

ZONING MAP AMENDMENT REQUEST BY GARY AND JENNIFER  
HOCK (OWNERS) TO REZONE PROPERTY LOCATED AT  
8133 PLEASANT VALLEY ROAD, BOONE COUNTY, KENTUCKY.

This request is for a Zoning Map Amendment for a 4.16 acre parcel, presently zoned Rural suburban (RS) and requested to be rezoned Agricultural Estate (A-2). The subject parcel is located on the south side of Pleasant Valley Road, approximately 4,500 feet northwest of U.S. Hwy. 42. The present use of the site is a single-family residence; the zone change is being requested to permit horticultural practices and services on the site.

SURROUNDING LAND USES AND ZONING

Northeast of the subject site are three single-family residences in the RS zone. The majority of the land surrounding these homes is part of the Rehkamp farm. Southeast of the site, in an Agricultural Estate (A-2) zone, are two single-family residences, one fronting on Pleasant Valley Road and one off Skyview Drive in the Pleasant Valley Acres Subdivision. West of the site, in an RS zone, is a barn and single-family residence. Approximately 1,000 feet west of the subject site is the Spring Garden Estates Subdivision, which is presently under development.

EXISTING FEATURES AND USE OF THE SITE

The present use of the 4.16 acre site is a single-family residence. There is a detached garage and a greenhouse associated with the residential use.

The site generally slopes toward a small pond near the southwest corner of the site. Soils on the site are Rossmoyne silt loam (0-12% slopes) and Faywood silty clay loam (12-20% slope). The soils on the site present slight to moderate limitations for lawns and landscaping. Vegetation consists of ornamental trees and shrubs in the vicinity of the residence. The majority of the site has a cover of mowed grass.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The proposed zone change must be examined in regard to its relationship 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 (map sheet C-4).

1986 Land Use Element

"This section of the county will receive primarily residential development with commercial development in the eastern portions." (p. L-14)

"Development of both Pleasant Valley Road and Hopeful Road should be residential subdivisions which utilize the roads as collectors not the principal road for development." (p. L-14)

### 1986 Goals and Objectives

"In implementing the land use plan, those areas of the county proposed for residential use shall be protected from incompatible land uses." (Housing, p. G-2)

"Progression of intensities shall be encouraged. Where traditional progressions of high density to low density development cannot be followed, adequate buffering must accompany high density usage." (Housing, p. G-2)

"Identify and encourage preservation of agricultural lands and a wide range of agricultural uses within appropriate districts." (Agriculture, p. G-3)

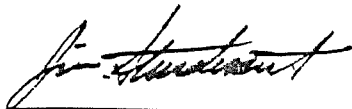
### SPECIAL CONSIDERATIONS

The applicant has indicated that the reason for requesting the zone change is to permit a small scale nursery operation in association with a landscaping business. The A-2 zone provides for the following as a principally permitted use: "Horticultural, floricultural, vivicultural, (sic) and other agricultural related uses and services." (p. 6-1, 1986 Boone County Zoning Regulations) In addition, the A-2 zone provides for "Garden store, nursery and similar landscape sales of products produced on the premises;" (p. 6-4). The RS zone, while it provides for "Agricultural farming, dairying, and stock raising;" as a principal use, does not provide for the horticultural practices for which the applicant desires to utilize the site.

In evaluating this request, the Commission should carefully evaluate the intensity of use, number of employees, the type and quantity of equipment and vehicles which will occupy the site on a daily basis. The number and size of additional buildings (such as equipment garages and greenhouses) which may be constructed on the site should also be considered.

