

APPLICATION FORM

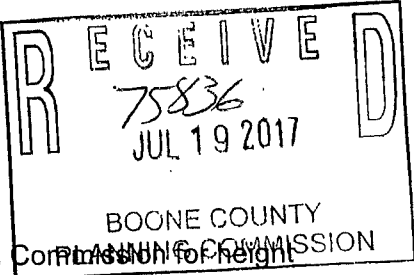
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Gunpowder trails subdivision
2. Location of Project Mc Guire Ln Union Ky
3. Total Acreage of Site 17
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single Family Residence
7. Names of Applicant(s) Steve Berlin
8. Address of Applicant(s) 1671 Park Rd Suite one Ft Wright Ky 41011
9. Name of Property Owner(s) Dave Kroth
10. Address of Property Owner(s) 2759 KDK Ln Union Ky 41091
11. Proposed Building Intensities (please specify) 3.3 units per acre
12. Are there any existing buildings on the site? NO
13. Deed Book 182 Page No. 298 Group No. 2038-A
14. Are you also applying for: Conditional Use Permit Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence Public Services Dept.
Duke Energy
Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



# EXHIBIT

“A”

STAFF REPORT

Request of **Steve Berling (applicant)** for **Dave Kroth (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 17 acre site located at the terminus of McGuire Lane and to the east of the properties at 6713, 6717, 6721, 6725, 6729, 6733, 6737, 6741, 6745, 6749, 6753, 6757, and 6761 Gordon Boulevard and 600 McGuire Lane, to the south of the properties at 605 and 609 McGuire Lane and 623, 627, 631, 635, 639, 643, and 647 Makayla Court, and to the south and east of the property at 601 McGuire Lane, Boone County, Kentucky. The request is for a zone change to allow the expansion of an existing subdivision for detached single family residences (Gunpowder Trails).

September 6, 2017

REQUEST

The Applicant's submitted Concept Development Plan proposes 52 lots on 17 acres (3.05 dwelling units per acre). McGuire Lane, within the Gunpowder Trails Subdivision, is shown extending to the property line with the remaining Kroth property (approximately 84.24 acres) and a short cul-de-sac off Gordon Blvd., Devin Court, within the Hawk's Landing Subdivision (formerly Gunpowder Trails Phase V). The Suburban Residential One (SR-1) setbacks are 30' front, 30' rear and 5' minimum - 15' total on the sides with 65' of road frontage on a minimum 8,000 square foot lot. The site has both overhead and underground utility easements. All utilities are available and will be extended to the adjoining property.

SITE HISTORY

Public Hearings for the Gunpowder Trails Subdivision and their statistics are listed below:

2001	80 acres	193 lots
2004	51.2 acres	154 lots
2006	53.6 acres	140 lots
2006	11 acres	33 lots

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: Hawk's Landing Subdivision (formerly Gunpowder Trails Phase V) zoned Suburban Residential One with an approved Concept Development Plan (SR-1/CD).
- East: Single-Family Residences along KDK Lane zoned Agricultural Estate (A-2)
- West: Single-Family Residences in the Gunpowder Trails Subdivision zoned Suburban Residential One with an approved Concept Development Plan (SR-1/CD).

### RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Suburban Residential (SR). This classification is defined in the adopted Comprehensive Plan as:

SR "Single family housing of up to four units per acre. This classification does not preclude low density or estate residential development as a formal subdivision."

The Land Use Element text within the 2010 Boone County Comprehensive Plan makes the following general statement:

"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," pp. 161 and 162).
- 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. Connections between and within commercial and industrial developments allow for more efficient provision of transit service ("Access Management," pg. 163).

- 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," pp. 163 and 164).

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. 79).
- B. 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 will remain strong throughout the 25 year Comprehensive Plan planning horizon with some attached housing designed into larger planned developments. However, Boone County should remain open to potential changes in the market and design of housing in the coming years as the demographics and economics of the county change. Increased density does not necessarily negatively impact the quality of a community or nearby home values. Neotraditional, true mixing of unit types, connection to green space, and similar concepts of neighborhood design have been considered by the development industry in Boone County. 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. 86).

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 shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design 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," Objective 2).
- E. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Objective 9).
- F. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- G. 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).
- H. 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).
- I. 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).

- J. 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 12).
- K. 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 13).
- L. 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).
- M. 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).
- N. 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).

### STAFF CONCERNS

1. Staff would like to know when the Gordon Boulevard road connection into Hawks Landing and out to Longbranch Road will be made and open to the public.
2. Staff would like to know how much of the existing vegetation will be retained.

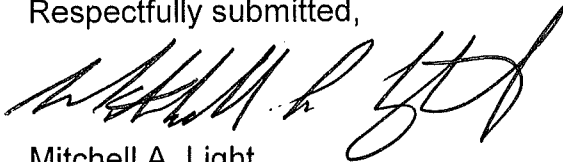
### CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or,

