinance 920.203, for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by Roy B. Schweitzer (owner) and such map amendment being a zone change from Suburban Residential One (SR-1) to Mobile Home Park (MHP) for a 14.8 acre parcel generally located on the west side of U.S. 25 near Maher