### CONCLUSION

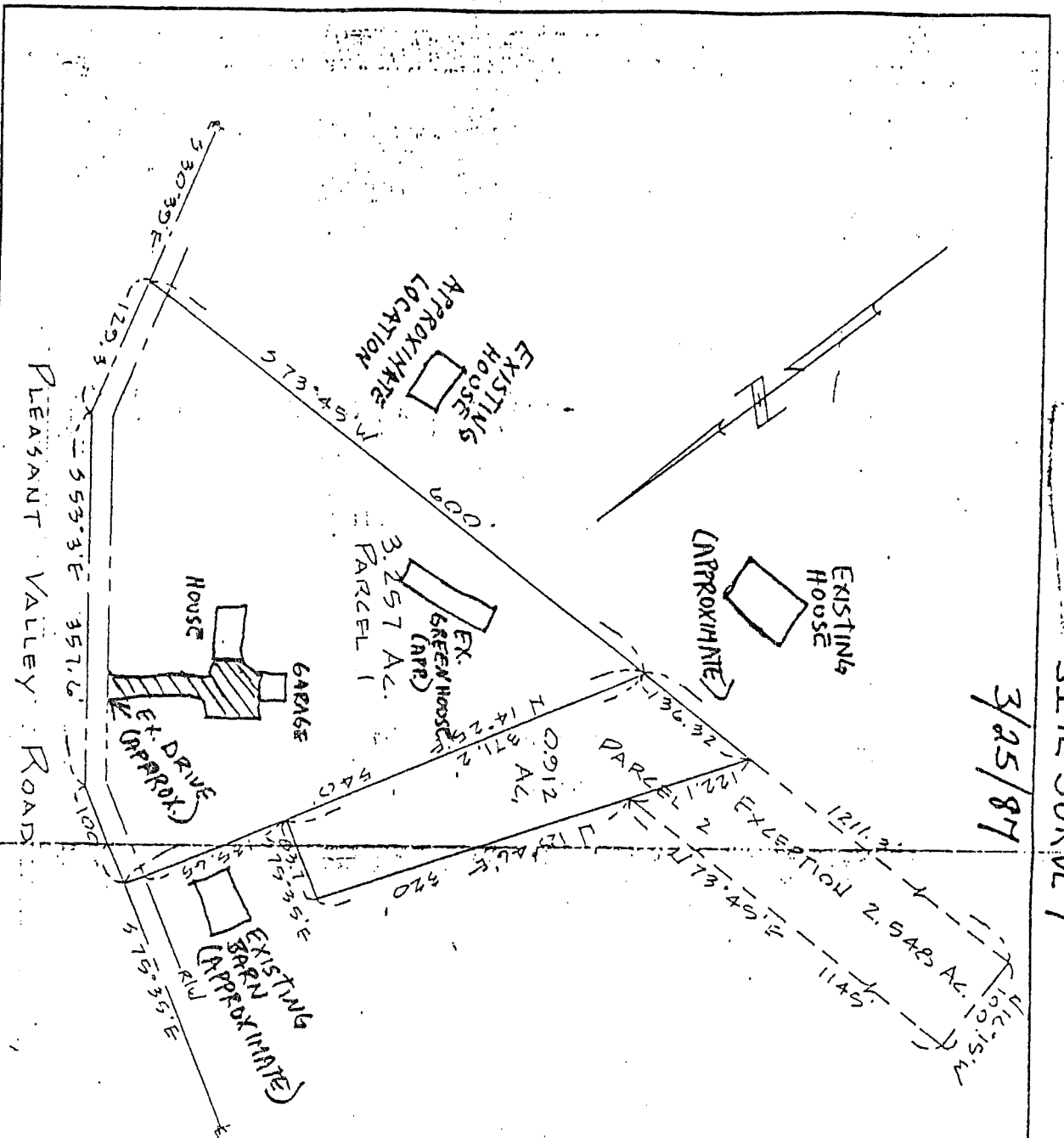
This zone change request must be reviewed in terms of its relationship to the 1986 Boone County Comprehensive Plan. If the Planning Commission and Boone County Fiscal Court approve this request, the 1986 Future Land Use Map would not need to be amended.



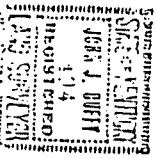
Jim Sturdevant,  
Plans Examiner/Planner

GARY HOCK  
SITE SURVEY

3/25/87



PLAT OF LAND  
BOONE COUNTY, KENTUCKY



JOHN J. DUFFEY & ASSOCIATES		
ENGINEERS - SURVEYORS		
CINCINNATI, OHIO		
SCALE: 1"=60'	DRAWN: MLP	CHECKED: JJD
DATE: 2-10-87	JOB NO: 23-A-19	

"EXHIBIT A"

PARCEL ONE: Lying and being in Boone County, Kentucky: On the southwest side of the Pleasant Valley Road and described more particularly thus: Beginning at a point in the center of said road at the intersection of the south line of the tract of 68 acres, 1 rod and 32 poles of the C.F. Blankenkemper farm; thence along said south line S. 73° 45' W 600 feet to a point a corner with the 37.30 acre tract of this partition; thence with a line of said tract and passing East of a barn N. 14° 25' E 540 feet to a point in the center of the Pleasant Valley Road; thence along the center of said road with the tangents of the curves therein S. 75. 35' E. 100 feet, S. 53° 3' E. 357.6 feet, S. 30° 39' E. 129.3 feet to the place of beginning, containing 3.257 acres.