3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

Respectfully submitted,

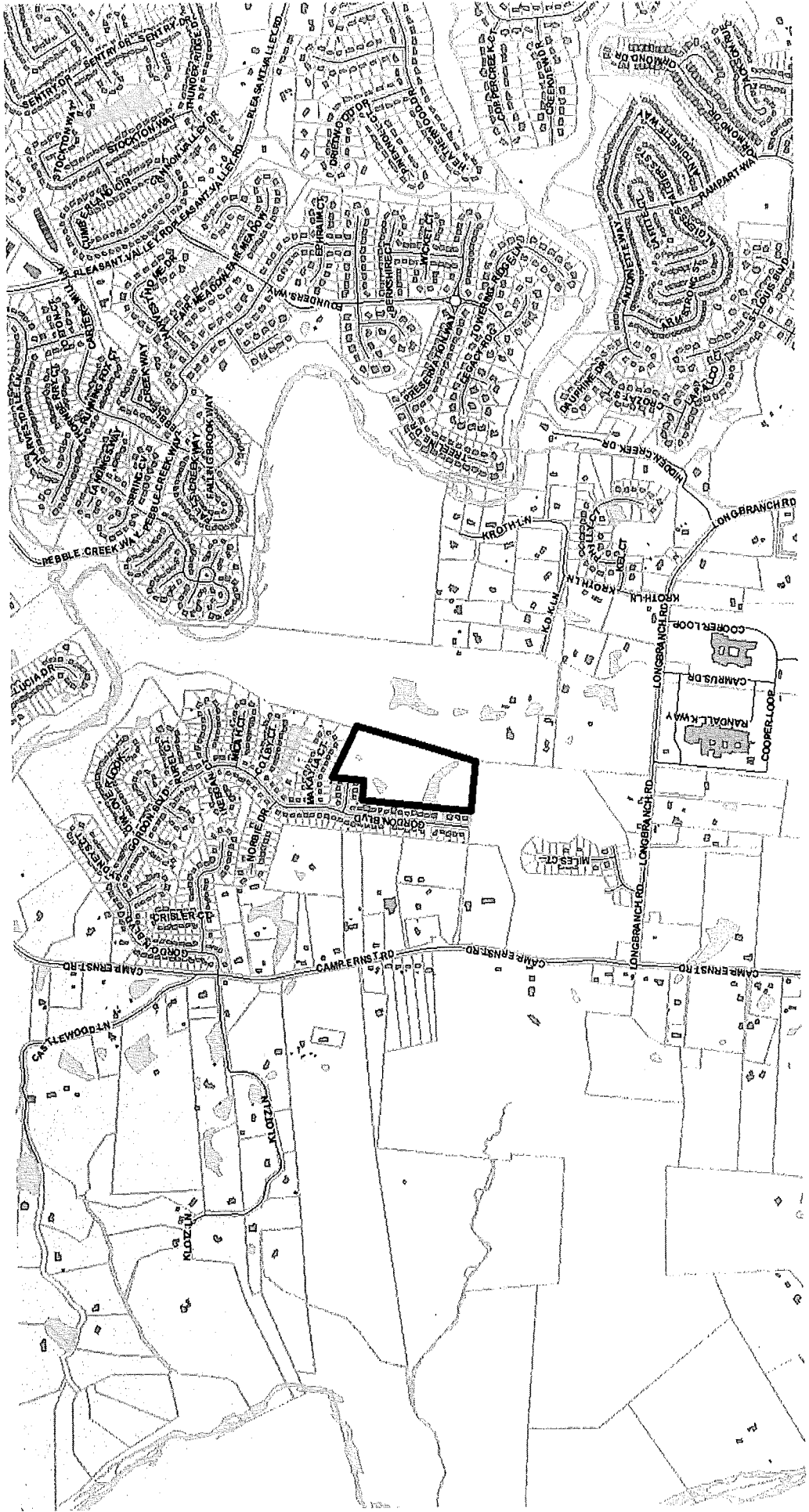


Mitchell A. Light  
Asst. Zoning Administrator/Enforcement Officer

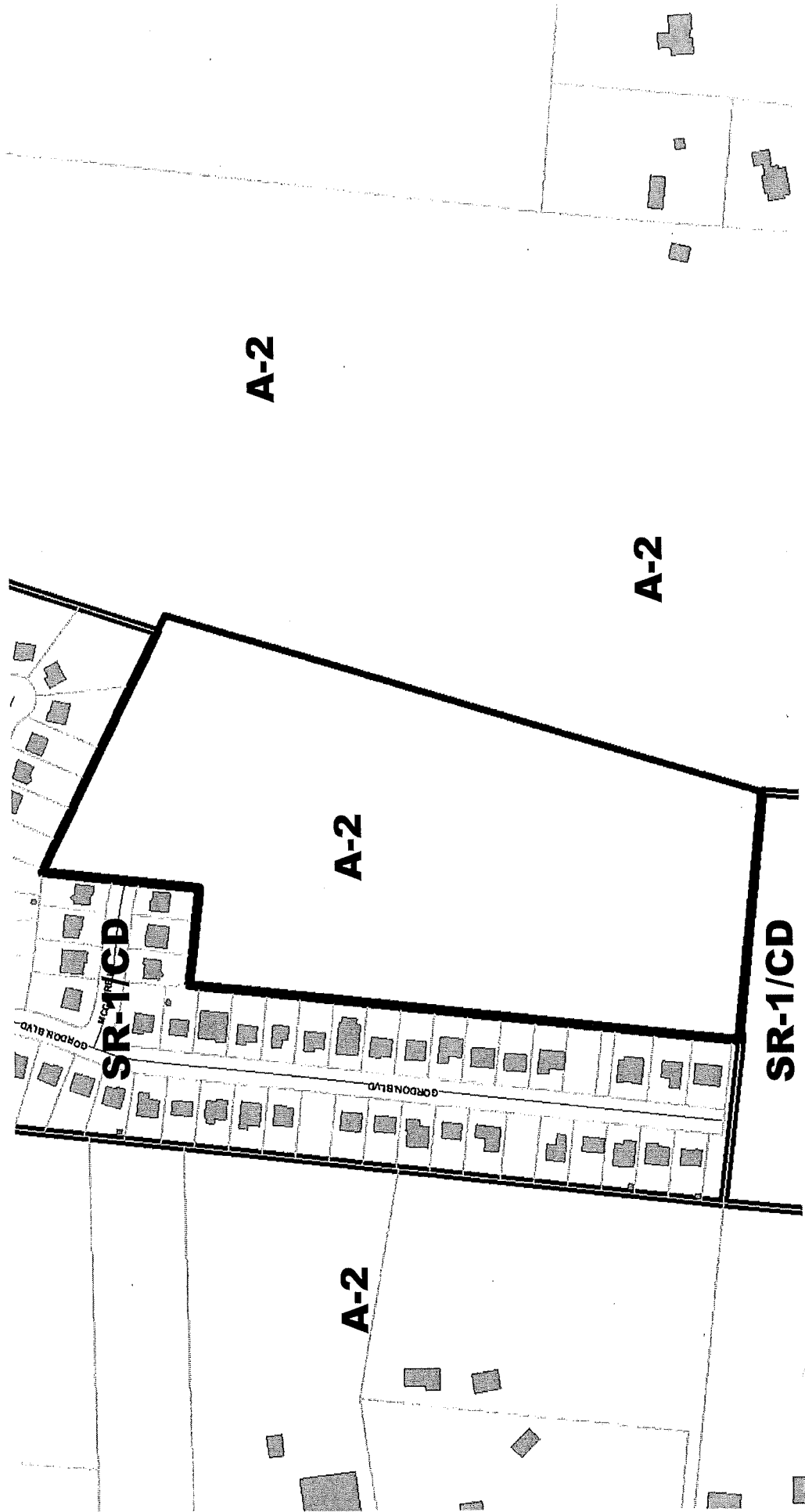
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Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography
- 2017 Concept Development Plan
- 2004 & 2006 Conditions of Approval
- Union Fire Comments
- Boone County Engineer Comments
- Boone County School Comments
- SD1 Comments
- Application