PARCEL TWO: Located and situated in Boone County, Kentucky, and lying on the south side of Pleasant Valley Road, approximately 1-1/2 miles from U.S. 42, being part of the 37.30 acres owned by Robert M. Rott and bounded and described as follows: BEGINNING at a stake in the line of Virgil Murrell, the stake being S. 14° 25' W. 135.65, along the line of Murrell and Rott, from the right of way of Pleasant Valley Road, thence along Murrell's S. 14° 25' W. 371.2' to a stake in the line of Espy Bailey, thence along Bailey's line S. 73° 45' W. 1211.3' to a stake; thence N. 16° 15' W. 100.0' to a stake, thence N. 73° 45' E. 1145.00'; N. 18° 46' E. 320.0' and S. 75° 35' E. 83.7' to the point of beginning containing 3.46 acres.

EXCEPTING THEREFROM the following part of Parcel #2 conveyed to Robert M. Rott and Mazella H. Rott, husband and wife, by deed dated December 16, 1975, recorded in Deed Book 215, page 644; Lying and being in Boone County, Kentucky, on the Southwest side of the Pleasant Valley Road, Group No. 2038 and described more particularly thus: BEGINNING at a point in the common line between the properties of Schneider and Kahmann

and the Grantor herein, S. 73-45 W. 136.32 feet along said line from the most Southwesterly corner of a parcel of 3.257 acres conveyed to said Donald C. Knapmeyer and wife as Parcel #1 in Deed Book 202, page 657; thence continuing along said common line, S. 73-45 W. 1075 feet or sufficient to reach a corner of the parent tract of which this is a part; thence continuing with lines thereof, N. 16-15 W. 100 feet, N. 73-45 E. 1145 feet to a point and corner of the parent tract; thence on a line partitioning the parent tract, S. 18-46 W. 122.1 feet to the place of beginning CONTAINING 2.548 acres and subject to the legal easements of record and in existence.

Being the same property conveyed to the Grantors herein by deed dated 10-23-79, recorded in Deed Book ~~300~~ 268, page ~~269~~ 300, Boone County Clerk's records at Burlington, Kentucky.

Mr. Paul Kroger, Chairman, opened the Public Hearing for the last item on the agenda:

7. Applicant: Gary and Jennifer Hock (owners).  
Request: Zoning Map Amendment

This was a Public Hearing on an application submitted by Gary and Jennifer Hock. It is a request for a Zoning Map Amendment changing a 4.16-acre site located at 8133 Pleasant Valley Road in Boone County, Kentucky, from Rural Suburban (RS) to Agricultural Estate (A-2).

Staff member, Jim Sturdevant, stated that the site is currently used for a single-family residence. The Zoning Map Amendment is being requested to permit a small scale nursery operation in association with a landscaping business. A detached garage and a greenhouse are associated with the residential use. Mr. Sturdevant indicated the locations of existing buildings and noted access on Pleasant Valley Road as shown in the Site Plan.

At this time, the Chairman asked the applicant for his comments.

Mr. Gary Hock stated that he has lived at the site for four years. He operates a landscaping maintenance service. According to the present zoning classification, he is permitted only one employee. Mr. Hock wishes to expand his business to include a maximum of five employees. In the future, he intends to purchase another site for the purpose of growing plant material. Since this is his personal residence, he does not wish to operate a garden store at the site or to erect signs. Mr. Hock stated that he has discussed his intentions with his neighbors and they do not object.

The Chairman asked if there was anyone present who wished to speak in favor of the application.

Mr. David Hils stated that he has known the applicant for many years and that his intentions are as stated.

The Chairman then asked if there was anyone present in opposition to the request, or if there were any comments or questions. There was no response.

The Chairman stated that a letter in opposition to the request had been received from Mrs. Diane M. Bressler. Mrs. Bressler and her husband live directly across the street from the site. The Chairman read the letter indicating the Bresslers' opposition to the request. Mrs. Bressler stated that the applicant has a large greenhouse on his property and large trucks create a dangerous situation when entering and exiting the site. Mrs. Bressler's letter was filed for the record.

Mr. Hock responded to the letter from Mrs. Bressler and stated that he had recently spoken to her regarding this application. He indicated that at the time her letter was written, she was not aware of his intentions. Mr. Hock stated that Mrs. Bressler was not opposed to the application at this time.

Mr. David Hill commented that Mrs. Bressler does not live directly across from the site and added that the applicant would be willing to plant large evergreen trees to screen his property.

The Chairman stated that he is familiar with the Bresslers' property and noted that the barn would be located directly across the street from their property.

Mr. Hill provided the Chairman with a new map of the site indicating the location of the storage barn to be in the center of the property, directly behind the existing residence. Mr. Sturdevant advised the Chairman that the new map does not affect the request.

The Chairman noted that Mrs. Bressler's letter in opposition to the request is on file. He suggested to the applicant that he ask Mrs. Bressler to write an additional letter indicating that she does not object to the request.

The Chairman asked if there were any further comments or questions.

Staff member, Jim Sturdevant, noted the 1986 Boone County Comprehensive Plan considerations for the area. He indicated the principally permitted uses in the A-2 Zone include agricultural related uses and services. Conditional Uses in the A-2 Zone include garden stores, nurseries, and similar landscape sales of products produced on the premises.

The Chairman stated that action will be taken on this request at the Boone County Planning Commission meeting on April 1, 1987 at 8 P.M..

There being no further comments or questions, the Chairman closed this Public Hearing.

8. Zoning Map Amendment

A request of Gary and Jennifer Hock (owners) for a Zoning Map Amendment from Rural Suburban (RS) to Agricultural Estate (A-2) for a 4.1-acre site located at 8133 Pleasant Valley Road in Boone County, Kentucky. The intended use is to allow horticultural practices.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the findings of fact and subject to conditions (see Committee Report).

The Chairman asked if the applicant wished to comment on the Committee Report.

Mr. Gary Hock read a letter he had written to the Commission indicating his intentions regarding the use of the property, should the zone change be granted. Mr. Hock added that Mrs. Bressler had written another letter to the Commission.

The Chairman read the letter received from Mrs. Bressler indicating that she had reversed her position in regard to the proposed zone change and was no longer in opposition to the change. Copies of Mrs. Bressler's letters and a copy of Mr. Hock's letter were submitted for the record.

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

Mr. McMillian referred to Mr. Hock's letter and noted that he had indicated the growing of plants and ornamental trees on the subject property. Mr. McMillian noted that the applicant had previously indicated that he would not grow plant materials at the site.

Mr. Hock stated that no more than one-quarter acre of land would be used to grow a small amount of plants and trees that are not available at retail outlets. The growing area would be screened.

The Chairman asked Mr. Hock if he was agreeable to the conditions indicated in the Committee Report. Mr. Hock stated that he was agreeable to the conditions indicated.

Mr. Barnett moved, seconded by Mr. McMillian that the request for a Zoning Map Amendment as indicated above be approved based on the Committee Report and comments made by the applicant, and by resolution to the appropriate fiscal body.

The Chairman asked for a roll call vote on the motion which found Mr. Barnett, Mr. Collins, Mr. Davis, Mr. DeLong, Mr. Hemmer, Chairman Kroger, Mr. McMillian and Mr. Neltner in favor. Mr. Greene and Mr. Jones were opposed. The motion carried by a vote of 8 to 2.

The Chairman advised the applicant that this action was only a recommendation to the Fiscal Court and he should follow-up with the Court.

*Also:  
Conditions  
of Hock letter  
dated 4-1-87*

TO: Boone County Planning Commission

FROM: Donald Davis, Chairman

DATE: April 1, 1987

RE: Request of Gary and Jennifer Hock (owners) for a Zoning Map Amendment from Rural Suburban (RS) to Agricultural Estate (A-2) for a 4.1 acre site. The site is located at 8133 Pleasant Valley Road, Boone County, Kentucky. The intended use is to allow horticultural practices.

REMARKS:

We, the Committee, recommend approval of the above Zoning Map Amendment request based upon the following findings of fact and with the following conditions:

Findings of Fact

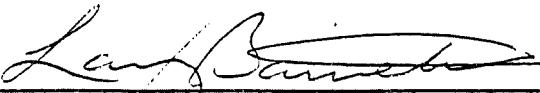
1. The requested Zoning Map Amendment is in conformance with the 1986 Boone County Comprehensive Plan, Future Land Use Map, which indicates a future land use of Low Density residential for the subject site.
2. The proposed use of horticultural uses and services is similar to and compatible with existing agricultural uses in the vicinity of the subject site, and if limited in scale, the proposed use is not inherently incompatible with existing residential uses adjacent to the site.