**VICINITY MAP**



A-2

A-2

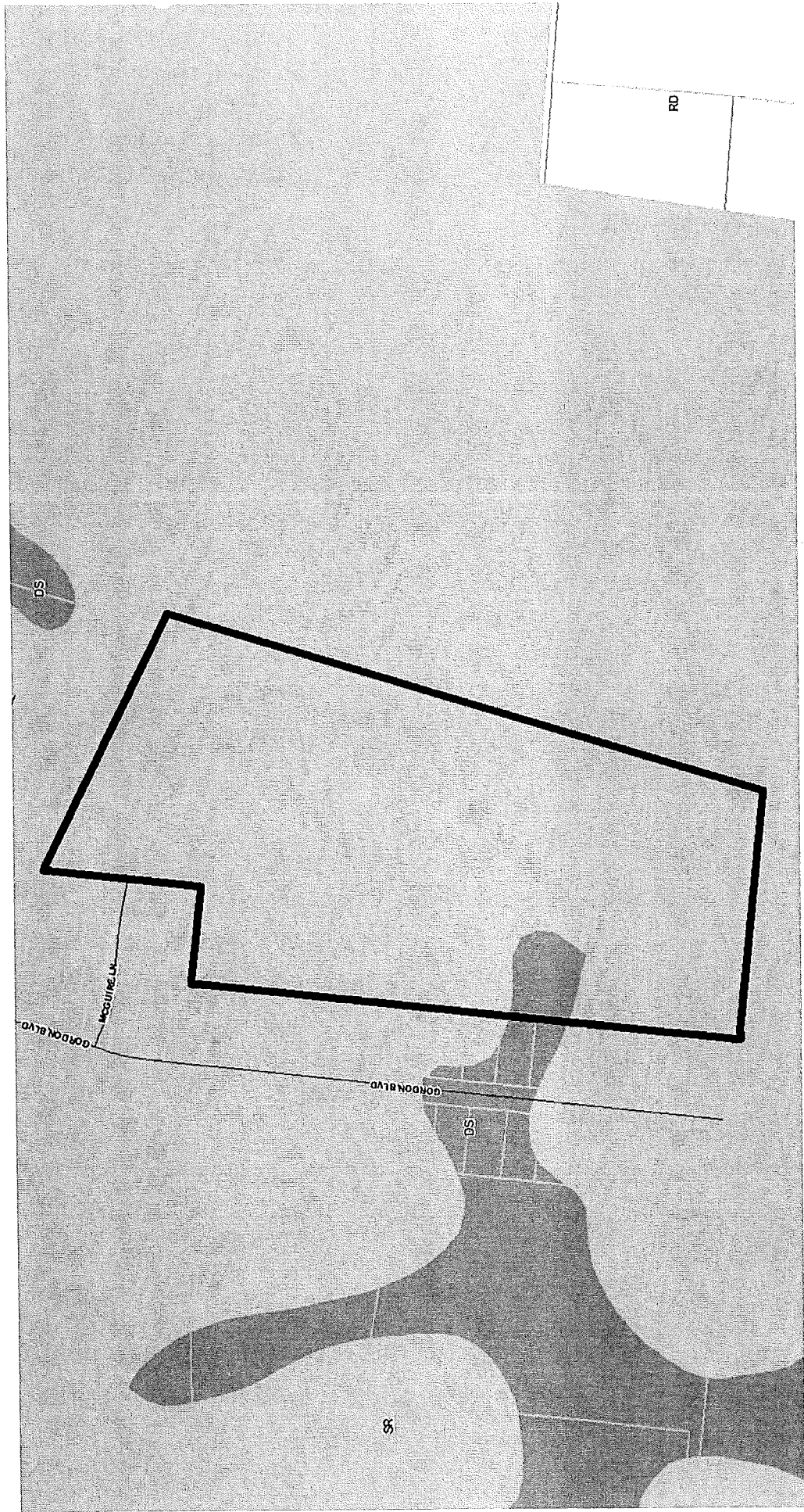
A-2

SR-1/CD

SR-1/CD

A-2

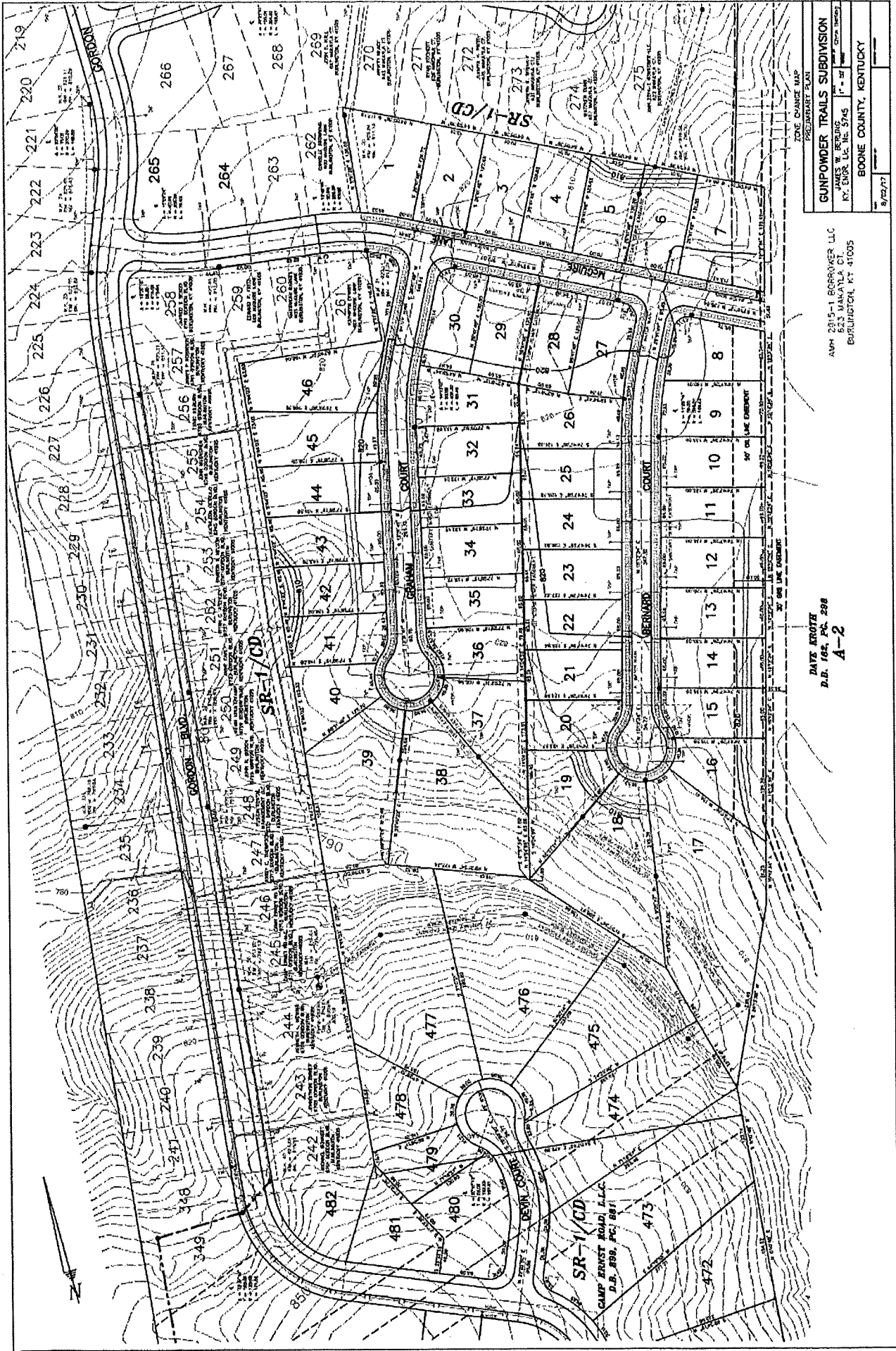
ZONING MAP



**FUTURE LAND USE MAP**



**EXISTING TOPOGRAPHY**



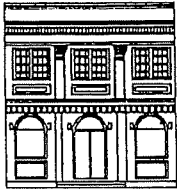
ZONE CHANGE MAP  
 PRELIMINARY PLAN  
**GUNPOWDER TRAILS SUBDIVISION**  
 JAMES W. BERGUS  
 KY. ENGR. LIC. NO. 5745  
 BOONE COUNTY, KENTUCKY  
 9/22/21

APR 2015-1 BORROWER LLC  
 523 MANAYLA CT.  
 GORRINGTON, KY 41005

DAVE KRÖTTE  
 P.R. 162, P.C. 288  
 A-2

# 2017 CONCEPT DEVELOPMENT PLAN

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

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.