Conditions

1. That the Applicant agree to limit use of the site to its present use of single-family residential and the proposed use of a landscape maintenance service as presented at the March 25, 1987, Public Hearing.
2. That the Applicant agree to contain all storage and parking of business and employee vehicles within the proposed 2,000 square foot barn to be located behind the existing residence.

  
 \_\_\_\_\_  
 Donald Davis, Chairman

\_\_\_\_\_  
 Melvin Delong

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

\_\_\_\_\_  
 Rector Jones

\_\_\_\_\_  
 Fred Burch

  
 \_\_\_\_\_  
 William Viox

April 1, 1987

Paul Kroger, Chairman  
Boone County Planning & Zoning  
Boone County Administration Bldg.  
Burlington, Kentucky 41005

ATTN: James Sturdevant

Dear Mr. Sturdevant:

The purpose of this letter is to assure all concerned that my proposed zone change and zoning map amendment shall be with the understanding as follows:


1. My property shall be used for the growing of horticultural and floricultural plants and ornamental trees for my off-premise landscaping service.
2. An out building will be constructed for the storage and protection from the weather elements of my tools and equipment.
3. There will be no outside storage of landscaping equipment or tools.
4. There will be NO RETAIL SALES from my property such as a garden store, nursery or similar landscape sales.

I also wish to assure the Commission that I am a small sole proprietor and that my intentions are honorable as this is my home which I am very proud of. The trees and flowers can only add to the aesthetics of the area.

I hope the foregoing will assist you in your review of my request.

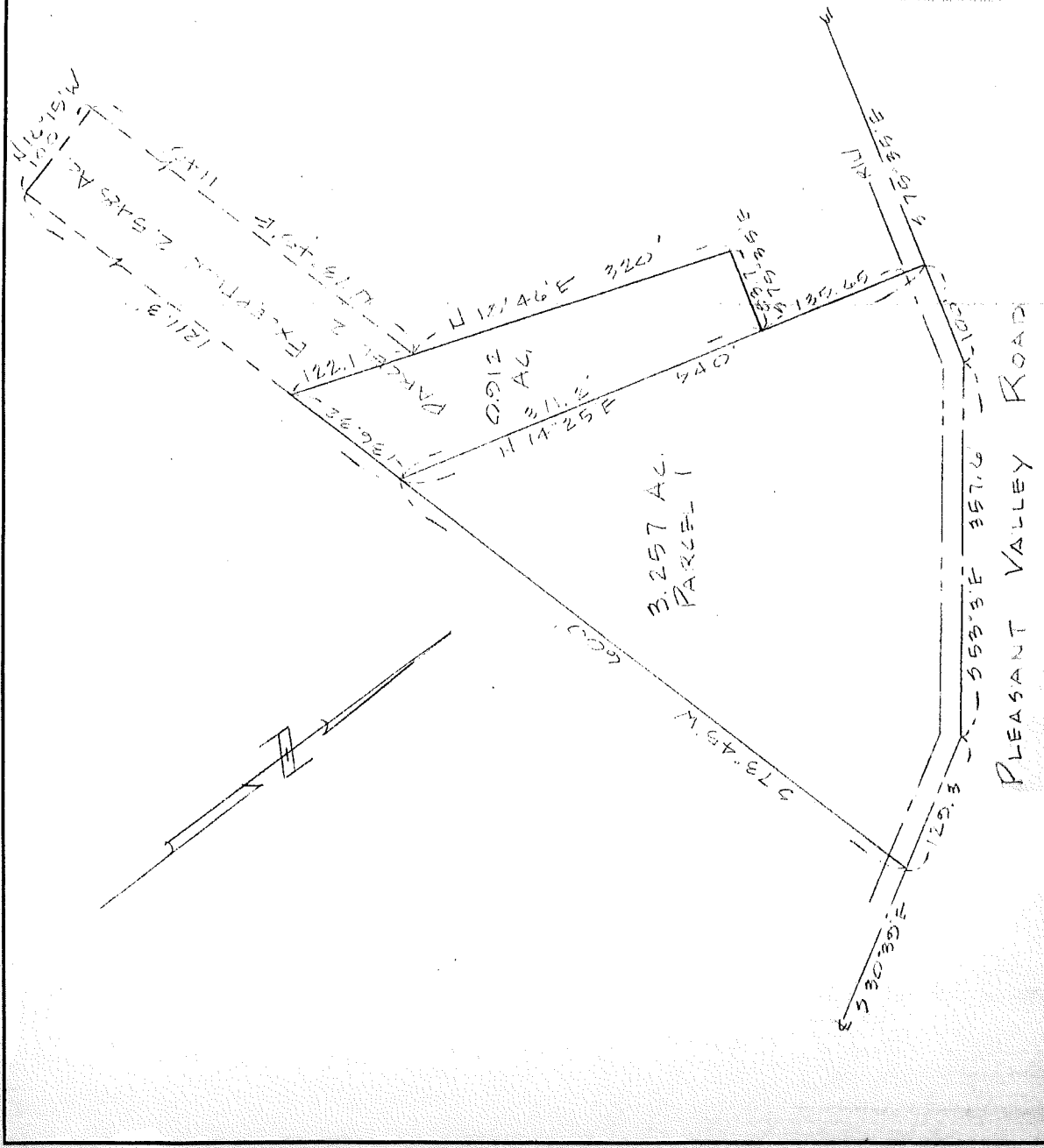
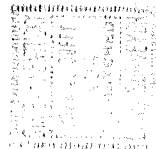
Thank you for your time and consideration.

Sincerely,

  
Gary A. Hock, Property Owner

PLAT OF LAND  
BOONE COUNTY, KENTUCKY

JOHN J. DUFFY & ASSOCIATES ENGINEERS - SURVEYORS CINCINNATI, OHIO		CHECKED: J.J.D.
SCALE: 1"=100'	DRAWN: M.L.P.	
DATE: 2-10-57	JOB NO: 83-419	



R-16-87

ORDINANCE 920.114

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, FOR A ZONE CHANGE FROM RURAL SUBURBAN (RS) TO AGRICULTURAL ESTATE (A-2) FOR PROPERTY LOCATED AT 8133 PLEASANT VALLEY ROAD, BOONE COUNTY, KENTUCKY AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. (R-16-87).

WHEREAS, the Boone County Planning Commission received a request for approval and adoption for a map amendment for a zone change from Rural Suburban (RS) to Agricultural Estate (A-2) for property located at 8133 Pleasant Valley Road, Boone County, Kentucky which is more particularly described below, and

WHEREAS, the Boone County Planning Commission has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval of the zone change request.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval and adoption this map amendment being a zone change from Rural Suburban (RS) to Agrucultural Estate (A-2) for property located at 8133 Pleasant Valley Road, Boone County, Kentucky. The real estate which is the subject of this zone change recommendation is more particularly described in attached "Exhibit A."

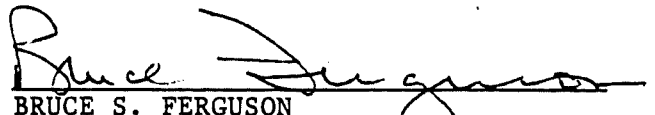
SECTION II

That as a basis for the recommendation approval of the zone change request is the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this change request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit B."

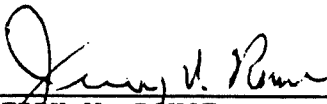
THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the 5<sup>th</sup> day of May, 1987.

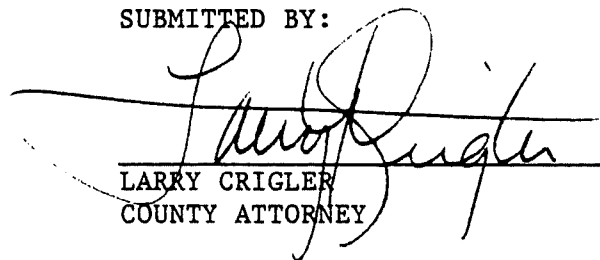
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 26<sup>th</sup> day of May, 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone county Fiscal Court Clerk and declared to be in full force and effect.

  
BRUCE S. FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

  
JERRY W. ROUSE  
BOONE COUNTY CLERK

SUBMITTED BY:

  
LARRY CRIGLER  
COUNTY ATTORNEY

07/02/87  
DATE PUBLISHED