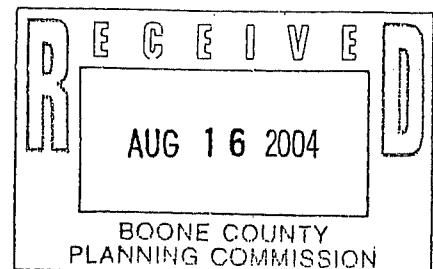
## Conditions

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

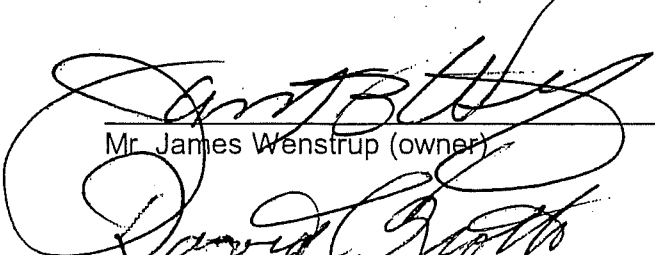
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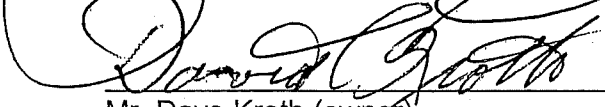


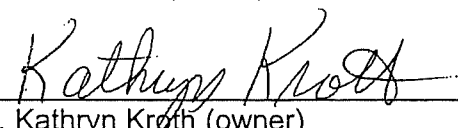
Mr. James W. Berling  
August 6, 2004  
Page 2

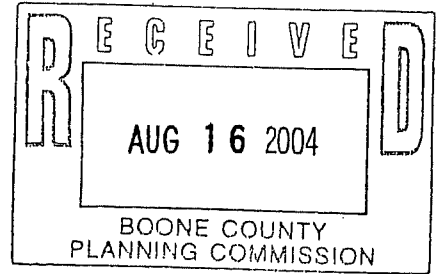
Agreement

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.

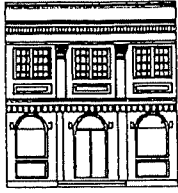
 8/13/04  
Mr. James Wenstrup (owner) (date)

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

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



# 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

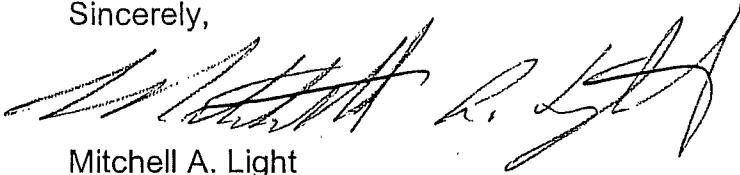
Phase 3 - January 1, 2009

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,



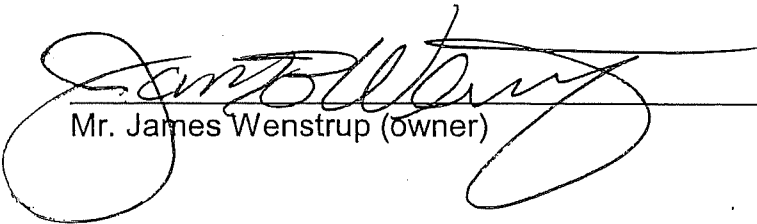
Mitchell A. Light  
Asst. Zoning Administrator/Enf. Officer

MAL\pr

Attachment

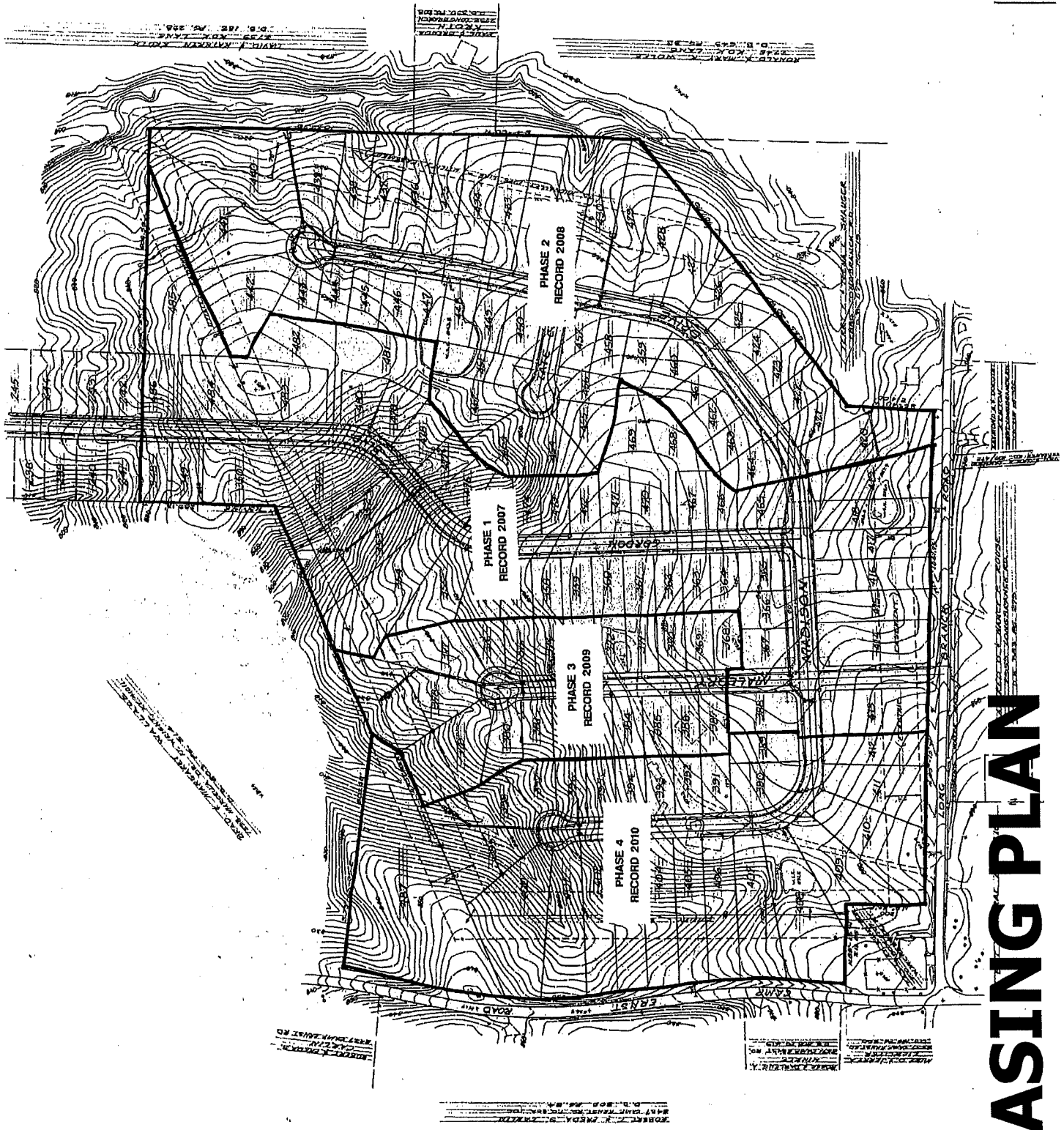
Agreement

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)



# PHASING PLAN

## Mitch Light

---

**From:** Morgan, Michael <m.morgan@unionky911.org>  
**Sent:** Tuesday, August 08, 2017 1:16 PM  
**To:** Mitch Light  
**Subject:** Gunpowder Trails

Mitch,

I have reviewed the zoning map amendment request submitted by Steve Berling regarding the 17 acre site at the terminus of McGuire Lane. At this time, we have no issues with the request.

Thank you,

*Michael Morgan, Fire Chief*  
Union Fire Protection District  
9611 U.S. Hwy. 42  
Union, KY 41091  
859.384.3342 Ext. 102 Office  
859.620.0675 Cell

## Mitch Light

---

**From:** Scott Pennington  
**Sent:** Monday, August 14, 2017 3:39 PM  
**To:** Mitch Light  
**Cc:** Kevin Wall  
**Subject:** Zoning Map Amendment - Berling/Kroth - Gunpowder Trails

Mitch,

No comments on the zoning map amendment request for Gunpowder Trails other than:

Gunpowder Trails is on the southern tip of SD1's storm water service area and this new piece will fall outside that area. If the zoning map amendment is approved, I'm assuming KDOW/SD1 will eventually include this neighborhood expansion in their storm water area as they have the earlier expansions of Gunpowder Trails. Just a note for the record.....

Thank you.

Scott D. Pennington, P.E.  
County Engineer/Director of Public Works  
Boone County Public Works  
[spennington@boonecountyky.org](mailto:spennington@boonecountyky.org)  
(O) 859-334-3600

## Mitch Light

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**From:** Ford, Mike <mike.ford@boone.kyschools.us>  
**Sent:** Friday, September 01, 2017 3:31 PM  
**To:** Mitch Light  
**Cc:** Poe, Randy - Superintendent  
**Subject:** RE: Gunpowder Trails ZMA

**Importance:** High

Mitch,  
First thank you for forwarding to me this Zoning Map Amendment request. I have taken the time today to review the application, and on behalf of Boone County Schools and Dr. Poe, I want to go on record saying the following:

- Boone County Schools would want to see the developer complete the road from this proposed community through the community that lies adjacent to this community so that the school district would be able to transport students in this area more efficiently and effectively. This road that would connect the two communities would allow a more conducive usage of our capital resources in transportation by providing a fluid transportation pattern through the two adjacent communities.

Again, thank you for forwarding the application to me to review, and thank you for sharing the school district's commentary with the Zone Change Committee.

Mike

*Mike Ford*

Director of Pupil Personnel  
Boone County Schools  
8330 US 42  
Florence, KY 41042  
(office) 859-282-2379  
(cell) 859-393-2812  
[mike.ford@boone.kyschools.us](mailto:mike.ford@boone.kyschools.us)

## Mitch Light

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**From:** Haggard, Greg <ghaggard@sd1.org>  
**Sent:** Thursday, August 24, 2017 1:52 PM  
**To:** Mitch Light  
**Cc:** Aman, Andy; Greg Stacy  
**Subject:** Gunpowder Trail Zoning Map Amendment request

Mitch,

This email is in response to your letter, dated August 3, 2017, regarding a request for a Zoning Map Amendment for a proposed addition to Gunpowder Trails Subdivision. Sanitary sewer is available to serve the additional development. However, sanitary sewer capacity must be reserved prior to Improvement Plan approval by SD1 and KDOW. At this point in time, capacity has not been reserved.

Please let us know if you have any questions.

Best regards,

--

Greg Haggard

Project Coordinator  
Planning and Design Group  
SD1  
ph 859-578-6763  
fax 859-578-6897  
email: [ghaggard@sd1.org](mailto:ghaggard@sd1.org)

I am not the Official Custodian of Public Records at SD1. All requests for public records must be sent to SD1's Official Custodian of Records at: 1045 Eaton Dr. Ft. Wright, KY 41017, Attention: Official Custodian of Records; facsimile at [\(859\) 331-2436](tel:(859)331-2436) or via email to [records@sd1.org](mailto:records@sd1.org). Your request will not be forwarded.

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**Public Records Notice:** I am not the Official Custodian of Public Records at SD1. All requests for public records must be sent to SD1's Official Custodian of Records at: 1045 Eaton Dr. Ft. Wright, KY 41017, Attention: Official Custodian of Records; facsimile at (859) 331-2436 or via email to [records@sd1.org](mailto:records@sd1.org). **Your request will not be forwarded.**

## Mitch Light

---

**From:** Aman, Andy <aaman@sd1.org>  
**Sent:** Monday, August 21, 2017 9:59 AM  
**To:** Mitch Light  
**Cc:** Haggard, Greg  
**Subject:** Steve Berling for Dave Kroth Zoning Map Amendment

Mitch,

SD1, storm water utility comment as follows, the potential residential subdivision would be required to meet the NKY Storm Water Rules and Regulations.

Regards,

--

***Andy Aman***

Environmental Compliance Administrator  
SD1  
1045 Eaton Dr  
Ft. Wright, KY 41017  
859-578-6880  
[aaman@sd1.org](mailto:aaman@sd1.org)  
[www.sd1.org](http://www.sd1.org)

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**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission  
**FROM:** Kim Bunger, Chairman  
**DATE:** October 4, 2017

**RE:** Request of **Steve Berling (applicant)** for **Dave Kroth (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 17 acre site located at the terminus of McGuire Lane and to the east of the properties at 6713, 6717, 6721, 6725, 6729, 6733, 6737, 6741, 6745, 6749, 6753, 6757, and 6761 Gordon Boulevard and 600 McGuire Lane, to the south of the properties at 605 and 609 McGuire Lane and 623, 627, 631, 635, 639, 643, and 647 Makayla Court, and to the south and east of the property at 601 McGuire Lane, Boone County, Kentucky. The request is for a zone change to allow the expansion of an existing subdivision for detached single family residences (Gunpowder Trails).

**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 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site as Suburban Residential which is described as "Single family housing of up to four units per acre. This classification does not preclude low density or estate residential development as a formal subdivision."
2. The Committee has concluded that the request is in agreement with the 2010 Goals and Objectives of the Boone County Comprehensive Plan for the following reasons:  

Overall Objective 4 states 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)."

Housing Objective 12 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."

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan. The Committee has also concluded that the attached condition is 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 agrees to preserve the existing vegetation within five (5) feet of the property line that adjoins the rear yards of the properties fronting McGuire Lane and Gordon Boulevard.
2. The Property owner agrees that the existing storm water retention pond behind 6717, 6721 & 6725 Gordon Boulevard will remain.

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.

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

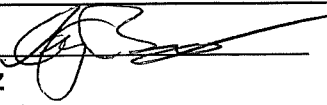
DATE: September 20, 2017

**ZONING MAP AMENDMENT - Kim Bunger, Chairman, Mitch Light, Staff**

1. Request of **Steve Berling (applicant)** for **Dave Kroth (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 17 acre site located at the terminus of McGuire Lane and to the east of the properties at 6713, 6717, 6721, 6725, 6729, 6733, 6737, 6741, 6745, 6749, 6753, 6757, and 6761 Gordon Boulevard and 600 McGuire Lane, to the south of the properties at 605 and 609 McGuire Lane and 623, 627, 631, 635, 639, 643, and 647 Makayla Court, and to the south and east of the property at 601 McGuire Lane, Boone County, Kentucky. The request is for a zone change to allow the expansion of an existing subdivision for detached single family residences (Gunpowder Trails).

REMARKS:

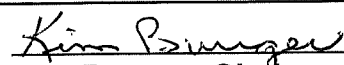
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

  
**Greg Breetz**

For Project  Absent   
Against Project   
Abstain  Deferred

**Steve Turner**

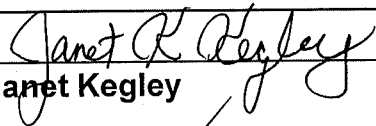
For Project  Absent   
Against Project   
Abstain  Deferred

  
**Kim Bunger, Chairman**

For Project  Absent   
Against Project   
Abstain  Deferred

**Randy Bessler (Alternate)**


For Project  Absent   
Against Project   
Abstain  Deferred

  
**Janet Kegley**

For Project  Absent   
Against Project   
Abstain  Deferred

**Lori Heilman (Alternate)**

For Project  Absent   
Against Project   
Abstain  Deferred

  
**Kim Patton**

For Project  Absent   
Against Project   
Abstain  Deferred

**Mark Hicks (Alternate)**

For Project  Absent   
Against Project   
Abstain  Deferred

**Rick Lunnemann (Alternate)**

For Project  Absent   
Against Project   
Abstain  Deferred

TOTAL:  DEFERRED  FOR PROJECT  ABSENT  
 AGAINST PROJECT  ABSTAIN

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
SEPTEMBER 6, 2017  
7:30 P.M.**

---

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Greg Breetz  
Mr. Kim Bungler, Secretary/Treasurer  
Mrs. Lori Heilman  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Ms. Jamie Nieves  
Mr. Kim Patton  
Ms. Lisa Reeves  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Mark Hicks

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO  
Mr. Robert A. Jonas, AICP, Director, Zoning Services  
Mr. Matt P. Becher, AICP, Rural/Open Space Planner

Chairman Rolfsen called the Public Hearing to order at 7:36 P.M. and introduced the first item on the Agenda:

**ZONING MAP AMENDMENT - Mitch Light, Staff**

1. Request of **Steve Berling (applicant)** for **Dave Kroth (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 17 acre site located at the terminus of McGuire Lane and to the east of the properties at 6713, 6717, 6721, 6725, 6729, 6733, 6737, 6741, 6745, 6749, 6753, 6757, and 6761 Gordon Boulevard and 600 McGuire Lane, to the south of the properties at 605 and 609 McGuire Lane and 623, 627, 631, 635, 639, 643, and 647 Makayla Court, and to the south and east of the property at 601 McGuire Lane, Boone County, Kentucky. The request is for a zone change to allow the expansion of an existing subdivision for detached single family residences (Gunpowder Trails).

Mr. Mark Hicks left the meeting room at this time.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The Applicant's Concept Development Plan proposes 52 lots on 17 acres (3.05 dwelling units per acre). McGuire Lane, within the Gunpowder Trails Subdivision, is shown extending to the property line with the remaining Kroth property and a short cul-de-sac off Gordon Blvd., Devin Court, within the Hawk's Landing Subdivision (formerly Gunpowder Trails Phase V). The Suburban Residential One (SR-1) setbacks are 30' front, 30' rear and 5' minimum - 15' total on the sides with 65' of road frontage on a minimum 8,000 square foot lot. The site has both overhead and underground utility easements. All utilities are available and will be extended to the adjoining property. The site is currently zoned Agricultural Estate (A-2). The site has 3 bodies of water. The Future Land Use Map designates the site as Suburban Density Residential (SD) up to 4 dwelling units per acre. Mr. Light presented a drawing showing the various phases in the Gunpowder Trails Subdivision. There were 4 Public Hearings for the subdivision. In 2001, 193 lots were approved on 80 acres. In 2004, 154 lots were approved on 51.2 acres. In 2006, there were two applications: 140 lots on 53.6 acres and 33 lots on 11 acres. Mr. Light showed photographs of the site and adjacent properties. Mr. Light noted references to the Comprehensive Plan are identified on pages 2-5 of the Staff Report. This includes the Housing Element on page 3 and Goals and Objectives on pages 3-4.

In terms of Staff Concerns, Staff would like to know when the Gordon Boulevard road connection into Hawk's Landing and out to Longbranch Road will be made and open to the public? Staff would like to know how much of the existing vegetation will be retained. In conclusion, The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment. Mr Light reviewed the list of attachments identified in the Staff Report.

In response to a question by Chairman Rolfsen, Mr. Light noted that the 2001 zone change was 2.41 dwelling units per acre. The 2004 zone change was 3.01 dwelling units per acre. The first 2006 zone change was 2.61 units per acre. The second 2006 zone change was 3 units per acre. The existing subdivision is at 2.54 dwelling units per acre.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Steve Berling, engineer for the project, stated that he did the design work for Gunpowder Trails and Hawk's Landing. It has taken 10 years to start Hawk's Landing. There are 2 different builders working in Hawk's Landing and Gunpowder Trails Subdivisions. Both of them will work from both ends to get towards the middle. In response to Chairman Rolfsen, Mr. Berling stated that the connection to Longbranch Road will occur based upon demand. He anticipated the connection to occur sometime in 2019 or thereafter. Currently, there is a 15-20 lot take down per year. In 2001, it was close to 45-50 houses built in the subdivision per year. The distance to the connection is 2,500 feet in length.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Ron Mullen, 2362 Grandview Drive, Ft. Mitchell, stated that he was present on behalf of Camp Ernst, LLC. He is one of the members of the development company. He explained that the proposal "squares up" the property and it is consistent with the Comprehensive Plan. The proposed lots are similar in size to what is there and he hopes the streets can be connected in the next 2-3 years. Mr. Mullen noted that the proposed layout will minimize the vegetation removal.

Mr. Kevin Kruezkamp, 6729 Gordon Boulevard, stated that he isn't against the project but has a few issues. He asked about disturbing the lake? He and others own part of the lake. He noticed that the lot owners and names don't match on the submitted drawing. Was it a clerical error? He owns Lot 249 but the drawing says lot 250. The paper work is incorrect if it is being considered for approval. Without the access to Longbranch Road, the Union Fire Department has to go all the way around the subdivision to enter their area of service.

Ms. Amy Fritz, 609 McGuire Lane, stated that she is not against the proposal but she has concerns. Access to the subdivision, considering its size, is difficult because it only has one entrance and exit. She requested that the developer keep the existing pond and vegetation behind her house. If the pond is filled in, how does it work for drainage? She has a four year old child with autism and expressed a concern about increased traffic off McGuire Lane.

Mr. Ryan Kochert, 639 Makayla Court, expressed a concern of when the proposed homes would be built and the timing of the connection to Longbranch Road. There is a lot of pressure at the existing access point for the existing residents plus the new residents.

Mr. Randall Baugus, 6725 Gordon Boulevard, explained that he just moved to the area about a month ago. He owns a portion of the lake and that is why he bought the lot. He expressed a concern about what the developer was going to do about it. He owns about 25-30 feet into the lake.

Ms. Stephanie Knauer, 6708 Gordon Boulevard, asked if any of the vegetation was going to remain adjacent to the existing lots on McGuire Lane?

Chairman Rolfsen asked if any Board members had any comments or questions? Mrs. Kegley asked what was the total number of lots for the subdivision? How many of the houses will be

heading to the one exit? Mr. Light responded that he could provide that information at the Committee Meeting. He will verify the number of 566 lots.

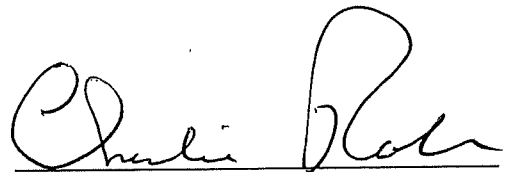
Mr. Berling stated that the big lake will not be disturbed. Lots will be backed into it. The little pond by McGuire Lane will be removed and the vegetation will be kept along the fence row. There is a large storm sewer pipe near the big lake. No storm water from the site in question will be going onto the existing lots.

Mr. Breetz asked who owns the dam? Mr. Berling responded that it is a big earthen embankment. The houses are built on top of the dam area. The lake is 15-25 feet deep. SD1 maintains the outlet structure.

Chairman Rolfsen asked about the phasing of the project. Mr. Berling replied that the extension of McGuire Lane will be built first and then the 2 cul-de-sacs. The connection could take 2-3 years depending on the Devin Court extension in Hawk's Landing. Mr. Costello asked if the developer could reassess the timing issue of the street connection due to the new construction of the Ballyshannon Middle School on Longbranch Road? It is a new attraction. Mr. Berling replied yes he would reassess the street connection.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 20, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on October 4, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:08 P.M.**

**APPROVED:**

  
**Charlie Rolfsen**  
**Chairman**

**Attest:**

  
**Kevin P. Costello, AICP**  
**Executive Director**

# SUPPORTING INFORMATION



# BOONE COUNTY PLANNING COMMISSION

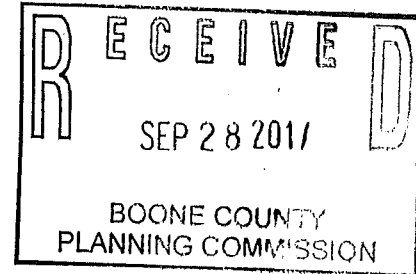
www.boonecountyky.org/pc  
www.boonecountygis.com

Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264  
plancom@boonecountyky.org

September 25, 2017

Mr. Steve Berling  
1671 Park Road  
Suite One  
Ft. Wright, KY 41011



RE: Request of Steve Berling (applicant) for Dave Kroth (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 17 acre site located at the terminus of McGuire Lane and to the east of the properties at 6713, 6717, 6721, 6725, 6729, 6733, 6737, 6741, 6745, 6749, 6753, 6757, and 6761 Gordon Boulevard and 600 McGuire Lane, to the south of the properties at 605 and 609 McGuire Lane and 623, 627, 631, 635, 639, 643, and 647 Makayla Court, and to the south and east of the property at 601 McGuire Lane, Boone County, Kentucky. The request is for a zone change to allow the expansion of an existing subdivision for detached single family residences (Gunpowder Trails).

Dear Mr. Berling:

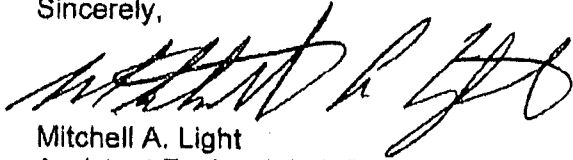
The following represents the conditions of approval for the above referenced application as recommended by the Boone County Planning Commission at their September 20, 2017, Zone Change Committee Meeting. Please provide the property owner's signature in the space provided at the end of this letter, and return to the Planning Commission office by Friday, September 29, 2017.

CONDITIONS

1. The Property owner agrees to preserve the existing vegetation within five (5) feet of the property line that adjoins the rear yards of the properties fronting McGuire Lane and Gordon Boulevard.
2. The Property owner agrees that the existing storm water retention pond behind 6717, 6721 & 6725 Gordon Boulevard will remain.

Mr. Steve Berling  
September 25, 2017  
Page 2

Sincerely,

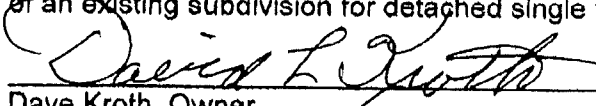


Mitchell A. Light  
Assistant Zoning Admin/Enforcement Officer

MAL/ss

AGREEMENT

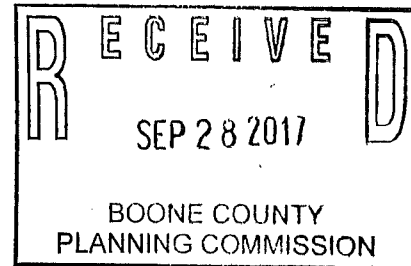
I, Dave Kroth, do hereby agree to the recommended conditions of approval stated above for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 17 acre site located at the terminus of McGuire Lane to allow the expansion of an existing subdivision for detached single family residences (Gunpowder Trails).



9/27/17

Dave Kroth, Owner  
(owner)

Date



**ORDINANCE NO. 2017 - 25**

**AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF STEVE BERLING (APPLICANT) FOR DAVE KROTH (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 17 ACRE SITE GENERALLY LOCATED AT THE TERMINUS OF MCGUIRE LANE AND TO THE EAST OF THE PROPERTIES AT 6713, 6717, 6721, 6725, 6729, 6733, 6737, 6741, 6745, 6749, 6753, 6757 AND 6761 GORDON BOULEVARD AND 600 MCGUIRE LANE, TO THE SOUTH OF THE PROPERTIES AT 605 AND 609 MCGUIRE LANE AND 623, 627, 631, 635, 639, 643 AND 647 MAKAYLA COURT, AND TO THE SOUTH AND EAST OF THE PROPERTY AT 601 MCGUIRE LANE, 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 17 acre site generally located at the terminus of McGuire Lane and to the east of the properties at 6713, 6717, 6721, 6725, 6729, 6733, 6737, 6741, 6745, 6749, 6753, 6757 and 6761 Gordon Boulevard and 600 McGuire Lane, to the south of the properties at 605 and 609 McGuire Lane and 623, 627, 631, 635, 639, 643 and 647 Makayla Court, and to the south and east of the property at 601 McGuire Lane, 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

**NOW, THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

**Section One**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 17 acre site generally located at the terminus of McGuire Lane and to the east of the properties at 6713, 6717, 6721, 6725, 6729, 6733, 6737, 6741, 6745, 6749, 6753, 6757 and 6761 Gordon Boulevard and 600 McGuire Lane, to the south of the properties at 605 and 609 McGuire Lane and 623, 627, 631, 635, 639, 643 and 647 Makayla Court, and to the south and east of the property at 601 McGuire Lane, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) zone is more particularly described in Deed Book 182, Page No. 298 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Section Two**

That a basis for this approval for a Zoning Map Amendment 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 and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Boone County Planning Commission Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and same are marked as "Exhibit B."

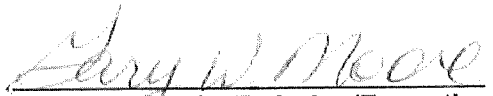
**Section Three**

This Ordinance shall be in effect and in full force from and after its adoption and publication as provided by law.


Adopted this 5th day of December, 2017

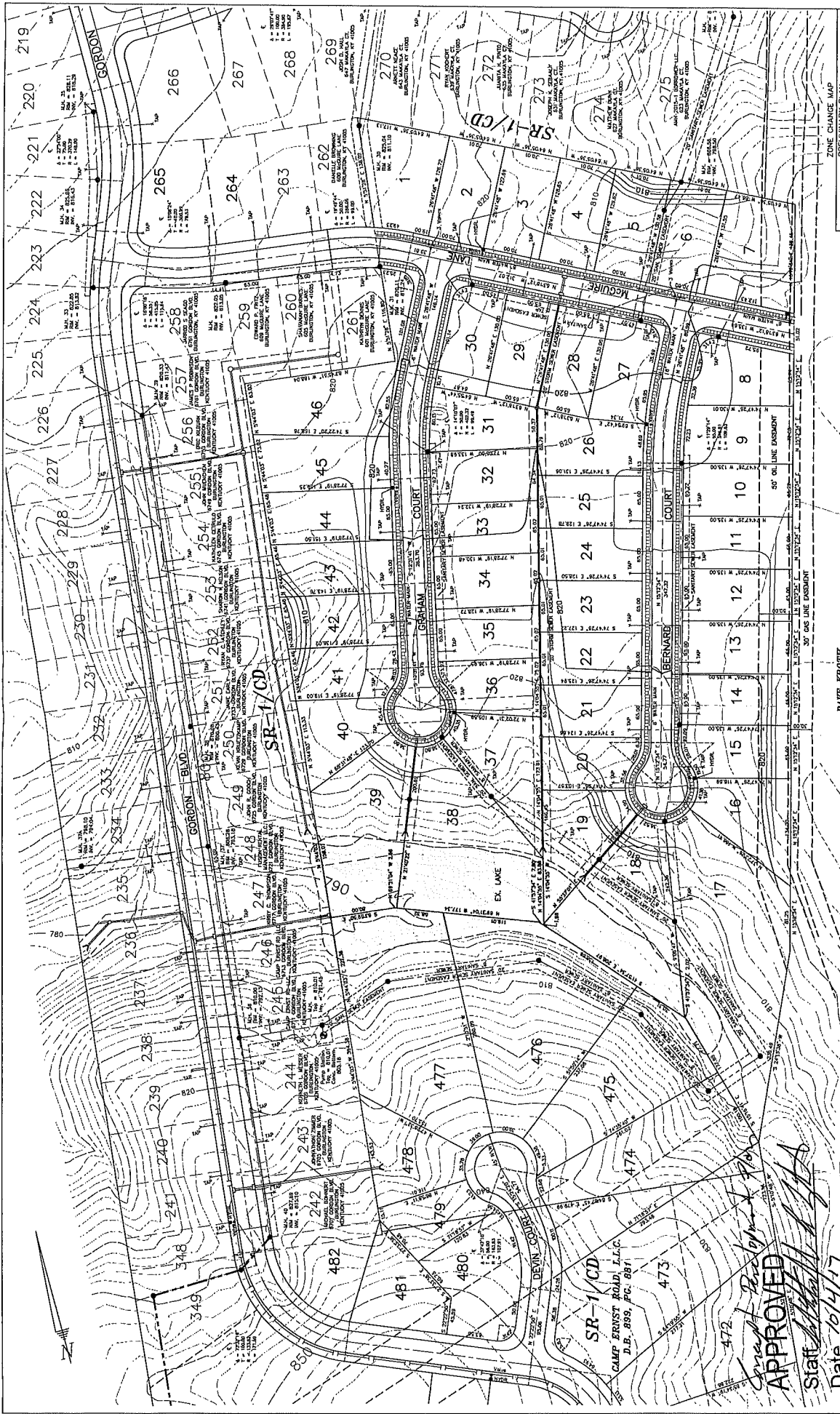
First Reading - the 7<sup>th</sup> day of November, 2017

Second Reading - the 5th day of December, 2017 Yes 4 No 0

  
**GARY W. MOORE, Judge/Executive  
Boone County Fiscal Court**

**Attest:**

  
**Sharon Burcham,  
Fiscal Court Clerk**



ZONE CHANGE MAP  
 PRELIMINARY PLAN  
**GUNPOWDER TRAILS SUBDIVISION**  
 JAMES W. BERLIN, INC.  
 KY. ENGR. LIC. NO. 5745  
 1" = 50' HORIZ.  
 BOONE COUNTY, KENTUCKY  
 8/22/17

AMH 2015-1 BORROWER LLC  
 823 MAKATLA CT.  
 BURLINGTON, KY 41005

JAYE KROTH  
 D.B. 182, P.C. 298  
**A-2**

Date 10/11/17  
 Boone County  
 Planning Commission

**APPROVED**  
 Staff [Signature]  
 Date 10/11/17

SR-1/CD  
 CAMP ERNST ROAD, L.L.C.  
 D.B., 899, P.C. 881